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REFERENCE: CAT/Follow-up

11 December 2018

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the second periodic report of Saudi Arabia, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 57th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/SAU/CO/2, para. 52 and Corr.1) requested the State party to provide within one year further information on the specific areas of concern identified in 11, 13, 20 and 43 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 11 May 2017 providing your Government's response on the above-mentioned paragraphs (CAT/C/SAU/CO/2/Add.1).

Reprisals against and harassment, intimidation and arrest of human rights defenders and journalists (para. 20)

While taking note of the information provided by the State party regarding the general legal provisions on detainee's rights and the increasing number of civil associations and NGOs, the Committee regrets that the response provided does not address the concern of reviewing the cases of the mentioned individuals and of releasing any individual detained solely for peaceful criticism or human rights advocacy. The State party should acknowledge, in law and in practice, the legitimacy of peaceful criticism and advocacy related to violations of the Convention. The State party is requested to indicate whether it has reviewed the cases of Abdulkareem al-Khodr, Waleed Abu al-Khair, Omar al-Sa'id, Abdulaziz al-Shobaily, Mohammed Saleh al-Bajady and Ra'if Badawi, or whether it has released them from detention, as previously recommended by the Committee. (1/C).

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H. E. Mr. Abdulaziz Alwasil
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In addition, since the receipt of the State party's follow-up replies, the Committee has been alerted to, and official statements by the Government of the State party have confirmed, the torture and extrajudicial killing of Saudi Arabian journalist Jamal Khashoggi by officials of the State party in its consulate in Istanbul, Turkey, on 2 October 2018.

The Committee has also received serious allegations that several human rights activists, including Loujain al-Hathloul, Iman al-Nafjan, Aziza al-Yousef, Samar Badawi, Nassima al-Sada, Mohammad al-Rabe'a and Dr. Ibrahim al-Modeimigh have been detained without charge in Dhabhan prison since May 2018 and have been subjected to torture, sexual harassment and other forms of ill-treatment during interrogation.

Given the seriousness of these cases, all of which relate directly to concerns expressed by the Committee in its previous observation and recommendation to the State party concerning reprisals against and harassment, intimidation and arrest of human rights defenders and journalists, the Committee requests the State party to submit additional information to it within 90 days of the transmission of this letter, in order to allow the Committee to consider it at its upcoming 66th session, which will take place from 23 April to 17 May 2019. In particular, please indicate:

- The measures the State party is taking to ensure a prompt, effective and impartial investigation is undertaken into allegations that high-level officials were involved in the torture and extrajudicial execution of Jamal Khashoggi. Please indicate whether the State party will agree to make possible "the involvement of international experts, with full access to evidence and witnesses", in any investigation, as recommended by the UN High Commissioner for Human Rights (see 'Khashoggi murder: Bachelet presses for impartial, effective investigation', OHCHR press release, 30 October 2018). The State party is invited to provide information about any further administrative and judicial measures taken to investigate this case in conformity with the Convention, to ensure that all perpetrators are prosecuted, and to ensure that the relatives of the victim obtain redress, including guarantees of non-repetition;

- The measures that the State party is taking to investigate allegations that human rights activists Loujain al-Hathloul, Iman al-Nafjan, Aziza al-Yousef, Samar Badawi, Nassima al-Sada, Mohammad al-Rabe'a and Dr. Ibrahim al-Modeimigh have been arbitrarily detained in Dhabhan prison and ensure their release. Please also indicate the measures the State party is taking to ensure a prompt, impartial and effective investigation is undertaken into allegations that these and other activists were subjected to torture and cruel, inhuman and degrading treatment or punishment during interrogations.

Corporal punishment (para. 11)

While taking note of the position expressed by the State party and regretting the lack of information regarding the execution of corporal punishments, the Committee reiterates that, according to its well-established jurisprudence, corporal punishments do fall within the definition of torture and other cruel, inhuman or degrading treatment or punishment. These punishments cannot be considered as a lawful sanction under international law. The Committee gravely regrets that the State party has not taken any



substantive or at least initial measures to put an end immediately to every form of corporal punishment and to amend its legislation in this respect (0/D).

Lashing of Ra'if Badawi (para. 13)

The Committee regrets that the information requested about Mr. Badawi has not been provided, and that his case and the cases of all individuals currently sentenced to lashing and other forms of corporal punishment have not been reviewed. Furthermore, the Committee underlines the fact that it has the well-established authority to make references to certain individual situations, which is inherent to the periodic reporting procedure under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in order to assess whether State parties implement in law and in practice their obligations under this international instrument, and the measures they have taken to give effect to their undertakings under the Convention (0/D).

Death penalty (para. 43)

While taking note of the reference to the statistical disaggregated data already provided by the State party on the names of executed persons in its second periodic report, their ethnicity and nationality, and the crimes they have been sentenced for, the Committee regrets the lack of updated disaggregated data as requested. Furthermore, the State party has not adopted substantive or at least initial measures with a view to establishing a moratorium on executions, to commuting all existing death sentences and/or to becoming a party to the International Covenant on Civil and Political Rights and, in particular, its Second Optional Protocol (0/D).

Implementation plans (para. 52)

The Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (C).

The Government of Saudi Arabia is encouraged to provide within 90 days any additional information which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is required.

The Committee looks forward to a continued constructive dialogue with the authorities of Saudi Arabia on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani

Rapporteur for Follow-up to Concluding Observations
Committee against Torture

