

4 June 2019

## **Stand up for human rights in Saudi Arabia: States should adopt a resolution at the UN Human Rights Council to address ongoing human rights violations**

Your Excellency,

We remain highly concerned about the human rights situation in Saudi Arabia, in particular the recent mass executions of 37 men on 23 April, the continued arbitrary detention of human rights defenders including women human rights defenders and the ongoing impunity for serious human rights violations, including torture.

We welcome the joint statement signed by [36 states](#) during the 40<sup>th</sup> session of the United Nations (UN) Human Rights Council (HRC) calling, *inter alia*, for the release of detained women human rights defenders. We urge you to build on this statement by advancing a HRC resolution establishing a monitoring mechanism over the human rights violations in the country and calling explicitly for the immediate and unconditional release of the detained Saudi women human rights defenders and to drop all charges against them, including those provisionally released.

Since the 7 March joint statement at the HRC, several of the ten women human rights defenders named in the statement were referred to trial<sup>1</sup> after almost ten months of detention without a charge, and seven have been provisionally released.<sup>2</sup> Their release demonstrates that HRC scrutiny can contribute to positive human rights outcomes on the ground, particularly with respect to the cases of detained women human rights defenders. However, they are still facing trial, the human rights situation on the ground has deteriorated markedly on other fronts, including through increased use of the death penalty and the authorities' continuing crackdown on freedom of expression.

For this scrutiny to remain effective, it must be sustained. This is particularly the case where the State concerned fails to respond positively to calls by the HRC, the High Commissioner<sup>3</sup>, UN Special Procedures, and treaty bodies<sup>4</sup> whose recommendations are directed at remedying violations of Saudi Arabia's international human rights law obligations.

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<sup>1</sup> Those referred to trial: Aziza al-Yousef, Eman al-Nafjan, Hatoon al-Fassi, Amal Al-Harbi, Shadan al-Anezi, Loujain al-Hathoul, and Nouf Abdelaziz. Those not referred to trial yet: Samar Badawi, Nassima al-Sadah, Mohammed Al-Bajadi.

<sup>2</sup> Of those named in the statement: Aziza Al Youssef, Eman Al-Nafjan were provisionally released on 27 March, Hatoon Al-Fassi and Amal Al-Harbi were provisionally released on 2 May. Two other women human rights defenders, Maysaa al-Manea, and Abeer Namankani were provisionally released on 2 May. Al-Qst has confirmed that Shadan Al-Anezi was also released on 2 May. A third woman, Ruqayyaa al-Mhareb, was provisionally released on 27 March.

<sup>3</sup> The UN High Commissioner for Human Rights [strongly condemned](#) the executions, noting they went forward "in spite of repeated appeals by the UN human rights system about the lack of due process and fair trial guarantees, [and] allegations that confessions were obtained through torture", and highlighted that "at least three of those killed were minors" at the time of their alleged offense.

<sup>4</sup> See for example latest letter by the Committee against Torture (December 2018): [https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/SAU/INT\\_CAT\\_FUL\\_SAU\\_33228\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/SAU/INT_CAT_FUL_SAU_33228_E.pdf)

Sixteen out of the 37 men recently executed were previously the subjects of communications from UN bodies which indicated that some were minors when they allegedly carried out their crimes.<sup>5</sup> Many of the men executed had been tortured into confessing and were tried in the counter-terrorism Specialised Criminal Court (SCC), in trials that did not conform to international standards of fair trials and due process. At least 20 detainees are at risk of executions including 3 minors.<sup>6</sup>

In addition to the recent executions, we remain deeply concerned about the ongoing detention of women's rights defenders since mid-May 2018, the lack of any credible and effective investigation into the allegations of torture and ill-treatment against them and that those who have been brought to court are facing unfair trials. We are further alarmed by the latest wave of arrests in April 2019 of at least fourteen bloggers, writers and family members of women human rights defenders,<sup>7</sup> reportedly targeting those supporting the women's rights movement and detained activists.

Saudi Arabia has faced increased criticism over its human rights record since the murder of Saudi journalist and Washington Post columnist Jamal Khashoggi by Saudi agents in October 2018, but authorities have failed to provide transparency into the criminal proceedings against 11 individuals currently on trial for his murder and appear to be shielding high-level current and former officials implicated in the murder from additional scrutiny.

Saudi Arabia, as a member of the UN HRC, is obligated to uphold the highest standards for the promotion and protection of human rights and to cooperate fully with the Council's mechanisms. Yet, the government has failed to take meaningful steps to uphold its membership obligations. The rights situation continues to deteriorate, and the government has refused to cooperate with the UN Special Rapporteur on extrajudicial, summary or arbitrary executions in her inquiry into the murder of Jamal Khashoggi. The recent executions and the detention and torture of activists are not isolated cases but rather form part of a pattern of gross and systematic rights violations, including discrimination against women and a *de facto* ban on civic space.

In light of the above, we urge your government to initiate Council action by presenting a resolution at the HRC to:

- Establish a monitoring mechanism over the human rights violations in the country;

and call on the Saudi government to:

- Immediately and unconditionally release the detained women human rights defenders and all individuals detained for exercising their fundamental freedoms, drop all charges against them including those provisionally released, and remove travel bans against their family members;
- Conduct prompt, effective and credible investigations into all allegations of torture, hold perpetrators accountable and provide victims with effective remedy in line with international standards;
- Immediately abolish the male guardianship system and repeal other laws that discriminate against women and girls;

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<sup>5</sup> See for example communications relating to [Abbas al-Hassan](#), [Abdulkarim al-Hawaj](#), [Munir Al Adam](#), [Salman Qureish](#) and [Mujtaba al-Sweikat](#).

<sup>6</sup> Figures documented by the European-Saudi Organisation for Human Rights

<sup>7</sup> See Gulf Center for Human Rights, <https://www.gc4hr.org/news/view/2111>

- Establish an immediate moratorium on the use of the death penalty with an aim towards its abolition;
- Ensure that the rights to freedom of expression, assembly and association are fully respected in law and practice in accordance with international human rights standards.

The landmark joint statement delivered during the 40<sup>th</sup> session of the HRC signified that no State is above scrutiny for its human rights record. We recognise it as a first step towards more sustained and dedicated review by the HRC in its efforts to hold its members accountable. It is imperative that the Council continues to engage with Saudi Arabia so as to ensure that prompt and effective measures are taken to address the ongoing human rights violations in the country.

Please rest assured, your Excellency, of our highest consideration.

Sincerely,

1. Article19
2. Americans for Democracy & Human Rights in Bahrain (ADHRB)
3. ALQST
4. Amnesty International
5. Bahrain Institute for Rights and Democracy (BIRD)
6. Cairo Institute for Human Rights Studies (CIHRS)
7. CIVICUS
8. DefendDefenders (the East and Horn of Africa Human Rights Defenders Project)
9. English PEN
10. European-Saudi Organisation for Human Rights
11. European Centre for Democracy and Human Rights (ECDHR)
12. Equality Now!
13. FIDH
14. Gulf Center for Human Rights
15. Humanists International
16. Human Rights Watch
17. Innovation for Change-MENA Hub
18. International Service for Human Rights (ISHR)
19. Lawyer's Rights Watch Canada
20. L'Association tunisienne des femmes démocrates (ATFD)
21. ACAT (Action by Christians for the Abolition of Torture) – France
22. The Lebanese Council to Resist Violence Against Woman (LECORVAW)
23. The Right Livelihood Award Foundation
24. The Committee for the Respect of Freedom and Human Rights in Tunisia
25. The National Syndicate of Tunisian Journalists
26. The Tunisian Association for the Defense of Academic Values
27. The Tunisian Association for the Defense of Individual Rights
28. The Tunis Center for Press Freedom
29. The Tunisian Coalition Against Death Penalty
30. The Tunisian League for the Defense of Human Rights
31. The Tunisian Association for the Support of Minorities
32. MENA Rights Group
33. PEN International
34. Scholars at Risk

35. The Tunisian Organization Against Torture
36. Urgent Action Fund for Women's Human Rights
37. Vigilance for Democracy and the Civic State
38. World Organisation against Torture (OMCT)
39. Women's March Global
40. Women Human Rights Defenders MENA Coalition

### **Background information:**

- Since 2014, the Kingdom has carried out 807 executions; the executions on 23 April brings the total number of individuals executed by the Saudi government in 2019 to 110.
- Over a dozen women human rights defenders (WHRDs) have been [imprisoned](#) since mid-2018 because they peacefully campaigned for advancing women's rights in the Kingdom. Several of them were reportedly tortured, subjected to electric shocks, flogging, sexual abuse and other forms of torture. The trial of 11 women, including several WHRDs began on 13 March followed by a second hearing on 27 March and a third hearing on 3 April. Following the second hearing, three women were provisionally released, including WHRDs Aziza Al-Youssef and Eman Al-Nafjan. On 2 May, four WHRDs - Hatoon Al-Fassi, Amal Al-Harbi, Maysaa al-Manea and Abeer Namankani- were provisionally released. Media and observers, including foreign diplomats, were denied access to all hearings. The fourth hearing on 17 April was cancelled without any further information. During the second hearing, the women testified that they were tortured by masked men with electric shocks and sexually harassed during the investigation of their cases. The Prosecution has so far denied the allegations of torture and has directed, amongst other things, the following charges against several of them:
  - Communicating with people and entities hostile to the Kingdom.
  - Campaigning for women's rights and the end of the male guardianship system
  - Cooperating with journalists, activists, foreign diplomats, international organizations such as Amnesty International and Human Rights Watch and media institutions
- Amongst those detained in mid-2018 are human rights defenders who remain in detention without charges, including Mohammad al-Bajadi, founding member of the Saudi Civil and Political Rights Association (ACPRA), who has previously been persecuted for his human rights work with ACPRA and Khalid al-Omeir, an activist who has previously served a prison sentence for his human rights activism. Two women human rights defenders, Samar Badawi and Nassima al-Sada also remain in detention without charges since their arrest in June 2018.
- Numerous other activists remain in prison on charges stemming from their peaceful activities. Among them are human rights defenders who called for increased promotion and protection of women's rights and journalists such as Abdullah al-Attawi and Mohammed al-Otaibi, members of ACPRA like Mohammed al-Qahtani, and Abdullah al-Hamid, blogger Raif Badawi, journalists Saleh al-Shehi and Nahir al-Majid, human rights lawyer Waleed Abu al-Khair, activist Fadel al-Mansef and women activists Naimah Al-Matrod and Israa Al-Ghomgham.
- In September 2017, Saudi authorities [arrested](#) at least 16 people because of their criticism of the government. Among those arrested are prominent religious figures such as Sheikh Salman al-Awda, writers like Essam al-Zamil, journalists, academics, and human rights defenders Abdulaziz al-Shubaily and Issa al-Hamid – members of ACPRA. In early October 2017, officials [arrested](#) 22 individuals on charges of “inciting against public order” on social media, and then detained another 24 people for “promoting lies and exaggerations on social media.” In November 2017, the Saudi government embarked on a so-called anti-corruption sweep, arresting hundreds of people.