



Saudi Arabia Inputs on the Death Penalty

This Paper was prepared to answer to the Special Rapporteur on extrajudicial, summary or arbitrary executions call for inputs to inform his forthcoming report on the death penalty, to be presented at the 77th session of the General Assembly.

1. The death penalty in Saudi Arabia is imposed only in the most serious crimes, and in accordance with a legislative provision, it is issued only on the basis of conclusive and substantial evidence, according to a final judgment issued by a competent court and after all legal guarantees fulfilling, including access to legal assistance. The death sentence issued by the Court of First Instance is subject to the Mandatory Appeal to the Court of Appeal, and subsequently reviewed by the Supreme Court, and therefore such cases are considered by (13) judges in the various stages of judicial review.
2. The Criminal Procedures Law stipulates in Article 4 that “An accused person may seek the assistance of a legal representative or an attorney to defend him during investigation and trial,” and the accused person shall be notified upon his arrest or detention of this right in accordance with Article (22) of the executive regulation of the Criminal Procedures Law.
3. Article (70) of the Criminal Procedures Law stipulates that “The investigator may not, during the investigation, separate the accused from his legal representative or attorney. ~~The legal representative or attorney may not intervene in the investigation except with the permission of the investigator.~~ The law also stipulates that ‘ in all cases, the legal representative or attorney may deliver to the investigator a written



memorandum of his comments and the investigator shall attach such memorandum to the case file”.

4. Article (139) of the Criminal Procedures Law stipulates that “In major crimes, the accused shall personally appear before the court, without prejudice to his right to seek legal assistance. If the accused person cannot afford appointing an attorney, he/she may request the court to appoint one for his defense at the expense of the State in accordance with the regulations”. The “Mechanism for Hiring a Lawyer at the State’s Expense for the Accused in Major Crimes” was also issued, clarifying the mechanism for disbursing the entitlements of lawyers appointed by the state to defend the accused in these crimes.
5. Regarding to the impact of the death penalty on family members, including children of parents sentenced to death; the committee for the care of prisoners was established by the Council of Ministers Decision No. (2) dated 26/3/2001 , one of the committee aims is to take the necessary measures to take care of the inmates and their families.
6. With regard to children of parents facing the death penalty, the Child Protection Law issued by Royal Decree No. (M/14) dated 11/25/2014 included provisions that protect every person under the age of 18 by facing abuse and neglect that may be exposed to them. The law also required taking the measures to provide the necessary care to the child who is subject to such a situation. The Executive Regulation of the Child Protection Law included that in case of child’s parents absence due to death, imprisonment or any other reasons, the relevant authorities shall take all necessary

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Ref: HRC/DRT/TR/74

Date: 28/04/2022

measures and actions to protect this child from deviation that endangers his psychological or physical safety.

7. Regarding to the methods of execution, including existing safeguards to prevent physical pain and suffering; and treatment of bodies of the executed, Article (160/1) of the Executive Regulation of the Criminal Procedures Law states that “the convict shall be brought to the execution place without violence, or any psychological or physical harm”. Article (163) of the Executive Regulation of the Criminal Procedures Law stipulates that the death sentences shall be carried out by the tool stipulated in the judgment; If nothing is stipulated in the judgment, then by what tool achieving the kind execution, and the executed is not transferred from the execution place, except after confirmation of his death, based on a report from a specialized doctor, and after the execution of the death penalty, the competent authority prepares and burials the executed.
