

SAUDI ARABIA: ELIMINATING DISSENT

AMNESTY INTERNATIONAL:
SUBMISSION TO THE 45TH SESSION OF THE UPR WORKING GROUP,
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SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Saudi Arabia in January–February 2024. In it, Amnesty International evaluates the implementation of recommendations made to Saudi Arabia in its previous review, including in relation to freedom of expression, association and peaceful assembly, the death penalty and women's rights.

It also assesses the national human rights framework with regards to new laws and regulations in relation to women's rights, labour rights, and children's rights.

Amnesty International raises concerns about the escalating crackdown on freedom of expression and the increased use of counterterrorism and cybercrime laws to silence dissent; the prosecution of women human rights defenders; the continued due process violations and unfair trials before the Specialized Criminal Court; the rising number of executions; the codification of discrimination against women through a new Personal Status Law; the continued arbitrary detention and forcible deportation of migrant workers; the forced eviction of thousands of residents as part of a plan to develop the city of Jeddah; and the violations committed by the Saudi Arabia-led military coalition in Yemen.

The submission ends with a set of recommendations to Saudi Arabia which, if implemented, would contribute to improving the human rights situation.

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FOLLOW UP TO THE PREVIOUS REVIEW

1. During its third UPR, Saudi Arabia supported 182 recommendations and noted 78 recommendations.¹
2. Amnesty International welcomes the introduction of some women's rights reforms, including the elimination of serious restrictions imposed on the rights of women through the male guardianship system, but regrets that while these reforms have had some positive impact on women's rights and their freedom of movement, they did not entirely eliminate the male guardianship system in line with supported recommendations.²
3. Regrettably, Saudi Arabia has failed to implement many supported recommendations, including recommendations to bring its counterterrorism and cybercrime laws in line with international standards,³ guarantee and protect the rights to freedom of expression, association and peaceful assembly,⁴ release human rights defenders and all those imprisoned for exercising their rights to freedom of expression, association, and peaceful assembly, guarantee due process and fair trials,⁵ and protect workers from all forms of abuse.⁶
4. Disappointingly, Saudi Arabia noted recommendations to become a party to the Rome Statute of the International Criminal Court,⁷ the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights;⁸ to withdraw reservations to the Convention on the Elimination of All Forms of Discrimination against Women;⁹ to end the ban and criminalization of protests;¹⁰ and to establish a moratorium on the death penalty with a view to abolishing it entirely.¹¹ These recommendations remain pertinent and would help improve the human rights situation if implemented.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

Women's rights

5. In August 2019, the authorities implemented major reforms to the male guardianship system, including allowing women over the age of 21 to obtain passports and travel without the permission of a male guardian; women over the age of 18 to register the birth of a newborn child, the death of a relative and their own marriage or divorce, as well as to obtain a family record; and to permit women to act as the head of a household.¹² However, guardianship remains in force across many aspects of women's lives.
6. In March 2022, Saudi Arabia passed its first Personal Status Law (PSL). While the law introduces some positive reforms, such as setting a minimum age of marriage, it entrenches a system of gender-based discrimination in most aspects of family life.¹³
7. Under the PSL, women still require the consent of their male legal guardian to get married. During marriage, a woman is expected to "obey" her husband, and her right to financial support, including food and accommodation, is conditional on her "submit[ting] herself" to him. Such provisions place women at risk of abuse, including marital rape, which Saudi law does not criminalize. Only men can initiate divorce without any conditions, while women face legal, financial and practical barriers when seeking dissolution of their marriage. In the event of separation, a mother does not have equal rights over matters related to her children. The PSL also gives men a much larger share of inheritance assets than women.

Children in conflict with the law

8. In August 2018, King Salman issued the Law on Juveniles which stipulated a maximum prison sentence of 10 years for children in cases where they might otherwise be sentenced to death, except for crimes punishable by death under *Shari'a* (Islamic law).¹⁴ This law does not prevent judges handing down death sentences for

children in conflict with the law in the case of *hadd* crimes (those with fixed and severe punishments under *Shari'a*) or crimes punishable by *qisas* (retaliation).

9. In April 2020, a royal order announced an end to the use of the death penalty against people aged under 18 at the time of the crime in discretionary cases, which have no fixed punishments under *Shari'a* (Islamic law).¹⁵ The order excluded any individuals sentenced under the counter-terror law.

Labour rights reforms

10. Migrant workers continue to be governed by the *kafala* (sponsorship) system, which grant employers vast power over them. In March 2021, the Ministry of Human Resources and Social Development announced limited reforms to the *kafala* system, including allowing migrant workers to exit the country and leave jobs without the permission of their employers if they fulfil certain conditions.¹⁶ The reforms also stipulate that migrant workers can submit an online application to request an exit visa from the Ministry, which is shared with employers. The criteria for the acceptance an exit permit request remain unclear. These reforms exclude domestic workers.
11. In July 2022, the Ministry announced two new conditions under which domestic workers are allowed to change employers without the permission of their current employer: firstly, if the employee terminates the labour contract during the probation period, and secondly, if there is proof that the services of the employee had already been transferred to another employer without the knowledge or consent of the previous employer. Domestic migrant workers continued to be excluded from protections under the labour law.¹⁷

Lack of penal code

12. Despite Crown Prince Mohammad bin Salman promising to pass a new penal code as part of a package of legislative reforms to "protect human rights", no penal code has been adopted.¹⁸

THE HUMAN RIGHTS SITUATION ON THE GROUND

Crackdown on freedom of expression, association and peaceful assembly

13. Since 2018, the Saudi authorities have escalated their crackdown on all forms of dissent, both online and offline.¹⁹ Nearly all human rights defenders, activists, independent journalists and writers have been arbitrarily detained, put through prolonged and unfair trials, most often by the Specialized Criminal Court (SCC), sentenced to lengthy prison sentences, or released but under conditions that include travel bans and other arbitrary restrictions to their human rights, including their ability to conduct peaceful activism. Moreover, the authorities continued to prohibit the formation of political parties, trade unions and independent human rights groups. All protests including peaceful demonstrations, remained prohibited.²⁰
14. As of June 2023, Amnesty has documented the cases of 68 individuals who had been prosecuted for exercising their rights to freedom of expression, association and peaceful assembly. Forty-five of the 68 individuals are currently imprisoned and 23 were conditionally released after serving their sentences or while awaiting trial.
15. On 9 August 2022, the SCC sentenced a woman to 45 years in prison followed by a 45-year travel ban for views she posted on Twitter. This is believed to be the longest sentence ever to be imposed on a Saudi for peaceful expression.²¹



16. The authorities increased the sentences of individuals already serving prison sentences or those previously imprisoned for their human rights work.²²
17. Since October 2022, Saudi authorities have held Mohammad al-Qahtani, a founding member of the now dissolved Saudi Civil and Political Rights Association, who was sentenced on dubious terrorism charges, incommunicado detention, despite the expiry of his prison term in November 2022.²³

Unfair trials

18. Authorities continued to silence dissent by convicting and sentencing individuals in grossly unfair trials before the Specialized Criminal Court, established to try individuals for counter-terror crimes, on vague charges which often equate peaceful expression with terrorism. In most cases reviewed by Amnesty International, defendants were arrested without a warrant and without being informed of the charges; held incommunicado, often in solitary confinement, without access to their families or a lawyer; tortured or otherwise ill-treated in pre-trial detention; held without charge or trial, without any opportunity to challenge the legality of the detention; and convicted and, in many cases, sentenced to lengthy prison terms or to death, on vague, "catch-all" charges that criminalize peaceful opposition as "terrorism".²⁴

Death penalty

19. Despite promises by Saudi authorities to limit the use of the death penalty, between 5 November 2018 and June 2023, Saudi authorities executed 556 people. In response to Amnesty International's request for information on the use of the death penalty, the Saudi Human Rights Commission informed the organization that 196 people were executed in 2022. This represents a sharp increase from the 67 executions in 2021 and 27 executions in 2020. The number of executions in 2022 is much higher than the number reported by the official Saudi Press Agency, raising serious concerns about the country's lack of transparency on the use of the death penalty.²⁵
20. In January 2021, the Saudi Human Rights Commission announced a moratorium on executions for drug-related offences.²⁶ However, the authorities resumed such executions in November 2022 and had executed 57 people on drug-related offences by the end of 2022.²⁷
21. In August 2021, the SCC commuted the death sentences of three young Shi'a activists who were all arrested as children in 2012 and charged with offences relating to their participation in anti-government protests. The three young men were re-sentenced to 10 years in prison, inclusive of time served, in line with the Law on Juveniles.²⁸
22. Despite legal reforms to limit the execution of those under 18 at the time of the offence, Amnesty International documented the cases of seven young men whose death sentences were upheld by the SCC Appeals Court between March 2022 and March 2023 relating to crimes that occurred when they were under the age of 18.²⁹
23. In March 2022, authorities carried out the largest mass execution in years of 81 people who had been convicted of a wide range of offences, including terrorism-related crimes and charges such as "participating in and inciting sit-ins and protests." Forty-one of those executed were from Saudi Arabia's Shi'a minority, who routinely face discrimination and harassment for their opposition to the government.³⁰

Women's rights

24. Despite some reforms, women in Saudi Arabia continue to face discrimination in law and practice. Moreover, women and girls remain inadequately protected from sexual and other forms of violence.³¹
25. Between May and August 2018, the authorities launched a wave of arrests targeting women human rights defenders. Among those arrested were 13 women's rights activists who had campaigned against the ban on women driving and the male guardianship system, including Loujain al-Hathloul. For the first three months of their detention, several women activists endured torture, sexual abuse and other forms of ill-treatment when they were held incommunicado and in solitary confinement with no access to their families or lawyers. Several women were sentenced on charges of contacting foreign media, other activists and international organizations, including Amnesty International. All 13 women's rights activists were conditionally released and are currently serving travel bans of equal duration to their prison terms.³²

Forced evictions

26. From January to October 2022, the authorities subjected thousands of residents, including foreign nationals, to forced evictions in the coastal city of Jeddah as part of a plan to develop the city. A state-aligned media outlet announced on 31 January 2022 a compensation scheme for citizens that excluded foreign nationals, who made up 47% of those evicted. Residents were given notice of between one day and six weeks. The project plans had been finalized almost three years earlier, but the authorities failed to engage in genuine consultation with residents, provide adequate notice, announce the amount of compensation or provide it to residents prior to the demolitions.³³

Migrant workers

27. The authorities continued their crackdown on individuals accused of violating residency, border and labour regulations including through detention and forcible returns. They subjected tens of thousands of irregular migrants, especially Ethiopians, to arbitrary arrest, torture and other ill-treatment, and prolonged arbitrary detention without due process in inhumane and undignified conditions with no access to adequate food, sanitation, accommodation, and health care.³⁴

Armed Conflict in Yemen

28. Between 2018 and 2022, Amnesty International documented multiple air strikes by the Saudi-led coalition against civilians and civilian infrastructure in Yemen including telecommunications buildings, homes, hospitals, and schools, which resulted in the killing of civilians, including children. These attacks may amount to war crimes.^{35 36}
29. In July 2018, King Salman issued a royal decree granting a blanket amnesty to all military personnel taking part in the Yemeni conflict, in breach of Saudi Arabia's obligations under international law.³⁷
30. In October 2021, intensive Saudi-led lobbying before the Human Rights Council resulted in the termination of the UN Group of Eminent Experts, the only international, impartial investigative mechanism for international humanitarian law violations in Yemen.³⁸

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Saudi Arabia to:

International human rights obligations

31. Ratify, without reservations, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Rome Statute of the International Criminal Court and implement them fully into domestic law.
32. Review all reservations and declarations that limit the enjoyment of rights enshrined in the Convention of the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women, with a view to lifting the reservations, especially those that are contrary to the object and purpose of the treaties.

Criminal justice system:

33. Adopt a penal code that complies with international human rights standards.

Freedom of expression, association and peaceful assembly

As previously recommended:

34. Immediately and unconditionally release all those imprisoned solely for peacefully exercising their rights to freedom of expression, association and peaceful assembly.
35. Amend laws, including the Anti-Cyber Crime Law and the Counter-Terrorism Law, to ensure that criticism of government policy and practice, and of officials, as well as other forms of protected speech, are not criminalized.
36. Repeal the Law on Associations and related legislation or substantially amend it to bring it into full conformity with international law and standards and allow the formation of independent human rights organizations.
37. End the ban on, and criminalization of, peaceful protests.

Unfair trials

38. Fundamentally reform the Specialized Criminal Court to ensure it is capable of conducting fair trials, is protecting defendants from arbitrary detention, torture and other ill-treatment, overseeing fair hearings, and deciding on appropriate reparation to all victims of torture and other human rights violations by state officials or those acting on their behalf.
39. Ensure that all allegations of torture and other ill-treatment are thoroughly, independently and impartially investigated and those suspected of criminal responsibility are brought to justice in fair proceedings without recourse to the death penalty.

Death penalty

As previously recommended:

40. Declare an official moratorium on all executions with a view to abolishing the death penalty.
41. Review the cases of all prisoners currently sentenced to death, especially those under 18 at the time of their alleged offence, with the aim of commuting their sentences or retrying them in fair proceedings without recourse to the death penalty.

Women's rights

As previously recommended:

42. Drop all charges and conditions, such as travel bans, against women human rights defenders targeted solely for their peaceful activism.
43. Amend the Personal Status Law and repeal any provisions or laws which discriminate against women, including completely abolishing the male guardianship system and ensuring that women have equal rights and responsibilities with regards to marriage, custody and guardianship of their children, access to divorce and inheritance.
44. Amend the Law on Protection from Abuse to explicitly criminalize marital rape.
45. Provide equal citizenship rights for women and men.

Forced evictions

46. Ensure that all victims of forced evictions are provided with effective remedy
47. Ensure that adequate compensation is provided for all losses as a result of evictions, and that no one is left homeless as a result of evictions, including citizens and non-citizens, those with or without ownership documents, and tenants.
48. Involve affected individuals in a process of genuine consultation on the evictions and related processes, provide adequate and appropriate notice, publicly release information on eviction plans in advance including plans to protect groups vulnerable to discrimination from marginalization and discrimination in the eviction and compensation processes, and provide all affected residents reasonable time to review or object to the proposed plan for eviction.

Migrant workers:

49. Include domestic workers within the scope of labour law and bring labour law in line with international standards so that all migrant workers including domestic workers have adequate protection against abuses by private employers and the state.
50. Dismantle the kafala system which ties migrant workers to employers through ensuring in law and practice that all migrant workers are permitted to leave the country and change jobs freely, without any form of permission or approval from their current employer; decriminalizing "absconding"; and refraining from detaining migrant workers for having "run away".

Armed conflict in Yemen:

51. Ensure that any form of participation in the hostilities strictly abides with international law.
52. Independently and impartially investigate cases where there is credible information that violations of international humanitarian and human rights law may have taken place, make the findings public, and prosecute those suspected of criminal responsibility in fair trials before ordinary civilian courts.
53. Provide full reparation to victims of unlawful attacks and their families, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition.

¹ UN General Assembly, Report of the Human Rights Council on its fortieth session, UN Doc. A/HRC/40/2, 11 January 2021, paragraph 365. Saudi Arabia had previously clarified that of the 76 noted recommendations, it partially endorsed 31. See UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Saudi Arabia Addendum, 26 February 2019, UN Doc. A/HRC/40/4/Add.1.

² A/HRC/40/4, Recommendations 122.202 (Australia), 122.206 (Denmark, Iceland, Sweden), 122.207 (France), 122.210 (Haiti), 122.211 (Slovenia), 122.212 (Switzerland), 122.215 (Norway).

³ A/HRC/40/4, Recommendations 122.51 (Germany), 122.90 (Norway), 122.93 (USA), 122.137 (Denmark), 122.148 (Czechia).

⁴ A/HRC/40/4, Recommendations 122.132 (United States of America), 122.138 (Brazil), 122.139 (Canada), 122.140 (Estonia), 122.146 (Comoros), 122.147 (Costa Rica), 122.152 (Nepal), 122.153 (Ghana), 122.155 (Italy), 122.156 (Japan), 122.158 (Romania), 122.160 (Sweden), 122.162 (Uruguay), 122.164 (Portugal), 122.172 (Greece), 122.174 (Argentina), 122.239 (Myanmar).

⁵ A/HRC/40/4, Recommendations 122.133 (Pakistan), 122.180 (Peru), 122.184 (Senegal), 122.188 (United Arab Emirates), 122.191 (United States of America), 122.232 (Gabon).

⁶ A/HRC/40/4, Recommendations 122.251 (Myanmar), 122.254 (Republic of Korea).

⁷ A/HRC/40/4, Recommendations 122.30 (Latvia), 122.31 (Liechtenstein).

⁸ A/HRC/40/4, Recommendations 122.9 (Czechia), 122.11 (Burundi), 122.12 (Islamic Republic of Iran), 122.14 (Austria).

⁹ A/HRC/40/4, Recommendations 122.32 (Czechia), 122.33 (Estonia), 122.34 (Liechtenstein).

¹⁰ A/HRC/40/4, Recommendations 122.163 (Iceland).

¹¹ A/HRC/40/4, Recommendations 122.94 (Australia), 122.95 (Brazil), 122.98 (Costa Rica), 122.102 (Georgia, Italy), 122.103 (Norway, Iceland), 122.104 (Slovenia), 122.105 (Spain), 122.106 (Liechtenstein), 122.115 (Switzerland).

¹² Amnesty International, "Saudi Arabia: Women's rights reforms must be followed by release of detained activists", 2 August 2019, <https://www.amnesty.org/en/latest/press-release/2019/08/saudi-arabia-womens-rights-reforms-must-be-followed-by-release-of-detained-activists/>

¹³ Amnesty International, *Saudi Arabia: New Personal Status Law Codifies Discrimination Against Women*, (Index: MDE 23/6431/2023), 8 March 2023, <https://www.amnesty.org/en/documents/mde23/6431/2023/en/>

¹⁴ Amnesty International: "Saudi Arabia: Decision to spare teenager's life must be followed by abolition of death penalty for all juveniles", 17 June 2019, <https://www.amnesty.org/en/latest/news/2019/06/saudi-arabia-decision-to-spare-teenagers-life-must-be-followed-by-abolition-of-death-penalty-for-all-juveniles-2/>

¹⁵ Amnesty International, "Saudi Arabia: Death penalty reform for minors falls short, and total abolition must now follow", 27 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/saudi-arabia-abolition-of-juvenile-death-penalty/>

¹⁶ Reuters, "Saudi to reform kafala worker sponsorship system in 2021 - Maaal newspaper", 27 October 2020, <https://www.reuters.com/article/saudi-economy-kafala-int-idUSKBN27C2FP>

¹⁷ Amnesty International, *Amnesty International Report 2022/23: The State of the World's Human Rights* (Index: POL 10/5670/2023), 27 March 2023, [amnesty.org/en/documents/pol10/5670/2023/en/](https://www.amnesty.org/en/documents/pol10/5670/2023/en/), p.317.

¹⁸ Saudi Press Agency, "HRH Crown Prince Announces 4 New Laws to Reform the Kingdom's Judicial Institutions", 8 February 2021, spa.gov.sa/viewfullstory.php?lang=en&newsid=2187801#2187801

¹⁹ Amnesty International, *Human rights in the Middle East and North Africa: Review of 2019* (Index: MDE 01/1357/2020), 18 February 2020, [amnesty.org/en/documents/mde01/1357/2020/en/](https://www.amnesty.org/en/documents/mde01/1357/2020/en/), pp. 57-58.

²⁰ Amnesty International, *Amnesty International Report 2022/23: The State of the World's Human Rights* (Index: POL 10/5670/2023), 27 March 2023, [amnesty.org/en/documents/pol10/5670/2023/en/](https://www.amnesty.org/en/documents/pol10/5670/2023/en/), pp. 315-316.

²¹ Amnesty International, "Saudi Arabia: Alarming crackdown on online expression", 14 February 2023, <https://www.amnesty.org/en/latest/news/2023/02/saudi-arabia-alarming-crackdown-on-online-expression/#:~:text=As%20of%20February%202023%20Amnesty,%2C%20poets%2C%20clerics%20and%20others>

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³⁰ Amnesty International, "Saudi Arabia: Mass execution of 81 men shows urgent need to abolish the death penalty", 15 March 2022, [amnesty.org/en/latest/news/2022/03/saudi-arabia-mass-execution-of-81-men-shows-urgent-need-to-abolish-the-death-penalty](https://www.amnesty.org/en/latest/news/2022/03/saudi-arabia-mass-execution-of-81-men-shows-urgent-need-to-abolish-the-death-penalty)

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