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**Human Rights Council**  
**Working Group on Arbitrary Detention****Opinions adopted by the Working Group on Arbitrary Detention at its 101st session, 11–15 November 2024****Opinion No. 71/2024 concerning Abdullah al-Derazi, Jalal al-Labbad, Yusuf Muhammad Mahdi al-Manasif, Jawad Abdullah Qureiris and Hassan Zaki al-Faraj (Saudi Arabia)\***

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights. In its resolution 1997/50, the Commission extended and clarified the mandate of the Working Group. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed the mandate of the Commission. The Council most recently extended the mandate of the Working Group for a three-year period in its resolution 51/8.

2. In accordance with its methods of work,<sup>1</sup> on 17 July 2023 the Working Group transmitted to the Government of Saudi Arabia a communication concerning Abdullah al-Derazi, Jalal al-Labbad, Yusuf Muhammad Mahdi al-Manasif, Jawad Abdullah Qureiris and Hassan Zaki al-Faraj. The Government replied to the communication on 13 September 2023. The State is not a party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum-seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination, based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability

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\* Miriam Estrada Castillo and Mumba Malila did not participate in the discussion of the case.

<sup>1</sup> [A/HRC/36/38](#).

or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

## 1. Submissions

### (a) Communication from the source

#### (i) Context

4. According to the source, several individuals who allegedly committed crimes when they were minors, five of whose cases are addressed below, were sentenced to death by the Specialized Criminal Court of Saudi Arabia for exercising their right to freedom of expression.

5. In March 2020, the Human Rights Commission of Saudi Arabia<sup>2</sup> published an order stipulating the implementation of the 2018 Juvenile Law, which prohibits the implementation of death sentences against minors in ta'zir cases. Despite this law, individuals accused of crimes committed as minors still face the possibility of capital punishment.

#### (ii) Arrest and detention

6. Abdullah al-Derazi<sup>3</sup> was born on 8 October 1995. In 2011 and 2012, he protested the treatment of Shiite citizens. He also took part in the funeral of Ahmad Mattar in December 2012 with other residents of Al-Qatif, during which they protested the use of violence by police officers and security forces and the killing of demonstrators.

7. On 27 August 2014, members of the Tarut Island police arrested Mr. Al-Derazi, who was then 18 years and 10 months old, on the street in Al-Qatif after beating him severely. He was not informed of the charges against him at the time of arrest.

8. For the first three months following his arrest, he was detained and questioned in the Tarut police station and was subsequently transferred to Dammam prison, which is run by the Mabahith (General Directorate of Investigation). During that time, his family had no information about his location, and he was unable to communicate with the outside world.

9. Reportedly, he was put in solitary confinement for about six months, during which he was beaten, burned with cigarettes and psychologically tortured. This resulted in burns around the eye, a broken tooth and a knee injury, which led to his transfer to the hospital more than once. Since he was in a Mabahith-run prison, there are strong reasons to believe that Mabahith members tortured him.

10. In January 2015, his family was able to visit him for the first time.

11. On 20 August 2017, his trial began before the Specialized Criminal Court. He faced charges that included participating in the formation of a terrorist cell to destabilize internal security in the country. Other charges included attacking public property, sabotage, obstructing roads, inciting division in the country, assaulting security forces by throwing explosive bottles at them, blocking pedestrian paths by burning tyres, chanting anti-State slogans and organizing the funeral of Ahmed al-Matar (distributing water during it). The charges were based on the explosives and fireworks regulation and article 7 of the Anti-Bribery Law (both issued by royal decree). All of the charges against Mr. Al-Derazi were related to acts committed before he turned 18.

12. During the trial, he informed the judge that he had been tortured and forced to sign confessions under duress, claiming that he was blindfolded and coerced into placing his fingerprints on unknown documents. He also mentioned ongoing ear pain and requested a medical report, but it was not admitted as evidence, and he was unable to prove that his confession was inadmissible.

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<sup>2</sup> Associated Press News, "Saudi commission insists no minors to face death penalty", 22 October 2020.

<sup>3</sup> See communication SAU 1/2023. All communications cited in the present report are available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

13. Reportedly, he was not appointed a lawyer until after the trial began. Since then, his legal representative has been State-appointed, and the allegations of torture have not been investigated.

14. On 20 February 2018, the Specialized Criminal Court sentenced him to death, and the ruling was upheld by the Specialized Criminal Court of Appeal on 7 August 2022. The Supreme Court has not yet reviewed the case.

15. Jalal al-Labbad was born on 3 April 1995. In 2011 and 2012, he protested the treatment of the Shiite minority in Al-Qatif and the funerals of individuals killed by government forces during protests.

16. He was arrested by security forces at his home in Al-Awamiyah on 23 February 2017. He was not presented with an arrest warrant, nor was he informed of the reasons for his arrest.

17. Between February and December 2017, he was detained at Damman prison, where he was interrogated about his civil activities. He endured degrading detention conditions and nine and half months of solitary confinement, which was used to coerce false statements.

18. Reportedly, he was subjected to severe acts of torture, including beatings by four to six people at the same time with plastic rods and metal wires, electrocution on all parts of his body, kicking with military boots over his entire body, stomping on his neck with military boots to the verge of suffocation, drowning, intense beatings on his right thigh and being tied to a chair and beaten until passing out. He was also subjected to various acts of psychological torture, including obscene and sectarian insults and isolation for multiple days in a very narrow and extremely cold room, in both complete darkness and excessive lighting. As a result, he was hospitalized on multiple occasions. He did not have access to a lawyer while in detention and was threatened by investigators and forced to sign confessions that they had written.

19. On 24 January 2019, the Prosecutor sought the *hudud* penalty for *hirabah*. In July 2019, Mr. Al-Labbad was brought before the Specialized Criminal Court and informed of the charges against him for the first time. He was charged with participating in demonstrations, attending funerals of victims shot by government forces, helping to treat and shelter wanted persons who were wounded and shooting at and throwing Molotov cocktails at soldiers. At least one of the charges relates to an act he allegedly committed when he was 15 years old (attending the funerals of victims shot by government forces). He was mainly charged based on the 2014 Penal Law for Crimes of Terrorism and its Financing and the weapons and ammunitions law.

20. On 31 July 2022, the Specialized Criminal Court found Mr. Al-Labbad guilty of charges relating to acts he allegedly committed as a minor and issued a ta'zir death sentence against him using its discretionary power.

21. On 4 October 2022, the Specialized Criminal Court of Appeal upheld the sentence. His case is currently pending before the Supreme Court.

22. Yusuf Muhammad Mahdi al-Manasif was born on 8 September 1996. In 2011 and 2012, he protested the State's treatment of Shiite citizens in Al-Qatif.

23. On 6 April 2017, he was arrested at gunpoint near the court in Al-Qatif by armed forces. He was not informed of the reasons for his arrest or shown an arrest warrant. His family was informed by the authorities of his arrest shortly thereafter, but they were not allowed to visit him for the following five months, while he remained in solitary confinement.

24. While in detention during this period, Mr. Al-Manasif was reportedly tortured psychologically and physically by the Presidency of State Security, causing him to lose consciousness and require hospitalization. He was examined at a military hospital, but his family never received medical reports. The prison administration denied family visits until after he was coerced into signing confessions, which were later used as evidence against him in court.

25. On 6 September 2019, he was charged with participating in the funerals of individuals killed by the security forces during demonstrations (when he was 15 and 16 years old), joining protests, chanting anti-State slogans, inciting sedition, destabilizing security and

advocating sit-ins. He was also charged with joining a terrorist cell, shooting security personnel, selling narcotics to three officers, harbouring wanted persons, financing terrorism and transporting tyres to riot sites.

26. The charges were reportedly based on Royal Decree No. A/44, the anti-money laundering law, the weapons and ammunition law, the explosives and fireworks regulation, and the act on the control of narcotics and psychotropic substances (all issued by royal decree).

27. He informed the judge that he had been forced to sign the confessions and demanded that the court summon the investigator and the office clerk to testify, along with records of his solitary confinement.

28. He did not have access to a lawyer before the first session of the trial, when the judge appointed one.

29. On 16 October 2022, the Specialized Criminal Court sentenced him to death, and the ruling was upheld by the Specialized Criminal Court of Appeal on 2 November 2022. His case is pending before the Supreme Court.

30. Jawad Abdullah Qureiris, born on 16 October 1997, is the third son of a known dissident Saudi family. He and his family reportedly protested the treatment of Shiites in Al-Qatif. In 2014, a family member was arrested and sentenced to 12 years in prison. Three months later, another relative, aged 13, was arrested and faced the death penalty. In 2018, a third family member was detained until April 2021. A fourth relative was killed by security forces during protests in 2011.

31. On 1 January 2021, Mr. Qureiris was arrested in his home in a raid by security forces likely affiliated with the Presidency of State Security. He was not presented with an arrest warrant or told the reasons for his arrest. He was only informed of the charges against him just before the beginning of his trial.

32. While in detention, he was tortured, which included severe beatings and psychological abuse, to force his confession. He was also held in solitary confinement for 270 days.

33. In May 2022, the trial of Mr. Qureiris began before the Specialized Criminal Court. He was charged under several laws, including the Penal Law for Crimes of Terrorism and its Financing, the weapons and ammunition law and the anti-cybercrime law (all issued by royal decree). Some charges were related to acts he allegedly committed as a minor, namely, following Facebook pages, communicating with a wanted person, training in the use of weapons and shooting, and burning oil pipelines.

34. He told the judge his confessions were coerced under torture. He requested the public prosecution service to present the interrogation recordings and requested that the investigator and police clerk testify about the abuse. The public prosecution service demanded his execution with a *hirabah*<sup>4</sup> sentence if the *ta'zir* sentence was cancelled.

35. Since his arrest, he has been denied contact with his family and the assistance of a lawyer during the investigation. After the trial began, his legal representative was denied access to all statements and evidence.

36. On 5 November 2022, the Specialized Criminal Court sentenced him to death. The Specialized Criminal Court of Appeal upheld the ruling on 6 November 2022. The case is pending before the Supreme Court.

37. Hassan Zaki al-Faraj, who was born on 19 April 1997, protested the Government's treatment of Shiite minorities.

38. He was violently arrested on 29 June 2017 by Saudi security forces in his home, along with two relatives, and transferred to Dammam prison.

39. He was tortured upon arrest, forced to sign confessions and subjected to electric shocks and beatings, resulting in multiple hospitalizations. He was placed in solitary

<sup>4</sup> Opinion No. 72/2021, footnote 2.

confinement for approximately three months after his arrest. His family was allowed to visit thereafter, and he now receives regular visits.

40. Mr. Al-Faraj has been charged with seeking to destabilize the social fabric by participating in protests and funeral processions and chanting slogans hostile to the regime, with at least one charge dating back to when he was 17. Other charges include joining groups via phone, possessing prohibited pictures and weapons, joining a terrorist organization, harbouring wanted persons and aiding the wounded.

41. He was charged under the statement of the Ministry of the Interior implementing Royal Decree No. A/44, the Penal Law for Crimes of Terrorism and its Financing, the anti-money laundering law, the weapons and ammunition law and the anti-cybercrime law (all issued by royal decree).

42. During three years of detention, he had no access to a lawyer. In 2020, his case was referred to the Specialized Criminal Court, and, after the first trial session in October 2020, he was able to appoint a lawyer. Since then, he has attended only two sessions. It is unclear why he was not brought to others.

43. On 3 October 2022, the Specialized Criminal Court sentenced Mr. Al-Faraj to death, and the ruling was upheld by the Specialized Criminal Court of Appeal on 4 November 2022. The case is pending before the Supreme Court.

44. All five individuals are currently held in Dammam prison, which is run by the Mabathith.

(iii) *Legal analysis*

a. Category I

45. The source submits that the five individuals were not informed of the reasons for their arrest and only learned of the charges at their trials. Arrests without a warrant or explanation violate articles 3 and 9 of the Universal Declaration of Human Rights and principle 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.<sup>5</sup> Even if the arrest warrants existed, the five individuals were unaware of them and were never shown any documents that could be considered arrest warrants.

46. The source recalls that the Working Group has held that the authorities in charge of issuing arrest warrants in Saudi Arabia do not meet the requirements set out in principle 4 of the Body of Principles.<sup>6</sup>

47. The source submits that Mr. Al-Faraj was in solitary confinement for three months with no contact with his family. Mr. Al-Labbad was held in solitary confinement for nine months, while Mr. Al-Derazi was also denied contact for three months, leaving his family unaware of his whereabouts.

48. The source recalls that incommunicado detention violates the right to challenge detention in court, as outlined in article 8 of the Universal Declaration of Human Rights,<sup>7</sup> and prevents judicial oversight. This arbitrary deprivation of liberty, with no acknowledgment or disclosure of whereabouts, breaches article 6 of the Universal Declaration of Human Rights.<sup>8</sup>

49. Prompt access to family is crucial to prevent torture and protect against arbitrary detention. In the present case, the three individuals were denied communication and visits, violating principles 15 and 19 of the Body of Principles and rules 43 (3) and 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

<sup>5</sup> Opinions No. 93/2017, para. 44; No. 10/2018, paras. 45 and 46; and No. 34/2020, para. 44.

<sup>6</sup> Opinion No. 93/2017, para. 44.

<sup>7</sup> See opinions No. 28/2016 and No. 79/2017.

<sup>8</sup> Opinions No. 82/2018, para. 28; No. 33/2020, paras. 58 and 73; and No. 34/2020, para. 49.

50. The source recalls international standards requiring prompt appearance before a judge, typically within 48 hours, with delays needing exceptional justification. All five individuals were brought before a judge years after their arrest.

51. The source maintains that the individuals' prolonged detention was unnecessary in the present case, in violation of articles 3 and 9 of the Universal Declaration of Human Rights, article 37 (b) of the Convention on the Rights of the Child and principles 11, 37 and 38 of the Body of Principles. It also undermined the presumption of innocence under article 11 (1) of the Universal Declaration of Human Rights, as there was no individualized judicial determination of their detention.

52. The Penal Law for Crimes of Terrorism and its Financing used to convict Messrs. Al-Labbad, Qureiris and Al-Faraj came into effect on 1 February 2014. Article 11 (2) of the Universal Declaration of Human Rights states that no one is to be convicted for acts that were not offences at the time they were committed.<sup>9</sup> This law was not yet in force when they committed their alleged acts in 2011 and 2012. Therefore, the Government cannot rely upon this law as the legal basis for their arrest.<sup>10</sup>

53. Messrs. Al-Labbad, Qureiris and Al-Faraj were charged based on the 2014 Penal Law for Crimes of Terrorism and its Financing and the anti-cybercrime law. The source recalls the Working Group's previous jurisprudence, in which it elaborated on the conformity of articles 1, 4, 6 and 16 of this law with the principles of legality and fair trial guarantees as enshrined in the Universal Declaration of Human Rights.<sup>11</sup> Moreover, this legal framework does not respect the principle of necessity.<sup>12</sup>

54. The principle of legality requires laws to be precise enough for individuals to understand them and regulate their conduct (*lex certa*).<sup>13</sup> Vague and broad laws violate the principle of legality and due process, as enshrined in article 11 (2) of the Universal Declaration of Human Rights.

55. The source recalls the Working Group's finding that article 6 of the anti-cybercrime law, used in the cases of Messrs. Qureiris and Al-Faraj, is vague and broad, violating the principle of *lex certa* and due process of law.<sup>14</sup> It argues that the law lacks legal certainty and contravenes article 11 (2) of the Universal Declaration of Human Rights.

b. Category II

56. The five individuals were reportedly arrested and charged for protesting the Government's treatment of the Muslim Shiite minority and for attending funerals of those killed by State authorities.

57. The source recalls the right of freedom of expression belonging to all people, including children, as enshrined in articles 19, 20 and 21 of the Universal Declaration of Human Rights.<sup>15</sup> It recalls that the right to freedom of expression is not an absolute right, and thus can be limited pursuant to article 29 (2) of the Universal Declaration of Human Rights.

58. The source argues that the individuals' participation in protests against State practices towards Shiite minorities, without violence or incitement, cannot be seen as a threat to morality, public order or welfare in a democratic society.

59. At least one individual was charged under the vague counter-terrorism legal framework, which can be used to punish the peaceful exercise of human rights.<sup>16</sup>

60. The source argues that the five individuals' detention is arbitrary and falls within category II, as it resulted from their legitimate exercise of rights under articles 19, 20 (1) and

<sup>9</sup> Opinion No. 30/2022, para. 82.

<sup>10</sup> *Ibid.*, para. 83.

<sup>11</sup> Opinion No. 10/2018, para. 49; and [CAT/C/SAU/CO/2](#) and [CAT/C/SAU/CO/2/Corr.1](#), para. 16.

<sup>12</sup> Opinion No. 10/2018, paras. 53 and 54.

<sup>13</sup> Opinions No. 62/2018, para. 57; and No. 36/2019, para. 42.

<sup>14</sup> Opinions No. 10/2018, para. 52; No. 71/2019, para. 73; and No. 86/2020, para. 67.

<sup>15</sup> Opinion No. 92/2020, paras. 61 and 65.

<sup>16</sup> *Ibid.*

21 (1) of the Universal Declaration of Human Rights and 13 (1) and 15 (1) of the Convention on the Rights of the Child.

c. Category III

61. The source submits that the five individuals' deprivation of liberty is arbitrary under category III, and that no trial should have taken place.

62. Since their arrests, none of them had legal counsel of their choice. They were only appointed legal counsel at the start of their trials, without the opportunity to prepare their defence beforehand, in violation of articles 3, 9, 10 and 11 (1) of the Universal Declaration of Human Rights and principles 15, 17 and 18 of the Body of Principles. The right to challenge detention before a court is a self-standing human right, the absence of which constitutes a human rights violation, and it is essential to preserve legality.<sup>17</sup>

63. The source asserts that the right to habeas corpus was violated in the present case.

64. Reportedly, the five individuals were placed in solitary confinement for two to nine months. Solitary confinement must only be used in exceptional cases as a last resort, be used for as short a time as possible, be subject to independent review and be authorized by a competent authority.<sup>18</sup> Prolonged solitary confinement of more than 15 consecutive days is prohibited under rules 43 (1) (b) and 44 of the Nelson Mandela Rules.

65. The source submits that all five individuals were tortured and forced to sign confessions, which were used as the sole evidence for their convictions. It recalls that in Saudi Arabia, most convictions and executions rely solely on forced confessions, and that the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has stated that confessions should never be the only evidence for a conviction.<sup>19</sup>

66. The source recalls article 37 (a) of the Convention on the Rights of the Child, which prohibits the application of the death penalty for child defendants. In the present case, the Government of Saudi Arabia sentenced the five individuals to death despite knowing that they were all minors at the time of the alleged offences.

67. According to the source, the five individuals were sentenced by the Specialized Criminal Court, with the verdict later confirmed by the Specialized Criminal Court of Appeal. The source recalls that the Court is not independent, holds secret hearings and pressures lawyers to resign or face prosecution for "disloyalty". Initially focused on Al-Qaeda-related cases, it has increasingly targeted human rights defenders and political activists. The source also notes the concerns of the Committee against Torture about the Court's failure to address torture claims and its susceptibility to executive influence, as judges are appointed by the King through the Supreme Judicial Council.

d. Category V

68. The source recalls that Saudi Arabia, a Sunni-majority country, has long discriminated against its Shiite minority, especially after the 2011 protests. Shiites often face mass trials and death sentences on vague charges violating their rights to freedom of expression and peaceful assembly.<sup>20</sup> Recent executions have disproportionately affected religious minorities, with mass executions taking place in 2016, 2019 and 2022.

69. The source asserts that this discrimination underpins the arrests, trials and death sentences of the five individuals, noting similar cases of Shiite detainees executed.<sup>21</sup> Currently, 12 minors from the Shiite minority are on death row in Saudi Arabia.

70. The source highlights concerns of the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child regarding discrimination

<sup>17</sup> A/HRC/30/37, paras. 2 and 3.

<sup>18</sup> Opinion No. 92/2020, para. 76.

<sup>19</sup> A/HRC/13/39/Add.5, paras. 100 and 101; and Human Rights Council resolution 13/19, para. 7.

<sup>20</sup> Opinion No. 86/2020, para. 28.

<sup>21</sup> See opinions No. 26/2019 and No. 56/2019.

against religious minorities in Saudi Arabia, including barriers to education, employment and justice, particularly for Shiite children.<sup>22</sup>

71. The source argues that the death sentences in the present case reflect a repressive legal framework, with judges wielding wide discretion, in violation of the Convention on the Rights of the Child.

72. The source refers to a 2014 decree expanding “terrorist crimes” to include “calling for atheist thought” and “questioning the fundamental principles of Islam”, which has been applied discriminatorily, particularly against religious minorities.

73. The source submits that the Saudi court system is largely staffed by Sunni scholars, some of whom dismiss or refuse to hear Shiite testimony, reinforcing discrimination.<sup>23</sup>

74. The source concludes that the five individuals’ deprivation of liberty and death penalty sentences constitute discrimination, rendering their detention arbitrary under category V.

**(b) Response from the Government**

75. On 17 July 2023, the Working Group transmitted the allegations from the source to the Government of Saudi Arabia under its regular communication procedure. The Working Group requested the Government to provide detailed information by 15 September 2023 about the current situation of Messrs. Al-Derazi, Al-Labbad, Al-Manasif, Qureiris and Al-Faraj.

76. On 13 September 2023, the Government submitted its reply.

77. The Government reiterates its previous responses to joint communications regarding the individuals in the present case, refuting the allegations contained in them.<sup>24</sup>

78. The Government affirms that the relevant laws and procedures followed in the present case are in line with international human rights standards. The claims made in the communications are unfounded, lacking evidence or support.

79. The Government asserts that the information presented by the source contains inaccurate claims and is based on unsupported allegations. The Government examines these allegations and clarifies them through its cooperation with international human rights mechanisms.

80. The Government states that the five individuals were arrested based on evidence of terrorism and informed of the reasons for their arrest in accordance with Saudi laws. They face charges related to terrorism, participation in violent attacks and possession of illegal weapons. After investigation, the public prosecution service deemed the evidence sufficient to charge them, and the cases proceeded to trial in the Specialized Criminal Court, ensuring the individuals’ right to legal counsel and fair trial procedures.

81. The Government asserts that its legal procedures align with international standards for fair trials, including Economic and Social Council resolution 1984/50, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child. The Government states that it guarantees the rights of detainees, including access to legal counsel, family visits and oversight by the Human Rights Commission and the National Society for Human Rights.

82. The Government refutes the source’s allegations that the five individuals were held in prolonged solitary confinement. It explains that the law permits limited communication restrictions during investigations, which are applied in accordance with international standards. Saudi law ensures that solitary confinement is not imposed beyond 15 days, with provisions for detainees to file complaints if their rights are violated.

83. The Government denies that the individuals were only brought before the judiciary years after their arrest. Judicial orders were issued to extend their detention, and they were

<sup>22</sup> CERD/C/SAU/CO/4-9, paras. 23 and 24; and CRC/C/SAU/CO/3-4, para. 17.

<sup>23</sup> Opinion No. 86/2020, para. 28.

<sup>24</sup> See communications SAU 8/2022, SAU 1/2023 and SAU 4/2023.



promptly charged and referred to court after investigations were completed. The legal system of Saudi Arabia guarantees presumption of the accused's innocence, and a criminal penalty may not be imposed on any person except after he or she has been proven guilty.

84. The Government confirms that the individuals were adults over 18 years old at the time of their arrest and the crimes for which they were sentenced.

85. The Government clarifies that the anti-terrorism law applied to the individuals' convictions was in effect at the time of their alleged crimes. The legal system upholds the principle of non-retroactivity of laws, in accordance with the Universal Declaration of Human Rights and the Basic Law of Governance.

86. The Government refutes the source's allegations that the anti-terrorism law and the anti-cybercrime law are vague or overly broad. It asserts that these laws are precise and clear, and subject to regular reviews, ensuring proportionality and fairness in punishment.

87. The Government affirms that the individuals' crimes were not related to peaceful expression of opinion but were acts of terrorism, which threatened public safety. The Government's commitment to combating terrorism is in line with international resolutions, such as Security Council resolution 1566 (2004).

88. The Government asserts that the individuals were immediately informed of their legal rights and given the opportunity to appoint legal counsel, which was provided, including at the State's expense when requested. They were able to contact their lawyers and seek their advice without any restrictions other than those imposed by law and only in exceptional cases.

89. The Government affirms that the detention periods during investigations were lawful and that the accused had the right to challenge the legality of their detention, in accordance with article 115 of the Code of Criminal Procedure.

90. The Government refutes the source's allegations of torture or mistreatment. It explains that restrictions on communication were lawful and that the confessions made by the individuals were voluntary. Any allegations of coercion were investigated and found to be unsubstantiated. It emphasizes that it takes effective measures to prevent torture and that it investigates any credible allegations. If torture is confirmed, those responsible are prosecuted and the victims are compensated.

91. The Government asserts that the Specialized Criminal Court is an independent, competent and impartial court established by a decision of the Supreme Judicial Council, according to article 6 of the Judiciary Act, which grants the Council the authority to establish courts and determine their spatial and qualitative jurisdiction, or to merge or abolish them. The judicial procedures of the Court are the same procedures applied in other criminal courts in accordance with the Judiciary Act, the Code of Criminal Procedure and the Code of Sharia Procedure. Judges are appointed pursuant to a royal order based on a decision from the Supreme Judicial Council, in accordance with article 47 of the Judiciary Act. All trial sessions of the individuals were public, in implementation of the principle of publicity of trial sessions.

92. The Government affirms that its legal system guarantees fair trial procedures, as the judiciary derives its authority and principles from sharia law, which mandates justice and makes it the basis of governance and guarantees the independence of the judiciary.

93. The Government denies that the individuals were arrested or tried for reasons related to their religion or beliefs. The charges were based solely on their involvement in terrorism, and the Government ensures equality under the law for all citizens and residents, without discrimination. No one is sentenced to death or any other penalty in the country for discriminatory reasons, and every person has the right to resort to the national courts for justice and to preserve his or her rights.

94. The Government affirms that it has taken measures to protect the individuals' health during the coronavirus disease (COVID-19) pandemic, in line with World Health Organization guidelines, including providing vaccines and ensuring health protocols in prison.

95. The Government reminds the Working Group to adhere to its working methods and the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council. It reiterates its commitment to cooperation with international human rights mechanisms and stresses the need for objective and impartial investigations, free from political influence, based on verified facts and international standards. The Government calls for constructive dialogue and cooperation.

**(c) Additional comments from the source**

96. The source contends that the Government's response is limited to referencing domestic laws and fails to explain how these laws are applied in the present case. It is not sufficient to say that a violation could not have taken place because domestic law prohibits it. By simply recalling legislation, the State does not substantiate how the appropriate procedures and guarantees provided in the invoked legislation have been applied in the present case.

97. The source disputes the Government's assertion that the individuals were over 18, emphasizing that the Government did not specify the date of commission of the offences in its reply.

98. The source challenges the Government's assertion of the impartiality of the public prosecution service and the Specialized Criminal Court, citing undue executive influence over both institutions.

99. The source regrets that the State has not substantiated which type of evidence was held against each of the individuals and suggests that they were only informed of the charges during their trials, not at the time of arrest.

100. The source raises concerns about the credibility of the Human Rights Commission, given its lack of independence, as its members are appointed by the Crown Prince.

101. The source disputes the Government's justification for disrupting detainee communications, as it failed to substantiate why this was necessary in the present case. Moreover, while the Government denied that enforced disappearances had taken place, it did not provide details regarding the place and time of arrest or the detention facilities.

102. The source further asserts that, although the Government offered an overview of the anti-terrorism law, it did not demonstrate its compliance with international standards. It also failed to demonstrate how the individuals' alleged actions constituted threats to national security.

**2. Discussion**

103. The Working Group thanks the source and the Government for their submissions. It notes that many of the submissions from the Government recited domestic laws in detail, without explaining in detail how they applied in the circumstances of the case. As the Working Group has previously reiterated, even when the detention of a person is carried out in conformity with national legislation, the Working Group must ensure that the detention is also consistent with the relevant provisions of international law.<sup>25</sup>

104. In determining whether the deprivation of liberty of Messrs. Al-Derazi, Al-Labbad, Al-Manasif, Qureiris and Al-Faraj is arbitrary, the Working Group has regard to the principles established in its jurisprudence to deal with evidentiary issues. If the source has presented a prima facie case for breach of international law constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations.<sup>26</sup>

<sup>25</sup> See, for example, opinions No. 46/2011, No. 42/2012, No. 50/2017, No. 79/2017, No. 1/2018, No. 20/2018, No. 37/2018, No. 50/2018 and No. 77/2020.

<sup>26</sup> [A/HRC/19/57](#), para. 68.

(a) **Category I**

105. The source submits that when the five individuals were arrested, none of them was informed of the reasons for their arrest or the charges against them until their trials commenced. The Government responds that each of the detainees was arrested pursuant to arrest warrants issued by the competent authority, based on legal provisions that permitted their arrest, to accuse them of committing serious terrorist crimes requiring arrest. In its further reply, the source submits that the State's response does not mention the specific authority that was responsible for issuing the arrest warrants, nor the date of issue, nor who carried out the arrests, nor how they were carried out.

106. The Working Group notes that persons who are detained have the right to be promptly informed of the charges against them. This is inherent in article 9 of the Universal Declaration of Human Rights as well as principles 2 and 10 of the Body of Principles. The Working Group has previously stated that in order for a deprivation of liberty to have a legal basis, it is not sufficient that there is a law that may authorize the arrest. The authorities must invoke that legal basis and apply it to the circumstances of the case.<sup>27</sup> This is typically done through an arrest warrant or arrest order (or equivalent document).<sup>28</sup>

107. At the outset, the Working Group has closely reviewed the submissions of the source and the Government, which are contradictory on this issue. Considering the discrepancies regarding the events reported by the parties, the Working Group must establish which version of the events it finds most credible. The Working Group observes that while the source has provided a detailed and coherent account, the Government, in contrast, provides limited information to confirm its version of the events and only partially responds to the allegations made by the source. In particular, the State does not describe how the arrests were conducted or who conducted them. This contrasts with the specific information provided by the source about the locations of the arrests, which it describes as occurring in various places including on the street, in family homes and outside court. The Government also does not argue that this was a case of flagrante delicto. On this basis, the Working Group is not satisfied that the detainees were informed of the reason for their arrest at the time it occurred, irrespective of whether warrants were duly issued.

108. For this reason, the Working Group finds that the arrests violate article 9 of the Universal Declaration of Human Rights and principles 2 and 10 of the Body of Principles.

109. The source further submits that the detainees were denied the right to challenge the lawfulness of their detention (habeas corpus) and the right to be brought promptly before a judge. According to the source, none of the individuals appeared before a judge within 48 hours of their arrests. Each of the detainees spent several years detained before their trials. In response, the Government says that their extended pretrial detention periods were conducted pursuant to judicial orders. It states that the public prosecution service referred their case papers to the competent court (the Specialized Criminal Court) and that they were assigned to appear before it. The source further replies that the Government does not give any specific information. It does not specify how long the complainants were held overall, nor does it mention by how much time their detention orders were "prolonged".

110. Under article 9 of the Universal Declaration of Human Rights and principles 11, 32 and 37 of the Body of Principles, detainees have the right to promptly take proceedings before a court to challenge the legality of their detention.<sup>29</sup> Judicial oversight of detention is a fundamental safeguard of personal liberty and is essential in ensuring that detention has a legal basis.<sup>30</sup>

111. Given the lack of specific dates in the Government's response, and taking into account the detail provided in the source's submissions on these allegations, the Working Group considers that the detainees were denied the right to promptly take proceedings before a court

<sup>27</sup> Opinions No. 9/2019, para. 29; No. 46/2019, para. 51; and No. 59/2019, para. 46.

<sup>28</sup> Opinions No. 88/2017, para. 27; No. 3/2018, para. 43; and No. 30/2018, para. 39. In cases of arrests made in flagrante delicto, the opportunity to obtain a warrant will typically not be available.

<sup>29</sup> Opinion No. 33/2020, para. 56.

<sup>30</sup> A/HRC/30/37, para. 3.

to challenge the legality of their detention, in violation of article 9 of the Universal Declaration of Human Rights and principles 11, 32 and 37 of the Body of Principles.<sup>31</sup>

112. The source submits that Messrs. Al-Derazi and Al-Faraj were detained in solitary confinement for three months and that they were denied access to any family members. Mr. Al-Labbad was detained for a total period of nine months in solitary confinement and was also not able to communicate with his family. The Government emphasizes that its anti-terrorism law ensures that solitary confinement is imposed only under specific exceptional circumstances defined by law and for a specified duration and that the law gives the investigating authority the right to prevent the accused from contacting others for a specific period when this is required by exceptional necessities in the investigation. In its further submissions, the source submits that the State party did not substantiate why it considered that the disruption of communications was deemed necessary in the case of the complainants and why they were placed in solitary confinement.

113. The Working Group notes that prompt and regular access to family members, as well as to independent medical personnel and lawyers, is an essential and necessary safeguard for the prevention of torture as well as for protection against arbitrary detention and infringement of personal security.<sup>32</sup> Prohibitions against incommunicado detention are included in principles 15 and 19 of the Body of Principles and rules 43 (3), 58 and 68 of the Nelson Mandela Rules.

114. Noting the source's detailed submissions, which list the lengths of time these three detainees were placed in solitary confinement, and the lack of substantiation from the Government regarding the periods this confinement covered or the reasons for it, the Working Group finds a breach of principles 15 and 19 of the Body of Principles and rules 43 (3), 58 and 68 of the Nelson Mandela Rules. For these reasons, the Working Group finds an additional violation of these detainees' rights under articles 8 and 9 of the Universal Declaration of Human Rights.<sup>33</sup>

115. The source submits that Messrs. Al-Labbad, Qureiris and Al-Faraj were convicted under the Penal Law for Crimes of Terrorism and its Financing, which came into effect on 1 February 2014, for alleged acts that occurred in 2011 and 2012, thereby violating the principle of non-retroactivity. The Government replies that the accusation and conviction of the detainees were carried out in accordance with the laws in force at the time their crimes occurred, the principle of the legitimacy of criminalization and punishment in Saudi Arabia is based on the fact that there is no crime and no punishment except on the basis of a legal text or a regulatory text, and there is no punishment except for actions subsequent to the implementation of the legal text.

116. Article 11 (2) of the Universal Declaration of Human Rights sets out the axiomatic principle that no one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed.<sup>34</sup>

117. Having reviewed the submissions, the Working Group considers that the Government has not adequately addressed the source's arguments concerning the violation of the principle of legality, based on the retroactive application of the Penal Law for Crimes of Terrorism and its Financing against Messrs. Al-Labbad, Qureiris and Al-Faraj. This is a violation of article 11 (2) of the Universal Declaration of Human Rights.

118. The source also submits that Messrs. Al-Labbad, Qureiris and Al-Faraj were charged and sentenced based on articles contained in the 2014 Penal Law for Crimes of Terrorism and its Financing and the anti-cybercrime law. According to the source, these provisions are vague and overly broad, thereby lacking legal certainty and undermining the legal basis to justify these three detainees' deprivation of liberty. The Government submits that the

<sup>31</sup> Opinion No. 33/2020, para. 56.

<sup>32</sup> Opinion No. 84/2020, para. 70.

<sup>33</sup> See opinions No. 28/2016 and No. 79/2017.

<sup>34</sup> Opinion No. 10/2018, paras. 40–47.

anti-terrorism laws of 2014 and 2017 are clearly formulated in line with international norms and the Government's international commitments.

119. As the Working Group has stated, "vaguely and broadly worded provisions", including the anti-cybercrime law and the anti-terrorism laws, which cannot qualify as *lex certa*, violate the principle of legality in article 11 (2) of the Universal Declaration of Human Rights.<sup>35</sup> The Working Group reiterates these findings in relation to the application of the anti-terrorism and cybercrime provisions with regard to Messrs. Al-Labbad, Qureiris and Al-Faraj. For these reasons, the Working Group finds that their detention lacks a legal basis and violates articles 9 and 11 (2) of the Universal Declaration of Human Rights. The Working Group refers the present case to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

120. On the preceding bases, the Working Group considers that the five detainees were deprived of their liberty without a proper basis in law, in violation of articles 8, 9 and 11 (2) of the Universal Declaration of Human Rights.

**(b) Category II**

121. The source argues that the detainees' deprivation of liberty is arbitrary under category II as it results from the exercise of their right to freedom of expression under article 19 of the Universal Declaration of Human Rights. It argues that the five individuals were arrested and charged for participating in protests against the State's treatment of the Muslim Shiite minority and for participating in funerals of individuals who had been killed by the State's authorities and chanting anti-government slogans. The Government refutes these allegations and submits that the source is seeking to justify terrorist crimes by portraying them as relating to the exercise of freedom of opinion and expression. The Government clarifies that the crimes committed by those mentioned are serious terrorist and criminal acts that can never be justified, whatever their motives, and that innocent civilians have been killed. The Government submits no one is detained in Saudi Arabia for the exercise of fundamental rights.

122. The Working Group notes that article 19 of the Universal Declaration of Human Rights protects the right to freedom of expression, which includes freedom to seek, receive and impart information and includes political discourse, commentary on public affairs, discussion of human rights and journalism. It protects the holding and expressing of opinions, including those that are critical of or not in line with government policy.<sup>36</sup> Article 20 provides that everyone has the right to freedom of peaceful assembly and association. In relation to these rights, article 29 (2) of the Universal Declaration of Human Rights provides that the only legitimate limitations to their exercise must be for the purposes of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.<sup>37</sup>

123. According to the Working Group's jurisprudence, restrictions placed on freedom of expression by way of deprivation of liberty can only be justified when it is shown that the deprivation of liberty has a legal basis in national law, does not violate international law and is necessary to ensure respect for the rights or reputation of others, or for the protection of national security, public order, public health or morals, and is proportionate to the pursued legitimate aims.<sup>38</sup>

124. In the present case, the Government does not explain how these criteria were met. It refers to broadly framed allegations and charges but does not provide a sufficiently detailed account of the factual basis for these allegations. In this light, the Working Group considers that the five individuals were detained for conduct falling within the right to freedom of opinion and expression protected under article 19 of the Universal Declaration of Human Rights and that they were detained for peacefully participating in protests against the State's

<sup>35</sup> Opinions No. 10/2018, paras. 54–56; No. 71/2019, para. 73; No. 30/2022, para. 80; and No. 26/2024, para. 101.

<sup>36</sup> Opinions No. 79/2017, para. 55; and No. 8/2019, para. 55.

<sup>37</sup> See opinion No. 48/2016.

<sup>38</sup> [E/CN.4/2006/7](#), paras. 32–52; and opinions No. 21/2017, para. 40; and No. 63/2017, para. 55.

treatment of the Muslim Shiite minority, for participating in funerals of individuals who had been killed by the State and for chanting anti-government slogans.

125. On the preceding basis, the Working Group considers that the deprivation of liberty of the five detainees is arbitrary, as it resulted from their exercise of the rights or freedoms guaranteed under articles 19 and 20 of the Universal Declaration of Human Rights. Their deprivation of liberty therefore falls within category II.

**(c) Category III**

126. Given its finding that the deprivation of liberty of the five detainees is arbitrary under category II, the Working Group wishes to emphasize that in such circumstances no trial should take place. However, as their trials have taken place, the Working Group will now consider whether the alleged violations of the right to a fair trial and due process were grave enough to give their deprivation of liberty an arbitrary character, such that it falls within category III.

127. The source submits that none of the individuals was appointed a lawyer until the beginning of his trial, which amounts to a violation of the right to legal assistance. The Government responds that they were all immediately informed of their legal rights and had their signatures taken with their consent, which included seeking the assistance of a lawyer, and that they had lawyers assigned to them.

128. As the Working Group has previously observed, all persons deprived of their liberty have the right to legal assistance by counsel of their choice at any time during their detention, including immediately after their apprehension, and such access must be provided without delay.<sup>39</sup>

129. Having reviewed the submissions, the Working Group notes that the Government has not specified when the five individuals were provided access to lawyers. It also notes that three of them were detained incommunicado and in solitary confinement for several months. Weighing the source's detailed submissions against the Government's more general response, the Working Group finds that the Government failed to respect the five individuals' right to legal assistance, in violation of article 11 (1) of the Universal Declaration of Human Rights. Given that the five individuals are sentenced to the death penalty, these violations are exacerbated, as effective assistance by counsel at all stages of the trial is axiomatic in cases involving the death penalty.

130. The source submits that all five individuals were subjected to acts of torture at the time of arrest and while in detention, such as beatings, kicking, electric shocks and psychological torture. To stop the torture and abuse, all five individuals signed documents confessing to the acts, which were later admitted in court as the sole evidence for their conviction, according to the source. The Government argues that they confessed of their full free will before the investigating authority and confessed to the charges against them before the judiciary while they were in full legal capacity. When they raised complaints that they were coerced to give confessions during the trial sessions, the court took the necessary measures to verify and investigate, and it found that these allegations were incorrect.

131. According to the Working Group's jurisprudence, if a person alleges that his or her confessions were coerced, regardless of the stage of the proceedings at which this allegation is first made, it is for the judiciary to establish that they were not obtained through the application of pressure of any kind.<sup>40</sup> The Government argues that the allegations of coercion were investigated and disproved but provides no detail in this respect.

132. The Working Group recalls that the use of a confession extracted through ill-treatment contravenes article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and principle 21 of the Body of Principles.<sup>41</sup> Principles 1, 6, 21 and 22 of the Body of Principles and articles 2 and 16 (1) of the Convention against

<sup>39</sup> A/HRC/30/37, annex, principle 9 and guideline 8; CAT/C/SAU/CO/2 and CAT/C/SAU/CO/2/Corr.1, paras. 14 and 15; and opinion No. 86/2020, para. 78.

<sup>40</sup> Opinion No. 78/2019, para. 52.

<sup>41</sup> Opinions No. 48/2016, para. 52; No. 29/2017, para. 64; and No. 39/2018, para. 42.

Torture reinforce this prohibition. The Working Group has consistently concluded in its opinions that when it is not possible for a person who is subjected to torture or other forms of ill-treatment or punishment to prepare an adequate defence for a trial that respects the equality of both parties before the judicial proceedings, this amounts to a fair trial violation.<sup>42</sup> In the Working Group's view, torture or ill-treatment of detainees is not only a grave violation of human rights, but it also seriously undermines the fundamental principles of a fair trial, as it can compromise the ability of persons to defend themselves, especially in the light of the right not to be compelled to testify against oneself or to confess guilt.<sup>43</sup>

133. Noting the detailed nature of the source's submission and the Government's non-specific responses, the Working Group finds that the information that the source has presented has established its allegations that the fairness of proceedings was tainted by mistreatment and torture, amounting to a violation of the individuals' fair trial rights under article 11 (1) of the Universal Declaration of Human Rights. In addition, the Government's claim that they were convicted not only on their confessions but on all evidence presented against them does not remedy this concern. As the Working Group has previously found, a forced confession taints the entire proceeding, regardless of whether other evidence was available to support the verdict.<sup>44</sup> The Working Group reiterates that the prohibition of torture is non-derogable, including during the fight against terrorism, because of its status as a jus cogens norm, and that it encompasses the obligation to investigate alleged violations promptly and bring perpetrators to justice, as well as the prohibition of the use of evidence obtained under torture in legal proceedings.<sup>45</sup> The Working Group refers the present case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

134. The source submits that the Specialized Criminal Court and the Specialized Criminal Court of Appeal are not competent to provide a fair trial in accordance with international standards. It points out that hearings are conducted secretly and that lawyers have been barred from entering the courtroom and are often pressured to resign from cases; that is, if they do not become the subject of prosecution themselves. The Government asserts that the Specialized Criminal Court is an independent and competent court which adheres to all the State's due process guarantees.

135. Noting the source's argument that the Court has suffered from undue influence from the executive and a lack of independence relating to judges' appointments, and noting that the Government has not provided any information to cause it to depart from its previous findings, the Working Group reiterates that the Court cannot be considered an independent and impartial tribunal,<sup>46</sup> a concern shared by the Committee against Torture.<sup>47</sup> The Working Group further notes the concerns of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism regarding the lack of independence of the Court.<sup>48</sup> This is consistent with the source's submissions concerning efforts to obtain redress for the acts of torture and the use of forced confessions in the present case.

136. Based on the submissions and the information it has reviewed, the Working Group concludes that the trials of the five detainees before the Specialized Criminal Court and the Specialized Criminal Court of Appeal violated article 10 of the Universal Declaration of Human Rights.

137. For the reasons cited above, the Working Group concludes that the breaches of the fair trial and due process rights of the five detainees were of such gravity as to give their deprivation of liberty an arbitrary character, falling within category III.

<sup>42</sup> Opinion No. 32/2019, para. 42.

<sup>43</sup> Opinions No. 22/2019, para. 78; and No. 56/2019, para. 88.

<sup>44</sup> Opinion No. 34/2015, para. 28.

<sup>45</sup> Opinion No. 66/2022, para. 99.

<sup>46</sup> Opinions No. 10/2018, para. 73; No. 22/2019, para. 74; No. 26/2019, para. 102; No. 56/2019, para. 86; No. 71/2019, para. 44; and No. 26/2024, paras. 118 and 119.

<sup>47</sup> CAT/C/SAU/CO/2 and CAT/C/SAU/CO/2/Corr.1, para. 17.

<sup>48</sup> A/HRC/40/52/Add.2, para. 47.

**(d) Category V**

138. The source submits that the five detainees are part of the Shia minority in Saudi Arabia, and that discrimination forms the background of the five individuals' arrests, trials and death sentences. It argues that their deprivation of liberty and subsequent death penalties constitute discrimination under international law, rendering their detention arbitrary under category V. The Government responds that no one is arrested or sentenced on a discriminatory basis in Saudi Arabia and that the five detainees were arrested and tried for committing terrorist crimes that threatened national and international security and had nothing to do with their religion, belief or affiliation with a religious sect.

139. To determine the discriminatory nature of a deprivation of liberty, the Working Group considers several non-cumulative factors. This includes whether the deprivation of liberty is part of a pattern of persecution targeting the detained person, including, for example, through previous detentions; whether other people with comparable distinctive characteristics have also been persecuted; or if the context suggests that the authorities have detained a person for discriminatory reasons or to prevent them from exercising their human rights.<sup>49</sup>

140. The source provides detailed submissions on the pattern of persecution and long-standing history of discrimination against the Shia religious minority in Saudi Arabia, especially following the protest movement in 2011, and argues that this discrimination forms the background of the five detainees' arrests, trials and death sentences. In this regard, the Working Group recalls its jurisprudence on similar cases of Shia detainees, including those who were later reportedly executed.<sup>50</sup> It also notes the concerns of the Committee on the Elimination of Racial Discrimination that ethno-religious minorities in Saudi Arabia face obstacles in freely practising their right to freedom of religion or belief and that certain ethno-religious minorities face discrimination in the legal system.<sup>51</sup>

141. In this context, and noting the very generalized information from the Government on this matter in relation to this allegation, the Working Group considers that the deprivation of liberty of the five individuals occurred because of their religion, and it was therefore conducted on discriminatory grounds. The Working Group concludes that the authorities violated articles 2 and 7 of the Universal Declaration of Human Rights. The deprivation of the liberty of the five individuals is therefore arbitrary under category V.

**(e) Concluding remarks**

142. The Working Group notes the source's submission that the sentence of the five individuals to death for acts they allegedly committed when under 18 years of age contravenes the obligations of Saudi Arabia under the Convention on the Rights of the Child, which the State is party to. The Government replies that the detainees were over 18 years of age at the time they committed the crimes for which they were sentenced to death. The Working Group notes the updates from the source clarifying that while all the detainees have been sentenced to death, the Specialized Criminal Court had sentenced Mr. Al-Manasif to death on 2 November 2022, rather than 16 October 2022, and that the Specialized Criminal Court of Appeal upheld the ruling on 9 March 2023. The Supreme Court reportedly passed the case back to the Specialized Criminal Court of Appeal with no explanation.

143. The Working Group notes that the Government repeatedly states that the detainees were over 18 years of age when they committed the crimes that they were later charged with. However, it provides no details as to the dates of these crimes or their specific factual details. In addition, whereas the source provides the birth dates of the detainees, the Government has not provided information regarding dates of birth. On this basis, the Working Group considers that the source has demonstrated a risk that they were detained and sentenced to death based on acts committed prior to the age of 18 years. The Working Group considers this a serious violation of the Convention on the Rights of the Child, which is all the more

<sup>49</sup> A/HRC/36/37, para. 48.

<sup>50</sup> See opinions No. 26/2019 and No. 56/2019.

<sup>51</sup> CERD/C/SAU/CO/4-9, paras. 23 and 24.



egregious given the lack of a lawful basis for their detention. The Working Group refers the present case to the Special Rapporteur on extrajudicial, summary or arbitrary executions.

144. In its 30-year history, the Working Group has found Saudi Arabia in violation of its international human rights obligations in over 75 cases.<sup>52</sup> The Working Group reiterates its concern that this indicates a widespread or systemic problem of arbitrary detention in Saudi Arabia, which amounts to a serious violation of international law. The Working Group recalls that under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity.<sup>53</sup>

145. The Working Group welcomes the voluntary pledges by Saudi Arabia pursuant to General Assembly resolution 60/251 on the Human Rights Council.<sup>54</sup> In particular, the Working Group lauds the expressed willingness of the Government to cooperate with the Council and its various mechanisms, including the special procedures. In this light and recalling its request for a country visit, which was reiterated on 24 August 2021 and 4 February 2022, the Working Group would welcome the opportunity, at the Government's earliest convenience, to conduct a visit to Saudi Arabia in order to engage with the Government in a constructive manner and to offer its assistance in addressing its serious concerns regarding instances of arbitrary deprivation of liberty.

### 3. Disposition

146. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Abdullah al-Derazi, Jalal al-Labbad, Yusuf Muhammad Mahdi al-Manasif, Jawad Abdullah Qureiris and Hassan Zaki al-Faraj, being in contravention of articles 2, 7, 8, 9, 10, 11, 19 and 20 of the Universal Declaration of Human Rights, is arbitrary and falls within categories I, II, III and V.

147. The Working Group requests the Government of Saudi Arabia to take the steps necessary to remedy the situation of the five individuals without delay and bring it into conformity with the relevant international norms, including those set out in the Universal Declaration of Human Rights.

148. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release the five individuals immediately and accord them an enforceable right to compensation and other reparations, in accordance with international law.

149. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of the five individuals and to take appropriate measures against those responsible for the violation of their rights.

150. The Working Group requests the Government to bring its laws, particularly the anti-terrorism law, into conformity with the recommendations made in the present opinion and with the commitments made by the Government of Saudi Arabia under international human rights law.

151. The Working Group recommends that the Government accede to the International Covenant on Civil and Political Rights.

152. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on

<sup>52</sup> See, for example, decisions No. 40/1992 and No. 48/1995; and opinions No. 8/2002, No. 25/2004, No. 34/2005, No. 9/2006, No. 4/2007, No. 6/2008, No. 21/2009, No. 11/2011, No. 8/2012, No. 32/2013, No. 32/2014, No. 52/2016, No. 10/2017, No. 68/2018, No. 56/2019, No. 33/2020, No. 34/2021, No. 29/2022, No. 17/2023, No. 26/2023, No. 27/2023, No. 10/2024 and No. 26/2024.

<sup>53</sup> [A/HRC/13/42](#), para. 30. See also opinions No. 1/2011, para. 21; No. 37/2011, para. 15; No. 51/2017, para. 57; and No. 56/2017, para. 72.

<sup>54</sup> [A/75/377](#).

extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, for appropriate action.

153. The Working Group requests the Government to disseminate the present opinion through all available means and as widely as possible.

#### 4. Follow-up procedure

154. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

- (a) Whether the five individuals have been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to the five individuals;
- (c) Whether an investigation has been conducted into the violation of the five individuals' rights and, if so, the outcome of the investigation;
- (d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Saudi Arabia with its international obligations in line with the present opinion;
- (e) Whether any other action has been taken to implement the present opinion.

155. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

156. The Working Group requests the source and the Government to provide the above-mentioned information within six months of the date of transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

157. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and has requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.<sup>55</sup>

*[Adopted on 15 November 2024]*

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<sup>55</sup> Human Rights Council resolution 51/8, paras. 6 and 9.