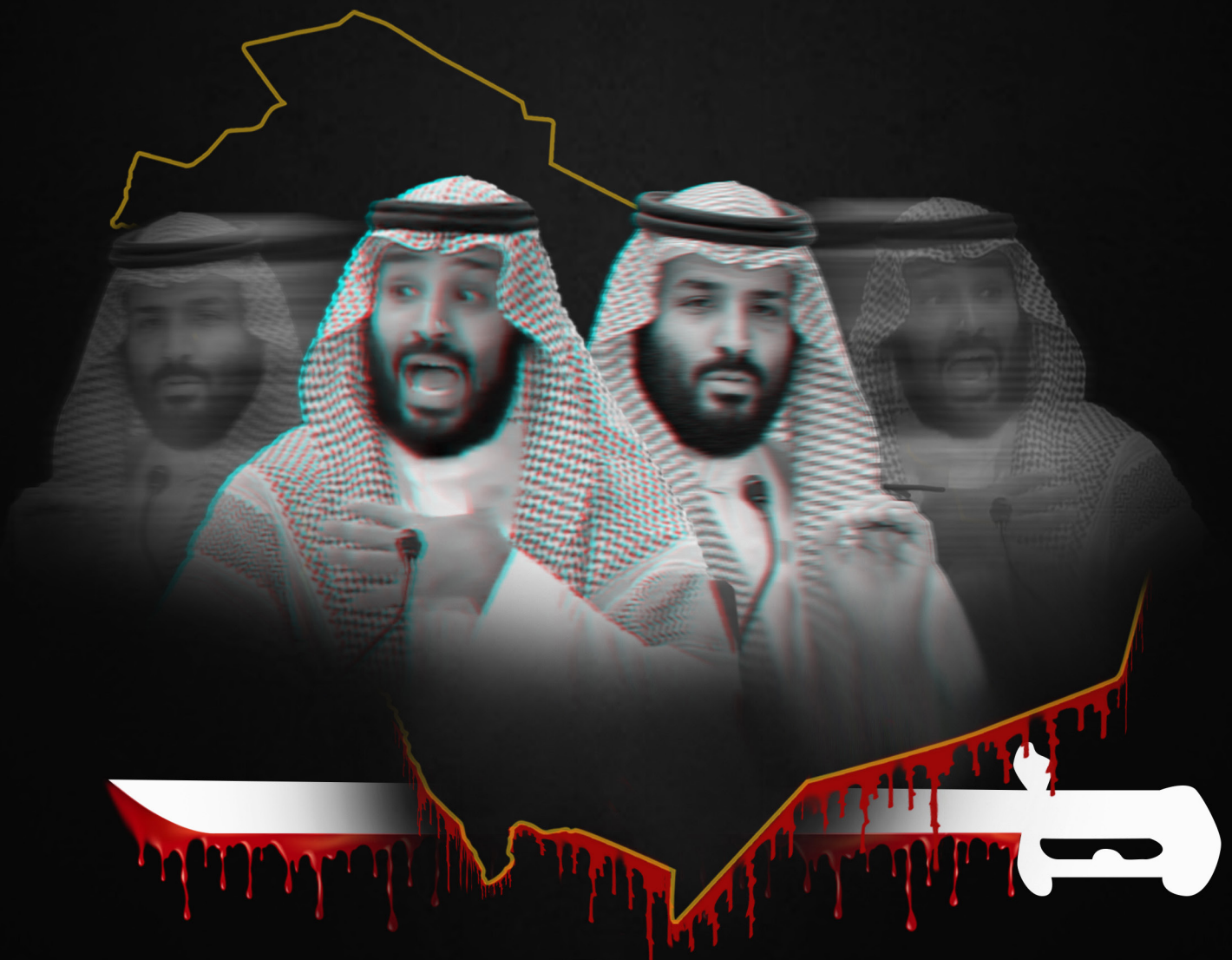


ES^{HR}

Saudi executions in 2021

Fluctuating political stability



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Introduction

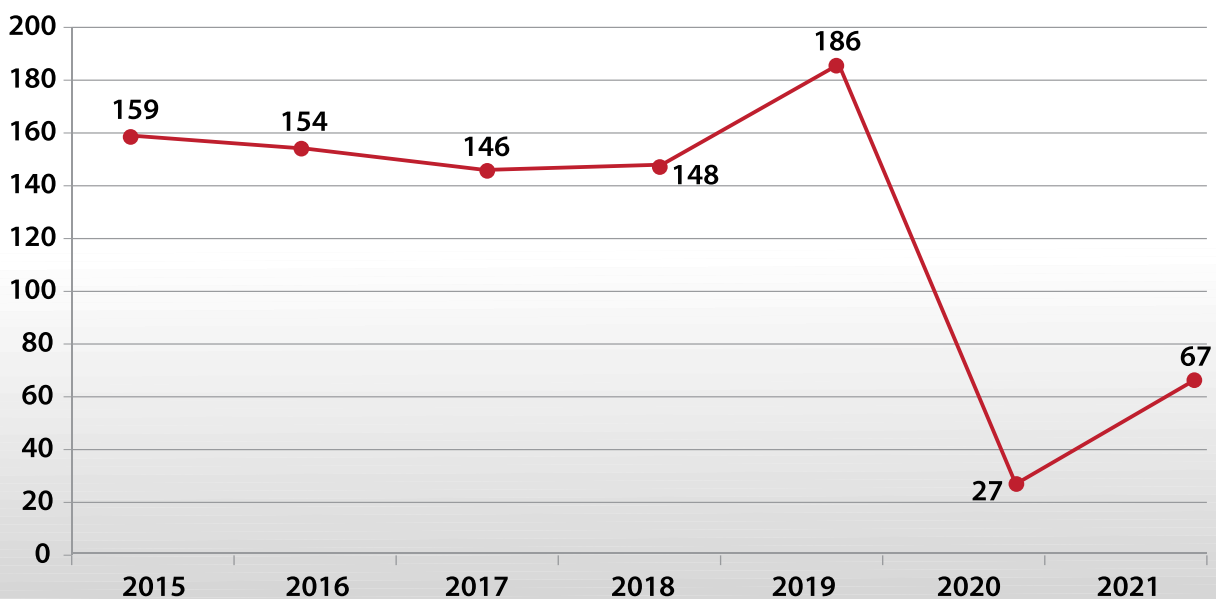
The Kingdom of Saudi Arabia witnessed a major increase in the number of executions carried out in 2021, compared with 2020, when official Saudi institutions praised the decreased number of executions. The European Saudi Organization for Human Rights (ESOHR) has observed the implementation of 67 death sentences since the beginning of 2021, an increase of 148% compared to 2020, when Saudi Arabia carried out 27 executions, according to the official Human Rights Commission.

The increased number of executions in 2021 indicates Saudi Arabia's disregard for life, especially since the sham trials it has conducted lack the most basic international standards for fair trials. Furthermore, the numbers

reveal that the 2020 drop was not a result of strategic policies to reduce executions; rather, it was a personal desire of Crown Prince Mohammed bin Salman, who was preoccupied with restoring his image tarnished by grave human rights violations.

During the last three years, the number of executions has varied remarkably, following the apparent upsurge that began with King Salman's rise to power in January 2015. In 2019, Saudi Arabia recorded its highest number of executions at 186, falling the next year to its lowest level at 27. The Human Rights Commission published a [statement](#) on the number of executions in 2020, celebrating the decline in the numbers. However, in 2021, the numbers rose once again – a sign that Saudi Arabia is applying this punishment in an erratic manner – which opened the government up to severe human rights criticisms.

Executions in 2021 doubled from last year



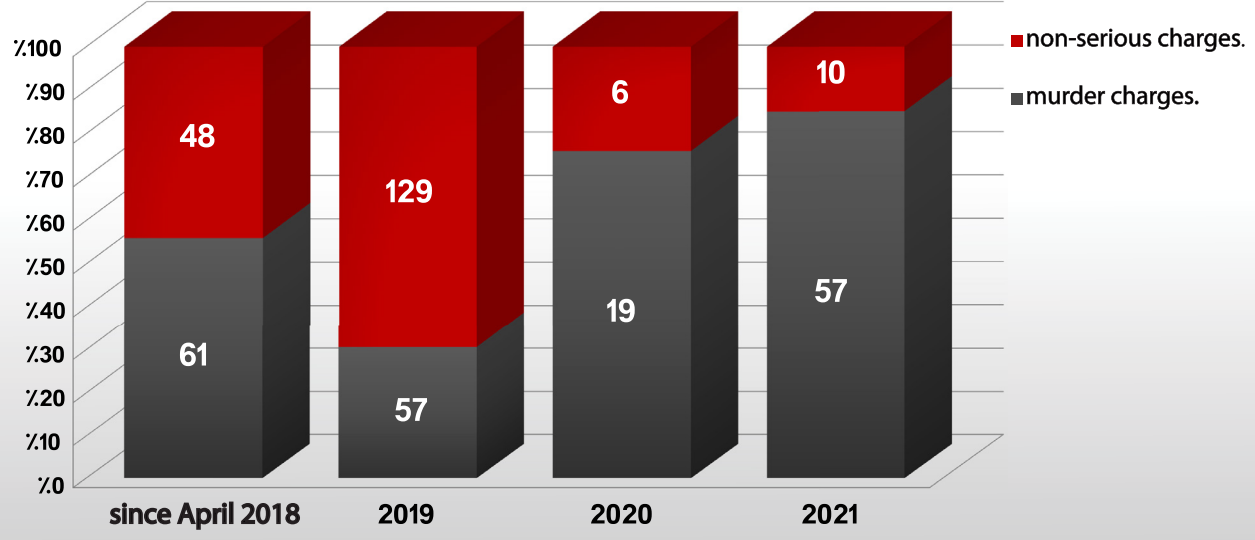


Deceitful promises

In his April 2018 interview with Time magazine, Crown Prince Mohammed bin Salman [promised](#) to significantly reduce the use of the death penalty. However, from that time up to the publication of this report, Saudi Arabia has carried out 387 executions, with only half of them involving the most serious charges.

Non-serious charges vs. murder charges

(From the beginning of April 2018 to the end of 2021)



In November 2020, a member of the Saudi Shura Council recommended abolishing the death penalty in all [nishments](#), which are based on the judge's discretion, and that punishment should be limited to other appropriate punishments that do not conflict with Islamic law. After discussion of these issues, no ta'zir death sentences were reported during 2020. However, Saudi Arabia returned to implementing ta'zir death penalties in 2021, executing nine people in this way through the end of the year. As observed by ESOHR, at least 42 people remain under threat of ta'zir execution. Many families fear reprisal from the Saudi government if they disclose the government's proceedings to seek the execution of their relatives, which causes ESOHR to believe that the real number is higher than what they have observed.

Executions

According to official statements issued by the Ministry of Interior, Saudi Arabia carried out 67 executions, including 66 men and one woman. The nationalities of the victims were as follows: 51 Saudis, seven Yemenis, four Egyptians, two Pakistanis, and one each from Chad, Sudan, and Nigeria.

Of the total number of cases, nine were based on ta'zir penalties, four involved political charges, three were

soldiers charged with high treason, and one involved a mix of drug-dealing and political charges, in addition to one case the charges related to belonging to the Islamic State, known as ISIS

Child executions

International law prohibits the death penalty against minors. After international pressure against Saudi Arabia's execution of children, a juvenile law was issued on 1 August 2018, decreeing that they not be subjected to ta'zir execution, while retaining the application of the penalty in cases of qisas [retribution] and hudud punishments. From that date to the present, ESOHR has recorded 12 ta'zir executions against persons charged as minors. On 24 March 2020, a [royal decree](#) was also issued abolishing the execution of minors. Although the decree included an over-broad article excluding those charged with terrorism, the official Human Rights Commission nevertheless said that all minors are included in the royal decree (whose details have not been officially published).

Although Saudi Arabia has dropped several death sentences against minors—such as Ali al-Nimr, Abdullah al-Zaher, and Dawood al-Marhoun—and lifted the petition for the death penalty against Mohammed al-Faraj and others, it continues to circumvent its laws in order to execute others who were arrested after reaching the

legal age of 18, but whom the public prosecution charged during the time when they were minors.

On 16 June 2021, Saudi Arabia announced the ta'zir execution of Mustafa Al Darwish on a mix of charges, some of them dating back to when he was a child.

Ta'zir execution

Penalties in Islamic law are divided into three categories:

1. Qisas: the implementation of the death penalty for a killer, a penalty prescribed in the Shariah.
2. Hudud: prescribed penalties for specified crimes, such as theft, drinking alcohol, and unlawful warfare.
3. Ta'zir : a discretionary penalty not specified in the Shariah, which goes back to the discretion of the judge and the ruler for crimes not specified in Islamic law. Muslim scholars differ concerning their limits, with some saying they stop at less than ten lashes and others that they extend to death.

Saudi Arabia employs the ta'zir penalty very widely, based on [extremist religious understandings](#) that believe that opinion leaders and dissenters, as well as those accused of drug trafficking crimes, deserve to be punished with ta'zir execution.

Political charges

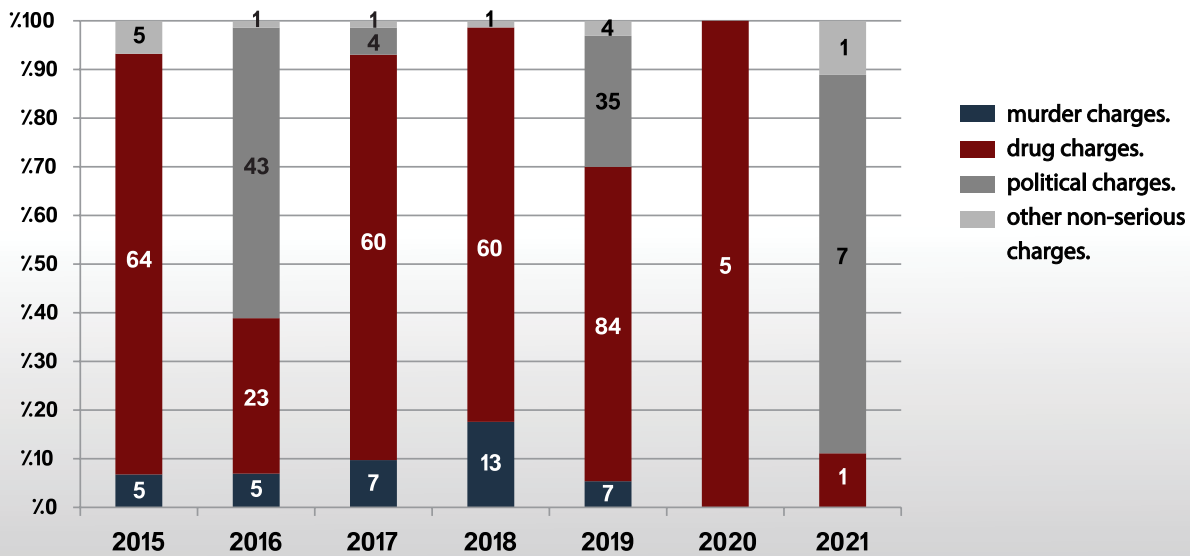
Since King Salman came to power in January 2015, the number of ta'zir executions of opinion leaders and dissidents in Saudi Arabia has risen to 93, as of the publication of this report. In 2021, Saudi Arabia carried out eight executions on political charges, and at least 42 other people are still facing the same penalty at various stages of prosecution.

Drug trafficking charges

According to ESOHR statistics, most of the victims of ta'zir executions are accused of drug trafficking. From the beginning of King Salman's reign to the end of 2021, Saudi Arabia has executed 297 people on drug-related charges. The Saudi Human Rights Commission has said that the death penalty against drug offenders has been voluntarily suspended. However, in 2021, it announced the execution of a person charged with a variety of crimes, including drug trafficking. Despite the Human Rights Commission's declaration of a moratorium on executions of those facing drug charges, laws have not been amended, nor have alternative sentences been issued, and those sentenced to death for drug crimes still face an uncertain fate.

Tazir Executions According to the Charges

(From the beginning of 2015 and during King Salman and his son reign, until the end of 2021)



Threatened with death

In addition to the executions carried out, the year 2021 saw an increase in requests for the death penalty and the approval of other sentences. According to ESOHR's monitoring, at least 42 people remain on death row, including minors like Hassan al-Faraj, Jalal al-Labad, Youssef al-Manasif, and Sajjad Al Yassin, for whom the public prosecution is requesting the death penalty despite the violations in their cases.

A number of detainees face final death sentences that may be carried out at any moment, including Mustafa al-Khayat, [Mohammed al-Shakhouri](#), and Assad Shuber, who face charges of demonstrating. In addition, Yassin Al Ibrahim is facing fabricated accusations of espionage. Furthermore,

the public prosecution continues to seek the execution of the child, Abdullah al-Hwaiti, despite the dropping of his death sentence. ESOHR's monitoring makes clear the uncertain timing of the implementation of the sentences. Secrecy surrounding the time of implementation prevents the families from monitoring the situation and knowing when the time of execution is approaching. Saudi Arabia's refusal to inform families of executions deprives them of saying goodbye to their relatives.

Moreover, researcher Hassan Farhan al-Maliki, Sheikh Salman al-Ouda, and Ali al-Omari are still being tried in the Specialized Criminal Court, amid ongoing delays and the public prosecution's insistence on seeking the death penalty.

Unfair procedures

According to international law, the most exacting legal procedures must be followed and the greatest possible guarantees must be provided to those charged with crimes punishable by death. In international settings, [Saudi Arabia claims](#) to adhere to international restrictions and laws regarding the death penalty, saying that death sentences are only issued after stringent procedures and are only carried out after providing clear evidence that bears no alternative explanation of the facts. Moreover, the Kingdom said its laws are subject to ongoing review.

ESOHR's monitoring of the procedures followed in trials involving the death penalty and political cases shows that the General Investigation Directorate (Mabahith)—an agency of the repressive Presidency of State Security linked to the king and his son—systematically crushes all rights of the accused guaranteed by domestic laws.

In most cases observed by ESOHR, immediately after his arrest, the accused is forbidden from communicating with his family and kept in solitary confinement for a long time during the investigation period. Furthermore, the accused is prevented from obtaining a lawyer before the beginning of the sham trial, in blatant violation of the domestic code of criminal procedure.

Investigators with the Presidency of State Security extract confessions from their victims under the pressure of torture or write confessions themselves and compel the victims to sign them. Then, they force them to validate those confessions with the validation judge, making them enforceable in court later as evidence of guilt against the victim, which makes a lawyer's defense useless. Although the verdicts the ESOHR has analyzed show that the accused assert before the judges that they have been exposed to torture, the judges intentionally disregard this and issue death sentences despite claims of torture and evidence of violations of due process prior to sham trials.

Saudi Arabia created the position of validation judge in order to make admissions extracted under torture

during the investigation period legitimate before trial, in violation of Article 108 of the Law on Legal Pleadings, which states: "Admission by a litigant, under questioning or without questioning, shall be evidence limited to him. The admission shall be made before the judge during the course of the case related to the admitted event." This procedure diminishes the role of the accused's lawyer during the course of the trial and renders his defense ineffective, given the court's reliance on these admissions for conviction. The Mabahith repeat the investigation of the accused, mixed with torture, if he refuses to validate his admissions before the validation judge, which makes many people validate simply in order to escape torture.

Over-broad charges and extremist religious interpretations

International law does not permit the use of the death penalty except for crimes stipulated in domestic law. Furthermore, it does not allow its application except for the most serious crimes that result in deliberate murder. In domestic Saudi laws, there is no compilation of all the punishable crimes. Instead, in its sham trials, Saudi Arabia uses extremist interpretations of religious texts in order to justify the ta'zir execution of opponents and opinion leaders. According to the interpretations used, the ruler has the right to put to death those who oppose his rule

or his policies, and he is entitled to execute those who hold differing views on the interpretation of religion, on the grounds that their disobedience is disobedience to God Almighty.

For example, researcher Hassan Farhan al-Maliki is facing a demand for his execution by invoking his religious and historical opinions, which conflict with official Wahhabi doctrine, as evidence of his guilt.

Admissions extracted under torture

Saudi Arabia uses torture to extract confessions from victims and later relies on them in court as evidence of guilt, in blatant violation of the Convention against Torture, which prohibits reliance on statements obtained under torture.

A [study](#) that ESOHR conducted after examining official documents in 110 cases, including dozens of victims of execution, concluded that the Saudi judiciary unjustifiably disregards allegations of torture against Saudi investigators. This indicates that torture is a permissible and protected crime in the country's prisons.

Sham trials

Lawyers for many victims of executions monitored by ESOHR, as well as for those against whom no final judgment has yet been issued, have challenged before the court the procedures taken against them in violation of domestic laws. Nevertheless, the judiciary has taken no steps to nullify the trials. Moreover, they have issued death sentences or continued trials without caring about the Mabahith crushing domestic laws. These events confirm that trials in Saudi Arabia are sham and non-independent and that the king and the crown prince use these trials to eliminate opinion leaders and dissidents by “legal” means.

Conclusion

ESOHR believes that the rising executions and the public prosecution’s continued demand for the application of this punishment in 2021 demonstrate Saudi Arabia’s insistence on disregarding international recommendations that call its use to be restricted to perpetrators of the most serious crimes. Furthermore, ESOHR believes that the resurgence of executions in Saudi Arabia reveals that the country’s political leadership is not serious about translating its promises to implement reforms with regard to executions, nor to put a stop to its bloody tendency

toward opponents and opinion leaders. ESOHR also fears that Saudi Arabia's delay in applying its promises is aimed at its desire to liquidate dozens of those for whom the public prosecution is seeking the death penalty and those against whom final judgments have been issued, before approving laws that will tie its hands in front of the international community.

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