

Saudi Arabia's Compliance with the International Convention on the Elimination of All Forms of Racial Discrimination: The Death Penalty

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

The World Coalition Against the Death Penalty

European Saudi Organisation for Human Rights

and

Reprieve

a non-governmental organization in special consultative status with ECOSOC since 2018

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty (WCADP), an alliance of more than 170 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

The European Saudi Organization for Human Rights (ESOHR) is a nonprofit organization establishment, established by a group of activists aiming to strengthen the commitment of human rights principles in Saudi Arabia. ESOHR vision is to expand the area of human rights in all fields in full measure, by working to urge the concerned as legislative or executive to activate it, raise awareness and empower citizens of their rights through education.

Reprieve is a legal action non-governmental organization founded in 1999. Reprieve promotes and protects the rights of those facing the death penalty and human rights abuses, often at the hands of governments, carried out in the name of “counter-terrorism” or “national security,” with a focus on arbitrary detention, torture, and extrajudicial executions.

EXECUTIVE SUMMARY

1. This report supplements the coauthors' August 2024 report on death penalty issues in Saudi Arabia.
2. Saudi authorities have not implemented the Committee's 2018 recommendations to "[c]onduct a study on the root causes of the overrepresentation of migrant workers in the criminal justice system with a view to addressing those causes" and "[c]onsider abolishing the death penalty."¹ Migrant workers, foreign nationals, and other minority groups are disproportionately affected by the death penalty in Saudi Arabia.

Saudi Arabia fails to uphold its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination

3. Saudi Arabia continues to retain the death penalty for a wide range of offenses across three categories of Islamic law: *Huddud* (mandatory), *qisas* (retributive), and *ta'zir* (discretionary).² Within these categories, judges retain wide-ranging powers to determine what behavior may constitute a criminal offense and whether to sentence a person to death.³
4. Saudi Arabia continues to retain the death penalty for crimes that do not meet the most serious crimes threshold, including non-lethal offenses, such as drug related offenses, sorcery, and witchcraft, among others.
5. When a court convicts a person for murder under *qisas*, the victim's relatives may authorize the death penalty or alternatively choose to pardon the offender in exchange for *diyah* (blood money).⁴ The victim's family may also pardon the offender without seeking any financial compensation, motivated solely by a desire for spiritual fulfillment (seeking reward from God).⁵
6. Despite the government's prior assurances that it would reform the judicial system and limit the use of the death penalty,⁶ authorities have intensified the rate of executions, with nearly twice as many executions in 2023 as in 2015.⁷ As of 23 October, authorities have executed 236

¹ 2018 Concluding Observations ¶ 18(f)-(g).

² Reprieve, *Saudi Arabia and the Death Penalty* (United Kingdom Reprieve, January 2023), available at <https://reprieve.org/uk/2023/01/31/saudi-arabia-and-the-death-penalty-everything-you-need-to-know-about-the-rise-in-executions-under-mohammed-bin-salman/>.

³ Reprieve, *Saudi Arabia and the Death Penalty* (United Kingdom: Reprieve, January 2023), available at <https://reprieve.org/uk/2023/01/31/saudi-arabia-and-the-death-penalty-everything-you-need-to-know-about-the-rise-in-executions-under-mohammed-bin-salman/>.

⁴ Amnesty International, *Death Sentences and Executions 2023* (2024), at 31 n.81, available at <https://www.amnesty.org/en/documents/act50/7952/2024/en/>.

⁵ Email communication between ESOHR and The Advocates for Human Rights, 21 Oct. 2024, on file with The Advocates for Human Rights.

⁶ International Federation for Human Rights, *FIDH Condemns Mass Executions in Saudi Arabia and Egypt*, Mar. 23, 2022, <https://www.fidh.org/en/region/north-africa-middle-east/saudi-arabia/fidh-condemns-mass-executions-in-saudi-arabia-and-egypt>.

⁷ Middle East Eye, *Saudi Arabia Executes a Person Every Two Days So Far in 2024*, July 16, 2024, <https://www.middleeasteye.net/news/saudi-arabia-executes-person-every-two-days-2024>.

individuals in 2024, the highest annual numbers recorded since 1990,⁸ and the equivalent of more than one execution every two days.⁹

I. Saudi authorities continue to sentence to death and execute foreign nationals.

7. As of October 2024, Saudi Arabia hosts the 12th largest population of migrants in the world.¹⁰ In 2023, the European Saudi Organisation for Human Rights (ESOHR) and Reprieve reported that “[f]rom 2010 to 2021, Saudi Arabia executed nearly 3 times as many foreign nationals for drug-related offences as Saudi nationals, despite foreign nationals comprising only 36% of Saudi Arabia’s population.”¹¹
8. According to ESOHR, authorities in 2024 stepped up executions, with the rate of executions from January 1 through July 15 representing a 42% increase compared to the same period in 2023.¹² By 23 October, the total number of people executed in 2024 had reached 236.¹³ This figure includes 89 (38%) foreign nationals.¹⁴
9. Between January and 23 October 2024, 71 individuals sentenced to death were convicted of drug-related offenses.¹⁵ Of that number, 57 were foreign nationals, representing 80% of the total number of people executed for drug-related offenses: 14 Pakistanis; 11 Syrians; 10 Nigerians; 7 Yemenis; 5 Egyptians; 4 Jordanians; 3 Afghans; 2 Ethiopians; and 1 Sudanese.¹⁶
10. Two of the individuals executed for drug-related offences were Nigerian women. According to data from ESOHR and Reprieve, between 2004 and 2024, Saudi authorities executed nine women for drug-related offenses. All were foreign nationals: 5 Nigerians and 4 Pakistanis.¹⁷

⁸ Amnesty International, *Saudi Arabia: Highest Execution Toll In Decades As Authorities Put To Death 198 People*, Sept. 28, 2024, <https://www.amnesty.org/en/latest/news/2024/09/saudi-arabia-highest-execution-toll-in-decades-as-authorities-put-to-death-198-people/#:~:text=In%202022%2C%20Saudi%20Arabia%20executed,it%20is%20mandated%20under%20Sharia.>

⁹ Middle East Eye, *Saudi Arabia Executes a Person Every Two Days So Far in 2024*, July 16, 2024, <https://www.middleeasteye.net/news/saudi-arabia-executes-person-every-two-days-2024>.

¹⁰ The World Factbook, *Country Comparisons – Net Migration Rate*, <https://www.cia.gov/the-world-factbook/field/net-migration-rate/country-comparison/>.

¹¹ European Saudi Organisation for Human Rights and Reprieve, *Bloodshed and Lies: Mohammed bin Salman’s Kingdom of Executions* (Jan. 31, 2023), at 3, available at <https://reprieve.org/uk/2023/01/31/saudi-arabia-and-the-death-penalty-everything-you-need-to-know-about-the-rise-in-executions-under-mohammed-bin-salman/>.

¹² European Saudi Organisation for Human Rights, *100 Executions since the Beginning of 2024 in Saudi Arabia*, 15 July 2024, <https://euh.global.ssl.fastly.net/en>.

¹³ Database held on file by ESOHR and Reprieve in October 2024.

¹⁴ 21 Pakistanis; 17 Yemenis; 11 Syrians; 10 Nigerians; 8 Ethiopians; 6 Egyptians; 4 Jordanians; 3 Sudanese; 3 Afghans; 3 Indians; 1 Sri-Lankan; and 1 Filipino. Five of the 236 executed were women: 2 Saudis, 2 Nigerians, and 1 Ethiopian. Database held on file by ESOHR and Reprieve in October 2024.

¹⁵ European Saudi Organisation for Human Rights, *July the Deadliest Since the Beginning of 2024 in Saudi Arabia: Execution of Drug-Related Offenders*, 1 Aug. 2024, <https://www.esohr.org/en/%D9%8A%D9%88%D9%84%D9%8A%D9%88-%D8%A7%D9%84%D8%A3%D9%83%D8%AB%D8%B1-%D8%AF%D9%85%D9%88%D9%8A%D8%A9-%D9%85%D9%86%D8%B0-%D8%A8%D8%AF%D8%A7%D9%8A%D8%A9-%D9%A2%D9%A0%D9%A2%D9%A4-%D9%81%D9%8A-%D8%A7/#:~:text=July%20the%20Deadliest%20Since%20the,Execution%20of%20Drug%2DRelated%20Offenders&text=In%20July%202024%2C%20Saudi%20Arabia,the%20beginning%20of%20the%20year.>

¹⁶ Database held on file by ESOHR and Reprieve in October 2024.

¹⁷ Database held on file by ESOHR and Reprieve in October 2024.

11. As described in the coauthors' prior report, however, Saudi Arabia's death penalty practices lack transparency, and authorities fail to disaggregate data by key factors like nationality or gender, so the above figures likely underrepresent the number of women and foreign nationals executed and sentenced to death.¹⁸ For example, in 2024, authorities had not disclosed whether any women were under sentence of death, yet authorities executed at least two women in the first half of the year.¹⁹
12. The government's repression and intimidation of civil society and families of individuals on death row impedes collection of information about many death sentences.²⁰ Family members are often afraid of speaking out, fearing severe repercussions, including long prison sentences.²¹ Consequently, a significant number of death sentences remain unreported.
13. The disparity in convictions of migrants and foreign nationals for drug-related offenses may be attributed to the fact that most migrants living in Saudi Arabia are poor, isolated, and separated from their support networks.²² As a result, they are particularly vulnerable to trafficking and coercion. ESOHR and Reprieve explain that they "are frequently vulnerable individuals from impoverished backgrounds who have been trafficked, coerced, threatened or deceived by criminal organisations into drug smuggling."²³ In 2010, authorities sentenced a Pakistani man to death after two individuals tricked him and forced him to smuggle drugs into the country.²⁴ One of the individuals had told the Pakistani man's father that they would help his son find work in Saudi Arabia in exchange for a fee of Rs.150,000.²⁵ After persuading the man to leave his home, the individuals threatened to kill him unless he swallowed heroin capsules and boarded a flight to Saudi Arabia.²⁶
14. Authorities also target migrants and other foreign nationals who practice unfamiliar customs. Saudi Arabia is one of few countries in the world to carry out executions for sorcery, and courts

¹⁸ Harry, Hoyle, and Hutton, *Migratory Dependency And The Death Penalty: Foreign Nationals Facing Capital Punishment In The Gulf* (July 2, 2023), at 114, available at <https://journals.sagepub.com/doi/10.1177/14624745231186001>.

¹⁹ European Saudi Organisation for Human Rights, *ESOHR and Advocates Rights: UPR Is an Opportunity to Push Saudi Arabia to Adhere to Its Commitments*, July 2024, <https://euh.global.ssl.fastly.net/en/>.

²⁰ Email communication between ESOHR and The Advocates for Human Rights, 21 Oct. 2024, on file with The Advocates for Human Rights.

²¹ Email communication between ESOHR and The Advocates for Human Rights, 21 Oct. 2024, on file with The Advocates for Human Rights.

²² Reprieve, Migrant Care, *Worked To Death: A Study On Migrant Workers And Capital Punishment* (Aug. 2021), at 3 available at <https://reprieve.org/uk/2021/11/23/worked-to-death/>.

²³ European Saudi Organisation for Human Rights and Reprieve, *Bloodshed and Lies: Mohammed bin Salman's Kingdom of Executions* (Jan. 31, 2023), at 27, available at <https://reprieve.org/uk/2023/01/31/saudi-arabia-and-the-death-penalty-everything-you-need-to-know-about-the-rise-in-executions-under-mohammed-bin-salman/>.

²⁴ Justice Project Pakistan, Equidem, *Through The Cracks: The Exploitation of Pakistani Migrant Workers In The Gulf Recruitment Regime* (Apr. 2019), at 6, available at https://www.jpp.org.pk/wp-content/uploads/2019/04/Through_the_cracks_JPP.pdf.

²⁵ Justice Project Pakistan, Equidem, *Through The Cracks: The Exploitation of Pakistani Migrant Workers In The Gulf Recruitment Regime* (Apr. 2019), at 6, available at https://www.jpp.org.pk/wp-content/uploads/2019/04/Through_the_cracks_JPP.pdf.

²⁶ Justice Project Pakistan, Equidem, *Through The Cracks: The Exploitation of Pakistani Migrant Workers In The Gulf Recruitment Regime* (Apr. 2019), at 6, available at https://www.jpp.org.pk/wp-content/uploads/2019/04/Through_the_cracks_JPP.pdf.

have sentenced foreign nationals to death for this offense.²⁷ In 2018, a court sentenced five Indonesian migrant workers to death for sorcery based on the fact that they carried *jimat*, an Indonesian good luck charm, which Saudi Arabian officials considered to be idolatrous.²⁸

15. Foreign nationals and migrant workers are at particular risk of unfair criminal proceedings because they often have limited or no knowledge of Arabic, which authorities use during interrogations and at trial.²⁹ Authorities regularly deny these people access to tools that would enable them to communicate and defend themselves at trial, including access to interpreters, legal counsel, and consular officials.³⁰
16. In May 2014, authorities arrested Hussein Abo al-Kheir, a Jordanian national, for possession of drugs while crossing the border from Jordan into Saudi Arabia. After law enforcement subjected him to hours of torture, including physical beatings, he provided a “confession,” and a court subsequently sentenced him to death in May 2015.³¹ Throughout Hussein’s arrest, trial, and detention in Saudi Arabia, he was never able to instruct a lawyer.³² Moreover, authorities failed to inform his family of his execution, leaving them to find out about it via the news.³³
17. Migrant workers hailing from countries in Africa, the MENA region, and Asia are particularly at risk. As of September 2024, at least 50 people were under sentence of death for drug-related crimes, and the majority of them are from Egypt.³⁴ In some of these cases, the defendants denied knowledge of the drugs in their possession, claiming that they were victims of larger criminal operations.³⁵ The courts, however, did not significantly consider these claims.³⁶ Four of the Egyptian men told Amnesty International that they have not heard anything about the status of their cases in nearly five years and that they had no legal representation during pre-

²⁷ Sato and Babcock (eds.), Eleos Justice and Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-Sanctioned Killing of Women* (March 2023), at 22, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2023/04/Silently-Silenced-final-30-March-2023-2.pdf>.

²⁸ Reprieve, Migrant Care, *Worked To Death: A Study On Migrant Workers And Capital Punishment* (Aug. 2021), at 11 available at <https://reprieve.org/uk/2021/11/23/worked-to-death/>.

²⁹ Amnesty International, *Killing In The Name of Justice: The Death Penalty In Saudi Arabia* (2015), at 5, available at <https://www.amnesty.org/en/documents/mde23/2092/2015/en/>.

³⁰ Amnesty International, *Killing In The Name of Justice: The Death Penalty In Saudi Arabia* (2015), at 5, available at <https://www.amnesty.org/en/documents/mde23/2092/2015/en/>.

³¹ Office of the High Commissioner of Human Rights, *Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment* (Sept. 2015), available at

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=17869>; Reprieve, Migrant Care, *Worked To Death: A Study On Migrant Workers And Capital Punishment* (Aug. 2021), at 12 available at <https://reprieve.org/uk/2021/11/23/worked-to-death/>.

³² Information held on file with Reprieve.

³³ Amnesty International, *Saudi Arabia: Execution of Jordanian Man Reveals ‘Callous Disregard for Human Life’*, Mar. 13, 2023, <https://www.amnesty.org/en/latest/news/2023/03/saudi-arabia-execution-of-jordanian-man-reveals-callous-disregard-for-human-life/>.

³⁴ ‘Cruel torture’: Drug convicts await execution in Saudi, France 24, 21 Aug. 2024, <https://www.france24.com/en/live-news/20240821-cruel-torture-drug-convicts-await-execution-in-saudi>.

³⁵ Email communication between ESOHR and The Advocates for Human Rights, 21 Oct. 2024, on file with The Advocates for Human Rights.

³⁶ Email communication between ESOHR and The Advocates for Human Rights, 21 Oct. 2024, on file with The Advocates for Human Rights.

trial proceedings, including their interrogations.³⁷ They also reported experiencing ill-treatment and torture, and while they brought these matters to the court’s attention, authorities did not undertake a serious investigation of the allegations.³⁸

18. In 2021, Justice Project Pakistan reported that on an annual basis Saudi Arabia executes more Pakistanis than any other foreign nationality, and that nearly all of those executions are for heroin smuggling.³⁹ The report outlines Saudi authorities’ failure to respect these people’s due process right, including court-appointed translators “sometimes intentionally misrepresenting detainees statements to judges or failing to accurately describe the contents of Arabic-language court documents.”⁴⁰ Human Rights Watch and Justice Project Pakistan report that translators for three individuals “told judges that defendants were pleading for forgiveness while [the detained individuals] were actually disputing the charges or convictions.”⁴¹

II. Women foreign nationals face compounded bias and discrimination within Saudi Arabia’s criminal legal system

19. Saudi Arabia does not publish information about the number of women sentenced to death,⁴² but according to ESHOR and Reprieve, Saudi authorities have executed at least five women to date in 2024, two of whom are Nigerian nationals executed for drug-related crimes⁴³. Authorities executed at least six women in 2023.⁴⁴
20. ESHOR and Reprieve report that from 2010 to 2021, Saudi authorities executed 31 women, including 23 foreign nationals, “of whom at least 13 were domestic workers.”⁴⁵ They found that “female domestic workers have been denied access to a fair trial in capital cases, including where significant gender-specific mitigation was ignored by the courts.”⁴⁶ The report revealed that female migrant domestic workers under the *kafala* (sponsorship) system are vulnerable to

³⁷ Amnesty International, *Saudi Arabia: Highest Execution Toll In Decades As Authorities Put To Death 198 People*, Sept. 28, 2024, <https://www.amnesty.org/en/latest/news/2024/09/saudi-arabia-highest-execution-toll-in-decades-as-authorities-put-to-death-198-people/#:~:text=In%202022%2C%20Saudi%20Arabia%20executed,it%20is%20mandated%20under%20Sharia.>

³⁸ Email communication between ESOHR and The Advocates for Human Rights, 21 Oct. 2024, on file with The Advocates for Human Rights.

³⁹ Justice Project Pakistan, *Caught in a web: Treatment of Pakistanis in the Saudi Criminal Justice System* (Mar. 7, 2018), at 2, available at <https://perma.cc/7AZM-XQ33>.

⁴⁰ Justice Project Pakistan, *Caught in a web: Treatment of Pakistanis in the Saudi Criminal Justice System* (Mar. 7, 2018), at 3, available at <https://perma.cc/7AZM-XQ33>.

⁴¹ Justice Project Pakistan, *Caught in a web: Treatment of Pakistanis in the Saudi Criminal Justice System* (Mar. 7, 2018), at 3, available at <https://perma.cc/7AZM-XQ33>.

⁴² Cornell Center on the Death Penalty Worldwide, *Judged for More than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 2018), at 10, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁴³ Information shared by the European Saudi Organisation for Human Rights and Reprieve by email, October 2024.

⁴⁴ Database held on file by ESOHR and Reprieve in October 2024; Amnesty International, *Death Sentences and Executions 2023* (2024), at 31, available at <https://www.amnesty.org/en/documents/act50/7952/2024/en/>.

⁴⁵ European Saudi Organisation for Human Rights and Reprieve, *Bloodshed and Lies: Mohammed bin Salman’s Kingdom of Executions* (Jan. 31, 2023), at 4, available at <https://reprieve.org/uk/2023/01/31/saudi-arabia-and-the-death-penalty-everything-you-need-to-know-about-the-rise-in-executions-under-mohammed-bin-salman/>.

⁴⁶ European Saudi Organisation for Human Rights and Reprieve, *Bloodshed and Lies: Mohammed bin Salman’s Kingdom of Executions* (Jan. 31, 2023), at 20, available at <https://reprieve.org/uk/2023/01/31/saudi-arabia-and-the-death-penalty-everything-you-need-to-know-about-the-rise-in-executions-under-mohammed-bin-salman/>.

trafficking, financial exploitation, and physical, sexual and emotional abuse.⁴⁷ They are often overworked, forcibly confined, deprived of food, and subjected to severe forms of ill-treatment. These patterns suggest that Saudi courts apply the death penalty “against female migrant domestic workers in a discriminatory way.”⁴⁸

21. Saudi authorities continue to sentence women to death and execute them, including most recently on 3 September and 7 October, when authorities executed two Nigerian nationals who had been found guilty of drug-related offenses.⁴⁹ Despite repeated efforts, ESOHR has been unable to obtain detailed information about these cases, underscoring the lack of transparency surrounding death penalty proceedings in Saudi Arabia.
22. According to a 2023 study published by Eleos Justice and the Cornell Center on the Death Penalty Worldwide, in countries like Saudi Arabia, “where migrant women are significantly overrepresented on death row, the structural violence of gendered migration contributed to these women facing the death penalty.”⁵⁰ As the Cornell Center on the Death Penalty Worldwide observed in a groundbreaking 2018 study, these women’s “status as foreigners, in tandem with unequal status of women in Saudi society, [has] subjected them to compounded bias in the criminal justice system.”⁵¹
23. Foreign nationals face particular disadvantages in criminal prosecutions: they often do not speak the language of the police or the courts and have difficulty accessing interpreters; they have little local support in navigating the criminal legal system; and their families are too far to contribute to the background investigation necessary for an adequate defense⁵².
24. Saudi Arabia has a history of sentencing women to death who have acted in self-defense against sexual assault. In 2018, authorities released Jennifer Dalquez, a Filipino national, after she spent four years on death row. Dalquez was a domestic worker whose employer attempted

⁴⁷ European Saudi Organisation for Human Rights and Reprieve, *Bloodshed and Lies: Mohammed bin Salman’s Kingdom of Executions* (Jan. 31, 2023), at 20, available at <https://reprieve.org/uk/2023/01/31/saudi-arabia-and-the-death-penalty-everything-you-need-to-know-about-the-rise-in-executions-under-mohammed-bin-salman/>.

⁴⁸ European Saudi Organisation for Human Rights and Reprieve, *Bloodshed and Lies: Mohammed bin Salman’s Kingdom of Executions* (Jan. 31, 2023), at 20, available at <https://reprieve.org/uk/2023/01/31/saudi-arabia-and-the-death-penalty-everything-you-need-to-know-about-the-rise-in-executions-under-mohammed-bin-salman/>.

⁴⁹ The Advocates for Human Rights, European Saudi Organization for Human Rights and World Coalition Against the Death Penalty, *The Kingdom of Saudi Arabia’s Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: The Death Penalty*, (Sept. 9, 2024), at 8, available at https://www.theadvocatesforhumanrights.org/International_Submissions/A/Index?id=505 ; *The execution of the Tazir death sentence against one of the offenders in the Makkah*, Saudi Press Agency, 7 Oct. 2024, available at <https://www.spa.gov.sa/N2184164>.

⁵⁰ Sato and Babcock (eds.), Eleos Justice and Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-Sanctioned Killing of Women* (March 2023), at 33, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2023/04/Silently-Silenced-final-30-March-2023-2.pdf>.

⁵¹ Cornell Center on the Death Penalty Worldwide, *Judged for More than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 2018), at 18, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁵² The Cornell Center on the Death Penalty Worldwide, *No One Believed Me: A Global Overview of Women Facing the Death Penalty for Drug Offenses, September 2021*, available at: <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>

to rape her at knifepoint.⁵³ Her acquittal followed worldwide pressure and a global petition for her release.⁵⁴

25. Women are also at risk of being targeted as drug mules. In 2019, authorities executed Ejaz Fatima, a Pakistani national, and her husband for trafficking heroin.⁵⁵ Authorities had failed to provide Fatima or her husband with a lawyer or an interpreter, even though neither spoke Arabic.⁵⁶ Fatima's father-in-law later stated that the couple did not even understand that they had been sentenced to death.⁵⁷ After the executions authorities failed to notify their families, provide any death certificates or other documentation, or even acknowledge the families' requests for repatriation of their remains.⁵⁸
26. As noted above, Saudi Arabia is one of few countries in the world to carry out executions for sorcery,⁵⁹ and authorities sentence women to death for this offense. In 2019, authorities released two Indonesian women from death row after a court had previously sentenced them to death for witchcraft.⁶⁰ In 2011, authorities executed a woman convicted of 'witchcraft and sorcery,' and in 2017, authorities arrested two women on allegations of practicing witchcraft.⁶¹

⁵³ Gulf News, *Filipina Maid Spared From Death Row Reunites With Family*, Nov. 2, 2018, <https://gulfnews.com/uae/crime/filipina-maid-spared-from-death-row-reunites-with-family-1.2296839>.

⁵⁴ Change.org, *Save Jennifer Dalquez – Migrant Worker Sentenced to Death by U.A.E. Court* (Mar. 6, 2017), <https://www.change.org/p/his-highness-sheikh-khalifa-bin-zayed-al-nahyan-save-jennifer-dalquez-domestic-worker-sentenced-to-death-by-u-a-e-court>.

⁵⁵ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 2021), at 18, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

⁵⁶ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 2021), at 18, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

⁵⁷ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 2021), at 18, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

⁵⁸ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 2021), at 19, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

⁵⁹ Sato and Babcock (eds.), Eleos Justice and Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-Sanctioned Killing of Women* (March 2023), at 22, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2023/04/Silently-Silenced-final-30-March-2023-2.pdf>.

⁶⁰ Sato and Babcock (eds.), Eleos Justice and Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-Sanctioned Killing of Women* (March 2023), at 22, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2023/04/Silently-Silenced-final-30-March-2023-2.pdf>.

⁶¹ Sato and Babcock (eds.), Eleos Justice and Cornell Center on the Death Penalty Worldwide, *Silently Silenced: State-Sanctioned Killing of Women* (March 2023), at 22, available at <https://deathpenaltyworldwide.org/wp-content/uploads/2023/04/Silently-Silenced-final-30-March-2023-2.pdf>.

III. Recommendations for the Government of Saudi Arabia

27. The coauthors of this report suggest the following recommendations for the Government of Saudi Arabia:

- Abolish the death penalty and replace it with a fair and proportionate sentence aligned with international human rights standards.
- In the meantime:
 - Institute an official moratorium on executions.
 - Limit the death penalty to the “most serious” crimes, as specified under Article 6 of the Arab Charter and Article 6(2) of the International Covenant on Civil and Political Rights (ICCPR).
 - On at least an annual basis, publish comprehensive data about death sentences, executions, and people under sentence of death, disaggregated by nationality, sex or gender, crime of conviction, familial or employment relationship to any victim or codefendant, occupation, current location, and status of any appeals or mercy proceedings.
 - Ensure that all persons charged with capital crimes, including foreign nationals and people from disadvantaged or marginalized socio-economic backgrounds, receive competent legal assistance, starting from the moment of arrest or charging, all the way through to appeals and other recourse procedures, including any potential clemency or mercy processes.
 - Provide timely and qualified interpretation to any foreign national accused of a capital crime at all times from arrest through and including any interrogations, trial and appellate proceedings, and requests for clemency or pardon.
 - Provide heightened fair trial and due process safeguards in capital cases involving women defendants, including by providing them with access to effective legal representation by attorneys who have experience in capital cases and training on gender-sensitive defense strategies.
 - Require and provide mandatory training to all defense counsel who take on capital cases regarding gender-specific mitigation and how to raise claims of discrimination against clients on the basis of their gender, race, or ethnicity, when appropriate.
 - Undertake and publish a study of the defense of self-defense in capital murder cases to identify whether the defense was invoked, whether the defense was successful, and whether the court considered any evidence related to gender-based violence perpetrated by the victim against the defendant, disaggregated by the sex of the defendant and any familial or employment relationship between the defendant and the victim.
 - Implement legislative reforms to prevent application of the death penalty when women who experience gender-based violence act in self-defense against their abusers.

- Codify gender-specific defenses and mitigation in capital cases, encompassing women’s experiences of trauma, poverty, and gender-based violence.
 - Ensure that all judicial officers responsible for sentencing in capital cases receive comprehensive training on gender-based discrimination, gender-based violence, and tactics of coercive control that may lead to women committing death-eligible offenses.
 - Collaborate with civil society organizations to conduct a comprehensive public awareness-raising campaign to educate the public about international human rights standards as they pertain to the death penalty and about alternatives to the death penalty, with the aim of shifting public perceptions about the death penalty.
- Expressly prohibit the use of torture during interrogations and provide comprehensive training to all law enforcement officers on this prohibition.
 - Ensure that all foreign nationals are afforded their rights under the Vienna Convention on Consular Relations.
 - Require law enforcement to provide all persons accused of a crime with timely access to counsel, prior to any interrogation, prioritizing any person suspected of having committed a capital crime.
 - Prohibit judges from considering as evidence any statements obtained through coercion, torture, or ill-treatment, except when offered to prove the crime of torture, and require judges to order the prompt, independent, and effective investigation of any such allegations raised by the defense.
 - Conduct credible, independent, and impartial investigations into all allegations of torture, prioritizing allegations raised by persons who are charged with crimes that are eligible for the death penalty.
 - Ensure that all prison authorities adopt gender-sensitive policies in relation to women’s detention, based on the Bangkok Rules and the Nelson Mandela Rules, ensuring women’s safety and security pre-trial, during admission to any detention facility, and while incarcerated.

IV. Suggested questions for the Government of Saudi Arabia

28. The Committee should pose the following questions to the Government of Saudi Arabia:

- Please provide data about individuals sentenced to death and executed since 2018, disaggregated by nationality, religious affiliation, sex/gender, crime(s) of conviction, sentencing authority, occupation at the time of the offense, familial or employment relationship to any victim or codefendant, and current location or date of execution.
- What assistance do foreign nationals in conflict with the law receive when they are charged with capital crimes or other crimes that could result in a sentence of death,

including legal representation, interpretation, and other support? Who provides this assistance?

- What measures are in place to ensure that all foreign nationals in conflict with the law are afforded their rights under the Vienna Convention on Consular Relations?
- What training do sentencing judges, prosecutors, and defense counsel receive regarding gender-based discrimination, gender-based violence, and tactics of coercive control that may lead women to commit death-eligible offenses?
- Are judges authorized to consider gender-specific defenses and gender-specific mitigation in capital cases, encompassing women's experiences of trauma, poverty, and gender-based violence? Are such defenses and mitigation codified?
- What measures has the State Party taken to consider abolishing the death penalty and to raise awareness among lawmakers and the general public about alternatives to the death penalty?
- What steps have authorities taken to ensure that no person is sentenced to death for a crime that is not among the "most serious" under international human rights standards? How are these standards applied in cases involving drug-related offenses and "sorcery"?
- Is "diyah" available to foreign migrants accused of committing murder? In cases when a victim's family demands diyah of a foreign migrant, in what proportion of cases are foreign migrants able to make a sufficient payment to avoid the death penalty?