

**Saudi Arabia**  
**Stakeholder Report for the United Nations Universal Periodic Review:**  
**The Death Penalty**

**Submitted by The Advocates for Human Rights,**  
a non-governmental organization in special consultative status  
and  
**The World Coalition Against the Death Penalty**

for the 45th Session of the Working Group on the Universal Periodic Review  
January–February 2024

Submitted 18 July 2023

Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States.

**The World Coalition Against the Death Penalty (WCADP)**, an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

## EXECUTIVE SUMMARY

1. This report addresses Saudi Arabia's compliance with its international human rights obligations with respect to the death penalty; prohibition of torture and cruel, inhuman or degrading treatment; conditions of detention; and administration of justice and fair trial.
2. Saudi Arabia has not abolished the death penalty or implemented a moratorium on executions, nor has it limited the application of the death penalty to the "most serious" crimes. The people under sentence of death in Saudi Arabia experience poor detention conditions, including torture and solitary confinement in "condemned cells," in violation of the Nelson Mandela Rules.
3. This report examines the current state of the death penalty in Saudi Arabia and recommends Saudi Arabia abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. This report further recommends, in the meantime, that Saudi Arabia: (1) institute an official moratorium on executions, (2) limit the death penalty to the "most serious" crimes, as defined by international human rights standards, (3) limit the discretion of judges as it relates to *Ta'zir* (4) prohibit imposition of the death penalty for anyone under the age of 18 at the time of the alleged crime, (5) ensure timely access to competent counsel for all capital defendants, (6) take comprehensive steps to eliminate the use of torture and ensure that courts do not consider evidence obtained through torture, and (7) commute death sentences for all people who have been held in condemned cells.

### I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

#### A12 Acceptance of international norms

##### **Status of Implementation: Partially Accepted, Not Implemented**

4. In its Third-Cycle Universal Periodic Review (UPR), Saudi Arabia received 11 recommendations to ratify or consider ratifying the International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol and to bring its domestic legislation on torture in line with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (CAT). Saudi Arabia accepted three recommendations and noted eight.<sup>1</sup> To date, Saudi Arabia has not ratified the ICCPR or its Second Optional Protocol, nor has it harmonized its domestic legislation with its obligations under CAT.

#### D23 Death penalty

##### **Status of Implementation: Partially Accepted, Not Implemented**

5. In its Third-Cycle UPR, Saudi Arabia noted 16 recommendations to abolish the death penalty, impose an official moratorium on executions, reduce the number of death-eligible crimes, and prohibit the use of the death penalty on any person who was under the age of 18 years at the time of the alleged crime.<sup>2</sup> The Government of Saudi Arabia has not taken any voluntary actions to implement these recommendations.

6. Saudi Arabia supported Germany’s recommendation to “[f]orgo the application of the death penalty or at least restrict it to the most serious crimes.”<sup>3</sup> To date, Saudi Arabia has not implemented this recommendation.
7. Saudi Arabia is an Islamic state that largely does not have a secular system of criminal law. Instead, its legal system is based on Islamic law (*shari’a*).<sup>4</sup>
8. Saudi Arabia retains the death penalty for a wide range of offenses across three categories of Islamic law: *al had* (mandatory), *qisas* (retributive), and *ta’zir* (discretionary).<sup>5</sup>
9. *Al had* is imposed in cases stipulated by the Quran, Sunnah, and agreed upon by The Four (Islamic) Schools of Law, and it includes, among other things, the apostasy of Islamic faith and consensual same-sex sexual activity between adults.<sup>6</sup>
10. The crimes classified as *qisas* are those in which a perpetrator can be punished in a similar manner to that of their crime.<sup>7</sup> These often include crimes involving bodily harm and, in instances in which an individual’s action has caused a death, a court may sentence that person to death. It is possible for the victim’s family to grant forgiveness to a perpetrator in exchange for payment called *al diah*.
11. Courts issue death sentences under *ta’zir* for crimes that did not exist at the time that the Qur’an was written, such as the trafficking, sale, and smuggling of drugs.<sup>8</sup> The punishment for these crimes is not fixed and can range from simple reprimands to executions. The judge has the sole discretion to determine the punishment for the offense.<sup>9</sup>
12. Within these categories, judges in Saudi Arabia retain wide-ranging powers to determine what behavior may constitute a criminal offense and whether to sentence a person to death.<sup>10</sup>
13. Courts in Saudi Arabia may issue death sentences for a wide variety of crimes, including murder, drug-related crimes, sexual offenses (including consensual same-sex sexual activity between adults), kidnapping, burglary, sedition, treason, witchcraft, and sorcery.<sup>11</sup> Saudi Arabia is one of few countries in the world to carry out executions for sorcery.<sup>12</sup> In 2019, authorities released two Indonesian women from death row after a Saudi court had sentenced them to death for witchcraft.<sup>13</sup>
14. According to *shari’a*, the punishment for consenting women who have engaged in same-sex sexual activity can vary depending on the marital status of the individuals involved. In the case of unmarried women engaging in such activity, the prescribed punishment for each of them is one hundred lashes. If both women are married, however, the prescribed punishment is death by stoning. Death by stoning is also the punishment for fornication.<sup>14</sup>
15. Many of the offenses that carry a death sentence do not meet the threshold of “most serious” crimes within the meaning of the ICCPR Article 6(2).<sup>15</sup> The Human Rights Committee has specifically noted that sexual offenses, including engaging in same-sex sexual activity between consenting adults, do not rise to the level of “most serious” crimes.
16. Between April 2023 and the submission of this report, Saudi Arabia has executed 11 people convicted on charges including terrorism, murder, rape, kidnapping, and drug smuggling.<sup>16</sup>
17. On 12 March 2023, Saudi Arabia executed 81 men in the country’s largest mass execution in recent years.<sup>17</sup> This mass execution took place despite Saudi Arabia’s recent promises to curtail its use of the death penalty.<sup>18</sup>

18. On the day of the mass execution, the Interior Ministry publicly announced that the 81 men had been executed for a variety of crimes, including “murder . . . [,] links to foreign terrorist groups, as well as the vaguely worded offense of ‘monitoring and targeting officials and expatriates.’ Others were convicted of targeting ‘vital economic sites,’ smuggling weapons ‘to destabilize security, sow discord and unrest, and cause riots and chaos,’ killing police officers, and planting landmines.”<sup>19</sup>
19. Seven of the men executed in the mass execution were Yemeni citizens and one was Syrian.<sup>20</sup>
20. According to Human Rights Watch, 41 of the 81 men executed in March 2023 were from the Shia minority.<sup>21</sup> The men who were executed had been taking part in public demonstrations against the Saudi government.<sup>22</sup> The government claimed that the men had been executed for a string of offenses including attempted murder, rape, robbery, and bomb-making, but the government provided no evidence to support these charges.<sup>23</sup>
21. Further, on the same day as the mass execution, authorities executed a Jordanian man named Hussein Abu al Khair after having been on death row since 2015. Abu al Khair’s time on death row was spent incommunicado.<sup>24</sup>
22. In 2018, authorities in Saudi Arabia executed at least 149 people.<sup>25</sup> In 2019, authorities executed at least 184 people.<sup>26</sup> In 2020, authorities executed 27 people.<sup>27</sup> In 2021, authorities executed 69 people.<sup>28</sup> In 2022, authorities executed at least 196 people,<sup>29</sup> the highest number Amnesty International has recorded for Saudi Arabia in 30 years.<sup>30</sup> The drop in executions in 2020 was due to a moratorium on capital punishment for drug offenses as Saudi Arabia had proposed removing the death penalty for drug-related crimes and other nonviolent offenses.<sup>31</sup> According to Amnesty International, in 2022 Saudi Arabia lifted that moratorium and carried out 57 executions for drug-related offenses.<sup>32</sup> Amnesty International reports that “executions for terrorism-related offenses rose from 9 in 2021 to 85 in 2022.”<sup>33</sup>
23. Saudi courts sentenced at least 12 people to death in 2022, up from 8 in 2021, and at least 21 people were known to be under sentence of death as of the end of 2022.<sup>34</sup>
24. Saudi Arabia reported during the Third-Cycle UPR that its Juveniles Act stipulates that, if a crime committed by a juvenile is punishable by death, the sentence shall be reduced to a term of detention not more than 10 years. Despite this assertion, seven people who were convicted of crimes that they committed while under age 18 are at risk of imminent execution after an appeals court confirmed their punishment in June 2023. One of the individuals under sentence of death was only 12 years old at the time of the alleged crime. The courts also denied legal representation to all seven juvenile offenders throughout their pre-trial detention.<sup>35</sup> According to Amnesty International, in 2021 the Specialised Criminal Court commuted the death sentences of three people who had been arrested as children, following a 2020 order by the public prosecutor to review their death sentences.<sup>36</sup> Amnesty International also reports that in November 2021, Saudi Arabia’s Supreme Court through out the conviction of a young man who had been sentenced to death in 2019 for his involvement with a murder during an armed robbery in 2017, when the defendant was only 14 years old.<sup>37</sup> He had been tortured while detained in solitary confinement for four months throughout the time of his interrogation, and as of the end of 2021 he was awaiting retrial, where he could again be sentenced to death.<sup>38</sup> Amnesty International explains that a 2020

Royal Order prohibiting imposition of the death penalty against people who were under the age of 18 at the time of the offense does not apply to the country's main counter-terrorism law, to *al had* crimes, or to crimes punishable by *qisas*.<sup>39</sup>

## **D25 Prohibition of torture and cruel, inhuman or degrading treatment**

### **Status of Implementation: Supported, Not Implemented**

25. In the Third-Cycle UPR, Belarus recommended that Saudi Arabia “[a]dopt further steps to prevent torture, cruel and degrading treatment in prisons and detention centres.”<sup>40</sup> Although Saudi Arabia supported this recommendation, the government has not implemented it.
26. In January 2021, Human Rights Watch received messages from a purported prison guard that provided descriptions of the alleged torture and ill-treatment they and other prison guards had witnessed Saudi interrogators commit against high-profile individuals being detained at the Dhabhan prison north of Jeddah and another secret prison in mid- to late 2018.<sup>41</sup> Saudi authorities failed to independently and credibly investigate these allegations, and they have not held anyone accountable for engaging in these alleged acts of torture.<sup>42</sup>
27. Civil society also noted that the self-identified prison guard reported witnessing interrogators sexually assaulting women’s human rights defender Loujain Al-Hathloul. The guard said that interrogators taunted Al-Hathloul, saying that she did not mind the sexual harassment because she was “liberated.” In January and February 2021, two separate courts rejected Al-Hathloul’s allegations that she experienced torture while in detention.<sup>43</sup>
28. The family of Hussein Abu al Khair, the Jordanian man executed in March 2023 (see paragraph 21 above), alleged that he signed a confession only after the authorities beat and tortured him for 12 days, including suspending him upside down by the ankles and beating him with sticks.<sup>44</sup> In a second trial, the court dismissed Abu al Khair’s claim that authorities coerced his confession and obtained it under torture, noting that he had already confessed to the charges in court and, at the time of his confession, was deemed to be fully capable.<sup>45</sup>
29. The family of one of the 81 men executed in March 2023 (see paragraph 17 above) reported that when they visited him, he was not able to stand to greet them due to alleged beatings the man had received. Further, the family members reported that they saw “bruises on his body.”<sup>46</sup>

## **D28 Gender-based violence and F12 Discrimination against women**

### **Status of Implementation: Supported, Not Implemented**

30. Saudi Arabia accepted several recommendations to ensure women’s equality with men before the law and to protect them from violence,<sup>47</sup> but with respect to women in conflict with the law, Saudi Arabia has not implemented these recommendations.
31. Saudi Arabia does not publish information about the number of women sentenced to death by Saudi courts,<sup>48</sup> but according to Amnesty International, authorities executed at least one woman in 2022,<sup>49</sup> and at least one woman in 2021.<sup>50</sup> According to a 2023 study published by Eleos Justice and the Cornell Center on the Death Penalty Worldwide, in Saudi Arabia

between 2010 and 2021, 74% of women executed were foreign nationals, and more than half were domestic workers.<sup>51</sup> The study contends that in countries like Saudi Arabia, “where migrant women are significantly overrepresented on death row, the structural violence of gendered migration contributed to these women facing the death penalty.”<sup>52</sup> The study provides as an example the case of Tuti Tursilawati, whom Saudi authorities executed in 2018. She was an Indonesian national who had been convicted of killing her employer. She had killed him in self-defense when he attempted to rape her.<sup>53</sup> As the Cornell Center on the Death Penalty Worldwide observed in a groundbreaking 2018 study, these women’s “status as foreigners, in tandem with unequal status of women in Saudi society, [has] subjected them to compounded bias in the criminal justice system.”<sup>54</sup>

## **D51 Administration of justice and fair trial**

### **Status of Implementation: Supported, Not Implemented**

32. In its Third-Cycle review, Saudi Arabia received seven recommendations on the administration of justice and fair trial, all of which it supported.<sup>55</sup> These recommendations included calls to provide legal assistance to marginalized groups and to ensure that the judiciary is independent of political influence. Despite Saudi Arabia’s acceptance of these recommendations, there are continued reports of violations of fair trial rights.
33. The Government of Saudi Arabia has noted that investigators may not “during the investigation, separate the accused from his legal representative or attorney.”<sup>56</sup> Nonetheless, numerous reports suggest that the accused is separated from legal counsel, including the case of Hussein Abu al Khair (see paragraphs 21 and 28 above). Police allegedly interrogated Abu al Khair without his legal counsel present.<sup>57</sup> Zainab, his sister, along with Reprieve, raised concerns that he endured a 12-day period of torture before signing the document in which he confessed to drug smuggling. They further noted that police denied him access to a lawyer.<sup>58</sup>
34. There are reports that the Government of Saudi Arabia has executed individuals without any advance warning to their families.<sup>59</sup>

## **G2 Lesbian, gay, bisexual and transgender and intersex persons (LGBTI)**

### **Status of Implementation: Not Accepted, Not Implemented**

35. As discussed in paragraphs 9 and 13–15 above, Saudi Arabia authorizes the death penalty for same-sex sexual conduct between consenting adults.

## **II. RECOMMENDATIONS**

36. The co-authors of this report suggest the following recommendations for the Government of Saudi Arabia:
  - Abolish the death penalty and replace it with a fair and proportionate sentence aligned with international human rights standards.
  - Ratify the Second Optional Protocol to the ICCPR.

- Institute an official moratorium on executions.
- Limit the death penalty to the “most serious” crimes, as specified under Article 6(2) of the ICCPR.
- Ensure that no person is sentenced to death for engaging in same-sex sexual conduct between consenting adults and immediately commute the sentence of any person under sentence of death for such a crime.
- Amend the penal code to constrain the discretion of judges deciding punishments for *ta'zir* crimes.
- Prohibit the use of torture during interrogations.
- Ensure that all persons at risk of being sentenced to death, including foreign nationals and people from disadvantaged or marginalized socio-economic backgrounds, receive competent legal assistance and representation, starting from the moment of arrest or charging, all the way through to appeals and other recourse procedures, including any potential clemency or mercy processes.
- Ensure that all foreign nationals are afforded their rights under the Vienna Convention on Consular Relations.
- Provide timely and qualified interpretation to any foreign national accused of a capital crime at all times from arrest through and including any appellate proceedings and requests for clemency or pardon.
- Abolish the death penalty for people who were under the age of 18 at the time of the alleged crime, and immediately commute the death sentences of any person not proven to have been at least 18 years old at the time of the alleged offense.
- Ratify the Optional Protocol to the Convention against Torture.
- Collaborate with civil society organizations to conduct a comprehensive public awareness-raising campaign to educate the public about international human rights standards as they pertain to the death penalty and about alternatives to the death penalty, with the aim of shifting public perceptions about the death penalty.
- Direct law enforcement to provide all persons accused of a crime with timely access to counsel, prior to any interrogation, prioritizing any person suspected of having committed a capital crime.
- Prohibit judges from considering as evidence any statements obtained through coercion, torture, or ill-treatment, except when offered to prove the crime of torture, and require judges to order the prompt, independent, and effective investigation of any such allegations raised by the defense.
- Conduct credible, independent, and impartial investigations into all allegations of torture, prioritizing allegations raised by persons who are charged with crimes that are eligible for the death penalty.
- On at least an annual basis, publish data about death sentences, executions, and people under sentence of death, disaggregated by nationality, sex, crime of conviction, date of

arrest, date of sentencing, sentencing authority, relationship to any victim, relationship to any codefendant, current location, and status of any appeals or mercy proceedings.

- Provide heightened fair trial and due process safeguards in capital cases involving women defendants, including by providing them with access to effective legal representation by attorneys who have experience in capital cases and training on gender-sensitive defense strategies.
- Codify gender-specific defenses and mitigation in capital cases, encompassing women's experiences of trauma, poverty, and gender-based violence.
- Ensure that all judicial officers responsible for sentencing in capital cases receive comprehensive training on gender-based discrimination, gender-based violence, and tactics of coercive control that may lead to women committing death-eligible offenses.
- Provide training to all defense counsel who take on capital cases regarding gender-specific mitigation and how to raise claims of discrimination against clients on the basis of their gender, when appropriate.

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<sup>1</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Saudi Arabia*, (Dec. 26, 2018), U.N. Doc. A/HRC/40/4, ¶ 122.3 Ratify the International Covenant on Civil and Political Rights (Mexico) (France) (Morocco) (Latvia) (Estonia) (Portugal); Accede to the International Covenant on Civil and Political Rights (Costa Rica) (Ukraine) (Romania); Become a party to the International Covenant on Civil and Political Rights (New Zealand); ¶ 122.4 Consider acceding to the International Covenant on Civil and Political Rights (Côte d'Ivoire) (Afghanistan); Continue considering accession to the International Covenant on Civil and Political Rights (Tunisia); ¶ 122.2 Give continuity to the work of the high-level government commission in order to evaluate the possibility of acceding to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, with the objective of ensuring the commitments to the full respect for human rights (Plurinational State of Bolivia); ¶ 122.9 Set a clear time frame for the ratification without reservation of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and review all reservations to the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination (Czechia); ¶ 122.22 Define and criminalize torture in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ratify its Optional Protocol (Hungary); ¶ 122.13 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Estonia); ¶ 122.18 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and take immediate measures, in the interim, to eradicate the death penalty, especially prohibiting the execution of minors or adults who committed crimes when they were minors (Uruguay); ¶ 122.14 Ratify the International Covenant on Civil and Political Rights, and allow for the full applicability of articles 20 and 21 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Austria); ¶ 122.11 Accelerate the process of ratification of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (Burundi); ¶ 122.12 Ratify and ensure implementation of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Islamic Republic of Iran); ¶ 122.101 Declare a moratorium on the death penalty with a view to its abolition and expressly prohibit the condemnation of minors to the death penalty in accordance with the Convention on the Rights of the Child, that Saudi Arabia has ratified (France); Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Saudi Arabia, Addendum*, (Feb. 26, 2019), U.N. Doc. A/HRC/40/4/Add.1.

<sup>2</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Saudi Arabia*, (Dec. 26, 2018), U.N. Doc. A/HRC/40/4, ¶ 122.94 Abolish the death penalty and until then place an interim moratorium on imposing and enforcing the death penalty while also introducing a legally binding age of minority (Australia); ¶ 122.95 Adopt an official moratorium on the death penalty and revise provisions that call for its mandatory



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imposition or its application for crimes not involving intentional killing (Brazil); ¶ 122.96 Adopt a moratorium on the application of the death penalty, in particular for those who were minors at the time of committing the crime (Chile); ¶ 122.98 Urgently adopt a moratorium on the application of the death penalty (Costa Rica); ¶ 122.99 Reduce the number of offences punishable by death, commencing with non-violent drug smuggling, and abolish the death penalty for minors (Cyprus); ¶ 122.100 Outlaw the death penalty for crimes committed by persons under the age of 18 and for non-serious crimes, such as adultery or protest-related crimes (Czechia); ¶ 122.102 Consider the establishment of a moratorium on the death penalty (Georgia); Consider introducing a moratorium on the death penalty (Italy); ¶ 122.103 Announce a moratorium on the use of the death penalty with a view to its eventual abolition (Ireland); Establish a full moratorium on the use of the death penalty, with a view to its abolition (Mexico); Impose a moratorium on the use of capital punishment with a view to abolishing it (Sweden); Establish a moratorium on executions as a step towards abolishing the death penalty (Norway); Establish a moratorium on the death penalty (Iceland); ¶ 122.104 Immediately declare a moratorium on the death penalty (Slovenia); ¶ 122.105 Adopt a moratorium on executions of persons condemned to the death penalty as a step prior to the abolition of the death penalty, as recommended previously (Spain); ¶ 122.106 Establish a moratorium on executions of death penalties with a view to its complete abolishment and commute all existing death sentences (Liechtenstein); ¶ 122.113 Prohibit the application of the death penalty to minors (Argentina); ¶ 122.114 Abolish the death penalty and adopt an immediate de facto moratorium, especially for individuals under 18 years of age (Portugal); ¶ 122.110 Ensure that capital punishment is not imposed; ensure strict compliance with the Convention on the Rights of the Child prohibiting the death penalty for offences committed below the age of 18, and review the cases of prisoners currently under a death sentence with the aim of commuting their sentences (Austria); ¶ 122.111 Place an absolute ban on death sentences against persons below the age of 18 at the time when the offence was committed (New Zealand); ¶ 122.115 Abolish the death penalty and corporal punishment (Switzerland); *Report of the Working Group on the Universal Periodic Review: Saudi Arabia, Addendum*, (Feb. 26, 2019), U.N. Doc. A/HRC/40/4/Add.1.

<sup>3</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Saudi Arabia*, (Dec. 26, 2018), U.N. Doc. A/HRC/40/4, ¶ 122.107; Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Saudi Arabia, Addendum*, (Feb. 26, 2019), U.N. Doc. A/HRC/40/4/Add.1.

<sup>4</sup> Embassy of Saudi Arabia in D.C., “Legal and Judicial Structure,” accessed on July 11, 2023, available at: <https://www.saudiembassy.net/legal-and-judicial-structure-0>.

<sup>5</sup> Reprieve, *Saudi Arabia and the Death Penalty*, (United Kingdom Reprieve, January 2023). Available at <https://reprieve.org/uk/2023/01/31/saudi-arabia-and-the-death-penalty-everything-you-need-to-know-about-the-rise-in-executions-under-mohammed-bin-salman/>.

<sup>6</sup> Ministry of Justice, Judiciary System, accessed on Apr. 26, 2020, [www.moj.gov.sa/Documents/Regulations/pdf/06.pdf](http://www.moj.gov.sa/Documents/Regulations/pdf/06.pdf).

<sup>7</sup> Qur’an, Surah Al-Baqarah.

<sup>8</sup> Jan Michiel Otto, *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present* (Netherlands: Leiden University Press, 2010).

<sup>9</sup> US Department of Justice, *Sharia penalties and the ways of their implementations in the Kingdom of Saudi Arabia*, (US Department of Justice, 1980) Available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/sharia-penalties-and-ways-their-implementation-kingdom-saudi-0>.

<sup>10</sup> Reprieve, *Saudi Arabia and the Death Penalty*, (United Kingdom: Reprieve, January 2023). Available at <https://reprieve.org/uk/2023/01/31/saudi-arabia-and-the-death-penalty-everything-you-need-to-know-about-the-rise-in-executions-under-mohammed-bin-salman/>.

<sup>11</sup> Reprieve, *Saudi Arabia and the Death Penalty*, (United Kingdom: Reprieve, January 2023). Available at <https://reprieve.org/uk/2023/01/31/saudi-arabia-and-the-death-penalty-everything-you-need-to-know-about-the-rise-in-executions-under-mohammed-bin-salman/>.

<sup>12</sup> Mai Sato and Sandra Babcock (eds.), Eleos Justice and Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-Sanctioned Killing of Women* (March 2023), at 22, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2023/04/Silently-Silenced-final-30-March-2023-2.pdf>.

<sup>13</sup> Ibid.

<sup>14</sup> Al Hoda Center, *Meaning of Lesbianism, Its Ruling, and Punishment*. Accessed on July 11, 2023, available at: <https://www.alhodacenter.com/article/831>.

<sup>15</sup> Human Rights Committee, General Comment No. 36, (3 September 2019), U.N. Doc. CCPR/C/GC/36, ¶ 35.

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- <sup>16</sup> Amnesty International, *Saudi Arabia: Execution of Jordanian man reveals 'callous disregard for human life.'* (London: Amnesty International, March 2023). Available at <https://www.amnesty.org/en/latest/news/2023/03/saudi-arabia-execution-of-jordanian-man-reveals-callous-disregard-for-human-life/>.
- <sup>17</sup> Human Rights Watch, *Saudi Arabia: Mass Execution of 81 Men*, (Human Rights Watch: New York, March 2023), accessed on July 11, 2023. Available at <https://www.hrw.org/news/2022/03/15/saudi-arabia-mass-execution-81-men>.
- <sup>18</sup> Human Rights Watch, *Saudi Arabia: Mass Execution of 81 Men*, (Human Rights Watch: New York, March 2023), accessed on July 11, 2023. Available at <https://www.hrw.org/news/2022/03/15/saudi-arabia-mass-execution-81-men>.
- <sup>19</sup> Human Rights Watch, *Saudi Arabia: Mass Execution of 81 Men*, (Human Rights Watch: New York, March 2023), accessed on July 11, 2023. Available at: <https://www.hrw.org/news/2022/03/15/saudi-arabia-mass-execution-81-men>.
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- <sup>21</sup> Human Rights Watch, *Saudi Arabia: Mass Execution of 81 Men*, (Human Rights Watch: New York, March 2023), accessed on July 11, 2023. Available at <https://www.hrw.org/news/2022/03/15/saudi-arabia-mass-execution-81-men>.
- <sup>22</sup> Human Rights Watch, *Saudi Arabia: Mass Execution of 81 Men*, (Human Rights Watch: New York, March 2023), accessed on July 11, 2023. Available at <https://www.hrw.org/news/2022/03/15/saudi-arabia-mass-execution-81-men>.
- <sup>23</sup> Human Rights Watch, *Saudi Arabia: Mass Execution of 81 Men*, (Human Rights Watch: New York, March 2023), accessed on July 11, 2023. Available at <https://www.hrw.org/news/2022/03/15/saudi-arabia-mass-execution-81-men>.
- <sup>24</sup> Amnesty International, *Saudi Arabia: Execution of Jordanian man reveals 'callous disregard for human life.'* (London: Amnesty International, March 2023), accessed on July 11, 2023. Available at <https://www.amnesty.org/en/latest/news/2023/03/saudi-arabia-execution-of-jordanian-man-reveals-callous-disregard-for-human-life/>.
- <sup>25</sup> Death Penalty Worldwide, *Kingdom of Saudi Arabia*, (Cornell Law School: New York, April 2023). Available at <https://deathpenaltyworldwide.org/database/#/results/country?id=64>.
- <sup>26</sup> Death Penalty Worldwide, *Kingdom of Saudi Arabia*, (Cornell Law School: New York, April 2023). Available at <https://deathpenaltyworldwide.org/database/#/results/country?id=64>.
- <sup>27</sup> Death Penalty Worldwide, *Kingdom of Saudi Arabia*, (Cornell Law School: New York, April 2023). Available at <https://deathpenaltyworldwide.org/database/#/results/country?id=64>.
- <sup>28</sup> Death Penalty Worldwide, *Kingdom of Saudi Arabia*, (Cornell Law School: New York, April 2023). Available at <https://deathpenaltyworldwide.org/database/#/results/country?id=64>.
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- <sup>30</sup> Amnesty International, *Death Sentences and Executions 2022* (2023), at 7.
- <sup>31</sup> Death Penalty Worldwide, *Kingdom of Saudi Arabia*, (Cornell Law School: New York, April 2023). Available at <https://deathpenaltyworldwide.org/database/#/results/country?id=64>.
- <sup>32</sup> Amnesty International, *Death Sentences and Executions 2022* (2023), at 8.
- <sup>33</sup> *Id.* at 10.
- <sup>34</sup> Amnesty International, *Death Sentences and Executions 2022* (2023), at 12, 28, 32.
- <sup>35</sup> Amnesty International, *Saudi Arabia: Imminent execution of seven young men would violate kingdom's promise to abolish death penalty for juveniles*, (London: Amnesty International, June 2023). Available at <https://www.amnesty.org/en/latest/news/2023/06/saudi-arabia-imminent-execution-of-youths-would-violate-kingdoms-promise-to-abolish-death-penalty-for-juveniles/>.
- <sup>36</sup> Amnesty International, *Death Sentences and Executions 2021* (2022), at 48.
- <sup>37</sup> *Id.* at 49.
- <sup>38</sup> *Ibid.*
- <sup>39</sup> *Ibid.*

- <sup>40</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Saudi Arabia*, (Dec. 26, 2018), U.N. Doc. A/HRC/40/4 ¶ 122.116.
- <sup>41</sup> Human Rights Watch, *Saudi Arabia: New Details of Alleged Torture Leaked*, (Human Rights Watch: New York, July 2021). Available at <https://www.hrw.org/news/2021/07/11/saudi-arabia-new-details-alleged-torture-leaked>.
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- <sup>44</sup> Amnesty International, *Saudi Arabia: Execution of Jordanian man reveals 'callous disregard for human life.'* (London: Amnesty International, March 2023). Available at <https://www.amnesty.org/en/latest/news/2023/03/saudi-arabia-execution-of-jordanian-man-reveals-callous-disregard-for-human-life/>.
- <sup>45</sup> Esohr, *Once again, The Jordanian Hussein Abu Al-Khair has been sentenced to death by the Saudi judiciary, after more than 40 months without legal representation and a trial that was deemed unfair and despite his complaints of torture*, accessed on Jul. 13, 2023, <https://www.esohr.org/ar/بعد-أكثر-من-٤٠-شهر-إبلا-محام-ومحاكمة-جائ/>.
- <sup>46</sup> BBC, *Secretive Saudi executions leave families in the dark*, (BBC: London, January 2023). Available at <https://www.bbc.com/news/world-middle-east-64338876>.
- <sup>47</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review: Saudi Arabia, (Dec. 26, 2018), U.N. Doc. A/HRC/40/4, ¶ 122.65 Ensure women's equality with men before the law and the enjoyment of all human rights, including the rights to freedom of movement, education, employment, marriage, and protection from violence in the home and family (Iceland); ¶ 122.66 Ensure women's equality with men before the law in the enjoyment of all human rights, including the rights of freedom of movement, education, employment, marriage and redress for violations (Belgium); ¶ 122.129 Criminalize all forms of violence against women and implement effective programmes for the protection of victims of these crimes (Spain); ¶ 122.217 Intensify efforts to prevent and combat all forms of violence and discrimination against women and further promote and protect women's rights, in particular by repealing the legal guardianship system and by combating child, early and enforced marriages (Italy); ¶ 122.219 Step up efforts to eradicate discrimination against women in the legal sphere and put an end to the practices and stereotypes that discriminate against women, such as the male guardianship system, as recommended previously (Uruguay).
- <sup>48</sup> Cornell Center on the Death Penalty Worldwide, *Judged for More than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 2018), at 10, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.
- <sup>49</sup> Amnesty International, *Death Sentences and Executions 2022* (2023), at 10.
- <sup>50</sup> Amnesty International, *Death Sentences and Executions 2021* (2022), at 10.
- <sup>51</sup> Mai Sato and Sandra Babcock (eds.), Eleos Justice and Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-Sanctioned Killing of Women* (March 2023), at 33, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2023/04/Silently-Silenced-final-30-March-2023-2.pdf>.
- <sup>52</sup> *Ibid.*
- <sup>53</sup> *Id.* n.47.
- <sup>54</sup> Cornell Center on the Death Penalty Worldwide, *Judged for More than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 2018), at 18, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.
- <sup>55</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Saudi Arabia*, (Dec. 26, 2018), U.N. Doc. A/HRC/40/4 ¶ 122.133 Provide legal assistance to the victims of human rights violations, especially to the most vulnerable among them, such as women, children, domestic servants and persons with disabilities (Pakistan); ¶ 122.180 Ensure the necessary independence of the judiciary, which is an indispensable requirement to guarantee the rule of law (Peru); ¶ 122.184 Provide legal assistance to victims of violations of human rights, particularly the most vulnerable among them, such as women, children, domestic workers and persons with reduced mobility (Senegal); ¶ 122.188 Promote further the principle of public trials, the right to access to a lawyer and other guarantees provided for in the Code of Criminal Procedure (United Arab Emirates); ¶ 122.191 Allow

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diplomats to attend trials and court sessions as was done in 2013 (United States of America); ¶ 122.246 Expand the positive practice of providing free legal advice to women by some civil society organizations through women’s offices in courts that include legal advisers (United Arab Emirates); ¶ 122.232 Continue the dynamic in favour of women’s rights by ensuring more access to justice for women and girls who are victims of domestic violence (Gabon); Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Saudi Arabia, Addendum*, (Feb. 26, 2019), U.N. Doc. A/HRC/40/4/Add.1.

<sup>56</sup> Deputy of Reports & Treaties, *Saudi Arabia Inputs on the Death Penalty*, (Riyadh: Saudi Arabia Human Rights Commission, April 2022). Available at <https://www.ohchr.org/sites/default/files/2022-05/saudi-arabia-reply-dp.pdf>.

<sup>57</sup> *Saudi Arabia: Jordanian Executed After Unfair Trial*, Human Rights Watch, Mar. 17, 2023, <https://www.hrw.org/news/2023/03/17/saudi-arabia-jordanian-executed-after-unfair-trial>.

<sup>58</sup> Alhurra, ‘A grave disregard for human rights:’ *Human rights criticisms for the execution of ‘the Jordanian’ in Saudi Arabia*, accessed July 11, 2023, <https://www.alhurra.com/saudi-arabia/2023/03/14/-استهانة-فظيعة-بحقوق-الإنسان-انتقادات-حقوقية-لإعدام-الأردني-في-السعودية>.

<sup>59</sup> BBC, *Secretive Saudi executions leave families in the dark*, (BBC: London, January 2023). Available at <https://www.bbc.com/news/world-middle-east-64338876>.