

## Written evidence submitted by Reprieve (MUL0021)

*Reprieve is a legal action charity which seeks to uphold the rule of law and the rights of individuals around the world. Over the past 20 years Reprieve has provided legal and investigative support to hundreds of prisoners on death row; people and communities impacted by unlawful drone strikes; victims of torture and extraordinary rendition; scores of prisoners in Guantánamo Bay; and dozens of British nationals unlawfully detained in North East Syria.*

1. Reprieve welcomes the opportunity to submit to the inquiry by the Foreign Affairs Committee ('the Committee') into international relations within the multilateral system. This submission addresses the following question from the inquiry's terms of reference: *How can UK diplomacy increase the perceived relevance and legitimacy of multilateral institutions?*
2. This submission focuses primarily on multilateral human rights mandates and opinions issued by UN Special Procedures of the Human Rights Council. The Special Procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. Relevant Special Procedures include the Working Group on Arbitrary Detention (WGAD), the Special Rapporteur on Torture (SR Torture), and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (SR Executions).
3. The Special Procedures comprise experts who speak with considerable authority as representatives of the United Nations on various areas relating to human rights. They are independent of national governments and produce authoritative expert opinions.
4. The British Government has repeatedly professed support for these bodies, including in its manifesto when running for a seat on the UN Human Rights Council.<sup>1</sup> However, despite this public support for the Special Procedures, the UK Government is consistently failing to draw on this expertise in practice and in fact repeatedly undermines the Special Procedures to the detriment of UK foreign policy.
5. This failure has previously been raised by the Committee which noted that "Despite confirming the UK Government's support of the work of the group (...) the UN WGAD opinions are an underutilised resource in the UK Government's efforts to secure the early release of state hostages and those at risk of being used as political leverage."<sup>2</sup>
6. In its response to the Committee's inquiry on Combatting State Hostage Diplomacy, the Government expressed strong support for the UN's Human Rights Office and stressed the specific value of WGAD. However, it then went on to undercut this support by providing various reasons it might ignore WGAD decisions, and emphasising the role of the detaining state to address WGAD's recommendations while diminishing the UK's own responsibility.<sup>3</sup> This selective and inconsistent support undermines the UK's own professed principled position on human rights and weakens the Special Procedures by sending a signal to states involved in abuses that opinions issued by the Special Procedures are not taken seriously by the UK.
7. This has had clear negative policy outcomes for Britain's involvement with several countries, including India and Saudi Arabia, which the Committee has placed particular focus on in its terms of reference for this inquiry.

8. The submission draws on the cases of former and current Reprieve clients to demonstrate how the UK Government is missing opportunities to bolster the legitimacy of Special Procedures and the UN, and in doing so to strengthen its own diplomacy. The submission explicitly addresses cases in India, Saudi Arabia, and Bahrain, and provides specific recommendations for the UK with respect to each country.

#### **INDIA – UK FAILURE TO ACT ON UNWGAD’S DESIGNATION OF AN ARBITRARILY DETAINED BRITISH NATIONAL**

9. The case of Jagtar Singh Johal is a clear example of the direct negative foreign policy outcomes that occur from the UK’s failure to take the opinions and mandates issued by the Special Procedures seriously. This failure has impeded the UK’s ability to achieve a satisfactory outcome.
10. Jagtar Singh Johal is a Sikh activist and British citizen who drew attention to historic human rights abuses against India’s Sikh population. In October 2017, Jagtar travelled to India to get married. Three weeks later, he was abducted off the street by plain clothes police officers. Jagtar was brutally tortured and to make the pain stop, Jagtar recorded video statements and signed blank pieces of paper which were later presented by the authorities as a “confession”.<sup>4</sup>
11. The credibility of Jagtar’s allegations of torture has been recognised by multiple international experts. In 2018, the UN Special Rapporteurs on Torture and Freedom of Religion or Belief wrote to the Government of India expressing grave concerns and requesting a response to the allegations – to date none has been received.<sup>5</sup> The following year, the International Rehabilitation Centre for Torture Victims (IRCT) issued an independent forensic opinion finding reasonable grounds to believe Jagtar was tortured and calling for an urgent investigation.<sup>6</sup>
12. WGAD found in May 2022 that Jagtar’s detention is arbitrary. It found his detention lacks a legal basis, that his fair trial rights have been violated, and that he remains in detention “apparently with no evidence”.<sup>7</sup> It found that his arrest and detention was based on “discriminatory grounds” owing to his Sikh faith and his “status as a human rights defender”, and that Jagtar was “subjected to torture”.<sup>8</sup> As a result the WGAD called for him to be immediately released.
13. The SR Executions has made clear that in death penalty cases “where the detainee is detained on spurious grounds, as a political statement or in circumstances of clear human rights violations,” such as in Jagtar’s case, the UK must make “representations [to the detaining state] that the detainee should not be in detention or facing charges at all”.<sup>9</sup>
14. Despite clear evidence that Jagtar is being arbitrarily detained, and the opinions issued by Special Procedures outlined above, the UK Government has failed to seek his release. This is contrary to UK policy – in evidence to the FAC in 2020, then Foreign Secretary Dominic Raab stated that the FCDO lobbies for release where they believe that British nationals are arbitrarily detained.<sup>10</sup>
15. The UK Government has appeared to take an inconsistent and at times confused position on the WGAD opinion in Jagtar’s case. In June 2022, then Prime Minister Boris Johnson acknowledged that Jagtar’s detention is arbitrary.<sup>11</sup> However, subsequent Ministers have refused to confirm that the Government accepts Jagtar’s detention is arbitrary. When pressed, Ministers have simply said that the FCDO takes the WGAD opinion “very seriously.”<sup>12</sup>

16. The UK's confused response to the WGAD decision in Jagtar's case has been reflected in its limited representations to the Indian Government on Jagtar's behalf, and its ultimate failure to resolve the case. In July 2023, then Foreign Secretary James Cleverly wrote to Jagtar's family, informing them he would not seek Jagtar's release. Following the G20 Summit, the Prime Minister noted that he had raised Jagtar's case with the Prime Minister of India, but he repeatedly refused to state that Jagtar had been unfairly treated, tortured, or arbitrarily detained, instead saying that the Government had raised concerns about "reports of mistreatment".<sup>13</sup> Jagtar remains in arbitrary detention.
17. **Relieve recommends** that the UK Government finally accept in full the WGAD opinion and acknowledge that Jagtar has been arbitrarily detained in India for more than six and a half years. In line with this the Government should actively seek Jagtar's release. The current Foreign Secretary has committed to reviewing the Government's approach to his case "to make sure we are doing the right thing";<sup>14</sup> this review should endorse WGAD's findings and recommendations.

### **BAHRAIN – A FAILURE BY THE UK GOVERNMENT TO ACT ON WARNINGS REGARDING SYSTEMIC TORTURE**

18. The UK has continued to fund Bahraini bodies implicated in systemic torture despite warnings from international experts that these institutions are insufficiently independent. The UK has also failed to take appropriate action on behalf of prisoners sentenced to death after flawed investigations by these UK funded bodies, even when multiple special procedures have determined these prisoners are arbitrarily detained and victims of torture.
19. Mohamed Ramadhan and Husain Moosa are Bahraini peaceful protesters facing execution following flawed investigations by two UK funded bodies: Bahrain's Office of the Ombudsman (the Ombudsman) and Special investigations Unit (SIU).
20. Mohamed and Husain were sentenced to death based on a torture tainted "confession"<sup>15</sup> and have now been imprisoned for more than ten years.<sup>16</sup> Following complaints to the Ombudsman raising allegations of torture, their death sentences were remanded back to the lower courts for review. However, the Ombudsman and SIU's subsequent deeply flawed investigations failed to meet basic international standards,<sup>17</sup> and effectively whitewashed Mohamed and Husain's allegations of torture. This ultimately led to their death sentences being reinstated and finalised in 2020.<sup>18</sup>
21. The United Nations Committee Against Torture (UNCAT) has stated that the Ombudsman and SIU are "not independent" and "not effective given that complaints ultimately pass through the Ministry of the Interior."<sup>19</sup> The International Rehabilitation Council for Torture Victims criticised the investigations in Mohamed and Husain's cases as "insufficient and thereby ineffective under law," raising serious concerns about the bodies' institutional independence and impartiality.<sup>20</sup> They stated that judicial decisions relying on the bodies' investigations are "critically flawed."<sup>21</sup>
22. WGAD has called for the immediate release of both men, finding that "the admission into evidence of a statement obtained through torture renders the entire proceedings unfair"<sup>22</sup> and that they "were detained for the peaceful exercise of their rights."<sup>23</sup>
23. The UK has a special responsibility to act in these cases given the funding that the UK provides for the Ombudsman and SIU, as part of "capacity building of Bahrain's independent oversight bodies."<sup>24</sup> Over the past decade, the UK Government has provided

£13m of funding to Bahrain through the Gulf Strategy Fund.<sup>25</sup> Yet instead of condemning the flawed investigations, the FCDO have celebrated the Ombudsman and SIU, claiming in 2019 that the bodies “have already had a positive effect”.<sup>26</sup> In 2020, the FCDO pointed to the investigations into Mohamed and Husain’s treatment as an example of Bahrain’s “notable progress” on creating effective mechanisms to secure human rights, despite the reports being used to justify upholding their death sentences.<sup>27</sup>

24. In 2020, following concerns raised by NGOs and others about Mohamed and Husain’s cases, then MENA Minister James Cleverly promised that “if the death penalties are upheld through the Court of Cassation process, the UK will publicly and loudly remind Bahrain of our opposition to the death penalty, and we will continue to seek to have it set aside.”<sup>28</sup> However, no UK Minister has publicly criticised the reinstatement of the death sentences, or called on the Bahraini Government to release Mohamed and Husain, despite their death sentences being upheld only days after this promise was made.
25. In ignoring opinions issued by the UNCAT, WGAD and IRCT, continuing its assistance to the Bahraini Government, and failing to publicly call for Mohamed and Husain’s release, Britain is undermining these UN experts, enabling the Government of Bahrain to continue to commit human rights abuses, and risking the execution of two peaceful protesters.
26. **Reprieve recommends** that the UK use its influence to ensure the release of Mohamed and Husain in line with the WGAD opinion and suspend funding to the Ombudsman and SIU while their investigations continue to be used to whitewash torture. The bodies that should have prevented Mohamed and Husain being convicted based on torture evidence instead whitewashed their torture, with their flawed investigations leading to reinstatement of the death sentence. Failing to act on the opinions of UN experts who have condemned these investigations undermines the UK’s efforts to support human rights progress in Bahrain and the UK’s longstanding opposition to torture and the death penalty.

## **SAUDI ARABIA – FAILURE TO UPHOLD BRITISH HUMAN RIGHTS OBLIGATIONS IN DIPLOMACY**

27. In its diplomacy with Saudi Arabia the United Kingdom has consistently failed to make full use of opinions by Special Procedures, and as a result failed to secure outcomes in line with its own professed goals with respect to human rights. The Government has neglected to intervene to help prevent executions, despite evidence this approach has helped protect lives in the past. It has failed to act on the opinions issued by various Special Procedures, nor used these opinions in its diplomacy to achieve foreign policy objectives. This has had a direct impact on several of Reprieve’s clients, as laid out below.
28. Saudi Arabia regularly sentences child defendants to death,<sup>29</sup> in breach of international law and repeated commitments by Saudi authorities to abolish the death penalty for child defendants.<sup>30</sup> Child defendants are defendants who were under the age of 18 when they were alleged to have committed an offence and are protected from capital punishment under international law.<sup>31</sup> Since 2015, at least 11 child defendants have been executed.<sup>32</sup>
29. In the past the United Kingdom has been able to exert real influence in preventing the execution of child defendants in Saudi Arabia when acting alongside the interventions of multilateral organisations. In 2015, Foreign Secretary Philip Hammond and Prime Minister David Cameron made public interventions in the case of Ali al-Nimr – a child defendant facing execution for participation in protests – calling on Saudi Arabia not to execute him.<sup>33</sup>

This was alongside appeals by the SR Torture, who sought assurances that Ali would not face execution.<sup>34</sup> Subsequent WGAD opinions determined that Ali was being arbitrarily detained.<sup>35</sup> After these interventions and as a result of international pressure, Ali was spared execution, and in 2021 the authorities commuted Ali's sentence and released him from prison.<sup>36</sup>

30. Despite the success of this approach, recent Governments have refused to make similar public calls to stop executions. A powerful example of subsequent failures lies in the case of Hussein Abo Al-Kheir who was arrested for drug smuggling offences by Saudi authorities in 2014,<sup>37</sup> and tortured into signing a confession document which he would later recant.<sup>38</sup> In 2022, WGAD issued an opinion which found that Hussein had been "subjected to torture and ill-treatment while he was being interrogated in the absence of his lawyer." They further recommended that his death sentence be quashed and that he should be immediately and unconditionally released.<sup>39</sup> Despite initially acknowledging that Hussein had been tortured, the British Government later reversed this position, following pressure from Saudi authorities.<sup>40</sup> On 12 March 2023, Hussein was executed, with no notice to his family – who found out via Saudi news coverage.<sup>41</sup>
31. It is clear that the UK Government's initial response in Hussein's case concerned the Saudi authorities; what UK Ministers say about these cases carries weight in Saudi Arabia. Hussein's case demonstrates that when the UK places UN opinions at the centre of its diplomacy and stands up for human rights, this can have an impact – but it also demonstrates what can happen when the Government backtracks under pressure.
32. The UK Government should learn the lessons of both Ali's and Hussein's cases, that when the UK uses UN expert opinions and recommendations, and cabinet ministers speak out publicly against executions, they can achieve significant policy outcomes, such as the commuting of Ali's death sentence – and that when it fails to do so, as in Hussein's case, states are emboldened to commit human rights abuses.
33. The UK still has an opportunity to make a real difference in the cases of child defendants currently facing execution in Saudi Arabia. These include Reprieve's clients Abdullah Al-Howaiti, Youssef Al-Manasif, and Abdullah Al-Derazi.
34. Abdullah al-Howaiti was arrested and brutally tortured when he was 14 years old and was sentenced to death in March 2022.<sup>42</sup> On 28 January 2022, the WGAD issued a decision finding Abdullah's detention unlawful. WGAD noted its "alarm"<sup>43</sup> at Abdullah's age when arrested and its "gravest concern"<sup>44</sup> at his alleged torture. WGAD was "deeply disturbed" by the imposition of the death penalty,<sup>45</sup> and concluded that Abdullah should be immediately released and afforded compensation.<sup>46</sup>
35. Abdullah al-Derazi and Youssef al-Manasif are two child defendants who have been sentenced to death in Saudi Arabia on non-lethal protest related charges.<sup>47</sup> Both required hospital treatment as a result of torture and were forced to sign confessions.<sup>48</sup> In a communication to the Saudi government in July 2023, a group of Special Rapporteurs including SumEx, expressed serious concerns about Youssef and Abdullah's death sentences, noting that their death sentences must be overturned "if Saudi Arabian authorities are to demonstrate they do not sentence to death and execute individuals for childhood crimes" in line with Saudi Arabia's obligations under international law, and repeated promises by Saudi authorities.<sup>49</sup>
36. **Reprieve recommends** that the Government should repeat its successful strategy to save Ali al Nimr's life in other child defendants' cases. This includes those of Abdullah al-

Howaiti, Abdullah al-Derazi, and Youssef al-Manasif, where the UK should publicly call for their executions to be halted. The UK should make it clear that Saudi Arabia's executions breach basic standards of international human rights law, minimum international safeguards guaranteed to individuals facing the death penalty, and basic human dignity. Saudi Arabia's violation of these standards has been repeatedly condemned by the Special Procedures and other UN bodies, and the UK should join the Special Procedures in condemning these breaches in the strongest possible terms.

## CONCLUSION AND RECOMMENDATIONS

37. The cases above illustrate the UK's poor record on responding to opinions from UN experts. By failing to give proper weight to their opinions and recommendations, the UK has missed opportunities to bolster the multilateral system and is undermining the authority of UN Special Rapporteurs and Working Groups. Moreover, the UK has missed opportunities to strengthen its diplomacy, uphold its longstanding opposition to the death penalty and torture, and maintain its reputation for promoting the rule of law and human rights. Ultimately the UK's failure to act has led to missed opportunities to help the victims of human rights abuses, including British citizens. The UK must recognise the role and value of Special Procedures as international experts essential to the UN's working and the protection of human rights internationally and should accept and act upon their opinions and recommendations in a timely manner.

38. Reprieve asks the Committee to make the following recommendations:

- The UK Government should provide public support to the Special Procedures by accepting and acting on their recommendations in a timely manner, consulting with them on human rights issues in their capacity as independent experts and placing them at the heart of its diplomacy.
- In the case of Jagtar Singh Johal, the Government should accept the WGAD opinion and treat Jagtar Singh Johal as a British national arbitrarily detained abroad – including by following FCDO policy and actively seeking his release.
- The Government should uphold its longstanding opposition to the death penalty and torture and use opinions by Special Procedures to bolster its diplomacy, calling for release where UN experts have recommended this – including in the cases of Mohamed Ramadhan, Hussain Moosa, Abdullah al-Howaiti, Youssef al-Manasif, and Abdullah al-Derazi.

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<sup>1</sup> Foreign Commonwealth and Development Office, 'UN Human Rights Council United Kingdom 2017-2019 candidate, For freedoms and universal rights'. Available at:

[https://assets.publishing.service.gov.uk/media/5a80a22240f0b62302694a1e/FCO905\\_UK\\_UNHRC\\_re-election\\_brochure-A5L\\_web3-2.pdf](https://assets.publishing.service.gov.uk/media/5a80a22240f0b62302694a1e/FCO905_UK_UNHRC_re-election_brochure-A5L_web3-2.pdf)

<sup>2</sup> Foreign Affairs Select Committee, 'Stolen Years: combatting state hostage diplomacy,' Sixth Report of Session 2022-23, HC 166, paras 15-18. Available at: <https://committees.parliament.uk/publications/34708/documents/194038/default/>

<sup>3</sup> Foreign Affairs Select Committee, 'Stolen Years: combatting state hostage diplomacy: Government Response to the Committee's

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Sixth Report,' Sixth Special Report of Session 2022-24, HC1596, Para 10. Available at:

<https://committees.parliament.uk/publications/40750/documents/198593/default/>

<sup>4</sup> The Independent, Jagtar Singh Johal: British man alleges Indian police threatened to shoot and set him on fire, 9 June 2018, Available at: <https://www.independent.co.uk/news/world/asia/jagtar-singh-johal-british-man-allegedly-tortured-indian-police-threatened-burn-alive-punjab-a8390891.html>.

<sup>5</sup> Letter from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on freedom of religion or belief and the Working Group on Arbitrary Detention to the High Commissioner for India dated 29 January 2018, Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=23603>.

<sup>6</sup> Letter from International Rehabilitation Council for Torture Victims to the British High Commissioner to the Republic of India, 17 October 2019, on file with Reprieve.

<sup>7</sup> UN Working Group on Arbitrary Detention, 'Opinion No. 80/2021 concerning Jagtar Singh Johal (India)' (4 May 2022) UN Doc A/HRC/WGAD/2021/80, Available at: <https://www.ohchr.org/sites/default/files/2022-05/A-HRC-WGAD-2021-80-India-AEV.pdf>

<sup>8</sup> UN Working Group on Arbitrary Detention, 'Opinion No. 80/2021 concerning Jagtar Singh Johal (India)' (4 May 2022) UN Doc A/HRC/WGAD/2021/80, Available at: <https://www.ohchr.org/sites/default/files/2022-05/A-HRC-WGAD-2021-80-India-AEV.pdf>, paras 99, 122 and 125.

<sup>9</sup> Report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions (20 August 2019) A/74/318, para 74, available at: <http://users.xplornet.com/~mwarren/SpecialRap.pdf>.

<sup>10</sup> Foreign Affairs Committee, 'No prosperity without justice: the UK's relationship with Iran', para 52, Available at: [https://publications.parliament.uk/pa/cm5801/cmselect/cmfaff/415/41506.htm#\\_idTextAnchor049](https://publications.parliament.uk/pa/cm5801/cmselect/cmfaff/415/41506.htm#_idTextAnchor049).

<sup>11</sup> BBC News, 'PM says Jagtar Singh Johal's detention in India is "arbitrary"', 30 June 2022, Available at: <https://www.bbc.co.uk/news/uk-scotland-glasgow-west-62003381>.

<sup>12</sup> Jagtar Singh Johal, HC Vol 726, 19 January 2023. Available at: <https://hansard.parliament.uk/Commons/2023-01-19/debates/D6F2F3B1-FF9E-4E3A-9958-4335CB2568E1/JagtarSinghJohal>

<sup>13</sup> G20 Summit, HC Vol 737, 11 September 2023, Available at: <https://hansard.parliament.uk/commons/2023-09-11/debates/7D172DF9-C3C2-475A-A087-E6A69418D66E/G20Summit>

<sup>14</sup> Sky News, 'Jagtar Singh Johal: Brother of imprisoned Briton tells Lord Cameron "his life is in your hands"', 12 February 2024, Available at: <https://news.sky.com/story/jagtar-singh-johal-brother-of-imprisoned-briton-tells-david-cameron-his-life-is-in-your-hands-13070109>

<sup>15</sup> Bahrain Institute for Rights and Democracy, "'The Court is Satisfied with the Confession" Bahrain Death Sentences Follow Torture, Sham Trials,' 10 October 2022, Available at: [https://www.hrw.org/report/2022/10/10/court-satisfied-confession/bahrain-death-sentences-follow-torture-sham-trials#\\_ftn197](https://www.hrw.org/report/2022/10/10/court-satisfied-confession/bahrain-death-sentences-follow-torture-sham-trials#_ftn197).

<sup>16</sup> Court of Cassation, Judgment, 16 Nov. 2015, on file with Reprieve.

<sup>17</sup> Bahrain Institute for Rights and Democracy and Reprieve, From uprising to executions: The death penalty in Bahrain, ten years on from the Arab Spring, January 2022, Available at: [https://reprieve.org/wp-content/uploads/sites/2/2022/01/Reprieve\\_BahrainDeathPenalty\\_28.01.2022\\_Pages-1.pdf](https://reprieve.org/wp-content/uploads/sites/2/2022/01/Reprieve_BahrainDeathPenalty_28.01.2022_Pages-1.pdf).

<sup>18</sup> Bahrain Institute for Rights and Democracy, "'The Court is Satisfied with the Confession" Bahrain Death Sentences Follow Torture, Sham Trials,' 10 October 2022, Available at: [https://www.hrw.org/report/2022/10/10/court-satisfied-confession/bahrain-death-sentences-follow-torture-sham-trials#\\_ftn197](https://www.hrw.org/report/2022/10/10/court-satisfied-confession/bahrain-death-sentences-follow-torture-sham-trials#_ftn197).

<sup>19</sup> United Nations Committee against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Concluding observations on the second and third periodic reports of Bahrain, 29 May 2017, para. 28, Available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsqYPuFZC34VM6MoD0MvS%2bS%2bhcJl3TURovF%2fGuWWUtDMNTj4lYASRqLw7nbC8lcS25V04LGI8FMQtufqvlyVsqBsgx3LVglkkCx%2bAgXg%2bL>.

<sup>20</sup> Bahrain Institute for Rights and Democracy, "'The Court is Satisfied with the Confession" Bahrain Death Sentences Follow Torture, Sham Trials,' 10 October 2022, Available at: [https://www.hrw.org/report/2022/10/10/court-satisfied-confession/bahrain-death-sentences-follow-torture-sham-trials#\\_ftn197](https://www.hrw.org/report/2022/10/10/court-satisfied-confession/bahrain-death-sentences-follow-torture-sham-trials#_ftn197).

<sup>21</sup> Letter from International Rehabilitation Council for Torture Victims Letter held on file with Reprieve.

<sup>22</sup> United Nations Working Group on Arbitrary Detention, *Opinion No. 4/2021 concerning Mohamed Ramadhan and Husain Moosa*, 2021, p. 104, Available at: [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session90/A\\_HRC\\_WGAD\\_2021\\_4.docx](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session90/A_HRC_WGAD_2021_4.docx).

<sup>23</sup> United Nations Working Group on Arbitrary Detention, *Opinion No. 4/2021 concerning Mohamed Ramadhan and Husain Moosa*, p. 94, Available at: [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session90/A\\_HRC\\_WGAD\\_2021\\_4.docx](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session90/A_HRC_WGAD_2021_4.docx).

<sup>24</sup> FCDO, The Gulf Strategy Fund, Available at: <https://www.gov.uk/government/publications/official-development-assistance-oda-fcdo-international-programme-spend-objectives-2021-to-2022/gulf-strategy-fund>

<sup>25</sup> The Guardian, UK accused of 'dangerous whitewash' over Bahrain human rights abuses, 10 February 2023, Available at: <https://www.theguardian.com/global-development/2023/feb/10/uk-accused-whitewash-bahrain-human-rights-abuses-james-cleverly>

<sup>26</sup> Foreign and Commonwealth Office, Human Rights and Democracy: the 2018 Foreign and Commonwealth Office report, Available at: <https://www.gov.uk/government/publications/human-rights-and-democracy-report-2018/human-rights-and-democracy-the-2018-foreign-and-commonwealth-office-report>.

<sup>27</sup> FCDO, Human Rights and Democracy: The 2019 Foreign & Commonwealth Office Report, July 2020, Available at: <https://www.gov.uk/government/publications/human-rights-and-democracy-report-2019/human-rights-and-democracy-the-2019-foreign-and-commonwealth-office-report>.

<sup>28</sup> Urgent Question, 'Bahrain: Prisoners Under Sentence of Death', 9 July 2020, Available at: <https://hansard.parliament.uk/commons/2020-07-09/debates/D560BD01-121A-46D7-BC92-E619171CEFF2/BahrainPrisonersUnderSentenceOfDeath>.

<sup>29</sup> European Saudi Organization for Human Rights and Reprieve, Bloodshed and Lies: Mohammed Bin Salman's Kingdom of Executions, January 2022, p.4, Available at: <https://reprieve.org/wp-content/uploads/sites/2/2023/01/Bloodshed-and-Lies-Mohammed-bin-Salmans-Kingdom-of-Executions.pdf>

<sup>30</sup> Deutsche Welle, 'Saudi Arabia abolishes death sentence for minors', 27 April 2020, Available at: <https://www.dw.com/en/saudi-arabia-abolishes-death-sentence-for-minors/a-53253967>.

<sup>31</sup> United Nations Convention on the Rights of the Child, Article 37; UN Human Rights Committee, General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, para. 48, Reprieve and ESOHR, Bloodshed and Lies, January 2023, p.11, available at: <https://reprieve.org/wp-content/uploads/sites/3/2023/01/Bloodshed-and-Lies->

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[Mohammed-bin-Salmans-Kingdom-of-Executions.pdf](#)

<sup>32</sup> Saudi Arabia and the death penalty: Everything you need to know about the rise in executions under Mohammed Bin Salman. Reprive. 31 January 2023. Available at: [Saudi Arabia and the death penalty: Everything you need to know about the rise in executions under Mohammed bin Salman \(reprive.org\)](#)

<sup>33</sup> Reuters, 'Cameron urges Saudi Arabia not to execute Shi'ite protestor', 4 October 2015, Available at: <https://www.reuters.com/article/uk-britain-saudi-idUKKCN0RY09P20151004>;

<sup>34</sup> Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. 22 March 2016 Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=21114>.

<sup>35</sup> Human Rights Council Working Group on Arbitrary Detention Opinions adopted by the Working Group on Arbitrary Detention at its seventy-seventh session, 21-25 November 2016 Opinion No. 61/2016 concerning three minors (minors A, B, and C, whose names are known to the Working Group) (Saudi Arabia). 6 February 2017 [https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session77/A\\_HRC\\_WGAD\\_2016\\_61\\_AEV.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session77/A_HRC_WGAD_2016_61_AEV.pdf).

<sup>36</sup> BBC News, 'Ali al-Nimir: Saudi child protester who faced death penalty released', 28 October 2021, <https://www.bbc.co.uk/news/world-middle-east-59075486>

<sup>37</sup> The information in this section is sourced from court documents and interviews with family members of Mr abo al-Kheir between 2015 and 2020, on file with Reprive.

<sup>38</sup> Mahkamat al-Jiza'iya bi-Tabouk [Jiza'iya] [Criminal Court of Tabouk], [decision No. 371107761 of 06 Apr. 1437 \[11 June 2015\]](#), Arabic, on file with Reprive; see also Statement of Hussein Abo al-Kheir (January 2015), Arabic, on file with Reprive.

<sup>39</sup> Human Rights Council, Opinions adopted by the Working Group on Arbitrary Detention at its ninety-third session, 30 March to 8 April 2022, Opinion No. 36/2022 concerning Hussein Abo al-Kheir (Saudi Arabia), 20 October 2022, p.104, Available at: <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session93/2022-11-21/A-HRC-WGAD-2022-36-SaudiArabia-AEV.pdf>.

<sup>40</sup> Urgent Question, Saudi Arabia: Death Penalty and Spike in Executions, HC Vol 723, 28 November 2022, Available at: <https://hansard.parliament.uk/commons/2022-11-28/debates/CC8D99B4-87A1-449F-8AF5-7CF8BBEEA739/SaudiArabiaDeathPenaltyAndSpikeInExecutions>.

<sup>41</sup> BBC News, Saudi Arabia executes Jordanian man after allegedly giving forced confession, 12 March 2023, Available at: <https://www.bbc.co.uk/news/world-middle-east-64935217>.

<sup>42</sup> BBC News, Abdullah al-Howaiti: Saudi child 'offender' sentenced to death at retrial, 3 March 2022, Available at: <https://www.bbc.co.uk/news/world-middle-east-60603447>.

<sup>43</sup> UN Human Rights Council, Report of the Working Group on Arbitrary Detention, Opinion No. 72/2021 concerning Abdullah al-Howaiti (Saudi Arabia), A/HRC/WGAD/2021/72, (28 January 2022), para. 82, available at: [https://www.ohchr.org/sites/default/files/2022-01/A\\_HRC\\_WGAD\\_2021\\_72\\_SA\\_AEV.pdf](https://www.ohchr.org/sites/default/files/2022-01/A_HRC_WGAD_2021_72_SA_AEV.pdf)

<sup>44</sup> UN Human Rights Council, Report of the Working Group on Arbitrary Detention, Opinion No. 72/2021 concerning Abdullah al-Howaiti (Saudi Arabia), A/HRC/WGAD/2021/72, (28 January 2022), para. 89, available at: [https://www.ohchr.org/sites/default/files/2022-01/A\\_HRC\\_WGAD\\_2021\\_72\\_SA\\_AEV.pdf](https://www.ohchr.org/sites/default/files/2022-01/A_HRC_WGAD_2021_72_SA_AEV.pdf)

<sup>45</sup> UN Human Rights Council, Report of the Working Group on Arbitrary Detention, Opinion No. 72/2021 concerning Abdullah al-Howaiti (Saudi Arabia), A/HRC/WGAD/2021/72 (28 January 2022), para. 96, available at: [https://www.ohchr.org/sites/default/files/2022-01/A\\_HRC\\_WGAD\\_2021\\_72\\_SA\\_AEV.pdf](https://www.ohchr.org/sites/default/files/2022-01/A_HRC_WGAD_2021_72_SA_AEV.pdf)

<sup>46</sup> UN Human Rights Council, Report of the Working Group on Arbitrary Detention, Opinion No. 72/2021 concerning Abdullah al-Howaiti (Saudi Arabia), A/HRC/WGAD/2021/72, (28 January 2022), para. 102, available at: [https://www.ohchr.org/sites/default/files/2022-01/A\\_HRC\\_WGAD\\_2021\\_72\\_SA\\_AEV.pdf](https://www.ohchr.org/sites/default/files/2022-01/A_HRC_WGAD_2021_72_SA_AEV.pdf)

<sup>47</sup> Stephanie Kirchgaessner, 'Saudi family urges US to intervene in teens' possible death sentence', The Guardian, 8 May 2023, Available at: <https://www.theguardian.com/world/2023/may/08/saudi-family-urges-us-to-intervene-in-teens-possible-death-sentence>.

<sup>48</sup> Judgment from the Specialised Criminal Court, Reference: 0711812023078390046, dated 20 February 2018 (Tuesday) (04/06/1439 AH); Submission by the WGAD, Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, and Special Rapporteur on Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism (AL SAU 8/2022), 13 June 2022, Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27339>

<sup>49</sup> Communication by UN Special Rapporteurs to Saudi Arabian Government, UA SAU 4/2023, 6 July 2023, Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28190>