



Saudi Arabia

List of Issues Prior to Reporting

Report submitted to the United Nations Committee against Torture in the context of the third periodic review of Saudi Arabia

June 2021

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1 Introduction

Ahead of Saudi Arabia's third periodic review by the United Nations Committee against Torture, this report provides information for the List of Issues Prior to Reporting on the Saudi authorities' systematic and widespread practice of torture within the kingdom. The present report is the result of a collaboration between the European Saudi Organisation for Human Rights (ESOHR), Reprieve, and MENA Rights Group (MRG). It aims to assess the ways in which the systematic use of torture against detainees, human rights defenders and individuals exercising their fundamental freedoms contravenes the provisions of the United Nations Convention against Torture (UNCAT), ratified in 1997. It also provides the Committee against Torture with suggestions for questions that may be addressed to the Saudi authorities.

The report first addresses the Committee against Torture's 2016 Concluding Observations and Saudi Arabia's implementation of the Committee's priority recommendations, or lack thereof, before examining the definition and criminalisation of torture under Saudi laws and the Saudi authorities' failure to uphold their duty to prevent acts of torture under their jurisdiction. In light of the Saudi authorities' pervasive use of torture and the pervasive climate of impunity, the report then sheds light on the lack of accountability and redress faced by victims and their families, in contradiction with articles 12, 13, and 14 UNCAT. Lastly, given the prevalent reliance on torture tainted confessions to sentence individuals to harsh punishments including the death penalty, the report examines Saudi Arabia's failure to exclude torture-tainted confessions from criminal proceedings, in violation of article 15 UNCAT, and its continued use of the death penalty, in violation of article 16 UNCAT. According to the findings of this report, the Saudi authorities have failed to uphold their international human rights legal obligations as provided for in the UNCAT.

2 2016 Concluding Observations and implementation of priority recommendations

In its Concluding Observations on the second periodic report of Saudi Arabia in 2016, the Committee voiced its concerns on a number of issues pertaining to the practice of torture in the kingdom, including the definition and criminalisation of torture, the prosecution of perpetrators of torture, the continued imposition of the death penalty by Saudi courts, the absence of fundamental legal safeguards preventing torture and Saudi Arabia's 2014 Penal Law for Crimes of Terrorism and its Financing.¹

¹ UN Committee against Torture, Concluding Observations on the second periodic report of Saudi Arabia, 8 June 2016, CAT/C/SAU/CO/2,

The Committee requested that Saudi Arabia provide follow-up information about the implementation of the Committee’s priority recommendations. More specifically, the Committee called on the Saudi authorities to provide a follow-up response, by 13 May 2017, to the Committee’s recommendations on corporal punishments, reprisals against human rights defenders and journalists, and the continued use of the death penalty. On 11 May 2017, Saudi Arabia provided its follow-up report to the Committee, including its responses to the Committee’s priority recommendations.²

Among its priority recommendations, the Committee recommended that Saudi Arabia amend its legislation and put an immediate end to the practices of flogging, lashing, the amputation of limbs and other forms of corporal punishment as they amount to torture and cruel inhuman or degrading treatment or punishment. The Committee also requested that the Saudi authorities provide an update on Raif Badawi and other persons sentenced to corporal punishment and that they at a minimum, invalidate any aspect of their sentences involving corporal punishment. In its follow-up report, the Saudi authorities claimed that corporal punishment “cannot be understood as torture, as defined by article 1 of the Convention against Torture, since these are legal punishments that are established based on judicial decisions.”³ The Saudi authorities added that corporal punishments are set forth in the Holy Quran and the Sunnah of the Prophet. As such, “no authority in the country has the power to amend or to stop” these practices.⁴ Since Saudi Arabia’s second periodic review, flogging has been banned as a form of punishment administered at the judge’s discretion (known as *ta'zir*) following a decision by the general commission for the Supreme Court in April 2020.⁵ Nevertheless, other forms of corporal punishment, including amputation of the limbs and flogging, where required by the *Sharia* (known as *hudud* punishment), remain in use and have not yet been outlawed by the authorities.

In light of wide scale reprisals, intimidation campaigns and arrests of human rights defenders, the Committee also requested the Saudi authorities to acknowledge the legitimacy of peaceful criticism, to consider reviewing the cases of Abdulkareem Al Khodr, Waleed Abulkhair, Omar Al Sa’id, Abdulaziz Al Shobaily, Mohammed Saleh Al Bajady and Raif Badawi, and to release all individuals detained for their peaceful criticism of the state or human rights advocacy. In their follow-up report, Saudi Arabia denied the allegations relating to these cases. They also did not provide any further information on the

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/SAU/CO/2&Lang=en (accessed 8 June 2021).

² State Party Report to Follow-up on Concluding Observations, 11 May 2017, CAT/C/SAU/CO/2/Add.1, https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/SAU/CAT_C_SAU_CO_2_Add-1_24759_A.pdf, (accessed 14 June, 2021).

³ *Ibidem*, para. 2.

⁴ *Ibidem*.

⁵ Reuters, “Saudi Arabia to end flogging as form of punishment: document,” 24 April 2020, <https://www.reuters.com/article/us-saudi-rights-flogging-idUSKCN2262VT> (accessed 14 June 2021).

mentioned detainees. The Saudi authorities also did not explicitly acknowledge the legitimacy of peaceful criticism within the kingdom.

Since 2016, Raif Badawi, Abdulaziz Al Shobaily, Omar Al Sa'id, Waleed Abulkhair and Abdulkareem Al Khodr have remained in prison where they continue to serve their sentences.⁶ Mohammed Al Bajady was released in 2016 and was placed on a travel ban until 2020.⁷ Despite the Committee's priority recommendations, tens of human rights defenders, activists and political opponents have been arrested since 2016 in reprisal for their exercise of their fundamental freedoms. On 11 December 2018, the Committee sent the Saudi authorities a follow-up document which requested further information concerning the harassment, intimidation and arrest of human rights defenders and journalists in the country.⁸ In this context, the Committee requested that the Saudi authorities provide additional information on the measures being taken to ensure a prompt, effective and impartial investigation into the killing of Saudi journalist Jamal Khashoggi. The Committee also asked Saudi Arabia to provide information on the administrative and judicial measures being implemented to ensure that all perpetrators are prosecuted.⁹ In their response to the Committee, the Saudi authorities did not provide additional information in this regard. They claimed that Saudi Arabia "had taken the requisite steps to bring the perpetrators of that crime to justice," without further explaining what those steps were.¹⁰

Lastly, given the continued existence of the death penalty in Saudi Arabia and the high number of executions carried out by the State party, one of the Committee's priority recommendations called on Saudi Arabia to establish a moratorium on executions, to commute all existing death sentence and to become a party to the International Covenant on Civil and Political Rights (ICCPR) and its second optional protocol aiming at the abolition of the death penalty. The Committee further called on Saudi Arabia to provide detailed data on the number of individuals who have been executed and who are still on death row, including any information on their offences, age, and mental disability, if any. In their follow-up report, Saudi Arabia did not commit to establishing a moratorium on executions. Though they

⁶ See: AIQST, *Prisoners of Conscience*, <https://www.alqst.org/en/prisonersofconscience> (accessed 21 June 2021).

⁷ Amnesty International, *Good news! – Saudi Arabia Mohammed Saleh Al-Bajadi Released*, 9 June 2016, <https://www.amnestyusa.org/victories/good-news-saudi-arabia-mohammed-saleh-al-bajadi-released-ua-9111>, (accessed 14 June 2021).

⁸ See: Letter by the Rapporteur for Follow-up to Concluding Observations, 11 December 2018, https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/SAU/INT_CAT_FUL_SAU_33228_E.pdf, (accessed 16 June 2021)

⁹ *Ibidem*.

¹⁰ See: Committee against Torture, Information received from Saudi Arabia on follow-up to concluding observations on its second periodic report, 20 April 2020, UN Doc. CAT/SAU/FCO/2, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrhAit0jyZ2U0r3vAbuTTCV0fRMqYd1D%2bzHL8vZcFC%2b150LtiUITDtXi3HTm%2bQwXYFiX9tA7lgC3y9bfBTpm2AGaD6qJzCtNizf4LekDcIe> (accessed 16 June 2021).

affirmed that they would look into and consider releasing data on persons executed and those still on death row, no such information has yet been issued by the State party.

Since its second periodic review, Saudi Arabia has continued to subject individuals to the death penalty and remains one of the world's most prolific executioners.¹¹ According to data collected by ESOHR, 539 individuals have been executed in Saudi Arabia since 2016, with around 186 persons executed in 2019 alone.¹² Whilst only 25 executions were recorded in 2020, 2021 has already seen 27 executions take place (as of 21 June 2021), suggesting a worrying escalation in executions. Most recently, on 15 June 2021, the authorities executed ESOHR/Reprieve client Mustafa Hashim Al Darwish, who was arrested in 2015 on charges related to participating in peaceful protests when he was a minor.¹³

3 Definition and criminalisation of torture (articles 1, 2 and 4)

Since Saudi Arabia's second periodic review, Saudi authorities have not taken any steps to define and prohibit torture within their national legislation. Although article 2 of Saudi Arabia's Code of Criminal Procedures (CCP) states that a "person under arrest may not be subjected to any bodily or moral harm, nor torture or degrading treatment", this provision is not in line with the definition contained in article 1 of the UNCAT. It must be recalled that the State party does not have a penal code. Article 26 of the Basic Law of 1992 states that the State must protect human rights in accordance with Islamic law but fails to define torture, nor provide for its absolute and non-derogable prohibition.¹⁴ Saudi laws also do not contain penalties for the crime of torture. In its 2016 Concluding Observations, the Committee recommended that the Saudi authorities revise national legislation in order to ensure that torture, as defined by article 1 UNCAT, is incorporated and made non-derogable under Saudi Law.¹⁵

Recommended questions:

1. Provide detailed information on the measures taken by the State party to enact laws aimed at criminalising the offence of torture, as defined by article 1 UNCAT, which also include appropriate penalties that take into account the grave nature of the crime;
2. Provide information on the steps taken by the State party to ensure the absolute and non-derogable prohibition of torture in its laws;

¹¹ Amnesty International, *Death Penalty 2020, Middle East and North Africa dominates list of world's top executioners*, 21 April 2021, <https://www.amnesty.org/en/latest/news/2021/04/death-penalty-2020-middle-east-and-north-africa-dominates-list-of-worlds-top-executioners/>, (accessed 17 June 2021).

¹² Data held on file at ESOHR.

¹³ Ministry of Justice, *Death sentence carried out under ta'zir on a criminal in Damam*, 15 June 2021, <https://twitter.com/MOISaudiArabia/status/1404769956458291200>, (accessed 18 June 2021).

¹⁴ MENA Rights Group, *Joint follow up report on Saudi Arabia to the UN Committee against Torture*, 18 June 2019, <https://menarights.org/en/documents/joint-follow-report-saudi-arabia-un-committee-against-torture>, (accessed 9 June 2021).

¹⁵ Concluding Observations, *op. cit.*, para. 6.

3. With reference to the Committee's previous Concluding Observations, provide information on the legal provisions currently used to prohibit and prosecute torture.

4 Duty to prevent torture (article 2)

4.1 Fundamental legal safeguards

There is no evidence that Saudi officials involved in acts of torture are subject to prosecutions or other disciplinary measures.¹⁶ In its 2016 Concluding Observations, the Committee found that Saudi Arabia had not provided any information regarding the disciplining or prosecution of Saudi officials who have either participated in torturing detainees or who have failed to guarantee legal safeguards for torture.¹⁷ The Committee also found that a majority of people arrested and detained by the *Al-Mabahith*, the Saudi General Investigative Directorate, have been frequently denied access to fundamental legal safeguards, such as having access to legal counsel and *habeas corpus*. While Saudi Arabia's 2013 CCP affords the right to legal counsel to all detainees, Saudi laws, according to the Committee, "do not specify a time frame within which officials must honour the rights of detainees to have access to a lawyer [...] and to contact a person of their choice to inform him or her of their arrest."¹⁸ The Committee also found that "that the State party's laws allow detained persons to be held without charge for up to six months and they do not require the authorities to promptly present persons deprived of their liberty to a judge who has the power to order their release nor do they guarantee the right of persons deprived of their liberty to have prompt access to independent medical assistance."¹⁹ Since its last periodic report, Saudi Arabia has not further amended its Code of Criminal Procedures in a manner that affords detainees greater legal safeguards.

The practice of arbitrary detention by the Saudi authorities is widespread and systematic. According to the United Nations Working Group on Arbitrary Detention (WGAD), there exists "a systematic problem with arbitrary detention in Saudi Arabia, which amounts to a serious violation of international law." In fact, the WGAD has found that Saudi Arabia has violated its international human rights obligations in at least 60 cases of arbitrary detention, which may constitute crimes against humanity.²⁰

In a visit to Saudi Arabia in 2017, the United Nations' Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism found that Saudi

¹⁶ ALQST, *Torture in Saudi Arabia: Impunity Reigns*, February 2021, <https://www.alqst.org/uploads/Torture-in-Saudi-Arabia-Impunity-Reigns-En.pdf> (accessed 8 June 2021), p. 23.

¹⁷ *Concluding Observations, op. cit.* para. 7.

¹⁸ *Ibidem*, para. 14.

¹⁹ *Ibidem*.

²⁰ UN Working Group on Arbitrary Detention, *Opinion No. 33/2020 concerning Loujain Alhathloul (United Arab Emirates and Saudi Arabia)*, 25 June 2020, UN Doc. A/HRC/WGAD/2020/33, <https://undocs.org/en/A/HRC/WGAD/2020/33> (accessed 16 June 2021), para. 99.

authorities have failed to provide minimum procedural safeguards against torture in their national legislation. Additionally, Saudi Arabia's Code of Criminal Procedures continues to lack a time frame by which State officials must honour the rights of detainees to legal counsel and to contact their families following their arrest.

Lastly, while in its 2016 Concluding Observations the Committee welcomed the establishment of the Nafethah Website (www.nafethah.gov.sa), which allows families to obtain information on individuals detained by the General Investigative Directorate (*Al Mabahith*), the website has been taken down since 2017.

Recommended questions:

1. Provide information on the measures taken to amend the 2013 CCP in order to specify a time frame within which officials must honour the rights of detainees to have access to a lawyer;
2. Describe the steps taken to revise the applicable laws on police custody with a view to reducing the maximum duration of custody to 48 hours;
3. Provide information on procedural or legal safeguards against torture incorporated by the State party into its national legislation since the last periodic review;
4. Provide detailed information on measures taken by the State party to prevent acts of torture from taking place under its jurisdiction;
5. Provide detailed information on the various mechanisms that exist in detention facilities to ensure that torture and other forms of cruel, degrading or inhuman treatment or punishment are not practiced upon detainees;
6. Provide detailed information on the status of implementation of WGAD Opinions No. 8/2002, No. 25/2004, No. 34/2005, No. 35/2005, No. 9/2006, No. 12/2006, No. 36/2006, No. 37/2006, No. 4/2007, No. 9/2007, No. 19/2007, No. 27/2007, No. 6/2008, No. 11/2008, No. 13/2008, No. 22/2008, No. 31/2008, No. 36/2008, No. 37/2008, No. 21/2009, No. 2/2011, No. 10/2011, No. 11/2011, No. 17/2011, No. 18/2011, No. 19/2011, No. 30/2011, No. 31/2011, No. 33/2011, No. 41/2011, No. 42/2011, No. 43/2011, No. 44/2011, No. 45/2011, No. 8/2012, No. 22/2012, No. 52/2012, No. 53/2012, No. 32/2013, No. 44/2013, No. 45/2013, No. 46/2013, No. 14/2014, No. 32/2014, No. 13/2015, No. 38/2015, No. 52/2016, No. 61/2016, No. 10/2017, No. 63/2017, No. 93/2017, No. 10/2018, No. 68/2018, No. 22/2019, No. 26/2019, No. 56/2019, No. 71/2019, No. 33/2020, and No. 86/2020;
7. Provide reasons behind the State party's decision to take down the *Nafethah* website.

4.2 Torture in the context of counter-terrorism

Commenting on Saudi Arabia's Penal Law for Crimes of Terrorism and its Financing, adopted in 2014, the Committee noted in its 2016 Concluding Observations that the law contains an overbroad definition of terrorism that may "enable the criminalization of acts of peaceful expression considered as endangering 'national unity' or undermining 'the reputation or position of the state.'"²¹ In that regard, the Committee recommended that the authorities consider revising the law's definition of terrorism and other provisions which facilitate the practice of *incommunicado* detention.²²

²¹ *Ibidem*, para. 16.

²² *Ibidem*, para. 18.

However, anti-terrorism legislation amended in 2017 allows terrorism suspects to be detained *incommunicado* for extended periods of time, thus depriving them of legal safeguards against torture.²³ Saudi state security forces also continue to forcibly disappear and secretly detain individuals, who are then regularly subjected to torture and ill-treatment.²⁴

In 2017, Saudi Arabia's Council of Ministers adopted the Law on Combatting Terrorism and its Financing, which replaced the 2014 Penal Law for Crimes of Terrorism and its Financing (herewith "the 2017 Law"). Similarly to its 2014 version, the 2017 Law, which was further amended in June 2020, contains²⁵ an overly-broad definition of terrorism that has been used to target peaceful dissidents and human rights defenders.²⁶ In December 2020, several UN Special Procedures mandate holders, including the Special Rapporteur on torture and other cruel, inhuman, or degrading treatments or punishments, issued a communication to the Saudi authorities which found that the 2017 Law grants "broad discretionary powers to the authorities to detain individuals on vague grounds, without officially imposing a prison sentence on them, thereby seemingly undermining the principle of legal certainty and other fundamental legal safeguards."²⁷

Article 19 of the 2017 Law, for example, maintains that the Saudi Public Prosecution may hold a terrorism suspect in pretrial detention for up to a year.²⁸ According to article 20 of the law, terrorism suspects may be kept in *incommunicado* detention for up to 90 days, effectively depriving detainees of any legal safeguards against torture. Both article 19 and article 20 provide the Saudi Specialised Criminal Court (SCC) with the authority to extend detainees' pretrial and *incommunicado* detention indefinitely.²⁹ According to the Working Group on Enforced or Involuntary Disappearances (WGEID)'s General Allegation letter to Saudi Arabia in May 2020, "the practice of holding individuals

²³ The Kingdom of Saudi Arabia, The Penal Law for Crimes of Terrorism and its Financing, 2017, article 19 <https://bit.ly/2DxIXjU>, (accessed 17 June 2021). See also: Human Rights Watch, *Saudi Arabia: New Counterterrorism Law Enables Abuse*, 23 November 2017, <https://www.hrw.org/news/2017/11/23/saudi-arabia-new-counterterrorism-law-enables-abuse> (accessed 8 June 2021).

²⁴ European Saudi Organization for Human Rights, *Enforced disappearance in Saudi Arabia: A crime out of control*, 30 August 2020, <https://www.esohr.org/en/?p=2986#:~:text=At%20the%20same%20time%2C%20the,under%20official%20cover%2C%20ensuring%20a> (accessed 8 June 2021).

²⁵ Penal Law for Crimes of Terrorism and its Financing, *op. cit.*, article 3

²⁶ *Saudi Arabia: New Counterterrorism Law Enables Abuse*, *op. cit.*

²⁷ UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, "Comments on the 2017 Law on Combating Crimes of Terrorism and its Financing", Reference: OL SAU 12/2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25726>, (accessed 8 June 2021).

²⁸ *Ibidem*.

²⁹ *Torture in Saudi Arabia: Impunity Reigns*, *op. cit.*, p. 15.

incommunicado in Saudi Arabia is reportedly characterised by ill-treatment and torture, used as a means of interrogation, and lack of access to legal representation.”³⁰

In addition, the 2017 Law also transfers substantial powers from the Ministry of Interior to the newly established Public Prosecution and State Security Presidency (SSP), which reports directly to the king and operates without any judicial oversight.³¹ The SSP was established by king Salman, through a royal decree, in 2017. As provided for in the king’s decree, the SPP has assumed the counter-terrorism and intelligence functions of the Ministry of Interior. Articles 4 and 5 of the Law afford the Public Prosecution and SSP, for example, with the powers to detain individuals without judicial oversight, bar them from travelling, monitor their communications and seize their assets.

Recommended questions:

1. Provide detailed data on the number of persons detained by the *Al-Mabahith* and the SSP, including their whereabouts and the amount of time elapsed before their presentation before judicial authorities;
2. Inform the Committee of the various steps taken by the State party to ensure procedural and legal safeguards against torture to those detained on terrorism charges.

4.3 Enforced disappearances and secret detention

Since Saudi Arabia’s second periodic review, the General Directorate of Investigations (*Al Mabahith*) was separated from the Ministry of Interior and placed under the authority of the SSP. In May 2020, the WGEID issued a General Allegation letter to Saudi Arabia which affirmed that the SSP has “used methods that leads to systematic violations, including enforced disappearances, torture and arbitrary detention.”³² In its 2016 Concluding Observations, the Committee against Torture recommended that Saudi Arabia provide detailed data on the number of persons detained by *Al-Mabahith*, including their whereabouts and the amount of time elapsed before their presentation before judicial authorities.³³ However, the Saudi authorities did not provide such data.

The SSP has also regularly perpetrated enforced disappearance and secret detention, where those disappeared and detained are frequently subjected to torture.³⁴ According to the WGEID, the use of enforced disappearance and arbitrary detention by the SPP is linked to the systematic use of torture to extract confessions.³⁵

³⁰ UN Working Group on Enforced or Involuntary Disappearances, *General Allegation: Saudi Arabia*, 121st session, 11-15 May 2020, <https://www.ohchr.org/Documents/Issues/Disappearances/Allegations/121-SaudiArabia.pdf> (accessed 8 June 2021).

³¹ *Saudi Arabia: New Counterterrorism Law Enables Abuse*, *op. cit.*

³² *General Allegation*, *op. cit.*

³³ *Ibidem*, para. 27.

³⁴ *Enforced disappearance in Saudi Arabia: A crime out of control*, *op. cit.*

³⁵ *General Allegation*, *op. cit.*

Persons who are forcibly disappeared and secretly detained in Saudi Arabia are not afforded any legal or procedural safeguards against torture. MENA Rights Group has documented several cases of enforced disappearances and secret detention that reflect the Saudi authorities' systematic use of these practices. One such case is that of MRG client Sulaiman Al Dowaihs, a Saudi religious scholar who was abducted and disappeared by Saudi state security forces after publishing a series of tweets that subtly criticised Saudi Arabia's crown prince Mohammed bin Salman.³⁶ Following his abduction, Al Dowaihs was kept in an unofficial detention facility where he was subjected to torture. While Al Dowaihs remains disappeared, Saudi authorities have continued to deny having him in their custody. Shortly after he was disappeared, his name appeared on the website of the General Investigative Directorate (GID), *Nafetha*, which allows families to obtain information on detained individuals. However, when his family members informed GID officials about this matter, the officials denied having him in their custody and then resorted to removing his name from the online record.³⁷ Al Dowaihs remains disappeared to date, and subject to a high risk of torture as a result.

Enforced disappearances and secret detentions have also been practiced against members of the royal family, journalists, individuals exercising their fundamental freedoms, and persons for whom Saudi Arabia has requested and obtained extradition. Such were the cases of the following MRG clients:

Saudi humanitarian worker Abdulrahman Al Sadhan³⁸ was arrested in 2018 by *Al Mabathith* security forces and disappeared for three years. While held in a secret location during his first year in detention, he was subject to severe torture methods and sexual harassment, including electric shocks, flogging, hanging from the feet and suspension in stress positions, and threats of murder and beheading.

Prince Salman bin Abdulaziz and his father³⁹ were arrested in January 2018 and detained *incommunicado* at Al Ha'ir prison, before being transferred to a private villa in Riyadh in January 2019, where they were kept under house arrest. On November 28, 2020, however, both were taken away from their villa to an unknown location. They remain disappeared to date.

³⁶ MENA Rights Group, *Saudi religious scholar Sulaiman Al Dowaihs forcibly disappeared since 2016*, 3 May 2021, <https://menarights.org/en/caseprofile/saudi-religious-scholar-sulaiman-al-dowaihs-forcibly-disappeared-april-2016> (accessed 15 June, 2021).

³⁷ *Ibidem*.

³⁸ MENA Rights group, *Employee of Saudi Red Crescent sentenced to 20 years in prison after three years of disappearance*, 14 April 2021, <https://www.menarights.org/fr/node/23517> (accessed 16 June 2021).

³⁹ MENA Rights Group, *Two members of the Saudi royal family arbitrarily detained since 2018*, 3 May 2021. <https://www.menarights.org/en/caseprofile/members-saudi-royal-family-arbitrarily-detained-january-2018> (accessed 14 June 2021).

Saudi journalist and writer Turki Al Jasser⁴⁰ was arrested in March 2018 by *Al Mabathith* officers and subsequently disappeared. Although in January 2020, Al Jasser was able to make contact with his family two years after his arrest, he was not able to inform them about his fate and whereabouts, which remain unknown to date.

Similarly, university graduate Abdullah Jelani⁴¹ was arrested in May 2021 and disappeared by officers of the State Security forces. He remains missing to date. Given his continued disappearance and inability to enjoy legal and procedural safeguards against torture, he thus remains at a high risk of being tortured.

Australian-Saudi national Osama Al Hasani⁴² was arrested in February 2021, in Tangier, Morocco, on the basis of a red notice issued by INTERPOL upon Saudi Arabia's request. On 12 March 2021, the Moroccan authorities extradited him to Saudi Arabia. Since then, it is not clear where Al Hasani is currently being held and on what grounds the Saudi authorities are holding him.

According to ESOHR's monitoring of enforced disappearances in Saudi Arabia, disappearances are used in many cases as a prelude to torture in order to extract self-incriminating confessions which are later used to sentence those disappeared (see section 6). In its 2020 General Allegation letter to Saudi Arabia, the WGEID found that enforced disappearances in Saudi Arabia are "the result of a repressive environment against manifestations of free speech and peaceful assembly [...] [used] as a subjugation technique and interrogation practice against dissenting voices."⁴³

Recommended questions:

1. Provide information on steps taken by the State party to prevent the practice of enforced disappearance and *incommunicado* or secret detention of detainees by Saudi State officials;
2. Provide detailed information on the fate and whereabouts of Salman bin Abdulaziz Al Saud, Abdulaziz bin Salman Al Saud, Turki Al Jasser, Sulaiman Al Dowaiish, Abdullah Jelani and Osama Al Hasani (Osama Al Mahruqi). Provide further information on the reasons behind their arrest and continued detention;
3. Indicate whether detainees held by the *Al Mabathith* can exercise their right to legal counsel and to contact their families;
4. Clarify whether the State party's legislation include the principle of *Habeas Corpus*. If so, provide detailed information on how this is applied in practice.

⁴⁰ MENA Rights Group, *Saudi Journalist remains disappeared since 2018*, 7 October 2020.

<https://menarights.org/en/caseprofile/saudi-journalist-remains-disappeared-2018> (accessed 14 June 2021)

⁴¹ MENA Rights Group, *University graduate Abdullah Jelani disappeared in Medina*, 31 May, 2021,

<https://menarights.org/en/caseprofile/abdullah-jelani-saudi-university-graduate-disappeared-medina> (accessed 14 June 2021)

⁴² See MENA Rights Group, *Australian-Saudi national at risk of extradition from Morocco to Saudi Arabia*, 12 March 2021, <http://www.menarights.org/en/caseprofile/australian-saudi-national-risk-extradition-morocco-saudi-arabia> (accessed 16 June 2021), and Human Rights Watch, *Saudi Arabia: Reveal Status of Saudi-Australian*, 4 May 2021, <https://www.hrw.org/news/2021/05/04/saudi-arabia-reveal-status-saudi-australian> (accessed 16 June 2021).

⁴³ *General Allegation, op. cit.*

5 Accountability and redress (articles 12, 13, 14)

5.1 Failure to investigate allegations of torture (article 12)

In June 2016, the Committee expressed regret that Saudi Arabia “[...] did not provide the Committee with the information requested as to whether it ensures that all allegations of torture are promptly, impartially and effectively investigated and that perpetrators are punished”.⁴⁴

Since June 2016, Saudi Arabia has not amended its Code of Criminal Procedures nor enacted new laws in response to allegations of torture and in compliance with the UNCAT. As a result, this lack of legal protection has created conditions in which Saudi courts do not investigate torture allegations brought before them.

In 2020, ESOHR reviewed 110 cases of victims of torture in Saudi Arabia and found that at least 41 individuals had lodged complaints in court regarding torture and other cruel, inhuman or degrading treatment.⁴⁵ Some of them said that interrogators threatened to bring their relatives (including their wives, sons and mothers) to prison if they refused to sign the statements that investigators had written in advance.⁴⁶ ESOHR and Reprieve clients Hussein abo al-Kheir, Abdullah al-Howaiti and Mustafa Hashem al-Darwish flagged torture allegations during court hearings held between 2017 and 2019. However, rather than investigating the allegations and disregarding the confessions made under torture, the judges in these courts sentenced the three individuals to death (see sections 6 and 7).⁴⁷ On 15 June 2021, Saudi Arabia executed Mustafa Hashem al-Darwish.⁴⁸

Recommended questions:

1. Provide detailed information on the measures taken to establish effective mechanisms or institutions for the prompt, impartial, and full investigation of complaints of violations of the Convention;
2. Explain what measures will be taken to investigate the torture allegations brought by Hussein abo al-Kheir, Abdullah al-Howaiti and the late Mustafa al-Darwish as prescribed by UNCAT;
3. Provide detailed data on Saudi officials who have been involved in acts of torture and were subject to investigations, sanctions or prosecutions.

5.2 Failure to provide redress to victims (article 14)

In June 2016, the Committee concluded that there was a “[...] lack of explicit provisions in domestic legislation that provide for the right of victims of torture and ill-treatment to fair and adequate

⁴⁴ Concluding Observations, *op. cit.*

⁴⁵ European Saudi Organization for Human Rights, *Torture: Permissible Crime in Saudi Prisons*, 26 June 2020, <https://www.esohr.org/en/?p=2883> (accessed 15 June 2021).

⁴⁶ *Ibidem.*

⁴⁷ For more information on these casefiles, please contact menaexternal@reprieve.org.uk and duaa@esohr.org.

⁴⁸ Ministry of Justice, Death sentence carried out under ta'zir on a criminal in Damam, 15 June 2021, <https://twitter.com/MOISaudiArabia/status/1404769956458291200> (accessed 18 June 2021).

compensation as required by article 14 of the Convention”.⁴⁹ The Committee encouraged Saudi Arabia to review and improve on its legislation in this regard and to “[...] provide, in practice, all victims of torture and ill treatment [...] redress”.⁵⁰ The Committee also urged reforms to the judiciary “[...] to enable it to act effectively to address issues of impunity [...] in line with the Convention”.⁵¹

Saudi Arabia has not amended its laws in this regard since June 2016. The authorities have continued to allege that article 16 CCP guarantees the right of the victim, their lawyer or heir to file a criminal case and to claim compensation for torture and ill-treatment.⁵² However, the Kingdom’s insistence on denying torture in prisons and not investigating the facts prevents any means of redress. In addition, some detainees do not file torture complaints with the competent authorities, including the Human Rights Commission, the Ministry of the Interior or the relevant judicial body due to fear of reprisals – therefore they are unable to seek nor obtain compensation.

Moreover, it is only possible for individuals inside Saudi Arabia to make complaints using the Saudi Human Rights Commission complaint mechanism, which prevents civil society (generally located outside Saudi Arabia) from utilising these mechanisms.⁵³

In addition to the lack of investigation and sentencing of any allegations of torture, ESOHR is aware of instances in which Saudi Arabia has prevented the filing of complaints against state officials for violations of the Convention.

Indeed, rather than holding perpetrators to account, ESOHR is concerned that in some cases, the state threatened, prosecuted and committed further violations against vulnerable victims by preventing them from making complaints.⁵⁴

Concerning reports have surfaced detailing the treatment of human rights defender Khaled al-Omair. Mr al-Omair was arrested in 2011 the day after he announced his intention to protest against Israel’s aggression in Gaza, Palestine. The SCC sentenced him to eight years imprisonment for “behaving against the ruler.”⁵⁵ He was due to be released on 5 October 2016, but his release was delayed. Al-Omair protested against the delay through a 29-day hunger strike and was subsequently released in November 2016. After his release, he reportedly complained to the Royal Court about the torture he was subjected

⁴⁹ Concluding Observations, *op. cit.* para. 50.

⁵⁰ *Ibidem*, para. 51.

⁵¹ *Concluding Observations, op. cit.*

⁵² Saudi Arabia: Code of Criminal Procedure, 6 December 2013, <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/8f1b7079-a5f0-425d-b5e0-a9a700f26b2d/1> (accessed 3 June 2021).

⁵³ See the requirement for a Saudi mobile number and national ID number. <https://e-services.hrc.gov.sa/en/login>

⁵⁴ Gulf Centre for Human Rights, *Saudi Arabia: Human rights defender Khalid Al-Omair detained after filing complaint against intelligence officer who tortured him*, 9 July 2018, <https://www.gc4hr.org/news/view/1904INSERT> (accessed 3 June 2021).

⁵⁵ *Ibidem*.

to when incarcerated. On 5 July 2018, having received no response, he reportedly went to the General Directorate of Investigation to follow up on the complaint. The following day, he was reportedly re-arrested and new charges were brought against him.

A further example comes from ESOHR client, human rights defender Loujain al-Hathloul. In February 2021, the Saudi government released her after nearly three years in detention.⁵⁶ Al-Hathloul, along with other women activists, confirmed that they were tortured using electric shocks, floggings and were sexually assaulted.⁵⁷ Instead of interrogating the perpetrators, the Saudi government in August 2019 blackmailed al-Hathloul, offering to release her in exchange for her participation in a video in which she denies being tortured, which would then prevent her from making a complaint.⁵⁸

ESOHR has credible information indicating that the Saudi government has not provided compensation to the families of individuals who died in detention. In these cases, marks of torture were visible on the bodies of the deceased and torture was the primary cause of death. Among these individuals are two young men, Makki al-Orayed⁵⁹ and Mohamed Ridha al-Hasawi.⁶⁰

Additionally, in the absence of domestic remedies, some victims have resorted to international avenues, including young Munir al-Adam, whose case before the UN Committee on the Rights of Persons with Disabilities has shown that torture led to a complete loss of hearing in one ear.⁶¹ Despite the Committee's requests to “[...] provide him with an effective remedy, including fair, effective and comprehensive investigation into the allegations of torture, prosecution of those responsible, reparation for the damage suffered by the claimant and his family and adequate financial compensation for the loss of his hearing,” the Saudi Government executed him on 23 April 2019,⁶² ignoring the Committee's decision.

⁵⁶ Reuters, *Saudi appeals court rejects rights activist claim she was tortured in jail, family says*, 9 February 2021, <https://www.reuters.com/article/saudi-rights-women-justice-int-idUSKBN2A91X0> (accessed 3 June 2021).

⁵⁷ European Saudi Organization for Human Rights, *After Bin Salman's Deceptive Promises of Female Empowerment, Saudi Women Face Toughest Year Yet*, 21 May 2019, <https://www.esohr.org/en/?p=2289> (accessed 3 June 2021).

⁵⁸ Reuters, *Saudi Woman rejects release deal tied to denying torture*, 13 August 2019, <https://www.reuters.com/article/us-saudi-arrests-idUSKCN1V31L7> (accessed 14 June 2021).

⁵⁹ European Saudi Organization for Human Rights, *After Arbitrary Detention and Disappearance, Makki al-Orayedh was killed in a police station and signs of torture were seen on his body*, 17 March 2016, <https://www.esohr.org/en/?p=522> (accessed 3 June 2021).

⁶⁰ European Saudi Organization for Human Rights, *Death in Saudi Prisons: Denial of Torture and Accountability*, 13 August 2020, <https://www.esohr.org/en/?p=2950> (accessed 17 June 2021).

⁶¹ Committee on the Rights of Persons with Disabilities, *Views adopted by the committee under article 5 of the Optional Protocol, concerning communication No. 38/2016*, 24 October 2018, UN. Doc CRPD/C/20/D/28/2016*, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICaQhKb7yhsj1c7Y0HKuW%2FMvSYeBvvzRkw3bdOJyJNo8sxBVJx5CAvesk2glqfD5MBSG4ZKHQzy0obfV2D4IH1fLDIIFDU%2FRUaT6v6JVZHgMaJplr5A96E2gQ1z7wkhBO3BYjlfWRCpO%3D%3D> (accessed 15 June 2021).

⁶² Saudi Press Agency, *Implementation of ta'zir and hudud (herabah) death sentences in the cases of several criminals*, 23 April 2019, <https://www.spa.gov.sa/viewstory.php?lang=ar&newsid=1916237> (accessed 3 June 2021).

Recommended questions:

1. Provide detailed information on the measures taken to ensure that victims of torture and ill-treatment have effective access to compensation, including the amounts awarded, and rehabilitation (paras. 4 (j) and 8(f)). Provide relevant statistical data, disaggregated by age, nationality, ethnicity and sex;
2. Explain what steps will be taken to investigate and provide redress to the family of Munir al-Adam in line with the Convention.

6 Failure to exclude torture tainted confessions from criminal proceedings, including in death penalty cases (article 15)

In June 2016, the Committee reiterated its concern that coerced confessions amounted to “admissible evidence in the courts” in Saudi Arabia, contrary to article 15 UNCAT.⁶³ The Committee urged Saudi Arabia to “[...] adopt effective measures to ensure that coerced confessions are inadmissible in law and in practice”.⁶⁴ These concerns stood notwithstanding Saudi Arabia’s promise, in its February 2015 state report, that “[...]all evidence obtained by unlawful means is inadmissible and ineffective in proceedings” by virtue of article 188 of the CCP.⁶⁵

Since June 2016, Saudi Arabia has not amended its laws to prohibit the use of coerced confessions as admissible evidence in courts. Ambiguous legal provisions allow for torture tainted confessions to be deemed admissible, as exemplified in various articles in the CPP. Article 161 provides for the use of confessions in criminal trials if a judge “sees that it [the confessions] is true”. Article 162 provides for the possibility that a judge has regard to “other evidence” in the event that a confession does not occur. Article 188 provides that an action shall be void if it runs “[...] contrary to the Islamic Sharia”⁶⁶ and article 191 states that the invalidity of a certain action shall not affect the validity of prior or subsequent actions. Article 112 states that interrogations “shall be conducted in a manner not affecting the will of the accused in making his statements. The accused may not be asked to take an oath nor subjected to any duress measures.”⁶⁷ However, this provision does not mention nor prohibit the use of torture or other cruel, inhuman or degrading treatment during confessions. In fact, the CCP does not include any provisions that further disqualify torture-tainted confessions as admissible evidence in court.⁶⁸

⁶³ Concluding Observations, *op. cit.* para. 23.

⁶⁴ *Ibidem*, para. 24.

⁶⁵ Saudi Arabia, State Report, 12 February 2015, UN Doc.CAT/C/SAU/2, https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/SAU/CAT_C_SAU_2_294_E.pdf (accessed 15 June 2021), para. 104.

⁶⁶ Code of Criminal Procedures, *op. cit.*

⁶⁷ Code of Criminal Procedures, *op. cit.* article 112.

⁶⁸ See analysis in *Torture in Saudi Arabia: Impunity Reigns*, *op. cit.*, p. 16.

This is further complicated by the fact that, despite many reported cases of torture being used to extract confessions, Saudi courts continue to place an “inordinate amount of weight on confessions as the sole evidence in trial.”⁶⁹

Contrary to article 15 UNCAT, the aforementioned provisions fail to categorically prohibit the use of confessions obtained under torture in criminal proceedings, nor do they provide for procedures to follow in the event that such an allegation is brought forward.

Since June 2016, the absence of a legal prohibition against coerced confessions has resulted in the sentencing of individuals, including to death, on the basis of those confessions.

As a result of these legal shortcomings, judges in Saudi Arabia have relied on torture-tainted confessions to sentence three Reprieve-ESOHR clients to death during this review period. On 28 March 2018, the SCC sentenced Reprieve-ESOHR client Mustafa Hashem al-Darwish to death in relation to attending protests when he was 17 years old.⁷⁰ They did so in the face of allegations that he was tortured into confessing to these so-called crimes. On 26 November 2017, the Criminal Court of Tabouk sentenced Reprieve-ESOHR client Hussein abo al-Kheir to death for drug smuggling despite his telling the same court on 28 January 2015 that his confession was obtained through torture.⁷¹ On 19 January 2021, the Tabouk Court of Appeal in Saudi Arabia upheld the death sentence of Reprieve-ESOHR client Abdullah al-Howaiti for a crime he allegedly committed when he was only 14 years old. Similarly, before the Court upheld the sentence, Abdullah’s lawyer had told the court that Abdullah had been tortured into confessing to the crime.⁷²

On 8 February 2021, Crown Prince Mohammed Bin Salman announced a series of legislative reforms, including a new law on evidence.⁷³ However, as of 21 June 2021, it does not appear that Saudi Arabia has issued such a law.

Recommended questions:

1. Provide information on the steps taken to ensure that statements obtained under torture cannot be used as evidence in any proceedings, especially capital trials;
2. Provide information on the new law on evidence, including details of how it will guarantee individual’s rights under article 15 UNCAT and a timeframe for its implementation.

⁶⁹ *Ibidem*.

⁷⁰ Data held on file at Reprieve and ESOHR.

⁷¹ For more information about this case, please contact menaexternal@reprieve.org.uk or duaa@esohr.org

⁷² *Ibidem*.

⁷³ Saudi Gazette, *Improving legislative environment will boost transparency, protect rights: Saudi ministers*, 10 February 2021, <http://saudigazette.com.sa/article/603385/SAUI-ARABIA/Improving-legislative-environment-will-boost-transparency-protect-rights-Saudi-ministers> (accessed 14 June 2021).

7 Use of the death penalty (articles 2 and 16)

In June 2016, the Committee declared itself “[...] deeply concerned about the continued existence of the death penalty, the growing number of executions carried out in the State party and the failure of the State party to provide [the disaggregated] data requested by the Committee on the number of persons executed or on death row”.⁷⁴ The Committee encouraged Saudi Arabia to establish a moratorium on all executions, commute all death sentences, work towards abolition and publish disaggregated data on death row and executions.⁷⁵ In its reply to the Committee, on 11 May 2017, Saudi Arabia stated that the death penalty is only used “[...] in relation to the most serious crimes, in line with Sharia law”, and stressed that information on executions is made public.⁷⁶

Five years on, the use of the death penalty in Saudi Arabia continues to raise concerns around the prohibition and duty to prevent torture and other acts of cruel, inhuman or degrading treatment in the country.⁷⁷

First, Saudi Arabia’s execution practices continue to fall short of the standards set by international law and may violate articles 2 and 16 UNCAT. Saudi Arabia has executed at least 539 individuals since 2016. This figure includes at least eight individuals who were under 18 years old at the time of their alleged ‘political offences’⁷⁸ and at least 283 individuals who were sentenced for crimes other than intentional murder (including 223 for drug offences and 42 for political charges).⁷⁹ Reprieve and ESOHR casework and monitoring indicates that many of these executions have been carried out following trials which did not meet the standards required of a fair trial under international law. In the review period, Saudi Arabia continued to use mass executions, including an execution of 37 individuals on 23 April 2019 involving at least six child defendants.⁸⁰ The Saudi authorities have consistently failed to both notify the families of individuals who are due to be executed and return the bodies of their loved ones to them.⁸¹

Second, Saudi Arabia’s use of the death penalty on child defendants in the review period should be highlighted as a particularly egregious violation of articles 2 and 16. In the review period, Saudi Arabia

⁷⁴ *Concluding Observations, op. cit.*, para. 42.

⁷⁵ *Ibidem*, para. 43.

⁷⁶ State Party Report to Follow-up on Concluding Observations, *op. cit.*, para. 13.

⁷⁷ See Juan E. Mendez, *The Death Penalty and the Absolute Prohibition of Torture and Cruel, Inhuman, and Degrading Treatment or Punishment*, 2012, 20:1 Human Rights Brief 2, p. 4.

⁷⁸ These minors include Mujtaba al-Sweikat, Abdullah Salman al-Asrih, AbdulKarim al-Hawaj, Abdulaziz Hassan al-Sahawi, Salman al-Quraish, Saeed al-Scafi (23 April 2019), AbdulMohsin al-Ghamdi (8 April 2020) and Mustafa al-Darwish (15 June 2021). Data held on file at ESOHR.

⁷⁹ Data held on file at ESOHR.

⁸⁰ Saudi Press Agency, Prisoners executed under *ta’zir* and *hudud*, 23 April 2019, <https://www.spa.gov.sa/viewstory.php?lang=ar&newsid=1916237> (accessed 22 June 2021).

⁸¹ As documented by Reprieve and ESOHR.

has executed at least eight individuals who were under the age of eighteen at the time of their alleged offences, most recently on 15 June 2021.⁸² Among this number are Reprieve/ESOHR clients Mujtaba al-Sweikat, Abbas al-Hassan, Abdullah al-Howaiti and Salman al-Qureish.⁸³ In the review period, Saudi Arabia has purported to abolish the death penalty for those who commit crimes under the age of eighteen, through enacting a Juvenile Law in 2018 which prohibited the application of the death penalty to minors for one category of crimes – *ta'zir*.⁸⁴ However, the law does not cover other categories of crimes – *hudud* and *qisas* – and a 2020 Royal Decree promising to create retroactive effect of this law has not been published.⁸⁵ These shortfalls leave at least nine child defendants at risk of execution, as of 21 June 2021. This includes Reprieve/ESOHR clients Mohammed al-Faraj and Abdullah al-Howaiti.⁸⁶

Third, Saudi Arabia's practice of holding individuals on death row may violate article 16 UNCAT and may even amount to torture as defined under article 1, and it also constitutes a violation of article 2. Despite requests from the Committee in June 2016, Saudi Arabia did not publish disaggregated data about its death row population, and therefore little is known about sentencing practices and lengths of time spent on death row. ESOHR and Reprieve monitoring of death row in Saudi Arabia suggests that individuals spend anywhere between 1 and 16 years on death row. ESOHR/Reprieve client Hussein al-Kheir was first sentenced to death on 26 January 2016 and has therefore been on death row for nearly six years. Reprieve-ESOHR client Mustafa Hashem al-Darwish spent over three years on death row for alleged political offences committed as a minor until his execution on 15 June 2021.⁸⁷ In the absence of, and in spite of repeated requests for, disaggregated data on sentencing practices and death row population, it appears that individuals sentenced to death in Saudi Arabia may be at risk of death row phenomenon,⁸⁸ in violation⁸⁹ of articles 2 and 16 UNCAT.

⁸² Ministry of Justice, *Death sentence carried out under ta'zir on a criminal in Damam*, 15 June 2021, <https://twitter.com/MOISaudiArabia/status/1404769956458291200> (accessed 18 June 2021).

⁸³ See ESOHR, *Six Minors Executed in Saudi Killing Spree*, 24 April 2019, <https://www.esohr.org/en/?p=2206> (accessed 22 June 2021).

⁸⁴ Royal Decree no. 118 2018 on the Juvenile Law 2018, <https://www.moj.gov.sa/Documents/Regulations/pdf/77.pdf> (accessed 22 June 2021).

⁸⁵ Saudi Human Rights Commission, Press Release, *Abolition of Death Penalty for Crimes Committed as Minors*, 25 April 2020, <https://hrc.gov.sa/en-us/News/Pages/news803.aspx>; Saudi Human Rights Commission, Press Release, *Human Rights Commission: The Royal Order includes juveniles against whom final rulings are issued in terrorism cases*, 28 April 2020, available at: <https://hrc.gov.sa/ar-sa/News/Pages/news805.aspx>. (in Arabic).

⁸⁶ Please contact Reprieve and ESOHR for more information on these cases. In the alternative, see Reprieve, *Saudi Arabia's PR Stunt Put to the Test*, 26 October 2020; Reprieve, *Empty Saudi Claims on death penalty for children exposed*, 9 April 2021, <https://reprieve.org/uk/2021/04/09/empty-saudi-claims-on-death-penalty-for-children-exposed/> (accessed 22 June 2021).

⁸⁷ Data held on file at Reprieve and ESOHR.

⁸⁸ For more information on death row phenomenon, see: *Death Penalty Info, the Michael Ross Case and Death Row Syndrome*, <https://deathpenaltyinfo.org/stories/the-michael-ross-case-and-death-row-syndrome> (accessed 4 June 2021).

⁸⁹ Committee on Torture, *Concluding Observations: Ethiopia*, 20 January 2011, UN Doc CAT/C/ETH/CO/1, <https://digitallibrary.un.org/record/697115> (accessed 14 June 2021), para. 24.

Finally, Saudi Arabia does not publish information about its execution methods, but it is understood that beheading remains the most common method of execution,⁹⁰ which should be considered as amounting to (at least) a violation of article 16 UNCAT.⁹¹ The torturous impact of execution on the seven child defendants executed in this time period should also be taken into account by the Committee.

Recommended questions:

1. Provide detailed information of the crimes for which the death penalty is an available penalty, indicating where this is a mandatory sentence. Indicate in each case whether it is possible to impose a death sentence on an individual for a crime they committed when they were under 18;
2. Provide statistical data on the number of persons executed since 8 June 2016 disaggregated by age at time of offence and execution, nationality, ethnicity and gender. Provide the same for those who have been sentenced to death in the same period;
3. Provide information on methods of execution;
4. Provide information on steps taken by the State party to establish a moratorium on the death penalty and commute all existing death sentences.

⁹⁰ There is no law providing for the method of execution in Saudi Arabia. It is understood that beheading is the most widely used method of execution. See, for example, this video shared in the media in 2015: France 24, Beheading of an Emirati in front of a crowd in Mecca, 20 January 2015, <https://observers.france24.com/ar/20150120-%D9%82%D8%B7%D8%B9-%D8%B1%D8%A3%D8%B3-%D8%A7%D9%85%D8%B1%D8%A3%D8%A9-%D8%A3%D9%85%D8%A7%D9%85-%D8%A7%D9%84%D9%85%D9%84%D8%A3-%D9%81%D9%8A-%D9%85%D9%83%D8%A9>, (accessed 22 June 2021).

⁹¹ See, for example, the reasoning of the UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Punishment: Manfred Nowak, *Report to the Human Rights Council*, 14 January 2009, UN. Doc. A/HRC/10/44, <https://atlas-of-torture.org/en/entity/lglmqa2hl0i0f6y8ue301wcdi?searchTerm=beheading&page=2>, (accessed 15 June 2021), para. 38.