



MENA
Rights
Group

Saudi Arabia

Universal Periodic Review

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1 Scope of international obligations and cooperation with international human rights mechanisms

1.1 Scope of international obligations

The Kingdom of Saudi Arabia has not ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), the Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), the Rome Statute of the International Criminal Court (ICC), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) nor the International Labour Organisation's (ILO) Domestic Workers Convention (No. 189). Moreover, it has not accepted the competence of the Committee against Torture to conduct inquiries under article 20 of the Convention against Torture (UNCAT) nor the individual communication procedure under article 22.

During its last Universal Periodic Review (UPR), Saudi Arabia only noted the great majority of recommendations regarding the ratification of international treaties and compliance with international norms.¹ Despite having supported recommendations regarding the ratification of the ICCPR and ICESCR,² Saudi Arabia has failed to do so.

Recommendations:

- Ratify the OPCAT, ICCPR, ICESCR, ICPPED, the Rome Statute of the ICC, the ICRMW and ILO's Convention No. 189;
- Accept the Committee against Torture's (CAT) competence under article 20 and article 22 UNCAT;

¹ Saudi Arabia noted all, or most, recommendations related to the ratification of the Rome Statute, the ICPPED, and the OPCAT. It supported recommendations that relate to the ratification of the two international Covenants and conventions regarding issues of migration. Noted recommendations: 122.154 (Ireland), 122.31 (Liechtenstein), 122.30 (Latvia), 122.29 (Honduras), 122.28 (Japan), 122.25 (Haiti), 122.23 (Honduras), 122.22 (Hungary), 122.21 (Denmark), 122.20 (Chile), 122.19 (Croatia), 122.18 (Uruguay), 122.14 (Austria), 122.13 (Estonia), 122.12 (Iran), 122.11 (Burundi), 122.9 (Czechia), 122.8 (Mexico), 122.7 (Mexico). Supported recommendations: 122.5.7 (Mexico), 122.5.6 (France), 122.5.5 (Morocco), 122.5.4 (Portugal), 122.5.2 (Costa Rica), 122.5.1 (Ukraine), 122.4.3 (Cote d'Ivoire), 122.3.3 (New Zealand), 122.4.2 (Tunisia), 122.5.3 (New Zealand), 122.6.2 (Tunisia), 122.6.1 (Afghanistan), 122.148 (Czechia), 122.27 (Philippines), 122.26 (Indonesia), 122.24 (Ghana), 122.17 (Spain), 122.16 (Myanmar), 122.15 (Iraq), 122.10 (Afghanistan),

² Recommendations 122.5.7 (Mexico), 122.5.6 (France), 122.5.5 (Morocco), 122.5.4 (Portugal), 122.3.10 (Mexico), 122.3.9 (France), 122.3.8 (Morocco), 122.3.7 (Latvia), 122.3.6 (Estonia), 122.3.5 (Portugal).

- Remove all reservations that are incompatible with the object and purpose of the ratified instruments;
- Ensure that international human rights standards take precedence in the event of any conflict with domestic legislation.

1.2 Cooperation with international human rights mechanisms

During the third cycle of its UPR, Saudi Arabia noted most recommendations regarding cooperation with Treaty Bodies (TBs) and Special Procedures (SPs),³ except two recommendations to implement those presented by TBs and to intensify cooperation with SPs.⁴ It also noted all recommendations to respond positively to visit requests from SPs mandate holders⁵ and recommendations to invite the Special Rapporteur on the situation of human rights defenders.⁶ However, there has been no visit by SPs since the last UPR and a number of requests for visits have remained pending for several years.⁷

Saudi Arabia currently has two reports pending before TBs. It did not submit its periodic report to the CAT, which was due on 13 May 2020, nor to the Committee on the Rights of the Child, which was due on 24 August 2021. It is also worth noting that Saudi Arabia has not implemented any of the Opinions of the UN Working on Arbitrary Detention issued over the

³ Recommendations 122.173 (Iceland), 122.168 (Costa Rica), 122.79 (Iran); 122.41 (Latvia), 122.40 (Greece), 122.39 (Germany), 122.37 (Finland).

⁴ Respectively, recommendations 122.36 (Bahrain) and 122.38 (Georgia).

⁵ Recommendations 122.41 (Latvia); 122.39 (Germany).

⁶ Recommendation 122.40 (Greece).

⁷ Special Rapporteur on trafficking (request pending since 2005), Special Rapporteur on freedom of expression (request pending since 2004, reminders sent on 28 March 2008, 28 January 2009 and 10 April 2015), Special Rapporteur on freedom of religion (request pending since 24 April 2006, reminders sent in April 2008, January 2009 and 11 January 2018), Special Rapporteur on disability (request pending since 7 February 2018), Working Group on discrimination against women and girls (request pending since 7 February 2018), Special Rapporteur on migrants (request pending since 3 August 2018, reminder sent on 8 February 2019), Special Rapporteur on torture (visit requested in 2006 and on 24 January 2017, reminders sent in 2007 and 21 November 2019), Special Rapporteur on extrajudicial, summary or arbitrary executions (request pending since 11 May 2005, reminders sent on 24 December 2008 and 24 January 2019), Working Group on people of African Descent (request pending since 18 December 2017), Special Rapporteur on freedom of assembly (request pending since 20 October 2013, reminders sent on 11 June 2018, 26 November 2020 and 1 June 2021), Special Rapporteur on human rights defender (request pending 2012, visit accepted on 23 February 2015, reminder sent on 17 September 2021), Working Group on arbitrary detention (request pending 2008, reminders sent on 18 April 2021 and 24 August 2021), Special Rapporteur on slavery (request accepted on 27 May 2015, visit postponed on 4 May 2016, reminders sent on 20 March 2023).

past five years.⁸

Lastly, Saudi Arabia has appeared in all reports of the UN Secretary-General on intimidation and reprisals for cooperation with the UN between 2011 and 2022.⁹

Recommendations:

⁸ UN Working Group on Arbitrary Detention, *Opinion No. 10/2017 concerning Salim Abdullah Hussain Abu Abdullah (Saudi Arabia)*, 1 June 2017, UN Doc. A/HRC/WGAD/2017/10; *Opinion No. 63/2017 concerning Jaber bin Saleh Hamdan Aal Suleiman al-Amri (Saudi Arabia)*, 13 October 2017, UN Doc. A/HRC/WGAD/2017/63; *Opinion No. 93/2017 concerning Muhammed Al Saqr (Saudi Arabia)*, 19 January 2018, UN Doc. A/HRC/WGAD/2017/93; *Opinion No. 10/2018 concerning Waleed Abulkhair (Saudi Arabia)*, 4 July 2018, UN Doc. A/HRC/WGAD/2018/10; *Opinion No. 68/2018 concerning Mohammad Abdullah Al Otaibi (Saudi Arabia)*, 3 April 2019, UN Doc. A/HRC/WGAD/2018/68; *Opinion No. 22/2019 concerning Ahmad Khaled Mohammed Al Hossan (Saudi Arabia)*, 11 September 2019, UN Doc. A/HRC/WGAD/2019/22; *Opinion No. 26/2019 concerning Abdelkarim Mohamed Al Hawaj and Mounir Abdullah Ahmad Aal Adam (Saudi Arabia)*, 9 October 2019, UN Doc. A/HRC/WGAD/2019/26; *Opinion No. 56/2019 concerning Abbas Haiji Al-Hassan (Saudi Arabia)*, 10 October 2019, UN Doc. A/HRC/WGAD/2019/56; *Opinion No. 71/2019 concerning Issa al-Nukheifi, Abdulaziz Youssef Mohamed al-Shubaili and Issa Hamid al-Hamid (Saudi Arabia)*, 14 February 2020, UN Doc. A/HRC/WGAD/2019/71; *Opinion No. 33/2020 concerning Loujain Alhathloul (United Arab Emirates and Saudi Arabia)*, 25 June 2020, UN Doc. A/HRC/WGAD/2020/33; *Opinion No. 86/2020 concerning Sheikh Mohammad bin Hassan Al Habib (Saudi Arabia)*, 3 March 2021, UN Doc. A/HRC/WGAD/2020/86; *Opinion No. 92/2020 concerning Mohammed Essam Al-Faraj (Saudi Arabia)*, 17 March 2021, UN Doc. A/HRC/WGAD/2020/92; *Opinion No. 34/2021 concerning Mohammed Saleh Al Khoudary and Hani Mohammed Al Khoudary (Saudi Arabia)*, 19 October 2021, A/HRC/WGAD/2021/34; *Opinion No. 59/2021 concerning Salman bin Abdulaziz bin Salman Al Saud and Abdulaziz bin Salman bin Mohammad Al Saud (Saudi Arabia)*, 15 February 2022, UN Doc. A/HRC/WGAD/2021/59; *Opinion No. 72/2021 concerning Abdullah al-Howaiti (Saudi Arabia)*, 28 January 2022, UN Doc. A/HRC/WGAD/2021/72; *Opinion No. 29/2022 concerning Omar Aljabri, Sarah Aljabri and Salem Almuzaini (United Arab Emirates and Saudi Arabia)*, 12 May 2022, UN Doc. A/HRC/WGAD/2022/29; *Opinion No. 30/2022 concerning Abdulrahman Al Sadhan (Saudi Arabia)*, 19 September 2022, UN Doc. A/HRC/WGAD/2022/30; *Opinion No. 36/2022 concerning Hussein Abo al-Kheir (Saudi Arabia)*, 20 October 2022, UN Doc. A/HRC/WGAD/2022/36; *Opinion No. 62/2022 concerning Husain bin Abdulla bin Yusuf al-Sadeq (Saudi Arabia)*, 28 September 2022, UN Doc. A/HRC/WGAD/2022/62; *Opinion No. 84/2022 concerning Abdelrhman Mohammed Farhanah (Saudi Arabia)*, 10 March 2023, UN Doc. A/HRC/WGAD/2022/84; *Opinion No. 17/2023 concerning Aida al-Ghamdi and Adel al-Ghamdi (Saudi Arabia)*, 8 June 2023, UN Doc. A/HRC/WGAD/2023/17; *Opinion No. 26/2023 concerning Safar bin Abdulrahman al-Hawali (Saudi Arabia)*, 8 June 2023, UN Doc. A/HRC/WGAD/2023/26; *Opinion No. 27/2023 concerning Salma bint Sami bin Abdulmohsen al-Shehab and Nourah bin Saeed al-Qahtani (Saudi Arabia)*, 19 June 2023, UN Doc. A/HRC/WGAD/2023/27.

⁹ Human Rights Council, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General*, 21 July 2011, UN Doc. A/HRC/18/19, paras. 62-68; Idem, 13 August 2012, UN Doc. A/HRC/21/18, paras. 35-37; Idem, 31 July 2013, UN Doc. A/HRC/24/29, para. 32; Idem, 27 August 2014, UN Doc. A/HRC/27/38, para. 30; Idem, 17 August 2015, UN Doc. A/HRC/30/29, para. 36; Idem, 29 March 2018, UN Doc. A/HRC/36/31, para. 49; Idem, 13 August 2018, UN Doc. A/HRC/39/41, paras. 65-66; Idem, 9 September 2019, A/HRC/42/30, paras. 73-74; Idem, 25 September 2020, UN Doc. A/HRC/45/36, paras. 104-108; Idem, 1 December 2021, UN Doc. A/HRC/48/28, paras. 105-108; Idem, 14 September 2022, UN Doc. A/HRC/51/47, paras. 91-92.

- Fully cooperate with UN SPs, including by accepting pending requests for visits and by extending a standing invitation;
- Fully cooperate with TBs, including by submitting overdue reports;
- End reprisals against individuals cooperating with the UN.

2 National human rights framework

Saudi Arabia established a national human rights institution (NHRI) through a decision from the Council of Ministers dated 12 September 2005.¹⁰ According to this text, the Saudi Human Rights Commission is directly linked to the Prime Minister (article 1) and all 18 members are appointed by order of the Prime Minister, a position held by Crown Prince Mohamed bin Salman since September 2022.¹¹ Therefore, the Saudi executive power has direct influence on the Saudi NHRI, which contradicts the Paris Principles relating to the Status of National Institutions and compromises the independence of this institution.

Despite having supported a recommendation to increase the NHRI's independence and bring it in line with the Paris Principles during its last UPR,¹² Saudi Arabia failed to do so.

Recommendations:

- Ensure the independence of the Saudi NHRI in line with the Paris Principles;
- Ensure that the Saudi Human Rights Commission requests accreditation with the Global Alliance of National Human Rights Institutions (GANHRI).

¹⁰ Decision of the Council of Minister, 12 September 2005, available in Arabic at: <https://laws.boe.gov.sa/BoeLaws> (accessed 3 July 2023).

¹¹ Aziz El Yaakoubi, "Saudi king names crown prince MBS as prime minister," *Reuters*, 27 September 2022, <https://www.reuters.com/world/middle-east/saudi-arabia-reshuffles-cabinet-royal-decree-2022-09-27/> (accessed 3 July 2023).

¹² Recommendation 122.56 (Republic of Korea).

3 Implementation of international human rights obligations

3.1 Human rights in the context of the fight against terrorism

3.1.1 Legal framework

Saudi Arabia previously supported recommendations to ensure that its counterterrorism legal framework does not criminalise acts that fall under the right to freedom of expression.¹³ It also supported recommendations regarding the release of anyone imprisoned for the exercise of their right to freedom of peaceful assembly, including human rights defenders and journalists.¹⁴ It however only noted the more specific recommendations on amending the legislative counterterrorism framework, the use of the Specialised Criminal Court (SCC) and the practice of *incommunicado* detention.¹⁵

The definition of terrorism is enshrined in article 1 of the 2017 Law on Combatting Terrorism Crimes and its Financing (2017 Counter-Terrorism Law).¹⁶ This law criminalises several acts which can fall under the protection of freedom of expression, peaceful assembly, and association.¹⁷ In a letter issued to the Saudi government on 17 December 2020, UN SPs expressed concern over the 2017 law's overly broad definition of terrorism and its use of ambiguous terms such as "disturbing public order, destabilizing national security or state stability, endangering national unity, [and] suspending the Basic Law of Governance."¹⁸ In addition, the UN experts stated that these "phrases could entail that a range of speech and association activities protected under international human rights law is characterized

¹³ Recommendations 122.90 (Norway) and 122.91 (Austria).

¹⁴ Recommendations 122.132 (United States) and 122.131 (Belgium).

¹⁵ Recommendations 122.190 (United Kingdom), 122.149 (France), 122.89 (Iran), 122.88 (Finland), 122.87 (Canada).

¹⁶ An English version of this law is available on MENA Rights Group's website: https://menarights.org/sites/default/files/2022-12/Law%20on%20Combating%20Crimes%20of%20Terrorism%20and%20its%20Financing%20%282017%29%20_%20EN.pdf (accessed on 5 July 2023).

¹⁷ See for instance, the vague wording of article 1(3) of the 2017 Counter-Terrorism Law.

¹⁸ Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, OL SAU 12/2020, 17 December 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25726> (accessed on 4 July 2023).

domestically as 'terrorism'."¹⁹

Recommendations:

- Amend the Counter-Terrorism Law to adopt a terrorism definition in line with international human rights standards, so as not to criminalise acts falling under the right to freedom of expression, peaceful assembly and association.

3.1.2 Institutional framework

Pursuant to the counter-terrorism framework, the 2017 Counter-Terrorism Law provides the State Security Presidency (SSP) with the authority to arrest and detain suspects and to conduct criminal investigations for any of the crimes set forth by the law.²⁰ UN SPs have pointed out that this provides "almost unconstrained powers" to the SSP in the field of counterterrorism and that it can act "without judicial oversight".²¹ Importantly, the SSP is empowered to carry out all kinds of investigations, including monitoring communications, impose travel bans and unilaterally decide the release of suspects.²²

Since its establishment in July 2017, MENA Rights Group has documented several cases of gross human rights violations committed by the SSP,²³ including in prisons and detention centres that are under its control.²⁴

The SSP works closely with the Public Prosecution Office (PPO), which is tasked mainly with investigating acts criminalised under the 2017 Counter-Terrorism Law and arresting

¹⁹ *Ibid.*

²⁰ Article 4 of the 2017 Counter-Terrorism Law.

²¹ Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, OL SAU 12/2020, 17 December 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25726> (accessed on 4 July 2023), p. 22.

²² The powers of the SSP are listed in articles 4, 6, 13, 9 and 10 of the 2017 Counter-Terrorism Law.

²³ MENA Rights Group, *The Saudi Presidency of State Security: An Arm of Repression in the Crown Prince's Kingdom*, 21 June 2022, pp. 12-13, <https://menarights.org/en/documents/saudi-presidency-state-security-arm-repression-crown-princes-kingdom> (accessed on 5 July 2023).

²⁴ See for instance, the cases of Loujain al-Hathloul, Aziza al-Youssef, Nouf Abdulaziz and Samar Badawi, who were subjected to harrowing torture methods, including electric shocks, sexual assault, whipping, and waterboarding. Human Rights Watch, *Saudi Arabia: New Details of Alleged Torture Leaked*, 11 July 2021, <https://www.hrw.org/news/2021/07/11/saudi-arabia-new-details-alleged-torture-leaked> (accessed on 6 July 2023).

suspects.²⁵ Importantly, the 2017 Counter-Terrorism Law and Royal Decree No. 125/M, which expands the powers to the PPO, further enables it to violate international legal standards for fair trial and detention.²⁶

Finally, after the investigations, the PPO refers suspects to the SCC, which was set up in 2009²⁷ to prosecute those accused of terrorism.²⁸ The court has exclusive jurisdiction over all crimes defined under the 2017 Counter-Terrorism Law.²⁹ However, since 2010, the SCC has been increasingly used for the prosecution of human rights and political activists.³⁰ It has also been complicit in perpetrating human rights violations and consistently refuses to act on claims made by defendants that they were subjected to acts of torture or ill-treatment during interrogations.³¹

Recommendations:

- Ensure that the SSP is subjected to independent and impartial judicial oversight;
- Ensure procedural legal safeguards to all those falling under the counterterrorism legal framework, including by allowing them to challenge their detention and by establishing maximum periods of detention;
- End the practice of bringing peaceful dissidents before the SCC.

²⁵ See articles 5, 7 and 18 of the 2017 Counter-Terrorism Law. The PPO is also responsible for issuing subpoena and arrest warrants against individuals suspected of committing any of the crimes falling under the scope of the law, search warrants for houses, offices and buildings, at any time, and may arrest individuals as part of the search. The head of the PPO may also order the monitoring of individuals who are deemed to have a connection to any of the crimes defined in the law. This includes, intercepting, holding and recording, "all means of communication and data stored in various electronic systems." For this purpose, see also articles 7 (1), 8, 19, 20 and 21 of the 2017 Counter-Terrorism Law.

²⁶ Article 19 of the 2017 Counter-Terrorism Law allows the PPO to hold a person in custody for 30 days, which can be extended and renewed for a year. The law does not set a limit for the custody period, effectively allowing for individuals to be held in custody indefinitely, in violation of international human rights standards. Articles 20 and 21 of the same law gives power to the PPO to prohibit detainees from receiving calls or visits up to 90 days with the possibility of extension. Additionally, the PPO may restrict the right of the accused to seek the assistance of a lawyer "whenever the interest of the investigation so requires."

²⁷ Saudi Arabia, *Decree No. 1422 of the Minister of Justice*. This law has never been made public: Amnesty International, *Muzzling Critical Voices: Politicized Trials Before Saudi Arabia's Specialized Criminal Court*, 2019, <https://www.amnesty.org/download/Documents/MDE2316332020ENGLISH.PDF> (accessed on 6 July 2023).

²⁸ *Ibid.*, p. 25.

²⁹ *Ibid.*

³⁰ *Ibid.*, p. 17.

³¹ Committee against Torture, *Concluding observations on the second periodic report of Saudi Arabia*, 8 June 2016, UN Doc. CAT/C/SAU/CO/2, para. 17.

3.2 Right to life, liberty and security of persons

3.2.1 Arbitrary deprivation of liberty

During its last UPR, Saudi Arabia supported a recommendation to prevent secret and indefinite detention.³² It however, only noted a recommendation to end the practice of arbitrary detention.³³

Saudi Arabia's Basic Law provides elements that outlaw arbitrary detention.³⁴ However, the UN Working Group on Arbitrary Detention (UNWGAD) found that Saudi Arabia has violated its international human rights obligations in over 60 cases of arbitrary detention and reiterated "its concern that this indicates a widespread or systematic problem of arbitrary detention in Saudi Arabia, which amounts to a serious violation of international law."³⁵

MENA Rights Group has documented numerous cases in which fundamental legal safeguards were violated. Individuals are routinely arrested without a warrant nor justification for the arrest and are usually abducted from their homes.³⁶ Those arrested by the SSP are systematically denied the right to challenge the lawfulness of their detention before a court.³⁷

They are then transferred to secret or unknown locations where they are typically held *incommunicado*, i.e., denied their right to contact their family or lawyer or receive visits, for periods ranging from several weeks to several years and are subsequently disappeared.³⁸ MENA Rights Group is not aware of any case during which acts of enforced disappearance were investigated by the Saudi authorities, despite their clear knowledge of these disappearances.³⁹

Recommendations:

³² Recommendation 122.117 (Australia).

³³ Recommendation 122.182 (Qatar).

³⁴ This includes article 36, according to which "no one may be confined, arrested or imprisoned without reference to the law."

³⁵ UN Working Group on Arbitrary Detention, *Opinion No. 86/2020 concerning Sheikh Mohammad bin Hassan Al Habib (Saudi Arabia)*, 26 November 2020, UN Doc. A/HRC/WGAD/2020/86, para. 92, https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session89/A_HRC_WGAD_2020_86.pdf (accessed on 10 July 2023).

³⁶ UN Working Group on Enforced or Involuntary Disappearances, *General Allegation, Saudi Arabia*, 11-15 May 2020, para. 35, <https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/121-SaudiArabia.pdf> (accessed on 5 July 2023).

³⁷ Committee against Torture, *Concluding Observations on the second periodic report of Saudi Arabia*, UN Doc. CAT/C/SAU/CO/2, 8 June 2016, para. 26.

³⁸ *Ibid.*, paras. 37-38.

³⁹ See also UN Working Group on Enforced or Involuntary Disappearances, *General Allegation, Saudi Arabia*, 11-15 May 2020, para. 46, <https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/121-SaudiArabia.pdf> (accessed on 5 July 2023).

- Amend the Basic Law and the 2017 Counter-Terrorism Law to ensure that those arrested by the SSP are brought promptly before a judicial authority;
- End the practice of arbitrary detention in accordance with the Basic Law;
- End the practice of *incommunicado* detention and prevent detention in secret or unknown locations;
- Amend relevant legislation to ensure procedural guarantees are afforded, including access to a lawyer.

3.2.2 Torture and ill-treatment

During its last UPR, Saudi Arabia only noted most recommendations relating to torture.⁴⁰ It supported only one recommendation to adopt further steps to prevent torture in prisons and detention centres.⁴¹

Nonetheless, torture is systematically used both as a means of punishment and in order to extract self-incriminating statements, which are then used as the sole basis by the PPO and SCC for indicting and sentencing individuals to long prison sentences.⁴²

In 2016, the CAT had already expressed deep concern over numerous reports that torture and ill-treatment are “commonly practised [...] in *Mabahith*⁴³ detention centres.”⁴⁴ Importantly, and because of the adoption of Decision No. 217 amending the Law on Internal Security Forces, the Head of the SSP has the sole responsibility to examine allegations of misconduct by officials working in these prisons. This means that allegations of torture, or any other human rights violations committed by SSP officials, cannot be independently reviewed as the alleged perpetrators and investigators belong to the same authority.⁴⁵

More recently, several human rights organisations, including MENA Rights Group, have reported that the SSP has employed brutal and horrific torture methods, including floggings, beatings with an electric rod, chaining and hanging individuals from the ceiling by the wrists, electrocution, food and sleep deprivation, prolonged solitary confinement, waterboarding, denial of medical care, sexual harassment and assault, and threats of rape and execution,

⁴⁰ Recommendations 122.14 (Austria), 122.20 (Chile), 122.21 (Denmark), 122.22 (Hungary), 122.23 (Honduras), 122.115 (Switzerland), 122.118 (Estonia), 122.119 (Montenegro), 122.177 (New Zealand).

⁴¹ Recommendation 122.116 (Belarus).

⁴² UN Working Group on Enforced or Involuntary Disappearances, *General Allegation, Saudi Arabia*, 11-15 May 2020, para 34, <https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/121-SaudiArabia.pdf> (accessed on 5 July 2023).

⁴³ The *Mabahith*, or General Investigative Directorate, are equivalent to the security police or secret services. They fall under the control of the SSP.

⁴⁴ Committee against Torture, *Concluding Observations on the second periodic report of Saudi Arabia*, UN Doc. CAT/C/SAU/CO/2, 8 June 2016, para. 7.

⁴⁵ Saudi Arabia, *Law on Internal Security Forces*, https://www.moi.gov.sa/wps/portal/!ut/p/z0/fYy9DoJAEIRfhYaS7HJBqTEhghYSjRGvuWzglqeyJ3gBH1_A3mYyP18GJJQgmQZzl2cs03PKV7IWmEdRFkZijxuRYpLkq3NWHlv0EMOJetiB_A9NL-bedTIBWVl2-uOgbK3xajMS-zjbxrbaW0Z2Ps7JR9bj-6ce9VVjBr2wam6UwADjQGAYk9IMr8f28gWt3b15/ (accessed on 5 July 2023), article 119.

among others.⁴⁶

Recommendations:

- Ensure that the definition of torture is in full compliance with the UNCAT;
- End the practice of torture in prisons and detention centres.
- Investigate alleged cases of torture, including by the SSP, and hold perpetrators to account.

3.2.3 Fair trial

In Saudi Arabia, defendants who are brought before the SCC are systematically subjected to violations of their fair trial rights.⁴⁷

Moreover, because of the undue influence of the King and the Public Prosecutor over the Supreme Judicial Council of the SCC, this court is neither an impartial nor an independent body.⁴⁸ In fact, 7 out of 10 members of the Supreme Judicial Council are directly appointed by the King, and the SCC consistently refuses to act on claims made by defendants that they were subjected to torture.⁴⁹

The principle of equality of arms is also consistently violated, and defendants are sentenced to long prison sentences for acts related to their fundamental freedoms.⁵⁰ During the trial, the PPO systematically utilises confessions obtained under torture as “evidence” against

⁴⁶ Human Rights Watch, *Saudi Arabia: New Details of Alleged Torture Leaked*, 11 July 2021, <https://www.hrw.org/news/2021/07/11/saudi-arabia-new-details-alleged-torture-leaked> (accessed on 6 July 2023); ALQST for Human Rights, *Torture in Saudi Arabia – Impunity Reigns*, February 2021, <https://www.alqst.org/uploads/Torture-in-Saudi-Arabia-Impunity-Reigns-En.pdf> (accessed on 5 July 2023); Amnesty International, *Saudi Arabia: Reports of torture and sexual harassment of detained activists*, 20 November 2018, <https://www.amnesty.org/en/latest/news/2018/11/saudi-arabia-reports-of-torture-and-sexual-harassment-of-detained-activists> (accessed on 5 July 2023); ALQST for Human Rights, *Shrouded in Secrecy: Prisons and Detention Centres in Saudi Arabia*, July 2021, p. 29, <https://www.alqst.org/en/post/shrouded-in-secrecy-prisons-and-detention-centres-in-saudi-arabia> (accessed on 5 July 2023).

⁴⁷ This is mainly because defendants are prevented from contacting their lawyers before the start of the trial, they are convicted without any material evidence, they are denied the right to adequate time and facilities to prepare their defence, they are not provided access to all the case documentation and making copies, and they are later sentenced to disproportionate and heavy sentences for acts related to the exercise of their fundamental rights. See: Amnesty International, *Muzzling Critical Voices: Politicized Trials Before Saudi Arabia’s Specialized Criminal Court*, 2019, p. 9, <https://www.amnesty.org/en/documents/mde23/1633/2020/en/> (accessed on 6 July 2023).

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*, CAT, *Concluding observations on the second periodic report of Saudi Arabia*, 8 June 2016, UN Doc. CAT/C/SAU/CO/2, para. 17.

⁵⁰ UN Working Group on Enforced or Involuntary Disappearances, *General Allegation, Saudi Arabia*, 11-15 May 2020, <https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/121-SaudiArabia.pdf> (accessed on 6 July 2023).

defendants, often in the absence of any material evidence.⁵¹

Recommendations:

- Ensure that the selection of judges is reviewed by an independent body;
- Ensure that the SCC effectively investigates claims of torture and ill-treatment;
- Ensure confessions obtained under torture are not admitted as evidence in any proceedings;
- Ensure defendants fair trial rights are respected.

3.2.4 Death penalty

In its last UPR, Saudi Arabia noted all recommendations related to the death penalty,⁵² except one regarding a restriction of the death penalty to the most serious crimes.⁵³

In March 2020, the Saudi Human Rights Commission published an order stipulating the implementation of the 2018 Juvenile Law, which prohibits the execution of death sentences against minors in *ta'zir* cases.⁵⁴ However, Saudi Arabia has been threatening to execute several individuals who have allegedly committed crimes while they were minors.⁵⁵ The death penalty is often used to punish acts that relate to the exercise of fundamental freedoms, such as

⁵¹ Amnesty International, *Muzzling Critical Voices: Politicized Trials Before Saudi Arabia's Specialized Criminal Court*, 2019, p. 7, <https://www.amnesty.org/en/documents/mde23/1633/2020/en/> (accessed on 6 July 2023).

⁵² Recommendations 122.13 (Estonia), 122.18 (Uruguay), 122.30 (Latvia), 122.94 (Australia), 122.95 (Brazil), 122.96 (Chile), 122.97 (Chile), 122.98 (Costa Rica), 122.99 (Cyprus), 122.101 (France), 122.104 (Slovenia), 122.105 (Spain), 122.106 (Liechtenstein), 122.108 (Argentina), 122.109 (Montenegro), 122.110 (Austria), 122.111 (New Zealand), 122.113 (Argentina), 122.114 (Portugal), 122.115 (Switzerland), 122.103.1 (Ireland), 122.103.2 (Mexico), 122.103.3 (Sweden), 122.103.4 (Norway), 122.103.5 (Iceland), 122.102.1 (Georgia), 122.102.2 (Italy).

⁵³ Recommendation 122.107 (Germany).

⁵⁴ AP News, *Saudi Commission insists no minors to face death penalty*, 22 October 2020, <https://apnews.com/article/dubai-saudi-arabia-united-arab-emirates-middle-east-crime> (accessed on 7 June 2023).

⁵⁵ Amnesty International, *Saudi Arabia: Young men face imminent execution despite assurances on re-sentencing juveniles to prison terms*, 10 October 2022, <https://www.amnesty.org/en/latest/news/2022/10/saudi-arabia-young-men-face-imminent-execution-despite-assurances-on-re-sentencing-juveniles-to-prison-terms/> (accessed on 6 July 2023); OHCHR, *Saudi Arabia: Death penalty against juvenile offender amounts to arbitrary deprivation of life, say UN experts*, 31 May 2022, <https://www.ohchr.org/en/press-releases/2022/05/saudi-arabia-death-penalty-against-juvenile-offender-amounts-arbitrary> (accessed on 6 July 2023).

protesting or participating in funerals of victims of torture.⁵⁶ In May 2022, UN SPs have expressed serious concerns regarding the imminent executions of members of the al-Howeitāt tribe who protested against their forced eviction for the construction of the NEOM megacity.⁵⁷

Moreover, members of the Shiite community are at an increased risk of facing the death penalty in Saudi Arabia. They are often convicted in mass trials and sentenced to death on the basis of vague offences that frequently violate their right to freedom of expression and peaceful assembly.⁵⁸ In January 2016, Saudi Arabia executed 47 men for terrorism offences and in April 2019, it executed 37 men, at least 33 of whom were of the Shiite minority and had been convicted following unfair trials of protest-related offences and terrorism.⁵⁹ In March 2022, 81 men were executed in Saudi Arabia's largest mass execution in years, and more than half of them belonged to religious minorities.⁶⁰

Recommendations:

- Establish *a minima* a moratorium on executions with the aim of abolishing the death penalty;
- Refrain from carrying out executions against minors or against individuals who are sentenced for acts committed as minors.

⁵⁶ MENA Rights Group, *Brother of youngest political prisoner in Saudi Arabia, Murtaja Qureiris, sentenced to death*, 15 June 2023, <https://menarights.org/en/case/jawad-qureiris> (accessed on 6 July 2023); *Young Saudi dissident subjected to brutal acts of torture and sentenced to death*, <https://menarights.org/en/case/jalal-al-labbad> (accessed on 6 July 2023); *Young Saudi dissident sentenced to death for participating in funerals and protests as a minor*, 15 June 2023, <https://menarights.org/en/case/hassan-zaki-al-faraj> (accessed on 6 July 2023); *Young Saudi dissident faces capital punishment for acts committed as a minor*, 15 June 2023, <https://menarights.org/en/case/abdullah-al-derazi> (accessed on 6 July 2023).

⁵⁷ OHCHR, *Saudi Arabia: UN experts alarmed by imminent executions linked to NEOM project*, 3 May 2023, <https://www.ohchr.org/en/press-releases/2023/05/saudi-arabia-un-experts-alarmed-imminent-executions-linked-neom-project> (accessed on 6 July 2023).

⁵⁸ UN Working Group on Arbitrary Detention, *Opinion No. 26/2019 concerning Abdelkarim Mohamed Al Hawaj and Mounir Abdullah Ahmad Aal Adam (Saudi Arabia)*, UN Doc. A/HRC/WGAD/2019/26, para. 57. All the cases of executions documented by MENA Rights Group concern members of the Shiite community.

⁵⁹ Human Rights Watch, *Saudi Arabia: Mass Execution of 81 Men*, 15 March 2022, <https://www.hrw.org/news/2022/03/15/saudi-arabia-mass-execution-81-men> (accessed on 12 June 2023).

⁶⁰ *Ibid.*

3.3 Fundamental freedoms

3.3.1 Freedom of expression

During its last UPR, Saudi Arabia supported most recommendations relating to freedom of expression.⁶¹ Nevertheless, Saudi domestic law still does not provide for nor protect freedom of expression.⁶² In practice, the authorities regulate and determine what speech or expression is considered to “harm the state’s security”. In other words, the government can ban or suspend media outlets if it concludes that they violated the press law and journalists can be imprisoned for a variety of vaguely defined crimes and criminalise any form of peaceful dissent.⁶³

Freedom of expression is also severely restricted by other legislations, including the 2017 Counter-Terrorism Law and the 2007 Anti-Cybercrime Law, which have been increasingly used to prosecute peaceful expression and dissent.⁶⁴ On this basis, Saudi courts give lengthy prison sentences to individuals for expressing dissent. For example, in 2022, Salma al-Shehab⁶⁵ and Nourah al-Qahtani⁶⁶ were both sentenced to 27 and 45 years in prison for merely tweeting. According to the UNWGAD, both of their sentences were considered to be arbitrary and in violation of the Universal Declaration of Human Rights.⁶⁷

⁶¹ 27 supported recommendations: 122.90 (Norway), 122.91 (Austria), 122.92 (Austria), 122.93 (United States), 122.131 (Belgium), 122.132 (United States), 122.134 (Comoros), 122.137 (Denmark), 122.138 (Brazil), 122.139 (Canada), 122.140 (Estonia), 122.146 (Comoros), 122.147 (Costa Rica), 122.148 (Czechia), 122.151 (Germany), 122.152 (Nepal), 122.153 (Ghana), 122.155 (Italy), 122.156 (Japan), 122.158 (Romania), 122.160 (Sweden), 122.162 (Uruguay), 122.164 (Portugal), 122.166 (Australia), 122.172 (Greece), 122.174 (Argentina), 122.181 (Poland). 8 noted recommendations: 122.88 (Finland), 122.136 (Qatar), 122.149 (France), 122.154 (Ireland), 122.157 (Netherlands), 122.159 (Spain), 122.161 (Switzerland), 122.163 (Iceland).

⁶² In particular, the Basic Law of Governance, which was enacted as an informal constitution in 1992, states that “[a]ll acts that foster sedition or division or harm the state’s security and its public relations or detract from man’s dignity and rights shall be prohibited.” You may access a translated version of the Basic Law on MENA Rights Group’s website: https://menarights.org/sites/default/files/2016-12/KSA_Constitution_EN.pdf (accessed on 6 July 2023).

⁶³ Freedom House, *Saudi Arabia*, 2022, para. D.1, <https://freedomhouse.org/country/saudi-arabia/freedom-world/2022> (accessed on 6 July 2023).

⁶⁴ US Department of State, *2022 Country Reports on Human Rights Practices: Saudi Arabia*, 2023, p. 28, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/saudi-arabia/#:~:text=On%20December%201%2C%20Amnesty%20International,the%20Saudi%20Shi'a%20minority> (accessed on 5 July 2023).

⁶⁵ MENA Rights Group, *Saudi academic Salma al-Shehab sentenced to 27 years in prison*, 29 August 2022, <https://menarights.org/en/case/salma-al-shehab> (accessed on 6 July 2023).

⁶⁶ MENA Rights Group, *Nourah al-Qahtani serving a 45-year prison sentence over tweets*, 7 November 2022, <https://menarights.org/en/case/nourah-al-qahtani> (accessed on 6 July 2023).

⁶⁷ UN Working Group on Arbitrary Detention, *Opinion No. 27/2023 concerning Salma bint Sami bin Abdulmohsen al-Shehab and Nourah bin Saeed al-Qahtani (Saudi Arabia)*, 19 June 2023, UN Doc. A/HRC/WGAD/2023/27.

Moreover, there are several reports that indicate an extensive use of surveillance in Saudi Arabia against anyone who expresses criticism, whether they are in the country or abroad.⁶⁸ In 2022, a former Twitter employee was convicted in the United States for spying on political activists on behalf of the Saudi royal family.⁶⁹ Additionally, MENA Rights Group has documented the case of Abdulrahman al-Sadhan, who was sentenced for anonymously running two satirical Twitter accounts critical of the repression and human rights violations by authorities.⁷⁰

Recommendations:

- Amend the 2017 Counter-Terrorism Law, the 2007 Anti-Cybercrime law and the Basic Law, to bring them in line with international standards on the right to freedom of expression;
- Release those imprisoned for exercising their fundamental freedoms, including those detained beyond their prison sentence;
- Expressly guarantee freedom of the press and ensure journalists and media workers are free to practice in a safe and enabling environment without undue interference or restrictions;
- Restrict the use of spywares and any other tool of mass surveillance.

3.3.2 Freedom of association and peaceful assembly

Saudi Arabia has only noted all previous recommendations relating to freedom of peaceful assembly.⁷¹

Over the past decade, civic space in Saudi Arabia has become virtually non-existent. This is especially the case since the banning of the Saudi Civil and Political Rights Association (ACPRA), one of the last operating human rights association advocating for constitutional reforms, on 9 April 2013.⁷² All co-founding members of ACPRA were prosecuted and sentenced to lengthy prison sentences by the SCC based on vague charges.⁷³

⁶⁸ Freedom House, *Saudi Arabia*, 2022, para. D.1-D.4, <https://freedomhouse.org/country/saudi-arabia/freedom-world/2022> (accessed on 6 July 2023).

⁶⁹ Reuters, *Former Twitter employee is convicted in Saudi spy case*, 10 August 2022, <https://www.reuters.com/legal/former-twitter-employee-is-convicted-saudi-spy-case-2022-08-09/> (accessed 5 July 2023).

⁷⁰ MENA Rights Group, *Employee of Saudi Red Crescent sentenced to 20 years in prison after three years of disappearance*, <https://www.menarights.org/en/caseprofile/employee-saudi-red-crescent-disappeared-al-mabahith-security-forces-march-2018> (accessed on 5 July 2023).

⁷¹ Recommendations 122.88 (Finland), 122.149 (France), 122.154 (Ireland), 122.159 (Spain), 122.161 (Switzerland), 122.163 (Iceland).

⁷² MENA Rights Group, *Joint Statement, On the 10th anniversary of the establishment of ACPRA, NGOs jointly call on Saudi authorities to release all detained members*, 11 October 2019, <https://menarights.org/en/articles/10th-anniversary-establishment-acpra-ngos-jointly-call-saudi-authorities-release-all> (accessed on 6 July 2023).

⁷³ *Ibid.*

To this day, Saudi authorities continue to keep these human rights defenders in detention beyond the completion of their sentences. For instance, prominent human rights defender and ACPRA co-founder Mohammed al-Qahtani remains in inhumane prison conditions beyond the expiry of his lengthy 10-year prison sentence, and despite repeated calls for his release from civil society calls, UN experts, and third states.⁷⁴

Recommendations:

- Allow human rights organisations to register in Saudi Arabia and guarantee they can exercise their work without any intimidation;
- Release all political prisoners that are held beyond their prison sentence;
- Ensure the protection of human rights defenders and refrain from prosecuting them for terrorism crimes.

⁷⁴ MENA Rights Group, *Human rights defender Mohammad Al Qahtani remains in detention in Saudi Arabia despite repeated UN calls for his release*, 13 June 2019, <https://menarights.org/en/caseprofile/human-rights-defender-mohammad-al-qahtani-remains-detention-saudi-arabia-despite> (accessed on 6 July 2023); Front Line Defenders, *Mohammad Fahd Al-Qahtani on hunger strike*, <https://www.frontlinedefenders.org/en/case/mohammad-fahd-al-qahtani-hunger-strike> (accessed on 6 July 2023).