



**Input for Secretary-General's Report  
on a moratorium on the use of the death penalty**

***Joint submission on Saudi Arabia  
by Reprieve and the European Saudi Organisation for Human Rights***

**April 2022**

**ABOUT REPRIEVE**

Reprieve is a charitable organisation registered in the United Kingdom (No. 1114900) with special consultative status with the United Nations Economic and Social Council (ECOSOC) that provides free legal and investigative support to those who have been subjected to state-sponsored human rights abuses. Our clients belong to some of the most vulnerable populations in the world. In particular, we protect the rights of those facing the death penalty and deliver justice to victims of arbitrary detention, torture, and extrajudicial execution.

**ABOUT EUROPEAN SAUDI ORGANISATION FOR HUMAN RIGHTS**

European Saudi Organisation for Human Rights (ESOHR) is a non-profit organisation established by a group of activists aiming to strengthen commitment to human rights principles in Saudi Arabia. ESOHR's vision is to expand the area of human rights in all fields, by working to urge the legislature and executive to uphold human rights, to raise awareness and to empower citizens through education.

## SUMMARY

This joint submission provides an update on developments in Saudi Arabia since 16 December 2020 on the following topics:

- Safeguards guaranteeing protection of the rights of individuals facing the death penalty;
- Disaggregated statistical information about persons sentenced to death or currently on death row;
- Disaggregated statistical information on executions carried out;
- Restrictions on the use of the death penalty;
- Reduction of the number of offences for which the death penalty may be imposed; and
- Initiatives to establish a moratorium on executions with a view to abolishing the death penalty.

We hope that the information contained within this submission is illuminating and that it aids in the completion of the Secretary-General's report on the question of a moratorium on the use of the death penalty.

**Word count:** The word count of this submission excluding the Annex is **1133**.

## SUBMISSION

### **Safeguards guaranteeing protection of the rights of individuals facing the death penalty**

1. Under Saudi law, individuals sentenced to death by the Court of First Instance have a right to appeal their sentences to an appeal court.<sup>1</sup> Sentences upheld by the Court of Appeals are automatically reviewed by the Supreme Court.<sup>2</sup>
2. However, capital cases investigated by Reprieve and ESOHR indicate that appellate courts do not offer genuine safeguards that protect the rights of individuals facing the death penalty. Basic fair trial rights of defendants are violated at every stage of the legal proceedings.
3. In Saudi Arabia, the King can pardon defendants facing a finalised death sentence for certain offences.<sup>3</sup> However, Reprieve and ESOHR are not aware of any pardons being issued over the survey period.
4. More executions were carried out in the first quarter of 2022 compared to the total number of executions in 2020 and 2021 combined. The mass execution on 12 March 2022 was the largest mass execution in Saudi Arabia's history.
5. The Saudi authorities have claimed that the mass execution was justified because those executed were "terrorists". However, over 50% of the men were executed for their participation in pro-democracy protests, and over 70% were executed for non-lethal offences. The majority of those killed were tried, convicted, and executed in complete secrecy.

### **Disaggregated statistical information about persons sentenced to death or currently on death row**

6. The Government of Saudi Arabia does not publish statistical information about persons sentenced to death or currently on death row. If a data collection system does exist, it is not publicly accessible.

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<sup>1</sup> Royal Decree No.(M/39), 28 Rajab 1422 (16 October 2001) on the Law of Criminal Procedure, art 193 to 195. Official English translation available at: <https://www.saudiembassy.net/law-criminal-procedure> [accessed on 14 April 2022].

<sup>2</sup> Royal Decree No.(M/39), 28 Rajab 1422 (16 October 2001) on the Law of Criminal Procedure, art 213. Official English translation available at: <https://www.saudiembassy.net/law-criminal-procedure> [accessed on 14 April 2022].

<sup>3</sup> The Embassy of the Kingdom of Saudi Arabia Washington DC. Legal and Judicial Structure, available at: <https://www.saudiembassy.net/legal-and-judicial-structure-0>

## Disaggregated statistical information on executions carried out

7. Reprieve and ESOHR maintain a comprehensive database of persons executed in Saudi Arabia. The database is sourced from statements published by the Saudi Ministry of Interior and official state-sponsored media outlets, including the Saudi Press Agency. State-sponsored outlets issue statements when an execution is carried out. However, these statements provide minimal information on the details of the offence and the circumstances leading to the execution. As such, the extent of due process violations, the safety of the convictions, and whether the defendant was a juvenile remain unknown in most of the cases.
8. The extract of the database covering the reporting period can be found below in the **Annex**. In summary:
  - (i) In 2020, we recorded 25 executions:
    - a. Nationality: 16 Saudi nationals (64%); 2 Jordanian nationals; 3 Syrian nationals; 2 Yemeni nationals; 1 Egyptian national; 1 Iraqi national
    - b. Sex: 23 of the 25 executed persons were men (92%)
    - c. Type of offence: 6 of 25 persons were executed for non-lethal offences (24%)
    - d. Juvenility: At least one child defendant was executed

In 2020, although our database records the executions of 25 persons, official statements from the Saudi Human Rights Commission confirm that 27 executions were carried out in 2020.<sup>4</sup>

- (ii) In 2021, we recorded 67 executions:
  - a. Nationality: 50 Saudi nationals (75%); 1 Chadian national; 1 Nigerian national; 1 Sudanese national; 8 Yemeni nationals; 4 Egyptian nationals; 2 Pakistani nationals
  - b. Sex: 66 of the 67 persons executed were men (99%)
  - c. Type of offence: 9 of the 67 persons were executed for non-lethal offences (13%)
  - d. Juvenility: At least one child defendant was executed

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<sup>4</sup> Saudi Gazette, Saudi Arabia drastically decreases application of death penalty in 2020, 18 January 2021, available at: <https://saudigazette.com.sa/article/602621> [accessed on 14 April 2022].

(iii) In 2022, we recorded 117 executions (81 of whom were executed in a mass execution on 12 March 2022):

- a. Nationality: 99 Saudi nationals (85%); 3 Egyptian nationals; 1 Ethiopian national; 2 Indonesian nationals; 1 Jordanian national; 1 Burmese national; 1 Palestinian national; 1 Syrian national; 8 Yemeni nationals
- b. Sex: 117 of the 117 persons executed were men (100%)
- c. Type of offence: 66 of the 117 persons were executed for non-lethal offences (56%)
- d. Juvenility: no child defendants have been executed to our knowledge

**Restrictions on the use of the death penalty**

9. There have been no restrictions on the use of the death penalty.

**Reduction of the number of offences for which the death penalty may be imposed**

10. There has been no reduction in the number of offences for which the death penalty may be imposed.

11. Crown Prince Mohammed bin Salman, in a recent interview, stated that Saudi Arabia was limiting the use of the death penalty.<sup>5</sup> However, this claim is baseless. Less than two weeks after the publication of this interview, on 12 March 2022, Saudi Arabia carried out the largest mass execution in its history.<sup>6</sup> The majority of those executed were charged with non-lethal offences.

**Initiatives to establish a moratorium on executions with a view to abolishing the death penalty**

12. Reprieve and ESOHR are not aware of any initiatives taken by the Saudi Arabian authorities to establish a moratorium on the use of the death penalty. In fact, Saudi Arabia voted against the

<sup>5</sup> Alarabiya, المقابلة الكاملة لولي العهد السعودي, 3 March 2022, available at: <http://alturl.com/6wkpe> [accessed on 14 April 2022].

<sup>6</sup> Associated Press, Saudi Arabia puts 81 to death in its largest mass execution, 12 March 2022, available at: <https://apnews.com/article/islamic-state-group-saudi-arabia-al-qaida-dubai-united-arab-emirates-a1984eab0faadefa0152d5c138525d80> [accessed on 14 April 2022].

UN General Assembly’s Resolution on Moratorium on the Use of the Death Penalty in 2014,<sup>7</sup> 2016,<sup>8</sup> 2018,<sup>9</sup> and 2020.<sup>10</sup>

13. In January 2021, the Saudi Human Rights Commission (SHRC) stated on their English-language Twitter page that there was a death penalty moratorium for drug related offences.<sup>11</sup> This alleged moratorium has not been given legal effect and has not been mentioned on any official government websites. Under Saudi law, for a law to be enacted, it must be published in the Official Saudi Gazette. The announcement of the supposed moratorium solely on the SHRC English-language Twitter page suggests that it was intended to improve Saudi Arabia’s reputation on the international stage rather than implement real reform.
  
14. Despite the SHRC’s claims of a moratorium over a year ago, Reprieve and ESOHR are aware of persons currently at risk of imminent execution for drug related offences, such as Hussein Abu al-Kheir. Mr Abu al-Kheir was arrested in May 2014 and charged with the possession of narcotic pills. He was held *incommunicado*, not provided with a legal representative, and was tortured for twelve days until he signed a ‘confession’ document. Mr Abu al-Kheir’s final appeal to the Supreme Judicial Council was rejected in September 2019.

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<sup>7</sup> UN Digital Library, Voting Data on UN General Assembly resolution on the Moratorium on the Use of the Death Penalty on 18 December 2014, available at <https://digitallibrary.un.org/record/820128?ln=en> [accessed on 14 April 2022].

<sup>8</sup> UN Digital Library, Voting Data on UN General Assembly resolution on the Moratorium on the Use of the Death Penalty on 19 December 2016, available at <https://digitallibrary.un.org/record/855172?ln=en> [accessed on 14 April 2022].

<sup>9</sup> UN Digital Library, Voting Data on UN General Assembly resolution on the Moratorium on the Use of the Death Penalty on 17 December 2018, available at <https://digitallibrary.un.org/record/1656169?ln=en> [accessed on 14 April 2022].

<sup>10</sup> UN Digital Library, Voting Data on UN General Assembly resolution on the Moratorium on the Use of the Death Penalty on 16 December 2020, available at <https://digitallibrary.un.org/record/3896434?ln=en> [accessed on 14 April 2022].

<sup>11</sup> Saudi Human Rights Commission (@HRCSaudi\_ENG), ‘#Saudi Arabia Drastically Decreases Application of Death Penalty in 2020’, Twitter, 18 January 2021, available at [https://twitter.com/HRCSaudi\\_EN/status/1351087958565281793](https://twitter.com/HRCSaudi_EN/status/1351087958565281793) [accessed on 14 April 2022].

**ANNEX: Extract of database of executions in Saudi Arabia (January 2020 – March 2022)**

**Note on juvenility:** It is not possible to confirm the true numbers of executions for persons who may have been children at the time of the alleged offence in Saudi Arabia. In the majority of cases, whether or not the defendant was a minor at the time is not stated on the indictment and not referenced in the state-sponsored press releases confirming the execution of the persons. The Saudi authorities have claimed in cases of individuals convicted of childhood crimes, such as Mustafa al-Darwish, that the individual was an adult at the relevant time, when this was demonstrably untrue.<sup>12</sup> The statistics are therefore likely to under-represent the number of executions for childhood offences. In this database, “U” indicates that it is unknown whether an individual was a child defendant.

**2020**

NUMBER OF EXECUTIONS	DATE OF EXECUTION	SEX	NATIONALITY	JUVENILITY?	WAS THE CRIME LETHAL?
1	02/01/2020	Male	Jordan	U	No
2	02/01/2020	Male	Jordan	U	No
3	08/01/2020	Male	Saudi Arabia	U	Yes
4	09/01/2020	Male	Saudi Arabia	U	Yes
5	14/01/2020	Male	Saudi Arabia	U	Yes
6	14/01/2020	Male	Syria	U	No
7	14/01/2020	Male	Egyptian	U	No
8	14/01/2020	Male	Syria	U	No
9	30/01/2020	Female	Yemeni	U	Yes
10	04/02/2020	Male	Saudi Arabia	U	Yes
11	08/04/2020	Male	Saudi Arabia	Yes	Yes
12	16/04/2020	Male	Yemeni	U	No
13	23/06/2020	Male	Saudi Arabia	U	Yes
14	23/06/2020	Male	Saudi Arabia	U	Yes
15	20/07/2020	Male	Saudi Arabia	U	Yes
16	20/07/2020	Male	Saudi Arabia	U	Yes

<sup>12</sup> Documents held on file by Reprieve and ESOHR

17	10/12/2020	Male	Syria	U	Yes
18	10/12/2020	Female	Saudi Arabia	U	Yes
19	17/12/2020	Male	Saudi Arabia	U	Yes
20	21/12/2020	Male	Saudi Arabia	U	Yes
21	22/12/2020	Male	Saudi Arabia	U	Yes
22	23/12/2020	Male	Saudi Arabia	U	Yes
23	27/12/2020	Male	Iraqi	U	Yes
24	29/12/2020	Male	Saudi Arabia	U	Yes
25	31/12/2020	Male	Saudi Arabia	U	Yes

**2021**

NUMBER OF EXECUTIONS	DATE OF EXECUTION	SEX	NATIONALITY	JUVENILITY?	WAS THE CRIME LETHAL?
1	05/01/2021	Male	Saudi Arabia	U	Yes
2	12/01/2021	Male	Chad	U	No
3	13/01/2021	Male	Nigeria	U	Yes
4	13/01/2021	Female	Saudi Arabia	U	Yes
5	16/02/2021	Male	Saudi Arabia	U	Yes
6	17/02/2021	Male	Saudi Arabia	U	Yes
7	23/02/2021	Male	Saudi Arabia	U	Yes
8	25/02/2021	Male	Yemen	U	Yes
9	01/03/2021	Male	Saudi Arabia	U	Yes
10	11/03/2021	Male	Saudi Arabia	U	Yes
11	16/03/2021	Male	Saudi Arabia	U	Yes
12	18/03/2021	Male	Saudi Arabia	U	Yes
13	18/03/2021	Male	Sudan	U	Yes
14	25/03/2021	Male	Saudi Arabia	U	Yes
15	01/04/2021	Male	Saudi Arabia	U	Yes
16	01/04/2021	Male	Pakistan	U	Yes



17	07/04/2021	Male	Saudi Arabia	U	Yes
18	04/10/2021	Male	Saudi Arabia	U	No
19	04/10/2021	Male	Saudi Arabia	U	No
20	04/10/2021	Male	Saudi Arabia	U	No
21	17/05/2021	Male	Saudi Arabia	U	Yes
22	19/05/2021	Male	Saudi Arabia	U	Yes
23	20/05/2021	Male	Egypt	U	Yes
24	25/05/2021	Male	Saudi Arabia	U	Yes
25	26/05/2021	Male	Saudi Arabia	U	Yes
26	01/06/2021	Male	Saudi Arabia	U	Yes
27	01/06/2021	Male	Saudi Arabia	U	Yes
28	09/06/2021	Male	Egypt	U	Yes
29	15/06/2021	Male	Saudi Arabia	Yes	No
30	17/06/2021	Male	Saudi Arabia	U	Yes
31	24/06/2021	Male	Saudi Arabia	U	Yes
32	24/06/2021	Male	Saudi Arabia	U	Yes
33	30/06/2021	Male	Saudi Arabia	U	Yes
34	07/07/2021	Male	Saudi Arabia	U	Yes
35	08/07/2021	Male	Saudi Arabia	U	Yes
36	08/07/2021	Male	Saudi Arabia	U	Yes
37	12/07/2021	Male	Saudi Arabia	U	Yes
38	12/07/2021	Male	Saudi Arabia	U	Yes
39	13/07/2021	Male	Saudi Arabia	U	Yes
40	26/07/2021	Male	Saudi Arabia	U	Yes
41	27/07/2021	Male	Yemen	U	Yes
42	29/07/2021	Male	Saudi Arabia	U	Yes
43	29/07/2021	Male	Saudi Arabia	U	Yes
44	08/03/2021	Male	Saudi Arabia	U	Yes
45	08/04/2021	Male	Yemen	U	Yes

46	08/04/2021	Male	Yemen	U	Yes
47	17/08/2021	Male	Saudi Arabia	U	Yes
48	19/08/2021	Male	Saudi Arabia	U	Yes
49	25/08/2021	Male	Yemen	U	Yes
50	25/08/2021	Male	Saudi Arabia	U	Yes
51	09/05/2021	Male	Saudi Arabia	U	Yes
52	09/06/2021	Male	Saudi Arabia	U	No
53	13/09/2021	Male	Saudi Arabia	U	Yes
54	14/09/2021	Male	Yemen	U	Yes
55	14/09/2021	Male	Saudi Arabia	U	Yes
56	15/09/2021	Male	Egypt	U	Yes
57	28/09/2021	Male	Saudi Arabia	U	Yes
58	10/05/2021	Male	Saudi Arabia	U	No
59	18/10/2021	Male	Saudi Arabia	U	Yes
60	26/10/2021	Male	Saudi Arabia	U	Yes
61	01/11/2021	Male	Saudi Arabia	U	No
62	10/11/2021	Male	Saudi Arabia	U	Yes
63	16/11/2021	Male	Yemen	U	Yes
64	21/11/2021	Male	Saudi Arabia	U	Yes
65	02/12/2021	Male	Pakistan	U	Yes
66	02/12/2021	Male	Egypt	U	Yes
67	27/12/2021	Male	Yemen	U	Yes

## 2022

NUMBER OF EXECUTIONS	DATE OF EXECUTION	SEX	NATIONALITY	JUVENILITY?	WAS THE CRIME LETHAL?
1	06/01/2022	Male	Saudi Arabia	U	Yes
2	18/01/2022	Male	Saudi Arabia	U	Yes

3	19/01/2022	Male	Saudi Arabia	U	Yes
4	25/01/2022	Male	Saudi Arabia	U	Yes
5	26/01/2022	Male	Saudi Arabia	U	Yes
6	01/02/2022	Male	Saudi Arabia	U	Yes
7	01/02/2022	Male	Egypt	U	Yes
8	01/02/2022	Male	Palestine	U	Yes
9	06/02/2022	Male	Saudi Arabia	U	Yes
10	14/02/2022	Male	Egypt	U	Yes
11	15/02/2022	Male	Jordan	U	Yes
12	12/03/2022	Male	Yemen	U	Yes
13	12/03/2022	Male	Saudi Arabia	U	Yes
14	12/03/2022	Male	Saudi Arabia	U	Yes
15	12/03/2022	Male	Saudi Arabia	U	No
16	12/03/2022	Male	Saudi Arabia	U	Yes
17	12/03/2022	Male	Saudi Arabia	U	Yes
18	12/03/2022	Male	Saudi Arabia	U	Yes
19	12/03/2022	Male	Saudi Arabia	U	Yes
20	12/03/2022	Male	Yemen	U	Yes
21	12/03/2022	Male	Yemen	U	Yes
22	12/03/2022	Male	Yemen	U	Yes
23	12/03/2022	Male	Saudi Arabia	U	No
24	12/03/2022	Male	Saudi Arabia	U	Yes
25	12/03/2022	Male	Saudi Arabia	U	Yes
26	12/03/2022	Male	Saudi Arabia	U	Yes
27	12/03/2022	Male	Saudi Arabia	U	Yes
28	12/03/2022	Male	Saudi Arabia	U	Yes

29	12/03/2022	Male	Saudi Arabia	U	Yes
30	12/03/2022	Male	Saudi Arabia	U	Yes
31	12/03/2022	Male	Saudi Arabia	U	Yes
32	12/03/2022	Male	Saudi Arabia	U	Yes
33	12/03/2022	Male	Saudi Arabia	U	Yes
34	12/03/2022	Male	Saudi Arabia	U	Yes
35	12/03/2022	Male	Saudi Arabia	U	Yes
36	12/03/2022	Male	Saudi Arabia	U	Yes
37	12/03/2022	Male	Saudi Arabia	U	Yes
38	12/03/2022	Male	Saudi Arabia	U	No
39	12/03/2022	Male	Saudi Arabia	U	No
40	12/03/2022	Male	Saudi Arabia	U	No
41	12/03/2022	Male	Saudi Arabia	U	No
42	12/03/2022	Male	Saudi Arabia	U	No
43	12/03/2022	Male	Saudi Arabia	U	No
44	12/03/2022	Male	Saudi Arabia	U	No
45	12/03/2022	Male	Saudi Arabia	U	No
46	12/03/2022	Male	Saudi Arabia	U	No
47	12/03/2022	Male	Saudi Arabia	U	No
48	12/03/2022	Male	Saudi Arabia	U	No
49	12/03/2022	Male	Saudi Arabia	U	No
50	12/03/2022	Male	Saudi Arabia	U	No
51	12/03/2022	Male	Saudi Arabia	U	No
52	12/03/2022	Male	Saudi Arabia	U	No
53	12/03/2022	Male	Saudi Arabia	U	No
54	12/03/2022	Male	Saudi Arabia	U	No
55	12/03/2022	Male	Saudi Arabia	U	No

56	12/03/2022	Male	Saudi Arabia	U	No
57	12/03/2022	Male	Saudi Arabia	U	No
58	12/03/2022	Male	Saudi Arabia	U	No
59	12/03/2022	Male	Saudi Arabia	U	No
60	12/03/2022	Male	Saudi Arabia	U	No
61	12/03/2022	Male	Saudi Arabia	U	No
62	12/03/2022	Male	Saudi Arabia	U	No
63	12/03/2022	Male	Saudi Arabia	U	No
64	12/03/2022	Male	Saudi Arabia	U	No
65	12/03/2022	Male	Saudi Arabia	U	No
66	12/03/2022	Male	Saudi Arabia	U	No
67	12/03/2022	Male	Saudi Arabia	U	No
68	12/03/2022	Male	Saudi Arabia	U	No
69	12/03/2022	Male	Saudi Arabia	U	No
70	12/03/2022	Male	Saudi Arabia	U	No
71	12/03/2022	Male	Saudi Arabia	U	No
72	12/03/2022	Male	Saudi Arabia	U	No
73	12/03/2022	Male	Saudi Arabia	U	No
74	12/03/2022	Male	Saudi Arabia	U	No
75	12/03/2022	Male	Saudi Arabia	U	No
76	12/03/2022	Male	Saudi Arabia	U	No
77	12/03/2022	Male	Saudi Arabia	U	No
78	12/03/2022	Male	Saudi Arabia	U	No
79	12/03/2022	Male	Saudi Arabia	U	No
80	12/03/2022	Male	Saudi Arabia	U	No
81	12/03/2022	Male	Saudi Arabia	U	No
82	12/03/2022	Male	Saudi Arabia	U	No

83	12/03/2022	Male	Saudi Arabia	U	No
84	12/03/2022	Male	Saudi Arabia	U	No
85	12/03/2022	Male	Saudi Arabia	U	No
86	12/03/2022	Male	Saudi Arabia	U	No
87	12/03/2022	Male	Saudi Arabia	U	No
88	12/03/2022	Male	Syrian	U	No
89	12/03/2022	Male	Saudi Arabia	U	No
90	12/03/2022	Male	Yemen	U	No
91	12/03/2022	Male	Yemen	U	No
92	12/03/2022	Male	Yemen	U	No
93	15/03/2022	Male	Saudi Arabia	U	Yes
94	16/03/2022	Male	Saudi Arabia	U	Yes
95	16/03/2022	Male	Saudi Arabia	U	Yes
96	16/03/2022	Male	Saudi Arabia	U	Yes
97	17/03/2022	Male	Saudi Arabia	U	Yes
98	17/03/2022	Male	Saudi Arabia	U	Yes
99	17/03/2022	Male	Indonesian	U	Yes
100	17/03/2022	Male	Indonesian	U	Yes
101	20/03/2022	Male	Saudi Arabia	U	No
102	20/03/2022	Male	Saudi Arabia	U	No
103	20/03/2022	Male	Ethiopian	U	Yes
104	22/03/2022	Male	Saudi Arabia	U	Yes
105	22/03/2022	Male	Saudi Arabia	U	Yes
106	22/03/2022	Male	Saudi Arabia	U	Yes
107	23/03/2022	Male	Saudi Arabia	U	Yes
108	23/03/2022	Male	Saudi Arabia	U	No
109	26/03/2022	Male	Myanmar	U	No
110	26/03/2022	Male	Saudi Arabia	U	No

<b>111</b>	26/03/2022	Male	Saudi Arabia	U	Yes
<b>112</b>	26/03/2022	Male	Yemen	U	Yes
<b>113</b>	26/03/2022	Male	Saudi Arabia	U	Yes
<b>114</b>	28/03/2022	Male	Saudi Arabia	U	No
<b>115</b>	28/03/2022	Male	Egypt	U	No
<b>116</b>	28/03/2022	Male	Saudi Arabia	U	No
<b>117</b>	28/03/2022	Male	Saudi Arabia	U	No