

Speech presented by the European Saudi Organization for Human Rights (ESOHR) and Reprieve during the preparatory session for the universal periodic review of Saudi Arabia

Theme: Death penalty & use of torture in Saudi Arabia

Overview + setting context

Esteemed Delegates, my name is Duaa Dhainy; I am the senior researcher at the European Saudi Organization for Human Rights (ESOHR).

My statement, also delivered on behalf of Reprieve, will highlight how Saudi Arabia failed to implement recommendations made in the 2018 Universal Periodic Review processes regarding compliance with international standards on the use of the death penalty and torture.

From 2018 onwards, Crown Prince Mohammad bin Salman and his officials have repeatedly suggested to the international community that Saudi Arabia intends to abolish the death penalty for non-lethal offences, and for childhood offences. However, executions for drug related crimes and child defendants continue and Saudi Arabia's application of the death penalty continues to fall short of its regional and international obligations arising out of the Arab Charter on Human Rights, the Convention on the Rights of the Child and the Convention Against Torture.

Since the last UPR review, ESOHR and Reprieve have documented an unprecedented deterioration in human rights exemplified by a record number of executions. Since 2018, at least 693 individuals have been executed; this includes those who were deemed arbitrarily detained by United Nations special procedures, individuals charged with non-lethal crimes, and child defendants. We have also documented the prevalent use of torture to extract confessions later used as evidence to sentence individuals to death.

Since 2018, Saudi Arabia has also carried out two mass executions; the most recent in March 2022, when 81 individuals were executed in a single day making this the largest mass execution in Saudi Arabia's history.

Failures to implement recommendations from last UPR

In spite of numerous recommendations, no steps have been taken by Saudi Arabia to review or amend legislation with a view to restricting the application of the death penalty to the "most serious" offences, in line with its regional obligations. Saudi Arabia has also failed to implement recommendations on improving transparency in its application of the death penalty. To date, Saudi Arabia has not made public the number of persons on death row or executed, meaning the true scale of Saudi Arabia's application of the death penalty remains unknown.

Despite supporting recommendations on de-criminalising the exercise of fundamental rights, Saudi Arabia continues to misuse counterterrorism legislation to issue death sentences and carry out executions following convictions before the Specialised Criminal Court. Data collected shows that individuals who exercise their fundamental right have been targeted, tortured, sentenced to death and executed, suggesting that the Saudi government uses the death penalty as a tool of repression.

Despite reform to the juvenile justice system, with the promulgation of a new Juvenile Law in 2018, in practice, child defendants remain at risk of the death penalty. In April 2020, the Saudi Human Rights Commission announced that a new Royal Decree expanded the scope of the Juvenile Law and in October 2020, the SHRC claimed “no one in Saudi Arabia will be executed for a crime committed as a minor”. Yet, in June 2021 a child defendant was executed for non-lethal protest related offences. 10 other child defendants were executed since 2016, and we are aware of current child defendants at risk of imminent execution, following unfair trials that did not investigate allegations of torture in line with international minimum standards.

Saudi Arabia has failed to implement recommendations on prohibiting torture and ill-treatment. Persons on death row in Saudi Arabia continue to allege that they have been tortured while detained and interrogated by Saudi authorities, indicating that the use of torture in Saudi Arabia remains widespread. Perpetrators identified by victims include state security officers and anti-narcotics forces.

In sum, Saudi Arabia has failed to implement numerous supported recommendations to bring its application of the death penalty in line with international standards. Despite various promises to the international community to establish a penal code, to cease the use of capital punishment against child defendants, and to prohibit torture, the use of the death penalty in Saudi Arabia continues unabated.

Recommendations

In light of these facts, we kindly call on States to recommend that Saudi Arabia:

- Immediately establishes an official moratorium on the use of the death penalty;
- Reviews and amends legislation on the death penalty to ensure that its application is restricted to the “most serious crimes”, as required by the Arab Charter;
- Commutes all death sentences handed down for offences that do not meet the threshold of the Arab Charter;
- Amends Juvenile Law 2018 to end the death penalty for all childhood crimes, irrespective of the category of offence;
- Fulfills its promise to draft a penal code that complies with international and regional human rights obligations and that prohibits the death penalty for non-lethal offences.