

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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(Please use this reference in your reply)

3 December 2024

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 53/4 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the execution of three Egyptian nationals and the imminent execution of 29 other male foreign nationals, of whom 28 Egyptians, and 1 Jordanian**. The victims include: Islam Mohammad Ahmad Abd Elaziz El-Sayed, Ahmed Ali Younis Qaid, Ahmed Gharib Sami; Saeed Souliman Sabah; Rami Gamal Shafeek al Najjar; Ahmad Zeinhom Mohammed Omar; Abdelfattah Kamal Abdelfattah; Mohamed Kamel Salah Kamel; Ashraf Mohammad Obeid; Ousama Abdelhamid Mohammad; Abd al-Raheem Ibrahim; Omar Ahmed Ibrahim Al-Sherif; Mohamed Ahmed Saad; Isam al-Shathli Ahmad; Salim Faraj al-Aribi; and Adnan al-Shraydah , all sentenced to death for drug related offenses that do not meet the threshold of the "most serious crimes" under international law, in violation of their right to life.

According to the information received:

In November 2022, Saudi Arabia ended an eleven-month informal moratorium on the death penalty for non-lethal drug offenses, by executing 57 individuals.¹ As of 2 December 2024, Saudi Arabia has reportedly executed 304 individuals, which marks a significant increase from the previous record of 196 executions, in 2022. Of these 304 individuals, 104 (34%) were charged with drug-related offences, of whom 79 (76%) were foreign nationals, namely: 15 Pakistanis, 15 Syrians, 12 Nigerians, 10 Jordanians, 10 Yemenis, 11 Egyptians, 3 Afghans, 2 Ethiopians, 1 Sudanese.

Imminent risk of execution of 32 individuals

We received information regarding thirty-four (34) individuals sentenced to death in Tabouk and Al-Jouf Prisons for drug-related offences, namely under article 37 (1) of the **Law on Combating Narcotics and Psychotropic Substances in the Kingdom of Saudi Arabia**, which provides for the death sentence for a wide range of offences including smuggling, receiving narcotic substance from a smuggler, promotion and participation in such acts, among others. Of the individuals sentenced to death, thirty-three (33) are Egyptian nationals and one is Jordanian.

¹ [Saudi Arabia: Resumption of executions for drug-related offences | OHCHR](#)

Three of the Egyptian nationals have been reportedly executed in September and November 2024. Today, 3 December 2024, three Egyptian nationals were executed in Tabouk prison.² The remaining (29) individuals seem to be facing imminent execution which, as seen in the case of their co-defendants, could occur at any given moment without prior notification to the family.

Court documents for five of these individuals indicate that only one of them was provided with legal counsel appointed by the court, while the remaining four reportedly had no legal representation.

The cases of Rami Gamal Shafik al-Najjar and Ahmed Zeinhom Omar (Tabouk prison)

On 11 February 2017, the security forces in Saudi Arabia arrested Mr. Al-Najjar and Mr. Omar at the ALDREES petrol station in Riyadh. At the time of the arrest, they were both in the car together, with Mr. Al-Najjar driving and Mr. Omar in the passenger's seat.

During the trial, State-affiliated witnesses from the General Directorate of Narcotics Control (GDNC) claimed to have seen Mr. Omar exiting the vehicle and approach a suspected drug dealer to purchase smuggled drugs, thought to be Tramadol pills and Amphetamines, while Mr. Al-Najjar tried to escape. Upon searching both individuals, authorities did not find any of the suspected narcotics. Consequently, the security forces searched the house of Mr. Al-Najjar and allegedly found 8 grams worth of cannabis.

Both Mr. Al Najjar and Mr. Omar were charged of possession and trafficking of two types of narcotics. Additionally, Mr. Al-Najjar was separately charged with drug possession with intent of use, attempting to evade arrest, and crashing into the arresting officers' vehicle.

Upon arrest, both men were interrogated under coercion. Neither of them received legal counsel or representation during interrogation or at any stage of the judicial proceedings.

The Tabouk Court sentenced them to the death penalty, allegedly relying on statements of state-affiliated witnesses and statements made by the defendants under coercion, which they denied in court, and in the absence of legal representation.

Currently, both men are held in Tabouk prison, in difficult detention conditions, including severe overcrowding, inadequate hygiene, and lack of access to medical care.

On 27 November 2024, Mr. Al-Najjar and Mr. Omar were transferred together to a separate cell. Authorities informed them that this arrangement was due to their imminent execution, expected to take place in the coming days. Prisoners

² [عام / تنفيذ حكم القتل تعزيراً بثلاثة جناة في منطقة تبوك](#)

in this cell are allegedly witnessing their fellow inmates being removed everyday for execution, while waiting for their turn.

Adnan al-Shraydah (Al Jouf prison)

Mr. Adnan al-Shraydah is a 60-year-old Jordanian national facing imminent execution for drug-related offences in Al Jouf prison. He was arrested, on 7 February 2017, charged with drug-related offences and sentenced to death on 4 December 2017. Following appeal, the Supreme Court upheld his death sentence on 28 February 2019.

Mr. Al-Shraydah has been imprisoned for over seven years and is medically vulnerable after undergoing open-heart surgery and suffering a heart attack that led to paralysis. His health is reportedly severely deteriorating, including weight loss, impaired speech, and severe signs of dementia. Despite these conditions, Mr. Al-Shraydah does not seem to receive medical attention in prison. When asked whether they would execute a paralysed and sick man, one of the prison guards responded that they would execute him no matter what.

The Death Penalty for Non-Lethal Offences, especially against foreign nationals

In 2024, the Kingdom of Saudi Arabia has seen a significant increase in executions, reportedly due to a rise in capital punishment for non-lethal offenses, particularly drug-related ones. As of 2 December 2024, Saudi Arabia has reportedly executed 304 individuals, which marks a significant increase from the previous record of 196 executions, in 2022. Of these 304 individuals, 145 (more than 47%) individuals were executed for non-lethal offences, and 104 (34%) were charged with drug-related offences.

These executions had a disproportionate impact on foreign nationals, who constitute more than 50% (81 individuals) of those executed for non-lethal crimes. Foreign nationals executed on drug-related offences include: 15 Pakistanis, 15 Syrians, 12 Nigerians, 10 Jordanians, 10 Yemenis, 11 Egyptians, 3 Afghans, 2 Ethiopians, 1 Sudanese.

Reportedly, all the executions for non-lethal drug-related offences this year have been classified as Ta'zir offenses, where the death penalty is allegedly applied at the judge's discretion. Nearly 98% of these individuals were convicted of drug smuggling, mainly involving amphetamine pills, while the remaining 2% were executed for drug promotion. Most of those executed for drug-related offences this year were reportedly foreign nationals.

According to the information received, the execution of foreign nationals for drug offences, a trend persisting since 2010, often affects vulnerable individuals from impoverished backgrounds, who are trafficked, coerced, threatened, or deceived by criminal organizations into drug smuggling. In addition, executions take place with notification to the families or legal representatives. After executions, families are not informed of the whereabouts of the bodies of their loved ones, and their requests to return the bodies are

systematically refused.

While we do not wish to prejudge the accuracy of the information received, we are alarmed by the execution of three Egyptian nationals, today, for drug-related offences and express serious concern regarding the imminent execution of 29 male foreign nationals, of whom 28 Egyptians, and 1 Jordanian, and the reported scheduled execution of two of them, Mr. Rami Gamal Shafeek al Najjar and Mr. Ahmad Zeinhom Mohammed Omar, in the coming days. We are deeply concerned by these planned executions for drug-related offenses that do not meet the threshold of the “most serious crimes” under international law, and therefore would amount to an arbitrary deprivation of life. We remind your Excellency’s Government that the right not to be arbitrarily deprived of life is a peremptory norm of international law (*jus cogens*), from which no derogation is permitted.

We are also alarmed by the lack of medical care for Mr. Adnan al-Shraydah. The duty to protect the life of detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health.

We bring your Excellency’s Government attention that the “most serious crimes” is restricted to the crimes of extreme gravity, meaning intentional killing. Other crimes not resulting directly and intentionally in death, such as drug offences, although serious in nature, can never serve as the basis for the imposition of the death penalty. In this connection, we also note, based on the long experience of the mandate on extrajudicial, summary, or arbitrary executions, and a careful review of studies and evidence, that the death penalty has never been proved to be an effective deterrent for crimes, including drug crimes (A/HRC/42/28, para. 10).

We would also like to express our concern regarding the alleged absence of legal representation, for the above-mentioned individuals, since the moment of arrest, during interrogations, and throughout judicial proceedings, as required under international human rights law and the national law on criminal procedure of the Kingdom of Saudi Arabia, which infringes on the defendants’ rights to a fair trial. We emphasize that the right to effective legal representation should be granted during all stages of the criminal proceedings, including interrogations, preliminary hearings, trial and appeal. In this regard, we bring your Excellency’s attention to the fact that violations of the guarantees of a fair trial resulting in the imposition of a death sentence renders this latter arbitrary in nature.

We further reference paragraphs 4 and 5 of the United Nations Safeguards for the Protection of the Rights of Persons Facing the Death Penalty, stating that the death penalty, even for the most serious crimes, can only be carried out after a legal process which gives all possible safeguards to ensure a fair trial, including the right to adequate legal assistance at all stages of the proceedings, and only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts. The execution of sentenced persons whose guilt has not been established beyond reasonable doubt constitutes an arbitrary deprivation of life.

We are additionally concerned about the length of the period spend by the above-mentioned individuals on death row without information on the date of

execution. The Special Rapporteur on extrajudicial summary or arbitrary executions has noted that “States do not have any interest that justifies keeping persons on death row and their families in the dark regarding their fate” and that “refusing to provide convicted persons and family members advance notice of the date and time of execution is a clear human rights violation. These practices are inhuman and degrading and undermine the procedural safeguards surrounding the right to life.” (E/CN.4/2006/53/Add.3, para. 27 and 32). The Special Rapporteur has also underlined that “persons sentenced to death, their families, and their lawyers should be provided with timely and reliable information on the procedures and timing of appeals, clemency petitions, and executions” (E/CN.4/2006/53/Add.3, para. 37). Equally, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has stated that secret executions violate the rights of the convict and family members to prepare for death, that secrecy and the refusal to hand over remains to families are especially cruel features of capital punishment, and called upon retentionist states to end the practice of secret executions and the practice of executions with little or no prior warning given to condemned prisoners and their families (A/67/279, paras. 40 and 80, see also A/HRC/48/29 para. 42).

The lack of transparency in the implementation of the death penalty violates article 9 of the United Nations Safeguards Protecting the Rights of those facing the Death Penalty, which states that “where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering.” These safeguards, endorsed by consensus by the Economic and Social Council, constitute customary international law that all retentionist states are obliged to follow.

In this regard, the above allegations appear to be in contravention of articles 3, 5, 9 and 10 of the Universal Declaration of Human Rights (UDHR) regarding the right to life, the prohibition on torture, the prohibition on arbitrary arrest and the right to a fair trial, the provisions of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) which Saudi Arabia acceded to in 1997 and articles 5, 8, 13, 14, 16 and 20 of the Arab Charter on Human Rights, regarding the rights to life, not to be subjected to torture or cruel, inhuman or degrading treatment, the right to a fair trial and prohibition on arbitrary arrest and to be treated with humanity while in detention.

Furthermore, the individual cases mentioned above lead to presume a discriminatory application of the death penalty for drug offences on foreign nationals, previously raised in the context of Saudi Arabia (CERD/C/62/CO/8, para. 18). We also remind your Excellency’s Government obligations under article 36 of the 1963 Vienna Convention on Consular Relations requiring to promptly inform detained foreign nationals of their right to consular notification.

We are deeply alarmed by the execution of 304 individuals by Saudi authorities in 2024 so far. We regret to observe the failure to reduce the scope of the death penalty, and to establish a moratorium on the use of the death penalty for drug offences despite an announcement made by the Saudi Arabian Human Rights Commission on 18 January 2021. In this connection, we regret that under the 2005 law on the Control of Narcotic and Psychotropic Substances, the death penalty remains a valid sentence for those who commit drug offences including trafficking, with intent to supply. We recall that the General Assembly has consistently called

upon all States to establish a moratorium on executions with a view to abolishing the death penalty since its resolution 62/149 of 18 December 2007 (para. 7) and most recently, in its resolution of 13 November 2024 (para. 7 (a)), called upon all States to respect the safeguards guaranteeing protection of the rights of those facing the death penalty.

During Saudi Arabia's Universal Periodic Review in July 2024, the Official delegation informed the Human Rights Council that the death penalty "can only be applied to the most serious crimes," while refusing to support recommendations to issue a moratorium on the death penalty for drug-related offenses. We reiterate that any measures to abolish the death penalty should be seen as progress towards the realization of the right to life and that, by extension, the resumption of executions results in less protection of the right to life (Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/69/265).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, the irreversibility of the punishment of the death penalty and our concerns expressed above regarding some possible violations of due process guarantees, we call upon your Excellency's Government to ensure that the 32 individuals mentioned, including **Ahmed Gharib Sami; Saeed Souliman Sabah; Rami Gamal Shafeek al Najjar; Ahmad Zeinhom Mohammed Omar; Abdelfattah Kamal Abdelfattah; Mohamed Kamel Salah Kamel; Ahmed Ali Younes Kaed; Ashraf Mohammad Obeid; Ousama Abdelhamid Mohammad; Abd al-Raheem Ibrahim; Omar Ahmed Ibrahim Al-Sherif; Mohamed Ahmed Saad; Isam alShathli Ahmad; Salim Faraj al-Aribi; Adnan al-Shraydah, and Islam Mohammad Ahmad Abd Elaziz El-Sayed**, are not executed and are granted a fair trial with a view to commuting their sentences. Their execution, on the facts available to us, would constitute a violation of applicable international human rights standards and would thus amount to an arbitrary execution. In the context of repeated reporting on the imposition of the death penalty and the speedy implementation of executions, we once again call on Saudi Arabia to reconsider its legal framework on the death penalty, particularly to exclude drug offenses and other non-lethal offenses, which do not meet the threshold of the most serious crimes under international law.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the date of execution of Mr. Al-Najjar, Mr. Omar and Mr. Al. al-Shraydah and clarify whether this information has been conveyed to these individuals and their families.
3. Please provide detailed information on the legal and procedural safeguards granted to the above-mentioned individuals, including information on their rights, access to a lawyer, access to consular

assistance, the right to be presumed innocent, and right to meaningful defense. Please explain the dates when these safeguards have been granted, including since the moment of arrest, during interrogations, and throughout judicial proceedings.

4. Please provide detailed information on the extent to which the implementation of the death penalty for drug-related offenses, and in light of the alleged irregularities in trials, is consistent with international human rights law, including the United Nations Safeguards for the Protection of the Rights of Persons Facing the Death Penalty.
5. Please provide specific details on the exact charges against the above-mentioned individuals, in addition to the pieces of evidence supporting their conviction, and a copy of any written reasons for the judgment against them.
6. Please provide detailed information on the access to medical services of al-Shraydah, including on medical examination by independent medical professionals, treatment received, medical reports issued on his health status, and whether this information has been shared with his family or legal or consular representative, where applicable.
7. Please provide detailed information on how many individuals are currently held on death row with drug related charges.
8. Please provide information on the alleged practice of not informing family members of executions and how this is compatible with your Excellency's Government's international obligations including in relation to the prohibition on torture and other cruel, inhuman and degrading treatment or punishment. Please include information on any existing or envisaged legal standards prohibiting secret executions.
9. Please provide information on the measures in place to ensure the bodies of executed individuals are returned to their families. If not returned, please explain how this is compatible with your Excellency's Government's international obligations.
10. Please provide information on any efforts envisaged to restrict the application of the death penalty in Saudi Arabia to the most serious crimes, excluding drug offences and other non-lethal crimes.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider

public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

A copy of this letter will be sent to the Government of the Arab Republic of Egypt and the Kingdom of Jordan.

Please accept, Excellency, the assurances of our highest consideration.

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Alice Jill Edwards

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment