

AMMAN CENTER FOR HUMAN
RIGHTS STUDIES



Death Penalty Report

2021-2022

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TERMINOLOGY

Abolitionist: a country that has outlawed capital punishment

Commutation: the act of reducing the severity of a judicial sentence (usually a death sentence to a life sentence)

Exoneration: the act of clearing someone of criminal charges and a judicial sentence

In absentia conviction: a conviction of a defendant who was not present at trial

Mandatory death penalty: a death sentence issued after conviction of a certain crime with no consideration of the particular circumstances of the offender or offense

Mass trial: a trial where more than 15 people are tried simultaneously

Moratorium: a (temporary) suspension of executions

Retentionist: a country retaining the death penalty

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INTRODUCTION

To this day, the death penalty is a common practice in many Arab League countries. One of these countries, Egypt, effectively ranks third among the world's top executioners. Other countries such as Saudi Arabia and Syria are also notorious for their excessive executions.

Only Djibouti has formally abolished the death penalty and four countries are abolitionist in practice. However, in a number of Arab countries, there has been a steady decline in death sentences and executions with occasional flare-ups.

Interestingly, foreign workers from disadvantaged backgrounds are overrepresented on death row in the Gulf nations. Foreign domestic workers and laborers may be coerced into drug-trafficking by their Gulf national employers, i.e., and consequently be sentenced to death in entirely unfair trials. This phenomenon is indicative of how the legal system essentially targets marginalized groups and communities and disproportionately sends them to death row.

Foreign workers from marginalized communities often find themselves in precarious living situations with little to no financial support. In countries where defendants can pay blood money payments to escape death penalty charges, those defendants coming from impoverished backgrounds face serious discrimination as they are often unable to pay these amounts of money. Therefore, prosecutors often do not accept blood money settlements from marginalized groups as foreign workers since they believe they will not be able to pay the requested amounts.

Women on death row form a small minority. Most women on death row are sentenced to death over murder charges, usually in cases of severe domestic abuse by a male family member, usually a husband. Female domestic workers, especially in Gulf countries, may face extreme abuse by their employers. A number of them have ended up on death row over murder charges which carry the mandatory death penalty. However, in a number of cases, these women's death sentences were eventually commuted to a life sentence.

Additionally, death sentences are frequently pronounced in grossly unfair trials. Defendants are usually not allowed to request a retrial or testify. In certain cases, death sentences are pronounced in the defendant's absence. Furthermore, it is a rather common occurrence in all retentionist Arab countries that law enforcement obtains incriminating confessions under duress or even torture.

Ultimately, the death penalty is in essence a political tool to deter socio-political dissent and to maintain the status-quo as evidenced by the discriminatory treatment of underprivileged and marginalized communities and the targeting of political and civil society activists.

The numerical data on pronounced death penalties and executions on the Arab League countries is largely taken from the Cornell Law School Database, Amnesty International and Human Rights Watch. The data regarding the 2020 UN resolution to adopt a moratorium on the death penalty is borrowed from the United Nations Digital Library.

ACHRS' STANCE

Amman Center for Human Rights Studies (ACHRS) complies with international law by actively opposing the death penalty in any and all cases. Capital punishment is a flagrant violation of the right to life; it is the most inhumane and brutal punishment, and it has not been proven effective in preventing crime. Moreover, the death penalty at all times risks sentencing and executing innocent people.

ACHRS urges governments to bring those who committed crimes to justice in accordance with international law, which forbids the death penalty and all kinds of torture.

ACHRS advocates for progressive restrictions on the use of the death penalty by pressing the Arab world to respect international law and adopt a moratorium on the death penalty.

COUNTRIES INDEX

Algeria

Status: Abolitionist in practice

Government: Semi-Presidential Republic

Execution method: Firing squad and shooting

Prisoners on death row: 1000

2021 death sentences: 9

2021 executions: 0

2022 death sentences: 54

2022 executions: 0

UN 2020 Moratorium resolution vote: Yes

The death penalty is a legal practice in Algeria, however the last recorded execution took place in 1993.¹ Algeria has not ratified any international treaty abolishing the death penalty, nevertheless it has voted in favor of all eight UN resolutions to establish a moratorium on the use of the death penalty since 2007.² Today, Algeria is considered to be abolitionist in practice, meaning that most death sentences are commuted to life in prison.

In 2021, at least nine new death sentences were pronounced, compared to only one in the previous year. This disrupts Algeria's downward trend in death penalty sentences since 2015. "Today, we deeply regret the increase in the number of death sentences in 2021, in contrast to the decline in this unnecessary, unjust and cruel punishment in Algeria", stated Hassina Oussedik, Amnesty's Algeria Director.³

In February 2021, eight men were sentenced to death by the Dar El Beida Criminal Court in Algiers, after being convicted of kidnapping, torturing and beheading a French mountaineering guide. However, the trial only lasted one day and only one out of the eight men was present during the hearing, raising serious concerns over the lack of transparency in judicial proceedings.⁴

¹ "La Peine De Mort - Algérie," La peine de mort dans le monde, accessed January 18, 2023, <https://www.peinedemort.org/zonegeo/DZA/Algerie>.

² "Unga," International Commission against the Death Penalty, accessed January 18, 2023, <https://icomdp.org/unga/>.

³ Amnesty Algérie, "Algérie : AU Moins 9 Condamnations à Mort En 2021," Amnesty International Algérie, May 24, 2022, <https://www.amnestyalgerie.org/2022/05/24/algerie-au-moins-9-condamnations-a-mort-en-2021/>.

⁴ Ibid.

In March 2021, a ninth person, a muezzin (the official who proclaims the call to prayer), was sentenced to death for murdering his wife, pregnant with twins, in 2019.⁵

Algeria has consistently supported the abolition of the death penalty at the international level, as evidenced by their voting habits at the United Nations. However, at the national level, the country still continues to hand out death sentences.

By the end of 2021, Algeria had at least 1,000 people on death row. In 2022, an additional 54 individuals were sentenced to death in a mass trial, which is a substantial increase compared to previous years. The defendants, all from the region of Kabylia, were convicted for lynching an activist who they had falsely presumed was responsible for starting a series of devastating wildfires in the region. Six of them received death sentences for their political affiliations as Algerian authorities took advantage of the lynching charges to also prosecute political opponents.⁶

Algeria does not recognize any criminal offenses that carry the mandatory death penalty.

Crimes punishable by law: (aggravated) murder, other offenses resulting in death (castration, arson of buildings, vehicles or harvests and destruction of military equipment), terrorism related offenses, treason, espionage...⁷

Mandatory death penalty: N/A

⁵ Ibid.

⁶ “Algeria: Mass Death Sentences Marred by Unfair Trials, Torture Claims,” Amnesty International, January 17, 2023, <https://www.amnesty.org/en/latest/news/2023/01/algeria-mass-death-sentences-marred-by-unfair-trials-torture-claims/>.

⁷ “Database,” Cornell Center on the Death Penalty Worldwide (Cornell University, January 12, 2021), <https://deathpenaltyworldwide.org/database/#/results/country?id=2>.

Bahrain

Status: Retentionist

Government: Unitary Islamic parliamentary semi-constitutional monarchy

Execution method: Firing squad

Prisoners on death row: 26+

2021 death sentences: 0

2021 executions: 0

2022 death sentences: Unknown

2022 executions: Unknown

UN 2020 Moratorium resolution vote: No

Since 2011, Bahraini courts have sentenced 51 people to the death penalty. The monarch's consent is obligatory for executing capital punishment. Crimes that merit the death penalty in Bahrain need to be "serious crimes". These "serious crimes" include apostasy and drug trafficking, which, comparably, would not be considered "serious" in other jurisdictions.⁸

Human Rights Watch (HRW) has expressed concerns over the condition of death row prisoners in Bahrain. According to HRW, defendants were convicted based on falsely obtained confessions through poor treatment and torture. Michael Page, Deputy Middle East director at HRW, stated: "The many human rights violations that underlie these death sentences reflect not a justice system but a pattern of injustice [...] Bahraini officials routinely proclaim that the government respects fundamental human rights, but in case after case, courts relied on coerced confessions despite defendants' credible claims of torture and ill-treatment".⁹

According to Amnesty, the Bahraini courts overturned a conviction of sentence in 2019. The man that was convicted killed his brother-in-law the year before. The court ruled that the man had bipolar disorder and the Court sentenced him to a psychiatric ward.

In 2022, HRW once more expressed concerns about the death penalty convictions in Bahrain. The organization is worried that still false convictions are made by the suspects, because of unfair practices by the Bahrain police and courts.¹⁰

⁸ Colette St-Onge, "From Uprisings to Executions: The Death Penalty in Bahrain, Ten Years on from the Arab Spring," Reprive, January 31, 2022, <https://reprive.org/uk/2021/07/27/death-penalty-in-bahrain/>.

⁹ "World Report 2021," Human Rights Watch, January 12, 2023, <https://www.hrw.org/world-report/2021>.

¹⁰ "سابقة قضائية ببراءة متهم محكوم بالإعدام بسبب إصابته باضطراب ثنائي القطب" Alayam.com, February 24, 2021, <https://www.alayam.com/online/local/895306/News.html>.

Crimes punishable by death: murder, rape, and drug trafficking.¹¹

Mandatory death penalty: N/A

¹¹ “How the Bahrain Judicial System Fails Its Migrant Workers,” 360, September 26, 2022, <https://360info.org/how-the-bahrain-judicial-system-fails-its-migrant-workers/#:~:text=Bahrain%2C%20of%20example%2C%20is%20an,sentences%20were%20recorded%20in%202021.>

Djibouti

Status: Abolitionist for all crimes

Government: Unitary presidential republic under a hereditary dictatorship

Execution method: N/A

Prisoners on death row: 0

2021 death sentences: 0

2021 executions: 0

2022 death sentences: 0

2022 executions: 0

UN 2020 Moratorium resolution vote: Yes

Djibouti formally abolished the death penalty in 1995.¹² Prior to abolition, Djibouti had not performed any executions. However, in 1991, one man was sentenced to death, but Djibouti's president later commuted his sentence.¹³ Therefore, Djibouti has no death row prisoners and has not executed anyone in 2021-2022.

Crimes punishable by death: N/A

Mandatory death penalty: N/A

¹² "Death Sentences and Executions 2021" (Amnesty International, May 24, 2022), <https://www.amnesty.org/en/documents/act50/6665/2017/en/> .

¹³ United Nations High Commissioner for Refugees, "Amnesty International Report 1994 - Djibouti," Refworld, accessed January 18, 2023, <https://www.refworld.org/docid/3ae6a9f234.html>.

Egypt

Status: Retentionist

Government: Unitary semi-presidential republic

Execution method: Hanging

Prisoners on death row: +2000

2021 death sentences: +356

2021 executions: 83

2022 death sentences: Unknown

2022 executions: +39

UN 2020 Moratorium resolution vote: No

The death penalty is a common legal practice in Egypt, especially since the 2011 uprisings. Historically, Egypt has consistently voted against any treaties abolishing the death penalty or implementing moratoriums.

The recorded executions in Egypt dropped from 107 in 2020 to 83 in 2021. However, Egypt remained among the top three executioners in the world. In terms of death sentences, Egypt's number rose from at least 264 in 2020 to at least 356 in 2021, which is one of the highest death penalty rates in the world.¹⁴

After the 2011 uprisings, Egypt saw a stark increase in death penalties and executions. Over the past decade, there were more than 2000 death sentences issued, mostly for people who were affiliated with political protests.¹⁵ The criminal justice system in Egypt is known for using the death sentence as a tool for retaliation and for silencing dissent.¹⁶

Most death sentences are issued in mass trials, which make it impossible to conduct fair proceedings for every individual defendant, while also conducting the trials of a large number of other defendants. In almost all other death sentence ordering the confessions used to convict the defendants were obtained under torture.¹⁷ Aside from the unfairness of these trials, the surroundings of the executions are deliberately kept vague, such as no contact between the

¹⁴ "Death Sentences and Executions 2021" (Amnesty International, May 24, 2022), <https://www.amnesty.org/en/documents/act50/6665/2017/en/> .

¹⁵ Ibid.

¹⁶ "Egypt's Execution Frenzy Has to Stop," Human Rights Watch, June 28, 2021, <https://www.hrw.org/news/2021/06/28/egypts-execution-frenzy-has-stop>.

¹⁷ Omar Odeh, "Execution Country: How the Death Penalty Became Rampant in Egypt," Mada Masr, accessed January 18, 2023, <https://www.madamasr.com/en/2022/01/09/feature/politics/execution-country-how-the-death-penalty-became-rampant-in-egypt/>.

defendant and their family, or the date of the execution. In certain cases, family members are not alerted of the execution of their loved ones.¹⁸

On 25 October 2021, President Abdel Fattah al-Sisi announced that he would not extend the state of emergency in the country, which he had declared in 2017. This will lead to ending trials in Emergency State Security Courts (ESSCs). Even though there were no new cases assigned to the ESSCs, existing trials were set to continue and 36 men were convicted and sentenced to death.¹⁹

A case leading to a lot of outrage was the execution of Isaiah al-Makary in May 2021. Al-Makary was a Coptic monk who was convicted of murder for which he subsequently received the death penalty. He was the first Christian clergy member to be executed in modern Egypt. Human rights organizations have pointed out the inhumane treatment during his detention and flaws in the trial proceedings and case evidence. Moreover, his family was not informed of his execution until after he was killed.²⁰

Exact numbers on death sentences and executions for 2022 are difficult to discern, however there were at least 39 known executions.²¹ A notable femicide case in 2022 led to the Egyptian court calling for the execution to be broadcast live. Mohamed Adel stabbed Naira Ashraf to death in June 2022, leading to outrage in Egypt. A live execution deters more crime, as stated by the judge, while others argued it would only lead to more violence. It is legally possible to broadcast the preliminary procedures prior to the moment of the execution.²²

Egypt's criminal justice system clearly depends on the death penalty as a deterrent for dissent. The government has made no effort to try to abolish the death penalty and the country remains among the world's top executioners.

It is not clear whether Egypt implements the mandatory death penalty for certain criminal offenses.

Crimes punishable by death: premeditated murder, murder or an offense resulting in death, "terrorism"-related offenses especially leading to death, some cases of rape, kidnapping, drug trafficking, treason and espionage.

Mandatory death penalty: unknown

¹⁸ "The Death Penalty in Egypt – Ten Years After the Uprising" (Reprieve, May 24, 2021), https://reprieve.org/wp-content/uploads/sites/2/2021/05/ResearchReport_DeathPenaltyInEgypt2021.pdf.

¹⁹ "Death Sentences and Executions 2021" (Amnesty International, May 24, 2022), <https://www.amnesty.org/en/documents/act50/6665/2017/en/>.

²⁰ "The Death Penalty in Egypt – Ten Years After the Uprising" (Reprieve, May 24, 2021), https://reprieve.org/wp-content/uploads/sites/2/2021/05/ResearchReport_DeathPenaltyInEgypt2021.pdf.

²¹ "Database," Cornell Center on the Death Penalty Worldwide, January 12, 2021, <https://deathpenaltyworldwide.org/database/#/results/country?id=22#fn-10757d80-b4ff-4def-a6f4-561c0b15a3a8>.

²² Hagar Hosny, "Egyptian Court Wants Killer Executed on Live TV," Al-Monitor, July 31, 2022, <https://www.al-monitor.com/originals/2022/07/egyptian-court-wants-killer-executed-live-tv>.

Iraq

Status: Retentionist

Government: Federal Parliamentary Republic

Execution method: Hanging, shooting

Prisoners on death row: +8000

2021 death sentences: At least 91

2021 executions: At least 19

2022 death sentences: Unknown

2022 executions: Unknown

UN 2020 Moratorium resolution vote: No

The death penalty is a legal practice in Iraq to this day.²³ Although the number of executions recorded has decreased since 2020, Iraq still has one of the highest execution rates in the world.

In 2021 there were at least 19 recorded executions in Iraq²⁴, a significant decrease compared to the previous year with at least 45 executions. According to Amnesty International, “there have been no public statements of change in policy or law, and the decrease may have been the result of the political turmoil that the state was in for much of the year, which may in turn have slowed down executives' approvals of death sentences”.²⁵

The number of people sentenced to death, however, has notably increased in 2021 compared to 2020. There were at least 91 new death sentences in 2021, compared to only 27 in 2020. There is no official explanation for this sudden increase in death sentences however, it might be a result of the courts returning to full service after the Covid-19 pandemic.²⁶

Furthermore, according to the Iraqi government, 8,000 people are currently under sentence of death. This makes Iraq, by far, the country with the highest number of people on death row recorded by Amnesty International.²⁷ However, a recent report published by the United Nations Assistance Mission for Iraq revealed a letter from the country's Ministry of Justice stating that in 2020 its prisons actually held “11,595 convicts who had been sentenced to death”.²⁸ HRW, on the other hand, reports even larger numbers. According to them, Iraqi “authorities were

²³ “Unga,” International Commission against the Death Penalty, accessed January 18, 2023, <https://icomdp.org/unga/>.

²⁴ “World Report 2022: Rights Trends in Iraq,” Human Rights Watch, January 13, 2022, <https://www.hrw.org/world-report/2022/country-chapters/iraq>.

²⁵ “Death Sentences and Executions 2021” (Amnesty International, May 24, 2022), <https://www.amnesty.org/en/documents/act50/6665/2017/en/>.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

detaining close to 50,000 people for suspected terrorism links, over half of them sentenced to death”.²⁹

In the Kurdistan Regional Government (KRG) no executions were carried out in 2021. However, the Appellate Court sentenced 37 people to death and commuted the death sentence of six others to life in imprisonment.³⁰

According to several reports, numerous people have been charged and sentenced to death in Iraq on false charges and for crimes other than “the most serious crimes”. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions in Iraq stated that there were concerns about the “lack of openness by the federal Government on judicial proceedings and use of death penalty”.³¹ In 2017, for example, four women were sentenced to death for allegedly supporting the Islamic State. Each trial lasted approximately ten minutes, highlighting Iraq’s lack of transparency and unfair judicial system.³²

Since 2015, the Iraqi government has not released any information about the charges and trials of people who have been sentenced to death.³³ However, as of 2022, Iraqi officials agreed that the death penalty would no longer be issued for crimes that did not violate the right to life. Inmates on death row also have the possibility to request a retrial, which often leads to their sentences being commuted. Moreover, prisoners on death row are also able to request amnesty.³⁴ The exact numbers of individuals executed and sentenced to death in 2022 is unknown.

Crimes punishable by law: Aggravated murder, other offenses resulting in death (arson, robbery, incest, intentionally causing a flood, damaging public structures...), terrorism, kidnapping, rape, treason, espionage...³⁵

Mandatory death penalty: N/A

²⁹ “World Report 2022: Rights Trends in Iraq,” Human Rights Watch, January 13, 2022, <https://www.hrw.org/world-report/2022/country-chapters/iraq>.

³⁰ Ibid.

³¹ “Iraq’s Compliance with the International Covenant on Civil and Political Rights Suggested List of Issues Relating to the Death Penalty” (The Advocates for Human Rights, June 1, 2020), <https://www.theadvocatesforhumanrights.org/res/byid/8730>.

³² Ibid.

³³ Ibid.

³⁴ “Experts of the Committee Against Torture Praise Iraq’s Human Rights Training in Police and Military Colleges, Ask about Overcrowding in Prisons and the Continued Use of the Death Penalty,” OHCHR, April 27, 2022, <https://www.ohchr.org/en/news/2022/04/experts-committee-against-torture-praise-iraqs-human-rights-training-police-and>.

³⁵ “Database,” Cornell Center on the Death Penalty Worldwide, January 12, 2021, <https://deathpenaltyworldwide.org/database/#/results/country?id=34>.

Jordan

Status: Retentionist

Government: Unitary constitutional monarchy

Execution method: Hanging

Prisoners on death row: +/- 120

2021 death sentences: +11

2021 executions: 0

2022 death sentences: Unknown

2022 executions: Unknown

UN 2020 Moratorium resolution vote: Yes

Jordan is a retentionist country, meaning that certain crimes are punishable by death and the death penalty has been carried out recently. Executions in Jordan had been frozen from 2007 until 2014, after king Abdullah stated that he wanted Jordan to be the first Middle Eastern country without a penal code. However, the government changed its policy on capital punishment again after increasing debate in 2014, leading to executions being reinstated.³⁶ The Interior Ministry stated that the belief it would deter crime was the main reason for reinstating executions.³⁷ In 2020, Jordan voted to adopt a moratorium on the death penalty at the UN General Assembly having abstained from voting on the resolution in previous years.

After reinstatement of executions, focus shifted from deterring crimes like murder and rape to deterring terrorist attacks against Jordanians. In retaliation for the immolation of a Jordanian pilot at the hand of the Islamic State in 2015, two previously imprisoned jihadists were executed, one of whom was an Iraqi woman who played a role in a 2005 suicide bomb attack killing 60 people. The last executions took place in 2017, in one day 15 men were executed of whom 10 were terrorists. The other five had been sentenced to death for murder and rape. The death penalties and executions were quickly sentenced through the State Security Council which, according to Amnesty International, is known for unfair trials. On one hand, the swift executions were a way to strengthen public confidence and to show that Jordan's security service is capable. On the other hand, parliamentarian Saleh al-Armouti states that the executions were done to show Jordan's willingness to fight terrorism and subsequently receive aid from the US.³⁸

Of the 120 death row prisoners, 20 are women. All of these women suffered some type of violence at the hand of their families, combined with the fact that most of them are unemployed and married young. Moreover, families usually do not appoint lawyers to defend their wives,

³⁶ Jlalard, "Why Jordan Resumed Executing People on the Death Row?," WCADP, January 25, 2021, <https://worldcoalition.org/2018/04/18/why-jordan-resumed-executing-people-on-the-death-row/>.

³⁷ Rana Hussein, "Panel to Examine Whether to Reinstate Executions," Jordan Times, November 9, 2014, <https://www.jordantimes.com/news/local/panel-examine-whether-reinstate-executions%E2%80%99>.

³⁸ Hannah Patchett, "Jordan's Mass Execution Revives Debate on Death Penalty," Al-Monitor, March 10, 2017, <https://www.al-monitor.com/originals/2017/03/jordan-mass-executions-fight-terrorism.html#ixzz513vx0PUE>.

daughters or sisters. This leads to inadequate use of legal aid and neglecting the rights of these women.³⁹

The number of death sentences rose from two in 2020 to 11 in 2021, six of those are men who were sentenced to death for a brutal revenge attack in Zarqa.⁴⁰ In 2022 the discussion on enforcing the death penalty flared up after the murder of 18-year old student Iman Ersheid. Jordanians called for the killer to be sentenced to death on social media, however he later committed suicide as police surrounded him.⁴¹ There was no further news on death sentences and executions in 2022.

Crimes punishable by death: (aggravated) murder, terrorism-related offenses, rape of a child, robbery, drug trafficking, treason, espionage, war crimes

Mandatory death penalty: drug-trafficking not resulting in death, (possibly war crimes)

³⁹ Rana Hussein, "Sigi Pledges to Continue Fight against Death Penalty," Jordan Times, April 26, 2021, <https://www.jordantimes.com/news/local/sigi-pledges-continue-fight-against-death-penalty>.

⁴⁰ Rana Hussein, "Six Get Death Sentence in Zarqa Revenge Attack Case," Jordan Times, March 17, 2021, <https://www.jordantimes.com/news/local/six-get-death-sentence-zarqa-revenge-attack-case>.

⁴¹ Raed Omari, "Pressure to Enforce Death Penalty Mounts in Jordan after Brutal Murders," Arab News (Arabnews, July 4, 2022), <https://www.arabnews.com/node/2116496/middle-east>.

Kuwait

Status: Retentionist

Government: Unitary parliamentary semi-constitutional monarchy

Execution method: Hanging, shooting

Prisoners on death row: +/- 54

2021 death sentences: 0

2021 executions: 0

2022 death sentences: 7

2022 executions: 7

UN 2020 Moratorium resolution vote: No

Kuwait retains the death penalty and has voted against the 2020 UN resolution to establish a moratorium. Generally, executions remain rather rare in Kuwait, having executed 20 people in total since 2007. These executions took place on four occasions in 2007, 2013, 2017 and 2022.

Kuwait most recently executed seven people in 2022 in the first execution since 2017. Four of them were Kuwaiti nationals, including one woman, a Syrian man, an Ethiopian woman, and a Pakistani man.⁴²

Most death row prisoners are convicted of murder and drug trafficking charges. Kuwait currently has about 54 death row prisoners, however it often commutes, exonerates or pardons their death sentences.

Historically, Kuwait has executed mostly foreign workers. Foreign female domestic workers have previously been sentenced to death over killing their abusive employers. However, the Emir of Kuwait has commuted such death sentences on a number of occasions. Foreign nationals convicted of drug trafficking charges, a practice they may have been coerced into by their Gulf citizen employer, can also be sentenced to death.

Crimes punishable by death: murder, terrorism, rape, kidnapping, treason, espionage, military offenses, other

Mandatory death penalty: terrorism-related offenses resulting in death

⁴² "Kuwait Hangs Seven People in First Executions since 2017," Death Penalty News | Al Jazeera (Al Jazeera, November 16, 2022), <https://www.aljazeera.com/news/2022/11/16/kuwait-executes-seven-people-despite-international-outcry>.

Lebanon

Status: De facto moratorium

Government: Unitary confessionalist parliamentary republic

Execution method: Hanging, shooting

Prisoners on death row: 81

2021 death sentences: 12

2021 executions: 0

2022 death sentences: Unknown

2022 executions: Unknown

UN 2020 Moratorium resolution vote: Yes

In Lebanon the death penalty is a legal practice. However, Lebanon has had a de facto moratorium on the death penalty since the last execution was carried out in 2004; it has also voted in favor of the 2020 UN resolution to adopt a moratorium. Nevertheless, the discussion about reinstating executions occasionally flares up.

Even though there have been no executions since 2004, the number of new death sentences rose from two in 2020 to at least twelve in 2021. This increase is partly due to a sentencing in October 2021, when the country's Permanent Military Court sentenced four men to death for taking part in an attack by the Syria-based armed group Jabhat al-Nusra. The men had attacked Lebanese and Syrian soldiers in Aarsal, Lebanon, in 2014, resulting in the death of several soldiers from both armies.⁴³ Tensions between Syria and Lebanon have further fueled the general unrest in Lebanon, combined with sectarian divides, the underperforming of judicial and executive powers, and the economic turmoil.⁴⁴

There is not much information on the death sentences and executions in Lebanon in 2022. However, a recent case of femicide reignited the discussion on the death penalty. In March 2022 a mother and her three daughters were murdered by one of the daughters' love interests in the village of Ansar. In general the Lebanese public is in favor of a moratorium, however, in extreme cases, such as the harrowing Ansar murder, people tend to favor the death penalty.⁴⁵

Crimes punishable by death: murder, aggravated murder, terrorism-related offenses, robbery, treason, economic crimes, espionage, military offenses

Mandatory death penalty: N/A

⁴³ "Death Sentences and Executions 2021" (Amnesty International, May 24, 2022), <https://www.amnesty.org/en/documents/act50/6665/2017/en/>.

⁴⁴ "Snapshot on the Death Penalty in Lebanon" (ALEF act for human rights, October 2015), https://www.europarl.europa.eu/meetdocs/2014_2019/documents/dmas/dv/dpsnapshot_2015_final-1/dpsnapshot_2015_final-1en.pdf.

⁴⁵ Anne-Marie El Hage, "Ansar's Quadruple Femicide Revives the Debate on the Death Penalty in a Lebanon in Crisis," L'Orient Today (L'Orient Today, April 18, 2022), <https://today.lorientjour.com/article/1297086/ansars-quadruple-femicide-revives-the-debate-on-the-death-penalty-in-a-lebanon-in-crisis.html>.

Libya

Status: Retentionist

Government: Unitary provisional unity government

Execution method: Shooting

Prisoners on death row: +/- 500

2021 death sentences: 0

2021 executions: 0

2022 death sentences: Unknown

2022 executions: Unknown

UN 2020 Moratorium resolution vote: Yes

The death penalty is a legal practice in Libya, however, Libya's last known execution dates back to 2010. Due to two consecutive civil wars from 2011 to 2020, reliable information on executions and the death penalty is scarce. Libya currently has an interim government as the country is having issues with assembling a united government.

In May 2021, according to media reports, the Supreme Court in Libya had revised the conviction and death sentence against Saif al-Islam al-Gaddafi, and eight others, citing fair trial concerns, and ordered a retrial. Libya also voted in favor of the 2020 UN resolution for a universal moratorium on the death penalty.⁴⁶

Even though Libya voted in favor of a moratorium on the death penalty in 2018, Amnesty International stated that between 2018 and 2021 at least 22 people were sentenced to death in military court. They stipulated the fact that these people are convicted in grossly unfair trials.⁴⁷ In 2020, Libya voted against a universal moratorium on the death penalty.

Crimes punishable by death: murder, aggravated murder, terrorism-related offenses, drug-trafficking, treason, espionage, military offenses

Mandatory death penalty: (aggravated) murder, other offenses resulting in death

⁴⁶ "جوهر جمال", "محكمة ليبية تعيد النظر في حكم بإعدام سيف القذافي", الشرق الأوسط, May 28, 2021, <https://aawsat.com/home/article/2995716/%D9%85%D8%AD%D9%83%D9%85%D8%A9-%D9%84%D9%8A%D8%A8%D9%8A%D8%Ag-%D8%AA%D8%B9%D9%8A%D8%AF-%D8%A7%D9%84%D9%86%D8%B8%D8%B1-%D9%81%D9%8A-%D8%AD%D9%83%D9%85-%D8%A8%D8%A5%D8%B9%D8%AF%D8%A7%D9%85-%D8%B3%D9%8A%D9%81-%D8%A7%D9%84%D9%82%D8%Bo%D8%A7%D9%81%D9%8A>.

⁴⁷ "Sham' Libya Trials Sentenced 22 to Death: Rights Group," Khalifa Haftar News | Al Jazeera (Al Jazeera, April 26, 2021), <https://www.aljazeera.com/news/2021/4/26/sham-libya-trials-sentence-22-to-death-rights-group>.

Mauritania

Status: Abolitionist in practice

Government: Unitary semi-presidential Islamic republic

Execution method: Shooting, stoning

Prisoners on death row: 183

2021 death sentences: 0

2021 executions: 0

2022 death sentences: 0

2022 executions: 0

UN 2020 Moratorium resolution vote: Abstained

Mauritania is abolitionist in practice, however the courts continue to sentence people to death and it abstained from the 2020 UN vote to implement a moratorium on the death penalty. In fact, 2021 saw a spike in death penalties with 60 new death sentences⁴⁸. There are currently 183 people on death row, 18 of whom are foreigners from Nigeria, Gambia, Guinea and possibly also other nations.

In 2018, Mauritania amended its death penalty law to implement mandatory death penalty for blasphemy. The case of Mohamed Cheikh Ould Mkhaitir, in particular, had prompted this amendment.⁴⁹

Mkhaitir is a blogger who had criticized the use of religion to justify class discrimination. He was convicted of blasphemy and sentenced to death in accordance with the death penalty law. Mkhaitir's sentence was eventually commuted in 2017 following a successful appeal and an international campaign. The blogger was effectively released in 2019.⁵⁰

Under the new legislation, however, it would not be possible to request an appeal in similar cases of blasphemy. Mauritania also upholds the mandatory death sentence for most homicide charges. Nevertheless, it appears unlikely that Mauritania will execute any death row prisoners as the country's last execution dates back to 1987 over 35 years ago.

Crimes punishable by law: murder, terrorism, rape, robbery, arson, adultery, apostasy, consensual sexual relations between adults of the same sex, treason, espionage, other

Mandatory death penalty: murder, rape, adultery, apostasy, consensual sexual relations between adults of the same sex

⁴⁸ "Death Sentences and Executions 2021" (Amnesty International, May 24, 2022), <https://www.amnesty.org/en/documents/act50/6665/2017/en/>.

⁴⁹ "Mauritania: Mandatory Death Penalty for Blasphemy," Human Rights Watch, October 28, 2020, <https://www.hrw.org/news/2018/05/04/mauritania-mandatory-death-penalty-blasphemy>.

⁵⁰ "Mauritania Frees Blogger Sentenced to Death over Facebook Post," Africanews (Africanews, July 30, 2019), <https://www.africanews.com/2019/07/30/mauritania-frees-blogger-sentenced-to-death-over-facebook-post/>.

Morocco and Western Sahara

Status: Abolitionist in practice

Government: Unitary parliamentary semi-constitutional monarchy

Execution method: Shooting

Prisoners on death row: 82

2021 death sentences: 1

2021 executions: 0

2022 death sentences: Unknown

2022 executions: 0

UN 2020 Moratorium resolution vote: Abstained

In 2021, Morocco and Western Sahara reported one new death sentence, bringing the total number of people on death row to 82 people. Since 1993, executions have not been enforced, making Morocco abolitionist in practice. However, in a UN vote to establish a moratorium on the death penalty, Morocco abstained from voting.

However, as the Sahrawi population faces greater discrimination in Morocco's judicial system, they are generally in favor of abolition of the death penalty more so than any other ethnic group in the country. Morocco currently also holds two women on death row.⁵¹

Morocco has not executed any death row prisoners in almost 30 years. However, the country abstained from voting on the 2020 UN resolution to establish a moratorium on the death penalty. The Moroccan people seem to be mostly in favor of abolition as the population fears that the government could resort back to death penalty in certain cases⁵². Due to the government's volatility, Moroccan activist groups have vowed to keep advocating for the permanent abolition of the death penalty.⁵³

The status of the death penalty in Morocco and the Western Sahara remained unchanged in 2022.⁵⁴

⁵¹ "Western Sahara: Long-Term Prisoners Await Justice," Amnesty International, November 15, 2022, <https://www.amnesty.org/en/latest/news/2022/11/western-sahara-long-term-prisoners-await-justice/>.

⁵² "Helping the World Achieve a Moratorium on Executions," WCADP, December 20, 2022, <https://worldcoalition.org/campagne/helping-the-world-achieve-a-moratorium-on-executions/>.

⁵³ "Kingdom of Morocco National Human Rights Council," Death Penalty in the Moroccan Law | Conseil National des Droits de l'Homme, accessed January 18, 2023, <http://www.ccdh.org.ma/an/bulletin-d-information/death-penalty-moroccan-law>.

⁵⁴ Alexandra Poméon O'Neill, "Morocco," ECPM, October 18, 2022, <https://www.ecpm.org/en/countries/morocco/>.

Crimes punishable by death: Crimes of terror and security, crimes against the health of the nation and for military crimes.⁵⁵

Mandatory death penalty: N/A

⁵⁵ “Kingdom of Morocco national Human Rights Council,” Death Penalty in the Moroccan Law | Conseil National des Droits de l’Homme, accessed January 18, 2023, <http://www.ccdh.org.ma/an/bulletin-d-information/death-penalty-moroccan-law>.

Occupied Palestinian Territories

Status: Retentionist (Gaza), in moratorium (West Bank)

Government: Unitary semi-presidential republic

Execution method: Hanging, shooting

Prisoners on death row: +125

2021 death sentences: 0

2021 executions: 0

2022 death sentences: At least 5

2022 executions: 5 (Gaza)

UN 2020 Moratorium resolution vote: N/A

The president of the Palestinian Authority (PA) Mahmoud Abbas has not ratified any death sentences since 2005, essentially implementing a moratorium on the death sentence since 2006. However, due to the separation between the PA-ruled West Bank and Gaza, the latter's de facto Hamas government has illegally carried out executions nonetheless.

Military courts in Gaza convicted numerous people, including civilians, on charges not related to military or security issues. Two of these people were sentenced to death for 'communicating with hostile entities', a third was sentenced for drug-related offenses.

Gaza's latest execution took place in September 2022 when five men were put to death. Three of them were sentenced to death over homicide charges, the other two for collaboration with Israel. OHCHR⁵⁶ has expressed concern that these trials do not meet the international standards of fair trials as the accused did not have the opportunity to request clemency or a pardon.

Cornell database also reports an instance where military forces tortured a civilian suspect until he confessed to collaboration. However, the military court was unable to specify exactly which actions merited this conviction.

These military court trials are generally unfair and do not provide the defendants with a chance to prepare or deliver a proper defense or to appeal the decision. Furthermore, President Abbas had not given his approval even though this is required by national law.

A report by Agence France Presse states that in a 2010 homicide case the Hamas authorities had granted the victims' families the possibility to accept a blood money payment.⁵⁷ However, blood money payments seem to be rather uncommon.

Crimes punishable by death: murder, terrorism, treason, espionage, military offenses

Mandatory death penalty: murder, terrorism, treason, espionage, military offenses

⁵⁶ "Comment by UN Human Rights Office Spokesperson Ravina Shamdasani on Execution of Five Prisoners in Gaza," OHCHR, September 5, 2022, <https://www.ohchr.org/en/statements/2022/09/comment-un-human-rights-office-spokesperson-ravina-shamdasani-execution-five>.

⁵⁷ "Gaza: Hamas 'Executes Three For Murder'." Hands Off Cain, May 18, 2010. http://www.handsoffcain.info/archivio_news/201005.php?iddocumento=13308252&mover=0.

Oman

Status: Retentionist

Government: Unitary Islamic absolute monarchy

Execution method: Hanging, shooting

Prisoners on death row: 4

2021 death sentences: 0

2021 executions: 0

2022 death sentences: 0

2022 executions: 0

UN 2020 Moratorium resolution vote: No

Oman is a retentionist country, with the death sentence as a valid punishment. Oman's last known execution took place in 2015, and there are currently four people on death row. Oman does not publicize information on executions, and death sentences are rare.⁵⁸ In June, at the end of its Universal Periodic Review in the UN Human Rights Council, the government of Oman noted, but did not accept, recommendations from other states to commute all death sentences and abolish the death penalty.⁵⁹

There is not much known about the amount of executions in Oman over 2021 and 2022. Amnesty International corroborated executions and death sentences in Oman over 2021, however there was insufficient information to give a valid number.⁶⁰

There are no recognized offenses that carry the mandatory death penalty in Oman as courts can take 'mitigating reasons' in account regardless of the offense.

Crimes punishable by death: aggravated murder, terrorism-related offenses, treason, espionage

Mandatory death penalty: N/A

⁵⁸ "Database," Cornell Center on the Death Penalty Worldwide, January 12, 2021, <https://deathpenaltyworldwide.org/database/>.

⁵⁹ "Oman Responds to UN Member States' Recommendations Issued during the Country's Last Universal Periodic Review," MENA Rights Group, July 9, 2021, <https://menarights.org/en/articles/oman-responds-un-member-states-recommendations-issued-during-countrys-last-universal-o>.

⁶⁰ "Death Sentences and Executions 2021" (Amnesty International, May 24, 2022), <https://www.amnesty.org/en/documents/act50/6665/2017/en/>.

Qatar

Status: Retentionist

Government: Unitary Islamic authoritarian (de facto) parliamentary semi-constitutional monarchy

Execution method: Hanging, shooting

Prisoners on death row: +/- 15

2021 death sentences: 0

2021 executions: 0

2022 death sentences: 0

2022 executions: 0

UN 2020 Moratorium resolution vote: No

Qatar retains the death penalty, having last executed a man in 2020. A Nepalese immigrant worker was executed by firing squad over murder charges. This was Qatar's first execution in almost twenty years after maintaining a de facto moratorium on the death penalty since 2003. Nevertheless, Qatar has consistently voted against an official UN moratorium on the death penalty.

The Cornell database estimates Qatar now has about 15 death row prisoners. Most of them are foreign nationals convicted of criminal charges often related to their precarious living standards and their subjugation to the kafala system.

Through the kafala system, migrant workers are dependent on a kafeel, their Gulf citizen employer, for their legal status. These foreigners are essentially at the mercy of their employer and often end up doing forced labor since they cannot easily escape these exploitative conditions. Furthermore, many foreign nationals on death row over drug-trafficking charges reported being forced or tricked into ingesting capsules by their kafeel.

Qatar, which is home to more immigrants (86% of the population) than natives, employs a death penalty system that strongly discriminates against these marginalized communities. People convicted of homicide charges can escape the death penalty if they pay 'blood money'⁶¹ - and if the victim's family accepts this compensation. Migrant workers are generally at a disadvantage in this system as they often do not have the financial means to pay.

In violation of international law, Qatari authorities also typically neglect to inform embassies when foreign nationals are arrested. Qatar only informed the Nepalese embassy one day before the execution, leaving them insufficient time to provide any meaningful support. In addition, foreign nationals are denied access to an interpreter and have to be represented by a Qatari lawyer, who evidently may be biased and may not fully grasp their client's situation.

⁶¹ Jocelyn Hutton , Carolyn Hoyle, and Lucy Harry, "Qatar's Death Row and the Invisible Migrant Workforce Deemed Unworthy of Due Process," *The Conversation*, December 12, 2022, <https://theconversation.com/qatars-death-row-and-the-invisible-migrant-workforce-deemed-unworthy-of-due-process-191017>.

Oftentimes, the respective embassies of e.g. Nepal, India, Bangladesh, are also unwilling to provide interpreters and lawyers as they don't want to be associated with alleged criminals and wish to maintain good ties with the rich Gulf nation(s). Therefore, these migrant workers rarely get a fair trial and may unjustifiably end up on death row.

Furthermore, people are more likely to end up on death row for killing a Qatari citizen, as opposed to killing non-Qataris. The above facts indicate a profound disrespect for foreign workers and imply that some lives are more valuable than others.

Executions remain rather rare, but death row prisoners still suffer significantly from 'death row phenomenon'⁶² or the psychological effects of the uncertainty of their situation. Furthermore, death row prisoners suffer from particularly inhumane treatment and unlivable conditions.

Crimes punishable by death: murder, terrorism, drug-trafficking, treason, espionage

Mandatory death penalty: murder, terrorism, drug-trafficking, robbery resulting in death

⁶² "Unworthy of Due Process: The Invisible Migrant Workers on Qatar's Death Row," The Wire, accessed January 18, 2023, <https://thewire.in/world/qatar-wc-migrant-labour-death-penalty>.

Saudi Arabia

Status: Retentionist

Government: Unitary Islamic absolute monarchy

Execution method: Beheading

Prisoners on death row: 54+

2021 death sentences: 8+

2021 executions: 65

2022 death sentences: Unkown

2022 executions: 147+

UN 2020 Moratorium resolution vote: No

In 2021, Amnesty International recorded 65 executions in Saudi Arabia and eight new death sentences, bringing the total number of death row prisoners to at least 32. 52 of those executed were sentenced to death for murder, sometimes in combination with other charges. Saudi Arabia voted against the 2020 UN resolution to establish a moratorium on the death penalty.⁶³

The European Saudi Organisation for Human Rights published that as of November 25, 2022 at least 147 people had been executed and at least 54 are awaiting execution, eight of whom are juveniles.⁶⁴

Most of the murder cases were sentenced under the qisas laws. OHCHR explains the qisas law as: “Qisas is a category of retributive justice for murder in Saudi Arabia, which allows families of the victims to demand the death sentence, compensation or offer a pardon”. Qisas is often referred to as the saying “an eye for an eye” as an explanation of the law.⁶⁵ Nine people were executed for terrorism-related crimes in 2021. These also involved killing, violence or conspiracy to commit the crimes.

Of all 65 people that were executed in 2021, 18 were foreigners, and one was a woman. Saudi Arabia also relies on the death penalty as a supposed deterrent for certain crimes and has regularly organized public executions.⁶⁶

⁶³ “U.S. Votes No, as Record Number of Nations Adopt UN Resolution for Global Moratorium on the Death Penalty,” Death Penalty Information Center, accessed January 18, 2023, <https://deathpenaltyinfo.org/news/u-s-votes-no-as-record-number-of-nations-adopt-un-resolution-for-global-moratorium-on-the-death-penalty>.

⁶⁴ “Saudi Arabia Reneges on Pledge to End Death Penalty for Drug Crimes; Execution Spree Draws Condemnation from UN and Human Rights Ngos,” Death Penalty Information Center, accessed January 18, 2023, <https://deathpenaltyinfo.org/news/saudi-arabia-reneges-on-pledge-to-end-death-penalty-for-drug-crimes-execution-spreedraws-condemnation-from-un-and-human-rights-ngos>.

⁶⁵ “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#:~:text=Qisas%20is%20a%20category%20of,%2C%20brigandage%2C%20adultery%20and%20apostasy>.

⁶⁶ “Death Sentences and Executions 2021” (Amnesty International, May 24, 2022), <https://www.amnesty.org/en/documents/act50/6665/2017/en/>.

In 2022, Saudi Arabia was criticized by UN human rights experts for pursuing the execution of a man who was 14 years old at the time of the alleged crime he committed. An expert told the source: “The imposition of the death penalty on children is absolutely prohibited under international law,”

Crimes punishable by law: adultery, apostasy, armed robbery, blasphemy, burglary, drug trafficking, espionage, homosexuality, kidnapping, murder, rape, sorcery and witchcraft, terrorism, treason, and waging war on God

Mandatory death penalty: (aggravated) murder, terrorism-related offenses, rape, adultery, consensual relations between adults of the same sex, treason

Sudan

Status: Retentionist

Government: Federal provisional government

Execution method: Hanging, stoning, other

Prisoners on death row: 95+

2021 death sentences: 7+

2021 executions: 0

2022 death sentences: Unknown

2022 executions: Unknown

UN 2020 Moratorium resolution vote: No

The exact number of executions and death row prisoners in Sudan is difficult to discern. By the end of 2021, Sudan had more than seven new recorded death sentences and about 95 people known to be on death row, but no executions took place.⁶⁷

On the 5th of August 2021, a court in the Northern region of Sudan sentenced six members of the paramilitary RSF to death for killing demonstrators protesting for gasoline and lacking food.⁶⁸

Sudan voted against a moratorium on the death penalty in the 2020 UN moratorium resolution. The death penalty remains a difficult topic to discuss in a country with strict laws inhibiting freedom of speech and press freedom⁶⁹.

Crimes punishable by law: adultery, apostasy, crimes against the state (espionage, instigation of war against the state and undermining the constitutional order), economic crimes, murder and the instigation of a minor to commit suicide, rape if combined with adultery, sodomy, incest, or prostitution, robbery, treason, war crimes

Mandatory death penalty: murder, robbery, drug trafficking, adultery, apostasy

⁶⁷ "Death Sentences and Executions 2021" (Amnesty International, May 24, 2022), <https://www.amnesty.org/en/documents/act50/6665/2017/en/>.

⁶⁸ Ibid.

⁶⁹ Hedia Zaalouni, "Statement on the Adoption of the 8th UN General Assembly Resolution for a Moratorium on the Use of the Death Penalty," WCADP, October 8, 2021, <https://worldcoalition.org/2020/12/17/statement-on-the-adoption-of-the-8th-un-general-assembly-resolution-for-a-moratorium-on-the-use-of-the-death-penalty/>.

Syria

Status: Retentionist

Government: Unitary semi-presidential republic under a totalitarian hereditary dictatorship

Execution method: Hanging, shooting

Prisoners on death row: Unknown

2021 death sentences: Unknown

2021 executions: +24

2022 death sentences: Unknown

2022 executions: Unknown

UN 2020 Moratorium resolution vote: No

Syria retains the death penalty and has voted against the 2020 UN resolution to adopt an official moratorium on the death penalty. However, not a lot is known about the number of executions in Syria due to a lack of reliable information.

The only known case of execution in 2021 was a mass execution of 24 people who were convicted of terrorism for their involvement in starting wildfires in 2020.⁷⁰ Human rights organizations have expressed concern that Syria is likely executing a much larger number of people behind closed doors.⁷¹

Those convicted of terrorism charges - as in the 2021 mass execution - do not get a fair trial. The Syrian authorities do not allow them a proper defense trial or provide them with a lawyer. Reports also find that the Kurdish minority in Syria may be disproportionately subject to torture and ill-treatment in prison.

However all these findings prove quite difficult to verify as Syria disseminates very little information. It is unknown exactly how many people Syria executed in 2021-2022 and how many people Syria currently has on death row.

Crimes punishable by death: murder, terrorism, drug trafficking, drug possession, treason, espionage, military offenses, other

Mandatory death penalty: drug trafficking, membership in the Muslim Brotherhood

⁷⁰ "Syria Says 24 Executed for Starting Wildfires," Death Penalty News | Al Jazeera (Al Jazeera, October 21, 2021), <https://www.aljazeera.com/news/2021/10/21/syria-says-24-executed-over-starting-wildfires>.

⁷¹ "Death Sentences and Executions 2021" (Amnesty International, May 24, 2022), <https://www.amnesty.org/en/documents/act50/6665/2017/en/>.

Tunisia

Status: Abolitionist in practice

Government: Unitary presidential republic

Execution method: Shooting, hanging

Prisoners on death row: +136

2021 death sentences: +3

2021 executions: 0

2022 death sentences: Unknown

2022 executions: Unknown

UN 2020 Moratorium resolution vote: Yes

Tunisia's last known execution was in 1991, making the country abolitionist in practice. However, Tunisia still regularly sentences people to death, as there are currently 136 people on death row. Moreover, President Kais Saied has expressed his will to increase the use of the death penalty, in response to the brutal rape and killing of a young woman.⁷²

Tunisia has signed international conventions in favor of a universal moratorium on the death penalty and has voted in favor of the 2020 UN resolution to establish a moratorium on the death penalty. While the country's penal code allows for capital punishment, it cannot be carried out unless the president provides his explicit approval. Tunisian civil society organizations advocating for abolition have stipulated the fact that women make up 6% of those sentenced to death in Tunisia. Their crimes are often acts of self-defence in cases of domestic abuse and sexual violence. Women are also more frequently tried in unfair trials.⁷³

Nowadays most people are sentenced to death over charges related to national security under a 2015 terror law. Recently, Tunisian court has sentenced nine extremists to death who were accused of having beheaded a soldier in 2016, a murder claimed by ISIS.⁷⁴

There are no specific criminal offenses that merit the mandatory death penalty in Tunisia.

Crimes punishable by death: aggravated murder, terrorism-related offenses, rape, arson, treason, espionage, military offenses

Mandatory death penalty: N/A

⁷² "Tunisia President Calls for Return of Death Penalty Following Brutal Killing," The Guardian (Guardian News and Media, October 1, 2020), <https://www.theguardian.com/global-development/2020/oct/01/tunisia-president-calls-for-return-of-death-penalty-following-brutal-killing>.

⁷³ "Death Sentences and Executions 2021" (Amnesty International, May 24, 2022), <https://www.amnesty.org/en/documents/act50/6665/2017/en/>.

⁷⁴ "Tunisia Sentences Nine Extremists to Death over Soldier's Murder," Jordan Times, January 15, 2022, <https://jordantimes.com/news/region/tunisia%20sentences-nine-extremists-death-over-soldiers-murder>

The United Arab Emirates

Status: Retentionist

Government: Federal Islamic parliamentary elective semi-constitutional monarchy

Execution method: Shooting, stoning

Prisoners on death row: +10

2021 death sentences: 9

2021 executions: 0

2022 death sentences: 1

2022 executions: Unknown

UN 2020 Moratorium resolution vote: Abstained

The death penalty is a legal practice in the UAE, the last known execution was in 2017. The total number of people on death row rose from four in 2020 to at least nine in 2021.

The United Arab Emirates has sentenced several people to death by stoning, which was prescribed as the default method of execution for adultery and is still a legally recognized practice to this day. However, execution by stoning is rare and has not been carried out recently in the UAE.

Migrant workers in the Gulf are a discriminated group and receive relatively more death sentences.⁷⁵ Jennifer Dalquez from the Philippines, for example, was convicted of murdering her employer, however Dalquez stated it was self defense when he attempted to rape her at knifepoint. She was sentenced to death in May 2015, but ultimately exonerated in June 2017.⁷⁶

There is no updated information on executions in the UAE in 2022, however there was at least one death sentence issued in 2022. An Israeli woman was sentenced to death for drug trafficking, which she confessed to under duress. Her death sentence was recently commuted to life in prison.⁷⁷

Crimes punishable by death: adultery, (aggravated) murder, drug trafficking, drug possession, espionage, rape, terrorism-related offenses, treason

Mandatory death sentence: adultery, (aggravated) murder, terrorism-related offenses resulting in the death penalty

⁷⁵ “UN Experts Urge UAE to Quash the Death Sentence against a Woman Migrant Domestic Worker,” OHCHR, March 30, 2017, <https://www.ohchr.org/en/press-releases/2017/03/un-experts-urge-uae-quash-death-sentence-against-woman-migrant-domestic>.

⁷⁶ Don Kevin Hapal, “OFW Saved from UAE Death Row Coming Home to Ph,” Rappler, November 1, 2018, <https://www.rappler.com/nation/215718-jennifer-dalquez-ofw-released-prison-uae/>.

⁷⁷ “UAE Court Hands Israeli Woman Life Imprisonment after Death Sentence Struck Down,” The Times of Israel, July 7, 2022, <https://www.timesofisrael.com/uae-court-hands-israeli-woman-life-imprisonment-after-death-sentence-struck-down/>.

Yemen

Status: Retentionist

Government: Unitary provisional republic

Execution method: Shooting, stoning

Prisoners on death row: +323

2021 death sentences: 113 (by Houthi officials), 185 (by Yemeni government)

2021 executions: 14 (by Houthi officials)

2022 death sentences: At least 16 (by Houthi officials)

2022 executions: At least 3

UN 2020 Moratorium resolution vote: Abstained

The death penalty is a legal practice in retentionist Yemen to this day. The exact number of executions and convicts on death row remains difficult to verify and is likely higher than reported due to the ongoing civil war.

In 2021, there were a total of 14 recorded executions, all carried out by Houthi rebels. The Houthi de facto authorities also sentenced 113 people to death in 2021. Since 2020, the number of recorded executions by the Houthi rebels has almost tripled; they executed 14 people in 2021, compared to 5 executions in the previous year.⁷⁸ Also in 2021, the internationally recognized Yemeni government sentenced at least 185 people to death. However, no executions were recorded in 2021.

In both cases, the death sentences - carried out by the Houthi rebels and by the Yemeni government - were often issued without the offender present, raising concern over serious violations of judicial proceedings.⁷⁹

In September 2021, nine men were convicted for treason for allegedly being involved in the killing of a senior Houthi leader in 2018 - they were all later executed. During the trial, Amnesty International revealed that their confessions were obtained through torture, their lawyers were denied information and the hearings took place without the convicts' presence. Furthermore, one of the men executed was a minor - age 17 - at the time of the crime for which he was convicted.⁸⁰

⁷⁸ "Death Sentences and Executions 2021" (Amnesty International, May 24, 2022), <https://www.amnesty.org/en/documents/act50/6665/2017/en/>.

⁷⁹ Ibid.

⁸⁰ Ibid.

In 2022, 16 Yemenis were sentenced to death by a Houthi court, following unfair judicial proceedings.⁸¹ Furthermore, Reporters Without Borders reveals that in 2022, 3 Journalists had been killed and 19 others held hostage or imprisoned in Yemen.⁸²

Crimes punishable by law: aggravated murder, other offenses resulting in death, terrorism, rape, kidnapping, adultery, drug trafficking, drug possession, apostasy, treason, espionage, military offenses...

Mandatory death penalty: (aggravated) murder, other offenses resulting in death, terrorism-related offenses, drug-trafficking resulting in death, adultery, consensual sexual relations between adults of the same sex, treason, espionage

⁸¹ “Death Penalty for 16 Yemenis Reflects High Cost of Houthi Impunity [En/Ar] - Yemen,” ReliefWeb, December 22, 2022, <https://reliefweb.int/report/yemen/death-penalty-16-yemenis-reflects-high-cost-houthi-impunity-enar>.

⁸² “Barometer,” RSF, accessed January 18, 2023, https://rsf.org/en/barometer?annee_start=2022&annee_end=2022&exaction_victimes_pays%5B229%5D=229&type%5Btue%5D=tue&#exaction-victimes.

CONCLUSION

The vast majority of Arab League countries continue to exercise the death penalty and remain unwilling to adopt a moratorium on the death penalty, despite most UN member states voting in favor of a moratorium. Several Arab countries, in particular Egypt and Saudi Arabia, are among the top executioners in the world.

Although in most Arab countries executions remain rather rare, there exists an unwillingness to formally abolish the death penalty due to the belief that retaining the death penalty will deter future crime. The judiciary may sentence criminal offenders to death, but never provide an execution date. This may signal a reluctance to effectively execute death row prisoners. Nevertheless, very few countries are currently looking to formally abolish the practice and prefer to retain capital punishment as a punitive measure and supposed deterrent.

Despite the cruelty and the inherent socio-economic discrimination of the death penalty in practice, most people in the Arab world seem to be in favor of the death penalty. Only certain minority groups, e.g. the Sahrawi population in the Moroccan-occupied Western Sahara, have expressed their opposition to the death penalty as the judiciary disproportionately targets these ethnic minorities as well as people from disadvantaged backgrounds. Therefore, minority populations are generally overrepresented on death row.

The case of women on death row is similarly alarming. Almost all women on death row who are charged with murder had previously suffered severe domestic abuse. Yet instead of rehabilitating these women, they are sentenced to death. If they are lucky, however, their sentences are sometimes commuted to life in prison.

Capital punishment supposedly acts as a deterrent to future crime, but ultimately it merely serves to deter socio-economic dissent and to target minority populations. The death penalty is an inhumane and cruel alternative to providing rehabilitation and communal support.

RECOMMENDATIONS

The Amman Center for Human Rights Studies agrees with the International Penal Reform (IPR) that the governments of the MENA-region must take further action to guarantee a legislation that complies with international standards, which requires the implementation of effective reform and active encouragement of public debates. Judiciary policies have to be put in place to ensure fair trials in accordance with international law; to provide alternative sanctions to the death penalty; and to make sure that vulnerable prisoners such as minors and pregnant women receive proper care and treatment. ACHRS proposes a set of recommendations for the governments of MENA countries to refrain from imposing the death penalty and performing executions. These recommendations aim to influence state departments and the public opinion in order for the governments and their population to move towards complete abolishment of the death penalty.

1. Continue to support the creations of Coalitions Against the Death Penalty in every country of the MENA-region.
2. Strengthen the existing Arab Observatory Against the Death Penalty by choosing representatives of each country who jointly and continuously pressure the governments of countries in the MENA-region to adhere to international law and to consider alternative sanctions.
3. Urge every Coalition Against the Death Penalty to stir a public debate regarding the death penalty by organizing annual campaigns, including symposia, roundtables and workshops.
4. Assist the National Coalitions in creating a virtual platform which discusses the problems, weaknesses and consequences of the death penalty in order to engage the populations and in particular the younger generation in the debate on the need of abolishing the death penalty.
5. Approach public figures such as politicians, businessmen and journalists, and persuade them to join the National Coalitions Against the Death Penalty in order to increase visibility and encourage public debate on the death penalty.
6. Create committees within the National Coalitions Against the Death Penalty which monitor the judiciary system by conducting visits to the prisons with death row prisoners and by pressuring the civil servants who are part of the judiciary to be transparent by providing the National Coalitions with the up-to-date information on the death penalty and the related cases.
7. Urge the National Coalitions against the Death Penalty to write an annual report on the events regarding the death penalty which will be spread via the conventional and social media and to announce press releases and write appeals every time someone is sentenced to death or executed in the MENA-region.

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