

Saudi Arabia ranks among the top countries in the world in terms of the number of executions carried out. From January to October 2023, the country executed 112 individuals. The previous year, 2022, saw a significant spike in executions, with 196 people executed — the highest annual figure recorded by Amnesty International for Saudi Arabia in three decades. Despite assurances from Saudi officials to reduce the application of the death penalty, 2022's execution numbers were triple those of 2021 and seven times the figures from 2020<sup>1</sup>.

Furthermore, Amnesty International highlighted a concerning development in July 2022, when a draft of a Penal Code also referred to as the ‘Manifesto for Repression,’ was leaked<sup>2</sup>. This document appeared to formalize the Kingdom's repressive practices, which have led to the imprisonment of dissidents, and underscored the persistence of capital punishment. In addition, in 2023, the European-Saudi Organization for Human Rights (ESOHR), reported that for the first time in many years, Saudi Arabia executed individuals during Ramadan, breaking its own tradition of refraining from carrying out death sentences during the Islamic holy month<sup>3</sup>. This move by the Saudi authorities marks a significant departure from their previous practices regarding the death penalty. It also indicates an aggravation to the situation and numbers of executions carried out by the Saudi authorities.

## **I. Juveniles at the time of the offense facing death penalty**

In 2020, a Royal Decree was issued with the objective of abolishing the death penalty for individuals who were convicted of crimes as minors in Saudi Arabia. Under this decree, those who were sentenced to death for offenses committed during their youth will now serve a maximum prison term of 10 years in a juvenile detention center. However, there is ambiguity regarding the timeline for implementing this decision and its applicability to individuals already facing death sentences.

Moreover, the use of the death penalty against people that were under 18 years of age at the time of the crime they have been convicted of is strictly prohibited under article 37(a) of the Convention on the Rights of the Child<sup>4</sup>, which Saudi Arabia ratified in 1996.

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<sup>1</sup> Amnesty International, “Saudi Arabia: Two Young Men at Imminent Risk of Execution after Supreme Court Decision Issued in Secret,” [www.amnesty.org.uk](https://www.amnesty.org.uk), October 25, 2023, <https://www.amnesty.org.uk/press-releases/saudi-arabia-two-young-men-imminent-risk-execution-after-supreme-court-decision#:~:text=The%20use%20of%20the%20death%20penalty%20against%20people%20that%20were>.

<sup>2</sup> Amnesty International, “Saudi Arabia: Manifesto for Repression: Saudi Arabia's Forthcoming Penal Code Must Uphold Human Rights in Line with International Law and Standards,” Amnesty International, March 19, 2024, <https://www.amnesty.org/en/documents/mde23/7783/2024/en/>.

<sup>3</sup> ESOHR, “السعودية تكسر محظوراتها وتعدم لأول مرة في شهر رمضان – المنظمة الأوروبية السعودية لحقوق الإنسان,” [Esohr.org](https://www.esohr.org/en/ramadan-executions), April 3, 2023, <https://www.esohr.org/en/ramadan-executions>

<sup>4</sup>Article 37(a) of the 1989 Convention on the Rights of the Child. Available at : <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

Therefore, persons under 18 years of age at the time of the offense are supposed to be protected from the death penalty in Saudi Arabia. However, in practice, such a protection has not been enforced.

Indeed, in mid-2023, Amnesty International reported that seven young men, all of whom were minors at the time of their arrest, were facing the imminent threat of execution after their punishment was confirmed by an appeals court<sup>5</sup>. On October 16, 2023, an expert from the United Nations voiced apprehension regarding the impending execution of Abdullah Al-Derazi in Saudi Arabia<sup>6</sup>. Al-Derazi was reportedly a minor when he allegedly committed the crime for which he is facing execution. Morris Tidball-Binz, the UN Special Rapporteur on summary, extrajudicial, or arbitrary executions, highlighted the troubling uncertainty surrounding the implementation of the 2020 decree, particularly in cases like Al-Derazi's.

The lack of clarity regarding the Royal Decree raises profound ethical and legal questions, especially regarding the rights and protections afforded to juveniles within the country's legal system. The situation underscores the urgent need for clearer guidelines and adherence to international standards that safeguard the rights of minors in the justice system and protect them from death penalty sentences.

## **II. Pregnant women facing death penalty**

According to Article 14 of the regulations for juvenile homes that have been endorsed by the Saudi Council, pregnant women and their newborn children are given specific considerations when it comes to convictions, especially the death penalty in the kingdom<sup>7</sup>. If a woman is found guilty of a crime while she is pregnant, any punishment or physical sentence she receives may be delayed by as much as two years after she has given birth. As part of several reforms introduced by the Saudi government in the last few years, this ruling is part of the framework. Furthermore, she will be treated and supported medically until forty days after confirming pregnancy, with delivery planned in a hospital with a secure environment. The child is permitted to stay in the juvenile home with the mother for up to two years, receiving necessary medical attention and nutrition. Upon reaching two years of age, the child's status is formally documented and verified by the court before being placed with a legal guardian or, if that's not feasible, in a social nursery.

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<sup>5</sup> Amnesty International, "Saudi Arabia: Imminent execution of seven young men would violate kingdom's promise to abolish death penalty for juveniles", 15 June 2023. Available at : <https://www.amnesty.org/en/latest/news/2023/06/saudi-arabia-imminent-execution-of-youths-would-violate-kingdoms-promise-to-abolish-death-penalty-for-juveniles/>.

<sup>6</sup> Office of the High Commissioner for Human Rights, "Saudi Arabia: UN expert alarmed by imminent execution of child defendant", 16 October 2023. Available at : <https://www.ohchr.org/en/press-releases/2023/10/saudi-arabia-un-expert-alarmed-imminent-execution-child-defendant>.

<sup>7</sup> Souad Alyola, "السعودية: تأجيل عقوبة المرأة الحامل لبعده سنتين من الوضع", Independent Arabia, June 3, 2021, <https://www.independentarabia.com/saudi-arabia-postponing-the-punishment-of-a-pregnant-woman-for-two-years-after-giving-birth>

In other words, legally, no woman is to be executed during pregnancy nor up to two years after giving birth. However, in recent years, the Saudi authorities have supposedly eliminated or severely limited the scope of the death penalty for juvenile offenders<sup>8</sup>. Despite that, mainly OHCHR and Amnesty International have reported several death penalty sentences towards minors, some of the age of 12 years old, which has violated the Kingdom's promise to abolish death penalty for juveniles<sup>9</sup>. Based on that, fears of potential death sentences against pregnant women are well-founded. Indeed, in light of the non-compliance with the provisions concerning minors, everything suggests that the death sentence remains a discretionary power in Saudi Arabia and that pregnant women are not protected from a change of heart when it comes to their rights.

### **III. Persons with mental or intellectual disabilities facing death penalty**

A recent documented case of an execution of a person suspected of having a severe mental disability occurred on September 22, 2014. Indeed, Hajras al-Qurey was executed after being convicted of drug trafficking by the General Court in Najran on January 16, 2014<sup>10</sup>, despite evidence from a commissioned assessment indicating al-Qurey's mental disorder<sup>11</sup>.

However, international law and standards recognize the importance of considering various factors in criminal proceedings, particularly for individuals with mental or intellectual disabilities. Such disabilities may render a defendant incapable of fully understanding the nature of their actions or conforming to legal requirements. Additionally, they could affect their ability to participate in legal processes, including standing trial, assisting legal counsel, making appeals, and comprehending the consequences of their punishment. Consequently, individuals with mental or intellectual disabilities are often more vulnerable throughout the criminal justice process, from arrest to sentencing.

In Saudi Arabia, laws offer little or no guidance on how to address mental and intellectual disabilities in legal proceedings. This lack of clarity, coupled with inadequate legal representation, mandatory imposition of the death penalty, and limited resources for independent medical assessments before and after sentencing, has resulted in numerous instances where individuals with such disabilities have been sentenced to death and, tragically, executed. Furthermore, such a lack of legal framework regarding the rights of mentally and intellectually

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<sup>8</sup> Amnesty International, "Saudi Arabia: Two Young Men at Imminent Risk of Execution after Supreme Court Decision Issued in Secret," [www.amnesty.org.uk](https://www.amnesty.org.uk/press-releases/saudi-arabia-two-young-men-imminent-risk-execution-after-supreme-court-decision#:~:text=The%20use%20of%20the%20death%20penalty%20against%20people%20that%20were), October 25, 2023, <https://www.amnesty.org.uk/press-releases/saudi-arabia-two-young-men-imminent-risk-execution-after-supreme-court-decision#:~:text=The%20use%20of%20the%20death%20penalty%20against%20people%20that%20were>.

<sup>9</sup> OHCHR, "Saudi Arabia: Death Penalty against Juvenile Offender Amounts to Arbitrary Deprivation of Life, Say UN Experts," OHCHR, May 31, 2022, <https://www.ohchr.org/en/press-releases/2022/05/saudi-arabia-death-penalty-against-juvenile-offender-amounts-arbitrary>.

<sup>10</sup> Ministry of Justice, Court Verdict 3455723, 16 January 2013, p. 2.

<sup>11</sup> Amnesty International urgent action, Hajras al-Qurey executed, UA 201/14 (Index: MDE 23/024/2014), 22 September 2014.

disabled persons will only lead to more death sentences and executions of disabled persons, in total violation of their rights and international standards.

Therefore, in order for persons with mental or intellectual disabilities to see their rights effectively protected, Saudi Arabia must comply with international human rights standards and establish a clear legal framework to protect people with such disabilities from death penalty.

#### **IV. Human rights of children of parents sentenced to the death penalty or executed**

The human rights of children whose parents face the death penalty, as well as the rights of families with members on death row, are often disregarded. In Saudi Arabia, there have been instances where the Saudi authorities executed individuals without fully respecting the rights of the convicted, including denying them the opportunity to see their families or to have legal representation<sup>1213</sup>. Specifically, Amnesty International reported in October 2023 that the Supreme Court confirmed the death sentences of Abdullah al-Darazi and Jalal Labbad, part of a group of seven young men, without informing their families or lawyers beforehand<sup>14</sup>.

Furthermore, families are often left in the dark about the ratification of death sentences by the Supreme Court and the King, only learning about the execution of their loved ones through media reports. This practice raises significant concerns about the observance of human rights within the judicial process, particularly regarding the rights of convicts' families and their children. This is starkly emphasized by the Saudi Manifesto for Repression, which was released by Amnesty International on the 19th of March 2024.

In conclusion, Saudi Arabia should not only guarantee and respect the rights of persons sentenced to death, whether they are minors, pregnant women, mentally or intellectually disabled, or not, but also extend this guarantee and protection to their loved ones through transparency regarding their faith.

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<sup>12</sup> Caroline Hawley, "Secretive Saudi Executions Leave Families in the Dark," *BBC News*, January 31, 2023, sec. Middle East, <https://www.bbc.com/news/world-middle-east-64338876>.

<sup>13</sup> Amnesty International, "Saudi Arabia: Two Young Men at Imminent Risk of Execution after Supreme Court Decision Issued in Secret," [www.amnesty.org.uk](https://www.amnesty.org.uk), October 25, 2023, <https://www.amnesty.org.uk/press-releases/saudi-arabia-two-young-men-imminent-risk-execution-after-supreme-court-decision#:~:text=The%20use%20of%20the%20death%20penalty%20against%20people%20that%20were>.

<sup>14</sup> Amnesty International, "Saudi Arabia: Two Young Men at Imminent Risk of Execution: Abdullah Al-Derazi, Jalal Labbad," Amnesty International, January 17, 2024, <https://www.amnesty.org/en/documents/mde23/7363/2023/en/>.