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Saudi Arabia: Upholding of Sheikh Nimr al-Nimr's death sentence signals ongoing assault on dissent

The Saudi Arabian authorities' vicious assault on dissent has reached new alarming levels, said Amnesty International today, following news that the Supreme Court upheld the death sentence of Sheikh Nimr Baqir al-Nimr, a prominent Shi'a Muslim cleric from the Kingdom's Eastern Province.

The organization called on the Saudi Arabian authorities to quash Sheikh Nimr al-Nimr's conviction and death sentence, which followed a grossly unfair trial, and to release the cleric immediately in relation to the charges of which he was convicted. It also called on the authorities to immediately establish an official moratorium on all executions with a view to abolishing the death penalty in Saudi Arabia.

The authorities' treatment of Sheikh Nimr al-Nimr's case has been politicized from the start. He was arrested by the Ministry of Interior's security forces without an arrest warrant, charged by the Bureau of Investigation and Public Prosecution, which falls under the same Ministry's jurisdiction, and sentenced to death following a deeply flawed trial at the Specialized Criminal Court (SCC), a notorious counter-terror court, also controlled by the Ministry of Interior.

The SCC had in 2014 sentenced to death at least six other Shi'a activists, [three of whom](#) were under the age of 18 at the time of their alleged offences. One of the three is [Ali al-Nimr](#), Sheikh Nimr al-Nimr's nephew. The same court has also sentenced a number of dissidents and human rights defenders, including [Dr Abdulrahman al-Hamid](#) and [Dr Abdulkareem al-Khoder](#), two founding members of the independent Saudi Civil and Political Rights Association (ACPRA) [to nine and 10 year prison terms](#) on 13 and 19 October 2015 respectively.

Sheikh Nimr al-Nimr was sentenced to death by the SCC on 15 October 2014 on a number of vague charges, including "disobeying and breaking allegiance to the ruler", "calling to overthrow the regime", "calling for demonstrations", "inciting sectarian strife", "questioning the integrity of the judiciary", "meeting with and supporting wanted suspects", and "interfering in a neighbouring state's affairs" (in reference to Bahrain). Some of these should not be offences at all, because they criminalize the peaceful exercise of human rights; and others violate the principal of legality in international law as they are vague and broad.

The cleric's trial was deeply flawed. He was not allowed access to court documents and the evidence against him to adequately respond to the charges. He was denied access to his lawyer in pre-trial detention and at critical periods during the trial, and was not allowed adequate time and facilities to prepare his defence.

Sheikh al-Nimr's lawyer was not informed of the dates of a number of court hearings. He was prevented from talking to the media on trial proceedings and was forced to sign a pledge not to share court documents. At the same time, media outlets controlled by the state carried out a smear campaign against the cleric, referring to him as the "leader of the Awamiyya strife", depicting him as illiterate, uneducated and an advocate of violence, and reporting that he lied to the judge.

The evidence presented by the prosecution did not support the allegations against Sheikh Nimr al-Nimr. The evidence against him comprised nine religious sermons he had delivered and interviews attributed to him. The only other evidence against him comes from the written testimony of the arresting officers who claimed that the Sheikh and his armed companions fired at the security forces. Yet they failed to produce any evidence, including the video recording of the arrest incident to show the Sheikh was armed or was in the company of armed men. The court also violated Saudi Arabian law by allowing the arresting officers not to testify under oath or be cross-examined by the defence in court.

Sheikh Nimr al-Nimr was arrested without an arrest warrant on 8 July 2012 when security officers forced his car to stop and shot him when he refused to accompany them. The Ministry of Interior announced that the cleric had been arrested as an "instigator of sedition" and shot because "he and those with him resisted security forces at a checkpoint, opened fire at security forces and crashed into a car belonging to security forces as he sought to escape". He was shown in photos, which were apparently released by the authorities shortly afterwards, lying in the back of a car with what appeared to be a gunshot wound to his leg.

The prominent cleric, who is the Imam of al-Awamiyya mosque in al-Qatif, in Saudi Arabia's Eastern Province, was detained in a number of locations following his arrest. He has had inadequate and intermittent access to medical care, which he has been in desperate need of since the day he was shot and arrested, causing partial paralysis to one of his legs.

BACKGROUND

Since 2012, the Saudi Arabian authorities have been persecuting dissidents with complete impunity, using both the courts and extrajudicial means such as the imposition of arbitrary travel bans. Most trials of such dissidents have taken place before the SCC, whose jurisdiction is vague and proceedings shrouded in secrecy.

The court has sentenced to death at least six other Shi'a activists, including three who were under the age of 18 at the time of their alleged offences. One of those is Ali al-Nimr, the nephew of Sheikh Nimr al-Nimr. Scores of other Shi'a activists have been detained and sentenced to decades in prison solely for taking part in demonstrations in the Kingdom's Eastern Province in the aftermath of the uprisings in the Middle East and North Africa in 2011.

Human rights activists have been among those the SCC has imprisoned. In mid-October 2015, the SCC sentenced Dr Abdulrahman al-Hamid and Dr Abdulkareem al-Khoder, two founding members of the independent Saudi Civil and Political Rights Association (ACPRA), to, among other penalties, nine and 10 years in prison respectively. ACPRA had reported on the excesses of the Ministry of Interior's security forces and supported families of detainees accused of security-related offences and victims of human rights violations in their attempts to take the Ministry to court. In July 2014, the SCC sentenced human rights activist Waleed Abu al-Khair, who is also the lawyer of blogger Raif Badawi, to 15 years in prison.

Public Document

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