

United Arab Emirates

Foreign Nationals and the Death Penalty

Death Penalty Overview

The United Arab Emirates retains the use of capital punishment for a range of offences, including murder, terrorism-related offences, rape, arson resulting in death, drug trafficking, drug possession, apostasy, sodomy, homosexuality, adultery, treason, espionage and revealing defence secrets. The primary method of execution is by firing squad. Amnesty International reported that the UAE executed at least one person in 2021 (after no executions were recorded since 2017), however little is known of this execution. Nine death sentences were also recorded in 2021. Although data on executions is limited, it is known that courts continue to sentence people to death, a disproportionate number of those sentenced being foreign nationals.

Under Islamic Shari'a law, stoning to death is also stipulated as a legal punishment for acts such as adultery, yet this sentence is generally not carried out and no executions by stoning are recorded. In 2006, Bangladeshi national Shanin 'Abdul Rahman was sentenced to death by stoning by a

Shari'a court for committing adultery. However his sentence was commuted on appeal to one year's imprisonment and deportation.



The Al-Awir Central Prison in Dubai, where some foreign nationals are held

Foreign Nationals

Foreign nationals make up around 88% of UAE's population, with 59.4% of non-UAE nationals hailing from South Asian countries (38.2% are Indian, 9.5% Bangladeshi and 9.4% Pakistani), 10.2% from Egypt and 6.1% from the Philippines. Since 1994, of the 20

people executed in the UAE, 13 were foreign nationals (three Sri Lankan, three Indian, three stateless, one Pakistani, Somali, Jordanian and Egyptian). These demographics clearly indicate the high risk for foreign nationals receiving the death sentence. Indeed, of the estimated 200 people on death row in the UAE, only 19 are Emirati. Furthermore, eight of the nine women on death row are foreign nationals. Of the estimated 82% of death row inmates that are foreign nationals, two thirds come from the Indian subcontinent (23% from India, 29% from Pakistan and 9% from Bangladesh).

Drug-Related Offences

Of the 173 death sentences recorded between 2011 and 2022, at least 23 of these were for drug-related offences, equating to 13% of death sentences (Amnesty International 2022). It is estimated that this figure could in fact be far higher. Data collected by legal action NGO Reprieve, for example, indicates that just under a third of death sentences in the UAE are imposed for drug-related offences. Furthermore, of those convicted for drug-related offences since 1998, all have been foreign nationals. The most recent execution in 2021 was for a drug-related offence.

Case Study 2022 - Fidaa Kiwan



The most recent high-profile case of a foreign national being sentenced to death was in April 2022 when Israeli

woman Fidaa Kiwan was sentenced to death for possession of half a kilogram of cocaine. In July 2022, a successful appeal had her death penalty overturned and Kiwan was instead sentenced to life imprisonment. Death sentences for drug-related offences are frequently overturned and converted into heavy prison sentences.

Blood Money

So-called 'blood money' (*diya* in Arabic) is the financial compensation paid to the victim (or victim's family) in the case of death or injury of a person. Under Islamic law, *diya* still plays a role in the legal system of the UAE, and death sentences are sometimes commuted to payment of *diya*, often combined with a prison sentence. In the UAE, it is the government who negotiates the amount liable to be paid in blood money to the victim's family.

Since 2010, S.P. Singh Oberoi - a Dubai-based Indian businessman - claims to have paid over US\$3 million in 'blood money' on behalf of 89 Indian adults and youths sentenced to death in the UAE. Knowing that most foreign nationals are unable to afford the financial compensation required, Oberoi campaigns to pay blood money on their behalf to victims' families. Oberoi recognised that many Punjabi labourers in the UAE have come from India on visas secured with money loaned from Indian recruitment agents. The low wages they receive in the UAE leave them unable to repay their loans, resulting in large interest payments building up.

This financial pressure pushes labourers into other ways of quickly making money, often through the illegal trade of alcohol or drugs. Legally purchasing and drinking alcohol in the UAE is difficult and expensive, requiring a permit (which must itself be periodically renewed for a fee), a licensed shop, and prohibiting purchase beyond a fixed quota. This fuels an underground alcohol market, predominantly controlled by Iranians, with Indians and Pakistanis doing most of the work 'on the ground', thus being the ones caught up in the criminal justice system, sometimes ending up convicted and handed death sentences.



Many foreign nationals in the UAE are involved in construction projects, often fraught with safety and human rights concerns.

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