

Capital Punishment in Saudi Arabia in 2020: Political Will



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The European Saudi Organization for Human Rights

     ESOHumanRights



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Introduction

The Kingdom of Saudi Arabia's handling of its capital punishment dossier in 2020 can most accurately be described as confused: on the one hand, the numbers of execution have decreased, and the government has seemingly banned executions for certain offenses; on the other, the Public Prosecution continues to demand executions for offenses and against persons that would ostensibly be protected by the Kingdom's new reforms. **In fact**, while the Kingdom has promulgated a host of reforms that it states are aimed at reducing its reliance on executions, nearly all of the pending death sentences that ESOHR has monitored over the last several years remain in force. This, on top of the fact that last five years have witnessed the highest number of executions in the country's history, gives cause for skepticism towards recent Saudi promises.

Officially, it appears that Saudi authorities intended to use the 2020 outcome – what appears to be a temporary reduction in executions at least in part related to the COVID-19 pandemic - to whitewash the government's image. This did not prevent, however,

the government from continuing to ignore international opinions and criticisms with brazenness. The change in numbers has not stopped the use of Saudi government of the death penalty as a tool of repression, revenge, and arbitrariness.

In addition to the fact that 2020 execution records have exceeded [the number 800](#) since King Salman took power in 2015, these rulings contained flagrant and gross violations of international law. The government continued to threaten the lives of dozens, with demands from the Public Prosecution Office and with illegal death sentences, based on trials that do not meet the minimum international standards of fair trials.

The position of the Saudi government within its dossier on execution is still confused and unclear. Although its recent [decisions](#) have been officially celebrated and promoted, especially with regard to the changes in [the execution of minors](#), they are not completed and have not yet been made clear. The lack of the official publication of the royal decree abolishing child executions and the lack of the official announcement of laws by the competent authorities, in addition to the continuing uncertainty regarding the numbers of individuals facing the risk of execution, and the policy of crushing civil society from the inside, all combined with the intimidation practiced on the victims and their families, continues to give grave cause for alarm.

The European Saudi Organization for Human Rights (ESOHR)'s Annual Death Penalty Report - 2020 is an attempt to clarify the facts and records which show that execution in Saudi Arabia is still a retaliatory punishment used in illegal ways.

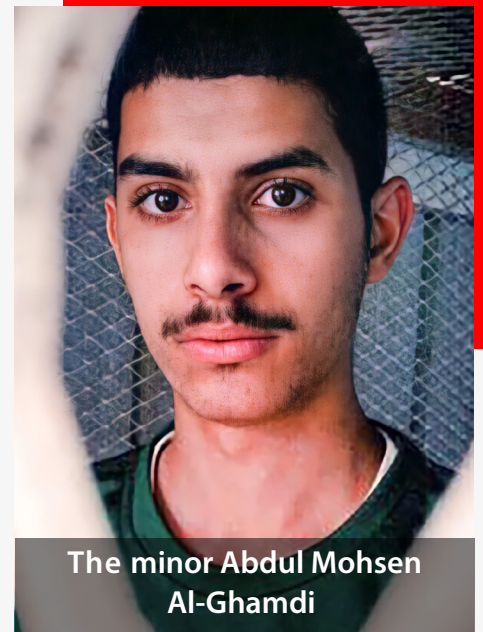


Executions in 2020

During the year 2020, the Saudi government stated that it executed 27 people. The number of executions decreased by 85% compared to 2019, which represents the largest decrease in executions since the ESOHR began monitoring executions in 2013. Despite this, there are still important areas of concern.

ESOHR monitored 25 of these executions, including two women. The executed persons were drawn from several different nationalities, including at least 16 Saudis, 3 Syrians, 2 Yemenis, one Egyptian, and one Iraqi.

Nineteen of the persons executed faced charges related to murder, while five persons faced charges related to drugs and contraband that are not considered among the most serious crimes, and one person faced charges related to armed robbery. **Among them**, according to the organization's documentation, was the minor [Abdul Mohsen Al-Ghamdi](#) executed shortly before the government announced that it would no longer execute persons for crimes they are convicted of having committed as children.



These figures shows the continued use of this punishment against the most vulnerable individuals, such as minors, women, and foreign workers, despite the lack of fair trials.

In an unusual move by the Saudi Human Rights Commission, which had neglected to comment on the escalation of capital punishment in the country in the recent years, the organization published a [statement](#) in January 2021 stating that the death sentences during the year 2020 amounted to 27 executions. To note, the Government routinely publishes information relating to executions that it carries out in the official Saudi Press Agency (SPA). There were 25 such publications in 2020, meaning that the government obfuscated at least a further two executions throughout the year. This raises concerns that the death statistics provided by human rights organizations in previous years are less than the actual numbers due to the lack of transparency in Saudi Arabia.

ESOHR had documented the execution of 816 people from 2015 until 2020, with 159 executions in 2015, 154 in 2016, 146 in 2017, 147 in 2018, 185 in 2019, and 27 in 2020.

2015	159
2016	154
2017	146
2018	148
2019	186
2020	27

In its statement, the commission indicated that the most important factor in the decrease in executions was the government moratorium that began in early 2020 for drug-related executions. [The last execution](#) for drug crimes was carried out on 14 January, 2020.

The international community [has repeatedly called](#) for a moratorium on executions for non-violent crimes, and in 2018 more than 25 countries called for Saudi Arabia to impose a moratorium on the death penalty in one way or another.

Saudi Arabia's announcement of a temporary moratorium on death sentences related to drug charges came through its [Human Rights Commission](#), **which is not an authority concerned with legislative matters**. Given the Commission's lack of legislative authority, and the fact that the announcement has come from no other source, the declaration is unofficial and cannot be relied upon - especially given that Article 37 of the Law on Combating Narcotic Drugs and Psychotropic Substances, the Article that mandates a death sentence for drug smuggling, has neither been abolished nor modified in any way.

In addition to the temporary suspension on drug-related executions published by the Human Rights Commission, the COVID-19 pandemic and the exceptional measures that accompanied it, and the complete lockdown in late March 2020, may have contributed to the reduction in the numbers. As a result of the lockdown, some official authorities in the country faltered and disrupted from time to time.



In addition, the G20 summit may have imposed on Saudi Arabia a temporary mandate to reduce human rights violations. The organization monitored the implementation of nine executions very quickly after the summit, which together accounted for 33% of the total executions for the year.

In April 2020, the Human Rights Commission published [another statement](#) declaring the suspension of all taazir death sentences against persons who have not attained 18 years of age, and amending all previously issued sentences in accordance with [the Juvenile Law](#), provided that the maximum prison sentence is for a period not exceeding 10 years. In addition to the fact that the statement contained [several flaws](#), the Saudi government had executed a few days before the publication of the statement the minor [Abdul-Mohsen al-Ghamdi](#), which confirmed the lack of seriousness of the decision.

هيئة حقوق الإنسان
Human Rights Commission



The Human Rights Commission welcomes the recent decision by the Supreme Court to effectively eliminate flogging as a potential punishment.

This decision ensures that those who were once sentenced with floggings, will now receive fines or prison sentences instead. This significant reform was implemented under the direct supervision of King Salman and the Crown Prince Mohammed bin Salman.

According to the President of the Human Rights Commission, Awwad Alawwad, "This reform is a momentous step forward in Saudi Arabia's human rights agenda, and merely one of over 10 human rights reforms carried out in the Kingdom over the past five years. Although these reforms improve the lives of a wide range of beneficiaries, including women, workers, youths and the elderly, they all stem from the same overarching desire to make a better life for all citizens and residents of the Kingdom."

A copy of the authority statement

Moreover, there are still a number of people, [including minors](#), on death row or facing the death penalty in the courts. According to the ESOHR monitoring, at least [37 people](#) are still at risk of being killed, many of them in political cases.

The organization believes that the actual number is higher, especially with the limited ability of human rights organizations to track and monitor criminal death sentences, especially those relating to immigrants and foreign workers, since the number of death sentences carried out against this group is large every year.



Government bodies involved in the violations

The government bodies that are supposed to be responsible for the delivery of justice are directly related to the king and the crown prince. The role of these agencies in the arrest, investigation, and issuance of sentences that may amount to execution, and their contribution to perpetuating a policy of impunity, is shown in the absence of their independence.

From the moment of arrest, the Presidency of State Security - which is an extension of the General Intelligence Agency - has played a major role in the violations. The agency was established in 2017 and reports directly to the king, and aims to “coordinate counterterrorism activities and collect investigations locally,” while it is fully responsible for arbitrary arrests and turning human rights and freedoms issues into crimes and stigmatizing them as terrorism. It is also directly responsible [for the torture of detainees](#) during the investigation, especially those facing the death penalty, and is involved in a number of extrajudicial killings cases.

After arrest and investigation, a case is transferred to the Public Prosecution Office directly linked to the king. This office plays a major role in the violations, especially through [the expansion of demands](#) for executions on charges that are not the most serious, including fabricated and/or exaggerated political accusations.

With regard to torture, the Public Prosecution office is responsible, directly or indirectly, for many cases, as it builds cases on confessions extracted under torture. The office also distorts the Sharia law by relying on evidence of broad meaning, and selecting the most extreme understandings to convict the accused.



Saud Al-Mujib
Saudi Attorney General

The Public Prosecution office also continued to demand the execution of a number of people facing charges related to expressing opinion, including the researcher [Hassan Farhan al-Maliki](#) and [Sheikh Salman al-Awda](#), among others.

The Public Prosecution Office did not initiate any serious investigation about the human rights violations and cases of torture and ill-treatment, such as forcing defendants to sign confessions, denying them access to a lawyer, and deliberately delaying and prolonging their trials.



The researcher Hassan Farhan al-Maliki

Sheikh Salman al-Awda



[The Human Rights Commission](#) also played a suspicious role in promoting the Saudi government and the Crown Prince, covering the atrocities of the death penalty, and covering up violations. In the context of the silence of the legislative bodies, the Commission promoted in April 2020 a royal decree to stop the death sentences against minors.

The statement published by the commission raised a number of questions related to exceptions to the law, which prompted it to respond later in another statement contending that the law abolished the death penalty for all children. Despite this statement, several persons remain at risk of execution for crimes they allegedly committed as minors.

In addition to the clear promotion of the government agenda, the commission did not carry out any of the tasks entrusted to it. Despite the commission's announcement that it had received thousands of complaints during 2020, ESOHR was unable to document a single instance in which the commission exercised the capacity to review the death sentence or independently investigate complaints.

ESOHR was also unable to verify the application of the standards of justice in the trials that lead to the issuance of unfair death sentences, and did not document a single instance of criticism or remarks on the performance of the security and judicial authorities with regard to the violations faced by those sentenced to death. Rather, the commission was keen to emphasize the safety of the procedures despite all the international criticisms that the Saudi security and judicial agencies faced in a large number of documented cases.

After the end of the judicial stages in death trials, a conviction reaches the royal court, and it is not executed until the king or his representative has signed it.

The role played by official bodies in Saudi Arabia, which are all linked to the king, shows that they share responsibility for the violations and that there is no independence for any agency through which guarantees can be found in the fairness of trials, or in the investigation of those responsible for violations.





Types of charges that lead to execution in Saudi Arabia

Internationally, the Saudi government has attempted to promote itself as having developed significantly in handling capital punishment. **In addition** to the royal order published by the Human Rights Commission regarding the execution of minors, the official media published [reports](#) regarding consideration at the Shura Council of ending the death penalty as a discretionary punishment.

Saudi Arabia claims that death sentences are applied according to Islamic law, but an examination of procedures and standards shows flagrant violations. According to the Islamic law, penalties are divided into:

- **Qisas:** applied to murders, assaults, and felonies.
- **Hudud:** punishments prescribed by Sharia, such as the punishment for fornication, the punishment for theft, Hirabah (war against God), and others.
- **Taazir:** a discretionary punishment applied for every offence that are not listed under the Qisas nor Hudud categories.

Muslim scholars have agreed on the legality of the taazir penalty, but not on its details. This disagreement was not only between the Islamic sects, but even within the same sect. As Muslim scholars differed on how to apply this punishment, some scholars believed that the taazir punishment may lead to the death penalty; others believed that it does not.

The official religious establishment in Saudi Arabia believes that the taazir death penalty is permissible. This establishment, known for its militancy, [has extremist understandings](#) of Islamic law which permit the killing of people who have different opinions on the pretext of the taazir death penalty. This is not only permitted for the execution of individuals accused of drug offenses, but also the peaceful opponents, as it affects anyone who expresses their opinion or participates in a demonstration, and even leads to the execution of those who have a disagreement in belief.

The judiciary in Saudi Arabia uses these concepts for several purposes. It justifies, for example, the dismissal of complaints of torture, or unfair and violent sentences of up to death penalty.

While there is no penal code in Saudi Arabia which specifies the nature of the crimes that require the death penalty, the scrutiny in the charges against the executed and the persons whom the prosecution is demanding their execution shows that the sentences which has been carried out and the demands are in stark conflict with the international law, which limits the possibility of using this punishment against perpetrators of premeditated murder.

In 2020, Saudi Arabia executed tens of persons and threatened the lives of dozens more with such sentences, which it claims are based on Islamic law. By tracing the rulings, it is evident that they were based on selected texts from Islamic law and an extremist interpretation of it, as judges use religious texts to justify their unfair and violent judgments from the Holy Qur'an and the hadiths of the Prophet. They apply them according to a strict fundamentalist level of understanding, compared to the intermediate or tolerant levels practiced by other Islamic schools, or they refer to texts that have nothing to do with the accusations leveled against the victims in order to justify their harsh sentences and cover them with religious clothing.

As of the end of 2020, the death penalty in Saudi Arabia threatens the lives of at least 47 prisoners, most of whom have not been charged with committing very serious crimes. In fact, a part of them have not been charged with committing crimes consistent with the concept of international criminal law, but instead are facing charges related to the exercise of their right to freedom of expression.

For example, the Public Prosecution office is calling for the execution of the researcher Hassan Farhan al-Maliki for possessing historical and religious opinions that differ from the opinion of the hardline official religious establishment.

[Ali Oweisheer](#), [Khaled al-Ghanim](#), [Ahmed al-Matroud](#) and others were also facing charges related to demonstrating and expressing their opinion on social networking sites.



Ali Oweisheer



Ahmed al-Matroud

The prosecution is also calling for the execution [of a group of clerics](#), who were arrested at the beginning of the Gulf crisis, including Sheikh Salman al-Awda, Dr. Ali Al-Omari, and Sheikh Ayed al-Qarni.



Sheikh Ayed al-Qarni



Dr. Ali Al-Omari



Sheikh Salman al-Awda



Lack of justice in the trial

The detainees threatened with execution faced additional violations, which Saudi Arabia justified with the exceptional measures it instituted in facing the COVID-19 pandemic.

According to the monitoring of ESOHR, the Saudi government has deliberately mistreated detainees facing the threat of execution, among them Sheikh Al-Awda, whose son Abdullah said in [a tweet](#) that “**Dr. Salman Al-Awda is undergoing a slow killing process inside**

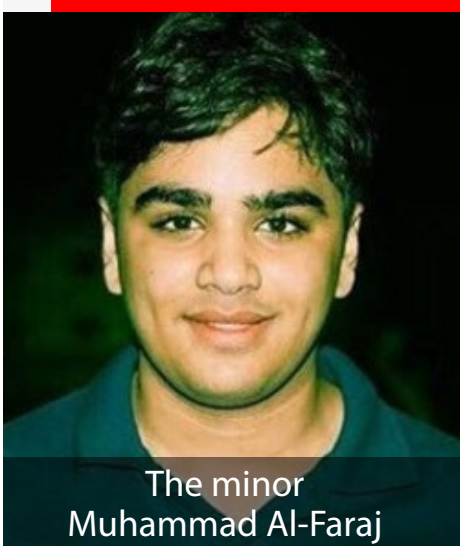
the prison in Riyadh, where the frightening deterioration of his health in the recent months and the severe medical negligence. We hold the authorities fully responsible for everything that happens to my father.”

In addition to this form of ill-treatment, Saudi government prevented detained individuals from engaging in family visits under the pretext of the [procedures](#). This included individuals at risk of execution, including minors.

The interruption of visits, according to what families confirmed to the organization, was not replaced by any measures to reduce its impact, but in some cases, the detainees were prevented altogether from communicating with their families for several months, which raised the concerns of the families that their loved ones had been executed in secret.

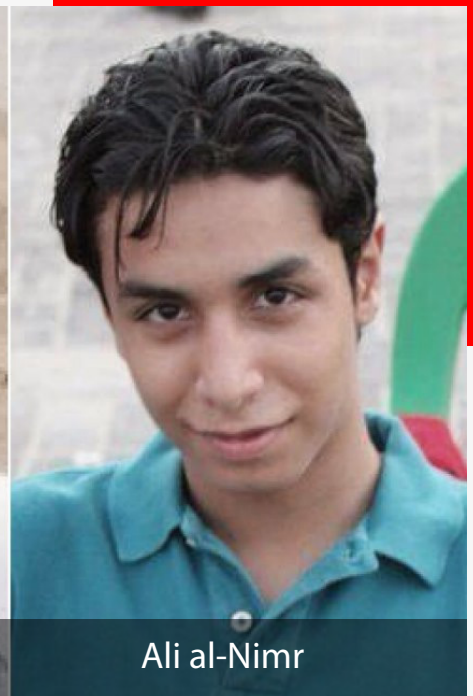


According to the organization’s documentation, the Jordanian detainee [Hussein Abu al-Khair](#) was prevented for months from communicating with his family.



With regard to the right to self-defense in criminal proceedings, the government continued to violate the detainees’ basic rights, as it delayed appointing a lawyer to the minor Muhammad Al-Faraj and others with him in the same case, until after more than one session of their trial, in violation of their right to have a lawyer.

In addition, and despite the assertion of a number of detainees that they were tortured in order to confess, the judiciary did not fulfill its duties to investigate these allegations. Although the Human Rights Commission confirmed that the minors Ali al-Nimr, Dawood al-Marhoun, and Abdullah al-Zahir were retried, it ignored the investigation into the violations they suffered, including torture and ill-treatment.



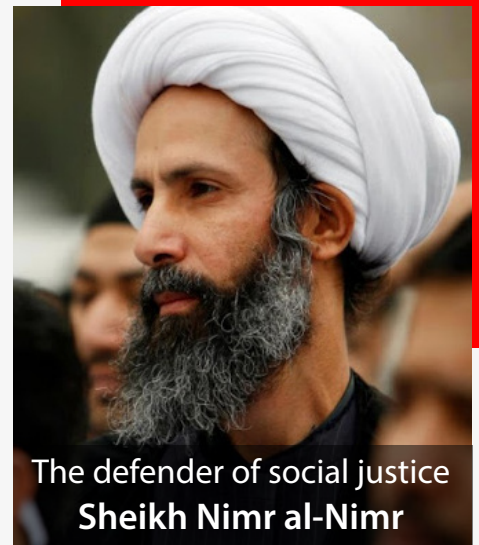


The execution and beyond

The Saudi government prevents families from saying farewell to family members before they carry out death sentences. According to the organization's monitoring, executions in most cases are carried out in secret and without informing the families, and without allowing them to have a final visit or call.

Some families confirmed that they first heard about the execution through local or social media, as the official news agency

publishes the executions which have been carried out, while television channels broadcast urgent news in cases of mass execution - such as the one carried out in January 2016, wherein the government executed the defender of social justice Sheikh Nimr al-Nimr in addition to 46 other people, as well as the mass execution in April 2019, which killed 37 people.



After the news is broadcast publicly, the families try to contact the official authorities to obtain confirmation, but they often are unable to do so until hours and sometimes days after the execution of the sentences. The lack of transparency regarding when and where the sentences are executed increases families' uncertainty and exacerbates their suffering.

In 2020, the organization monitored the Saudi government's implementation of the death sentence against the Egyptian detainee [Muammar Gaddafi](#), who the government executed without informing the family.

According to the information, Gaddafi's brother received on 14 January 2020 a call from an inmate in Tabuk prison, informing him that they did not find Gaddafi in the cell in the morning, and that there was news from the prison that the death sentence has been carried out against him.



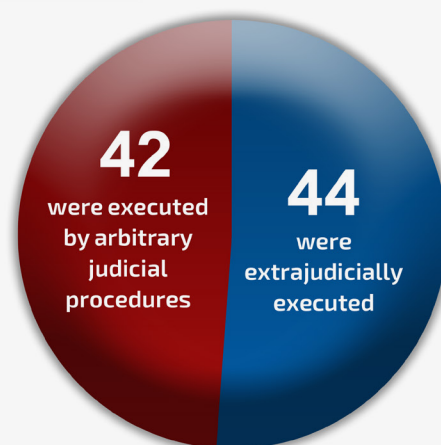
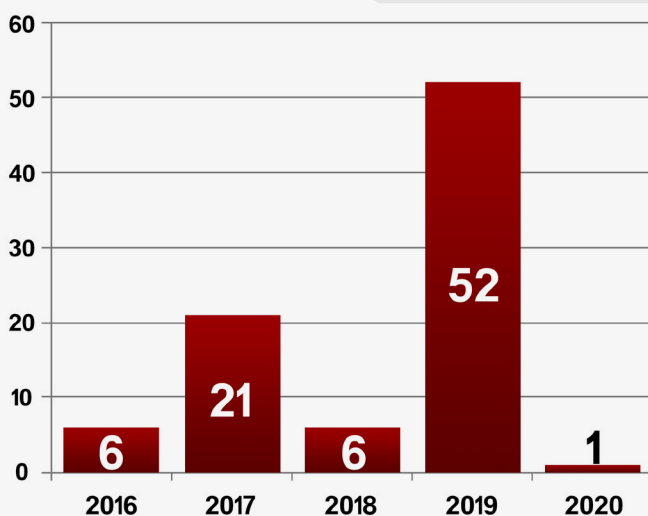
The family tried to verify the information but was unable to do so until they found the news in one of the official Saudi newspapers.

This indicates that the lack of transparency in dealing with the implementation of death sentences is more acute in political cases, as well as affecting foreign workers even in non-political cases.

In addition, the Saudi government denies families the right to bury [their loved ones](#). According to the organization's monitoring, [the number of bodies](#) that the Saudi government has been holding reached 86 by the end of 2020. Among them are those of several minors executed by Saudi Arabia between 2016 and 2020. In total, the government maintains custody of the bodies of at least 83 Saudis, 2 Bahrainis and 1 Egyptian, according to the organization's monitoring. However, the organization expects the numbers to be significantly higher, especially in cases of execution of foreign workers, for whom ESOHR has been unable to document a single case of the repatriation of remains.

86 bodies are being held in Saudi Arabia

During the reign of King Salman



83 Saudi 2 Bahraini 1 Egyptian

The Saudi government also delays in handing over the papers and belongings of the individual who was executed to his family and forbids him from writing a will. The family of the Egyptian citizen who was executed in January, Muammar Gaddafi, went to the Egyptian Ministry of Foreign Affairs in order to demand papers proving the execution of the sentence, a death certificate, as well as demanding the body to bury it. Despite repeated attempts, the family was unable to obtain any evidence of the execution until several months after the execution, when the family finally obtained the death certificate without the rest of the papers they had requested.

Saudi Arabia intentionally procrastinates in handing over the papers of the individuals for a long time. The Saudi government did not deliver the books, papers and possessions of [Abbas al-Hassan](#), who was executed in April 2019, to his family until 2020, after several claims made by the family.



The continued ambiguity regarding the place of burial and the circumstances of the execution is a form of psychological abuse against the families of the victims, and this was confirmed in human rights reports by United Nations experts.

In addition, there are concerns about the burial process and the possibility of other violations, as families have indicated that they have doubts about the possibility of stealing the organs of their relatives, without the consent of the individual or his family. These concerns are due to the convicts' signing of papers whose contents they do not know with certainty, including papers related to the organs.

Conclusion:

The organization believes that the noticeable decrease in death sentences carried out in 2020 does not reflect a radical trend in official dealing with the death penalty. According to the European-Saudi organization, dozens of people are still facing the death penalty on charges related to expressing opinion and participating in a demonstration, and their trial continues despite the violations it involved.

The organization also believes that there are many other cases that it has not been able to document due to the lack of transparency and the persecution of civil society in the country – cases which may include prisoners of conscience, political detainees, and individuals facing charges that are not of the most serious character under international law.

In addition, in the absence of written and clear laws that establish a moratorium on death sentences for non-felony charges or codify the status of individuals facing death sentences on drug charges, the organization continues to fear for the lives of such persons on death row.

The organization believes that recent decisions by the government are not associated with an investigation into the violations involved in the cases, and that in any case retrials are carried out in such a manner as to continue to deprive victims of justice.

The organization stresses that the lack of independence of the judiciary, and the lack of accountability for violators inside, makes it difficult to believe that the promises made by the Human Rights Commission are serious measures that can be relied upon in anticipating the outcome of capital cases.

Many indicators suggest that Saudi Arabia will exceed in 2021 the number of executions registered in 2020 due to the presence of many final judgments that may be implemented at any time.



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