



Kuwait

Foreign Nationals and the Death Penalty

Death Penalty Overview

The death penalty is used relatively frequently in Kuwait. The method of execution is hanging, although shooting can also be used in some circumstances.

There were believed to be about 55 people on death row in 2021, most of whom were foreign nationals. According to Amnesty International, at least 110 people were sentenced to death in Kuwait between 2016 and 2021, and seven people were executed.

The death penalty may be imposed for a number of crimes, including murder, drug trafficking, rape, treason, kidnapping, espionage, and terrorism (for which it is mandatory).

Death penalty cases are automatically reviewed by the appellate court, which, if failed, can then go to the Supreme Court and then to the Emir for approval.

Since 2002, executions have occurred at Nayef Palace. Prisoners are held in solitary confinement until the day of their execution,

where they are transported to the execution ground.

Some prisoners are executed in public and newspapers may publish pictures of the dead bodies, purportedly as a deterrent.

Cases are fraught with human rights concerns, with some prisoners being sentenced to death in absentia. Foreign nationals often do not have access to legal counsel or consular support. There is also evidence that prisoners of African or Black heritage are particularly discriminated against.

Foreign Nationals

Kuwait has a large proportion of foreign nationals, who make up around 73% of the population.

However, the proportion of foreign nationals on death row is higher still. There were at least 47 foreign nationals under sentence of death between 2016 and 2021 in Kuwait. The largest group of these were from India, with another large group from Pakistan. The rest

came from other South or Southeast Asian countries or other parts of the Middle East.

Kuwait employs the controversial '*kafala*' migrant worker sponsorship system, which is known to perpetuate many human rights violations.

Many of the cases of foreign nationals sentenced to death in Kuwait appear to be related to situations arising under *kafala*.

For example, at least five of the foreign nationals were women, sentenced to death for murder (usually after being abused by a Kuwaiti employer). Three of these women have since been executed, or died in custody.

Furthermore, domestic workers may sometimes be convenient scapegoats for murders committed by others. For example, a Filipina domestic worker was executed in Kuwait in 2017, after being convicted for killing her employer's daughter, though the forensic evidence did not place her at the scene.

As is the case in other Gulf jurisdictions, some foreign national men, particularly Pakistanis were sentenced to death for drug trafficking after being forced to transport drugs as part of their migration journey by individuals in the recruitment agencies.

Activists have argued that being duped into smuggling drugs across a border against one's will is a form of human trafficking, making the case that these individuals should be released from death row (Gerry et al., 2016; Migrant Care and Reprieve, 2021).

Another case involved an Egyptian national who murdered his sponsor after a dispute over his residency visa, which he needed in order to continue working and which the employer had refused to renew.



Thousands of migrant workers are needed in Kuwait to fuel the rapid expansion of the Gulf nations.

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