

SUMMARY REPORT FOR THE UNIVERSAL PERIODIC REVIEW OF SAUDI ARABIA

This report provides updated information and data **on the use of the death penalty in Saudi Arabia** since its last review by the Working Group on the Universal Periodic Review (UPR) in 2018 (3rd cycle), for the country's upcoming review in January 2024 (4th cycle)¹.

THE USE OF THE DEATH PENALTY IN SAUDI ARABIA

- Saudi Arabia is a retentionist country and is ranked third in the list of highest executing States.
- The death penalty is used against those who exercise their fundamental rights (freedom of expression, association and assembly, etc.), based on confessions obtained under torture.
- As of 25 October 2023, Saudi Arabia has executed at least 112 individuals in 2023 alone.
- Between 2017 and 2022, executions and **mass executions** increased by 82%. In 2022, Saudi Arabia executed at least 196 individuals, the highest number of executions in recent Saudi history.² 81 people were executed in one day on March 12, 2022 (largest mass execution in the country's history).
- Between 2010 and 2021:
 - at least 1,243 persons were executed, including at least 31 women and 15 individuals who were children at the time of the alleged offence.
 - 43% of executions in Saudi Arabia were for non-lethal offences that do not cross the "most serious crimes" threshold (including at least 386 executions for **drug-related offences**).
 - 39% of those executed were **foreign nationals, who are often denied access to interpreters and consular assistance from their respective diplomatic entities**.
- Between 2010 and 2021, there were executions arising from trials in the Specialised Criminal Court (SCC), which tries 'state security' and 'terrorism' cases. Of these executions:
 - 46 individuals (45%) were executed for exercising their fundamental rights, including attending pro-democracy protests and peacefully exercising their freedom of expression.
 - 89 individuals (86%) were executed for **non-lethal offences** that do not meet the "most serious crimes" threshold set by international law.
- Executions are often carried out in secrecy, without prior notice to the condemned or to their families. The bodies of those executed are often not returned to family members.
- Saudi Arabia has not implemented recommendations to improve **transparency** in its use of the death penalty. To date, the number of people sentenced to death, on death row or executed is unknown to the public.

Recommendations:

- **Immediately establish a moratorium on the use of the death penalty.**
- **Publish disaggregated data annually on the use of the death penalty, including the number of people sentenced to death, the number of people on death row, number of executions carried out, number of death sentences quashed or commuted on appeal and the number of cases in which amnesty or pardon has been granted, as well as information on planned executions.**
- **Commute the sentences of all death row inmates who have been charged with non-lethal offences and for offences that do not meet the most serious threshold set by Article 6 of the Arab Charter.**
- **Immediately cease the use of the death penalty against accused children, regardless of the offence committed and ensure the commutation of all death sentences of all accused children sentenced to death.**
- **Take steps to improve the judicial system in order to ensure rights to a fair trial and due process.**
- **Promptly and thoroughly investigate all allegations of torture and ill-treatment, ensure that perpetrators identified during a fully impartial and effective investigation into allegations of torture are prosecuted and ensure that victims of torture and ill-treatment have access to redress, rehabilitation and compensation.**
- **Conduct a public inquiry into all executions of children accused in recent years and provide reparations to the families of the victims.**
- **Ensure that those facing the death penalty are informed of their right to seek clemency.**

¹ The data cited within this report was collected through the submitting organizations' empirical and investigative research on the death penalty in Saudi Arabia, as well as findings from our ongoing monitoring of executions in Saudi Arabia and casework. See: Reprieve and ESOHR, "Bloodshed and Lies: Mohammad bin Salman's Kingdom of Executions", 31 January 2023, available at: <https://reprieve.org/wp-content/uploads/sites/3/2023/01/Bloodshed-and-Lies-Mohammed-bin-Salmans-Kingdom-of-Executions.pdf>

² <https://www.amnesty.org/fr/documents/act50/6548/2023/fr/>

LEGAL FRAMEWORK

National

- The non-existence of a penal code creates legal uncertainty and leads to arbitrary penalties.
- According to the legislation in force, the death penalty can be pronounced for offences that do not belong to the category of “most serious crimes”, such as drug offences, sexual offences, offences that do not result in death, treason, adultery, or sorcery.
- In 2018, Saudi Arabia enacted a Juvenile Law that governs the treatment of children in the criminal justice system. The law purports that child defendants sentenced to death for discretionary (*Ta'zir*) crimes will have their sentences substituted by a prison term of no more than 10 years. Despite this law, child defendants charged with discretionary offences continue to be at risk of imminent execution.
- Meanwhile, children facing a mandatory or retributive death sentence are excluded from the law's provision and can still be sentenced to death and executed.
- A 2020 Royal Decree expanded the scope of the Juvenile Law, namely that the law would be applied retroactively. The Decree has not yet even been published, let alone implemented, and children continue to be sentenced to death and executed.
- The Saudi Human Rights Commission later went further and insisted that the consequence of the 2020 Royal Decree means that “no one in Saudi Arabia will be executed for a crime committed as a minor”.

Recommendations:

- *Draft and implement a penal code that complies with the principle of legality in line with Saudi Arabia's international and regional human rights obligations.*
- *Review and amend legislation relating to the death penalty to ensure its limitation to the “most serious crimes”, as required by several international texts including article 6 of the Arab Charter.*
- *Amend the Juveniles Act of 2018 (Juvenile Law) to prohibit the use of mandatory and punitive death sentences for children, as outlined in the 2020 Royal Decree.*
- *Ensure that no child defendant is executed and that all death sentences are overturned, as required by Saudi Arabia under Article 6 of the Arab Charter.*

International

- Saudi Arabia is a State party to the UN Convention on the Rights of the Child (CRC), which prohibits the death penalty for anyone under the age of 18 at the time of the alleged crime. The UN CRC is clear that “the relevant age is the age at the time of the commission of the offence” and that any doubt in relation to the defendant's age must be resolved in their favour. Despite this, individuals who have committed a crime under the age of 18, but arrested over the age of 18, continue to be sentenced to death.
- Saudi Arabia has not ratified the International Covenant on Civil and Political Rights (ICCPR) or the Optional Protocol to the Convention Against Torture (OPCAT).
- Since 2007, Saudi Arabia has continually voted against the United Nations General Assembly's Resolution calling for a universal moratorium on the use of the death penalty.
- During its last UPR (2018), Saudi Arabia supported only one recommendation among the 28 relating to the death penalty: “Forgo the application of the death penalty or at least restrict it to the most serious crimes”. This recommendation has not been implemented.

Recommendations:

- *Ratify and implement the ICCPR.*
- *Accept Optional Protocols to the UN CRC, ICCPR and CAT allowing individual complaints procedures under these treaties.*
- *Consider an evolution of the position regarding the vote of the UNGA resolution calling for the universal moratorium on the use of the death penalty and at least abstain in December 2024.*
- *Accept recommendations regarding the issue of the death penalty during the UPR.*
- *Implement final observations made by UN human rights mechanisms in relation with the issue of the death penalty.*