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**Human Rights Council**  
**Working Group on Arbitrary Detention**

## **Opinions adopted by the Working Group on Arbitrary Detention at its ninety-fourth session, 29 August–2 September 2022**

### **Opinion No. 62/2022 concerning Husain bin Abdulla bin Yusuf al-Sadeq (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 42/22.
2. In accordance with its methods of work,<sup>1</sup> on 22 March 2022 the Working Group transmitted to the Government of Saudi Arabia a communication concerning Husain bin Abdulla bin Yusuf al-Sadeq. The Government replied to the communication on 19 May 2022. 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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<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).

## **Submissions**

### *Communication from the source*

4. Husain bin Abdulla bin Yusuf al-Sadeq is a Saudi citizen born in 1975. He is the holder of national ID number (withheld). According to the source, Mr. Al-Sadeq is a prominent Saudi social activist from Tarout Island in the Eastern Province of Saudi Arabia. Prior to his arrest, he was involved in religious associations, voluntary charitable committees, and the organization of religious and cultural events, activities and lectures in Qatif.

### Context

5. The source reports that on 24 September 2015, a stampede at the annual hajj in Saudi Arabia caused the death of more than 2,400 pilgrims. The source notes that following the stampede, existing tensions between Saudi Arabia and the Islamic Republic of Iran escalated, since the largest number of victims was from the Islamic Republic of Iran. The source also notes that the Islamic Republic of Iran held Saudi authorities responsible for the disaster and criticized the management by Saudi Arabia of the holy sites.

6. Following this stampede, the mayor of Tarout reportedly verbally attacked the Shiite religious figure and Supreme Leader of the Islamic Republic of Iran. The source adds that Mr. Al-Sadeq subsequently called the mayor to protest against the verbal attacks, and an argument escalated between the two, with the mayor accusing Mr. Al-Sadeq of insulting the King and the Government of Saudi Arabia.

### Arrest and detention

7. The source reports that on 1 October 2015, Mr. Al-Sadeq was summoned to the Tarout police station for investigation. The source notes that Mr. Al-Sadeq was summoned on the basis of false allegations of insulting the King and the Government, which were presented by the mayor against him (see para. 6 above). At the police station, officers reportedly arrested Mr. Al-Sadeq without presenting an arrest warrant.

8. The source notes that prior to his arrest, Mr. Al-Sadeq had been summoned in 1997 for participating in Shiite funeral processions and had been arrested in 2008 during a protest in support of Gaza. In both cases, however, he had been released, and no charges had been pressed against him.

9. According to the source, Mr. Al-Sadeq's family was not officially notified of his arrest by the authorities, but they expected him to have been arrested because he remained at the Tarout police station for a time and did not return home. In this respect, the source notes that when someone is held in the Tarout police station for several hours, it probably means that they have been arrested and been transferred to and detained at Qatif Police Station. For this reason, Mr. Al-Sadeq's family headed directly to Qatif Police Station on the day of his arrest, where authorities confirmed that he was being held. The source notes that Mr. Al-Sadeq had thus been transferred there within hours of his arrest, but the family is not sure exactly at what time.

10. Mr. Al-Sadeq reportedly spent two weeks at Qatif Police Station for questioning relating to the charges levelled against him. During this period, his family would visit the station on an almost daily basis. However, most times, they could only hand over his clothes and food to the police. The source adds that when they were able to talk to him, it was for a very short duration.

11. After those two weeks, Mr. Al-Sadeq's family again went to Qatif Police Station to visit him but were surprised to learn from an employee at the station that he had been transferred to the General Directorate of Investigation (Mabahith) prison in Dammam. There, he was allegedly held in solitary confinement and subjected to all kinds of physical and psychological torture. According to the source, Mr. Al-Sadeq confessed to the charges levelled against him under torture. The source adds that during this period of investigation

and solitary confinement, Mr. Al-Sadeq's family was not allowed to visit him or talk to him on the phone. Three months following his transfer to the Mabahith prison, Mr. Al-Sadeq was allowed a visit by his family.

12. The source reports that because calls and visits with Mr. Al-Sadeq are monitored, his family were not able to get details about the torture and ill-treatment he was subjected to. Nevertheless, they know that during the investigation period, Mr. Al-Sadeq fell unconscious for three days as a result of torture and had to be transferred to a hospital's intensive care unit for treatment. But his family still does not know which hospital he was transferred to or the nature of the treatment he received. The source adds that traces of torture are still visible on Mr. Al-Sadeq's face and body and that he has lost weight and his build has greatly weakened.

13. The source asserts that Mr. Al-Sadeq was targeted and accused by both the Tarout mayor and the Saudi authorities because he is a prominent activist who has worked with religious associations affiliated with the Shiite sect in Qatif and was responsible for organizing religious events and activities. Furthermore, the source claims that during his arrest and his investigation, Mr. Al-Sadeq was subjected to sectarian verbal insults based on his belonging to the Shiite sect. However, the source is not able to provide updated information on that matter as it is unable to retrieve any news about what Mr. Al-Sadeq currently experiences inside the Mabahith prison.

14. The source also reports that during the investigation period, Mr. Al-Sadeq was not allowed to communicate with a lawyer nor to appoint one.

#### Trial proceedings

15. The source reports that when the trial sessions started, Mr. Al-Sadeq still did not have a lawyer and his family had not been informed about the trial beginning or about the charges levelled against him. The source notes that Mr. Al-Sadeq was not allowed to hire a lawyer for the first two years of his arrest. When he was finally allowed to appoint a lawyer, the lawyer was not permitted to request a session with his client and was only able to see him in court, hindering his ability to prepare for the trial. The source notes that Mr. Al-Sadeq was thus only allowed to appoint a lawyer as a formality.

16. During the court sessions, Mr. Al-Sadeq reportedly asked to present evidence proving that the confessions had been extracted from him under torture, so he requested to see video tapes of the interrogation sessions and also to receive his medical report proving that he had been admitted to hospital with traces of torture all over his body and that he had been unconscious for three days. However, the investigation and security services reportedly refused.

17. The source reports that when Mr. Al-Sadeq had to be present in court, he would usually be transferred to Al-Ha'ir Prison in Riyadh a couple of days before his court sessions. Once they were over, he would be taken back to Al-Ha'ir Prison for a couple of days before being transferred back to the Mabahith prison in Dammam. The source adds that Mr. Al-Sadeq's family were never informed by the Saudi authorities of his transfers to Riyadh for court sessions, but rather found out through the families of other detainees.

18. The source notes that when Mr. Al-Sadeq's family contacted the investigation department of Dammam to enquire about his fate, they were referred to a criminal court in Riyadh which informed them that the court session had already taken place. The source adds that, at that time, the family had not been informed of the charges made against Mr. Al-Sadeq, nor were they aware of the court proceedings which had taken place without the appointment of a lawyer, or even the presence of an attorney. In fact, his family were only officially notified by the court of the charges against him two years after his arrest and were only allowed to visit him once at Al-Ha'ir Prison in Riyadh after his first trial session.

19. In total, Mr. Al-Sadeq was reportedly charged with: (a) loyalty to foreign countries, namely the Islamic Republic of Iran; (b) affiliation with Hezbollah; and (c) production,

preparation, transmission or storage of material impinging on public order, religious values, public morals or privacy, through an information network or computer.<sup>2</sup>

20. On 20 February 2018, Mr. Al-Sadeq was reportedly sentenced by the Specialized Criminal Court to nine years of imprisonment. During the investigation period in the first year of his arrest, Mr. Al-Sadeq was reportedly fined 5,000 Saudi riyals on the pretext that this money would be used to set up barriers around the mosque of the town he lives in to protect worshippers from terrorist attacks. During his sentencing in 2018, he was fined a further 100,000 riyals in penalties.

21. On 17 January 2021, upon appeal, Mr. Al-Sadeq's sentence was reportedly increased by an additional four years, giving him a total sentence of 13 years of imprisonment.

#### COVID-19-related restrictions

22. According to the source, only Mr. Al-Sadeq's wife and daughters were initially allowed to visit him once a month at the Mabathith prison, and when the coronavirus disease (COVID-19) crisis began, they were only allowed two visits, behind soundproof barriers, before visits were cancelled and replaced by two telephone calls per month of 10 minutes' duration.

23. The source notes that since the spread of COVID-19 in Saudi Arabia, Mr. Al-Sadeq's family has not been allowed to visit him. The source notes that the authorities have still not reversed this decision, despite the loosening of restrictions in the country. The source adds that the prison authorities, allegedly using the pandemic as a pretext to further violate his rights, only allow Mr. Al-Sadeq to contact his family by phone twice a month.

24. Mr. Al-Sadeq has reportedly received the first dose of the COVID-19 vaccine, but his family does not know much about the health and sanitary conditions inside the prison, or about the measures taken against the spread of the virus. They do not even know which vaccine he received.

25. Mr. Al-Sadeq remains at the Mabathith prison in Dammam where he is serving his 13-year sentence.

#### Analysis of violations

26. According to the source, Mr. Al-Sadeq was held in solitary confinement and incommunicado detention during a period of investigation lasting three months at the Mabathith prison, where he allegedly confessed under torture to the charges levelled against him (see para. 31 below). His family could not visit him or contact him during that time, which meant that they received no news about his situation.

27. The source submits that Mr. Al-Sadeq was subjected to an unfair trial as he was arrested without a warrant, he was not granted access to legal counsel to prepare for his trial, he was interrogated in the absence of a lawyer, he was not allowed to present evidence in his own defence, he was not brought promptly before a judge, he was only tried two years after his arrest, and his confession extracted through torture was used against him at trial. The source asserts that the Saudi authorities have therefore failed to observe international norms and guarantees relating to the right to a fair trial enshrined in article 14 of the International Covenant on Civil and Political Rights and article 10 of the Universal Declaration of Human Rights. The source notes that because this violation of international norms, including of due process and fair trial rights, is extensive and widespread, Mr. Al-Sadeq's case is a deprivation of liberty that falls under category III. Accordingly, the source submits that Mr. Al-Sadeq's detention is arbitrary and in violation of article 9 of the Universal Declaration of Human Rights and articles 9 and 14 of the Covenant.

28. According to the source, Mr. Al-Sadeq was arrested after the mayor of Tarout made false allegations against him following an argument between the two in which Mr. Al-Sadeq expressed his objection to the mayor's verbal attack against the Shiite religious figure. The source therefore holds that Mr. Al-Sadeq's deprivation of liberty resulted from the exercise

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<sup>2</sup> With regard to the third charge, the source refers to art. 6 of the Anti-Cybercrime Law.

of his right to freedom of thought, opinion and expression as enshrined in article 19 of the Covenant and in articles 18 and 19 of the Universal Declaration of Human Rights. Consequently, Mr. Al-Sadeq's case also falls under category II.

29. According to the source, Mr. Al-Sadeq's arrest without a warrant occurred following false accusations against him by the mayor of Tarout. Nevertheless, the source adds that the charges brought against him in court were not related to the mayor's accusations, and involved different crimes such as loyalty to Hezbollah and the Islamic Republic of Iran. Additionally, he was questioned in relation to the accusations made by the mayor rather than to the charges made against him. Consequently, the source submits that there is no legal basis to justify Mr. Al-Sadeq's arrest, which therefore falls under category I.

30. As mentioned above, Mr. Al-Sadeq has reportedly been subjected to discrimination in the form of verbal insults based on his affiliation to the Shiite sect. Although the source was not able to retrieve more details on this matter, it submits that Mr. Al-Sadeq's case is a deprivation of liberty that falls under category V, given the circumstances and context in which his arrest took place. To begin with, Mr. Al-Sadeq was arrested and imprisoned in Saudi Arabia, where Shiite Muslims have, for a long time, reportedly been the victims of systematic discrimination and ill-treatment at the hands of the Government. Moreover, Mr. Al-Sadeq was reportedly arrested for his activism after he had expressed his objection to the mayor's verbal attack against the Shiite religious figure and after the mayor had accused him of insulting the King and the Government of Saudi Arabia. However, the charges made against Mr. Al-Sadeq accused him of being affiliated with the Islamic Republic of Iran and Hezbollah – which, according to the source, are strongly defined by their affiliation to the Shiite sect. The source submits that these exaggerated charges were used to target and repress Mr. Al-Sadeq because he was also a prominent social activist in his community. Finally, Mr. Al-Sadeq had previously been summoned and arrested for his religious activities, such as participating in Shiite funeral processions in 1997 (see para. 8 above). The source asserts that all this indicates a pattern of systematic targeting of Mr. Al-Sadeq for both his religious identity and his social activism.

31. According to the source, Mr. Al-Sadeq was allegedly subjected to such grave torture and ill-treatment that he had to be transported unconscious to a hospital. Confessions extracted under torture were then allegedly used against him at trial. The source adds that none of these torture claims were investigated by authorities and the victim did not obtain either redress or fair and adequate compensation. Consequently, the source submits that the Saudi authorities have also violated their obligations under articles 12, 13, 14 and 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and under articles 7 and 10 of the Covenant.

#### *Response from the Government*

32. On 22 March 2022, the Working Group transmitted the allegations from the source to the Government under its regular communications procedure. The Working Group requested the Government to provide, by 23 May 2022, detailed information about the current situation of Mr. Al-Sadeq<sup>3</sup> and to clarify the legal provisions justifying his continued detention, as well as its compatibility with the obligations of Saudi Arabia under international human rights law, and in particular with regard to the treaties ratified by the State. Moreover, the Working Group called upon the Government of Saudi Arabia to ensure his physical and mental integrity.

33. On 19 May 2022, the Government submitted its reply, in which it reaffirmed its willingness to cooperate with all United Nations human rights mechanisms and to respond to their enquiries and requests. The Government submits that the source's allegations that the detention of Mr. Al-Sadeq is arbitrary under categories I, II, III and V are false and based on spurious claims and false and fictitious information.

34. The Government underscores that the communication it received comprises unfounded allegations and conjecture based on uncorroborated information received from the source. In its response, the Government explains the steps it has taken to investigate the

<sup>3</sup> The Government refers to Mr. al-sadeq.

allegations and to clarify all relevant facts, in line with its policy of cooperation with international human rights procedures.

35. The Government submits that Mr. Al-Sadeq was arrested on the basis of a warrant issued in accordance with article 4 of the Law on Combating Crimes of Terrorism and their Financing, of 2013, and was detained, in accordance with article 2 of that law, in the Mabahith prison in Dammam. The Government reports that his detention was extended pursuant to article 5 of the same law, as he was charged with perpetrating a number of terrorist acts, including:

(a) Supporting a terrorist entity and financing terrorist entities and terrorist acts, with sums amounting to 300,000 riyals – acts that are criminalized under the Law on Combating Crimes of Terrorism and their Financing, of 2013, and the Anti-Money Laundering Act;

(b) Threatening the mayor of Tarout with violent assault;

(c) Participating in the collection and distribution of funds within and outside Saudi Arabia for the benefit of terrorist entities;

(d) Producing and transmitting material that is prejudicial to public order – which is criminalized and punishable under the Anti-Cybercrime Law.

36. According to the Government, Mr. Al-Sadeq was informed of the grounds for his arrest, in accordance with articles 36 (1), 101 (1) and 116 of the Code of Criminal Procedure. Once the investigation was completed, the Public Prosecution Service (the investigating authority) concluded that the evidence was sufficient and brought charges against him under article 126 of the Code of Criminal Procedure. The Public Prosecution Service referred his case to the competent court and Mr. Al-Sadeq was summoned to appear before it, in accordance with article 15 of the Code of Criminal Procedure and article 3 (b) and (c) of the Public Prosecution Service statute. The Government explains that the Public Prosecution Service is an independent body and is legally recognized as part of the judiciary.

37. The Government contends that Mr. Al-Sadeq's conditions of detention during the investigations complied with the provisions of the Law on Combating Crimes of Terrorism and their Financing, of 2013. His case was reportedly heard by the legally competent court, the Specialized Criminal Court, in a fair and public trial.

38. The charges were reportedly read to Mr. Al-Sadeq when he attended the court session, in the presence of the Public Prosecutor, in accordance with article 160 of the Code of Criminal Procedure.

39. The court reportedly informed him that he was entitled to legal representation, in accordance with articles 4 (1) and 139 of the Code of Criminal Procedure, and that the State would appoint one if he lacked the financial means, in accordance with article 139 of the Code. Allegedly, Mr. Al-Sadeq's request for the appointment of a number of representatives and a lawyer was granted and his trial proceeded. In accordance with article 19 of the Legal Profession Act, Mr. Al-Sadeq's lawyer was reportedly granted the necessary facilities and time to provide his client with the requisite legal assistance. The Government explains that, in accordance with national law, including the statute of the Saudi Bar Association, lawyers must be allowed to examine the case documents and attend the investigations, and none of their requests may be refused without legal justification.

40. The Government specifies that the judgment was delivered only after the court had heard all of the parties' statements, all defence pleas had been presented orally or in writing, and no request to present additional information had been filed. Having examined all the evidence collected, the court reportedly closed the proceedings in Mr. Al-Sadeq's presence and that of his lawyer, in accordance with articles 172 and 173 of the Code of Criminal Procedure. In a preliminary ruling, Mr. Al-Sadeq was allegedly sentenced to nine years of imprisonment starting from the date of his arrest, and to a travel ban for a similar period after his prison sentence had been served.

41. After the preliminary judgment was handed down, Mr. Al-Sadeq was informed of his right to challenge the judgment within 30 days of the date of receipt of a copy of the judgment, in accordance with article 192 (1) of the Code of Criminal Procedure.

42. The Public Prosecutor and Mr. Al-Sadeq filed objections to the verdict and the first instance judges confirmed their judgment. The entire file was then referred to the Appeal Court, in accordance with article 196 of the Code of Criminal Procedure.

43. Following a number of sessions in the presence of the Public Prosecutor and the defendant, and after having examined the case file and heard the statements of all parties, in accordance with article 197 (1) and (2) of the Code of Criminal Procedure, the Appeal Court overturned the initial judgment, and sentenced Mr. Al-Sadeq to 13 years' imprisonment from the date of his arrest and to a travel ban for a similar period after his prison sentence had been served. The parties were informed of their right to file an appeal before the Supreme Court within 30 days of the date of receipt of a copy of the judgment, in accordance with article 198 of the Code.

44. The Government reports that the parties failed to file an appeal before the Supreme Court within the legally prescribed period. Their right to do so having lapsed in accordance with article 199 of the Code of Criminal Procedure, the judgment became final and enforceable. The Government notes that Mr. Al-Sadeq is currently serving his prison sentence.

45. According to the Government, Mr. Al-Sadeq has exercised his right to receive visits and to contact his family and lawyer on a regular basis. The Government confirms the source's statement that this right was not affected by the spread of COVID-19. The Government submits that Mr. Al-Sadeq is treated in a manner that respects his dignity and safeguards all his rights, that he receives all necessary medical care, just like other detainees, and that he is in good health.

46. The Government explains that it was one of the first countries to adopt numerous measures to prevent the spread of COVID-19 in prisons and detention centres. Such measures included the promulgation of a royal decree on 14 Sha'ban A.H. 1441 (7 April A.D. 2020) which was aimed at limiting the spread of COVID-19 while guaranteeing the safety of all persons within Saudi Arabia and prioritizing human health for everyone's benefit.

47. The Government also details the measures it has implemented, including its vaccination policies, in order to prevent the spread of COVID-19 in prisons and places of detention. The Government explains that family visits to inmates, cultural and sports activities, and events involving inmates, have been reorganized.

48. Turning to the analysis of the alleged violations, the Government submits that the source's analysis is based on unfounded allegations and conjecture that are not based on any evidence.

49. The Government denies the allegations that Mr. Al-Sadeq's family was unable to visit him or contact him during the investigation period and received no news about his situation. The Government points out that the source itself acknowledged that the authorities permitted Mr. Al-Sadeq's family to visit him during the investigation.

50. The Government also contests the allegations that Mr. Al-Sadeq was subjected to an unfair trial insofar as he was arrested without a warrant, was not allowed to present evidence in his defence and was not brought promptly before a judge, and his confession was extracted through torture. The Government contends that all the measures taken against Mr. Al-Sadeq were based on the domestic laws in force, which are consistent with international norms and the human rights treaties ratified by Saudi Arabia.

51. According to the Government, Mr. Al-Sadeq was arrested on the basis of a warrant issued by the competent authority, he was detained, and his detention was extended in accordance with the law. He was reportedly informed of the grounds for his arrest and of the charges filed against him, and he confessed of his own free will to the investigating authority and confirmed his confessions to the charges filed against him before the judiciary, in accordance with article 101 (2) of the Code of Criminal Procedure. The Government submits that he enjoyed full legal capacity and was not placed under duress.

52. The Government alleges that the court undertook the necessary investigations to assess the veracity of his claim that he had been subjected to torture and duress in order to sign the statement. Reportedly, the court examined his medical reports and learned that no

impact of beating or self-harm had been found on his body, and that his vital functions were stable. The court allegedly concluded that the allegations of torture were false and that he had been admitted to the hospital's anaesthetic department due to organic illnesses unrelated to the allegations of torture. The report also allegedly showed that he had been admitted on a second occasion owing to stomach pains and had received the appropriate treatment for his health condition.

53. According to the Government, the court found no proof of the validity of the allegations, after conducting the necessary investigations and reviewing the medical reports of the person concerned. The Government submits that, in accordance with the Code of Criminal Procedure, the judge relies on the factual and presumptive evidence presented, the arrest and search records, the testimonies of witnesses, and the cross-examinations and statements heard during the judicial proceedings. The Government notes that the court is empowered to hear witnesses, visit and inspect the scene of the incidents, and seek the assistance of experts, including forensic physicians, in order to safeguard the rights of the parties involved in the case. In accordance with article 161 of the Code of Criminal Procedure, if the accused confesses to the charges filed against him, the court shall hear his statements in detail and discuss them with him. Evidence that is proven to have been obtained through torture contravenes the provisions of sharia and relevant domestic legislation, and is therefore null and void under article 187 of the same Code.

54. The Government emphasizes that national legislation criminalizes torture and makes it a punishable offence, and reiterates its commitment to the human rights treaties that it has ratified, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is deemed part of domestic legislation.<sup>4</sup> The Government contends that legal procedures undertaken against individuals charged with committing serious offences comply with national laws as well as international legislation and norms, including the right to due process and to a fair and public trial before an independent court.

55. The Government proceeds to provide an account of the oversight and inspections carried out by members of the Public Prosecutor's Office, the Human Rights Commission and the National Society for Human Rights in all prisons and detention facilities in Saudi Arabia. The Government notes that domestic legislation requires all State bodies to guarantee justice for all, without discrimination, and that a number of mechanisms guarantee effective human rights safeguards, in accordance with the applicable legal procedures.

56. The Government submits that measures taken during the case were in line with international human rights norms, including articles 9 and 14 of the Covenant and articles 9 and 10 of the Universal Declaration of Human Rights, and therefore that there have been no violations under category III.

57. The Government submits that Mr. Al-Sadeq was arrested on the basis of a warrant issued by the competent authority charging him with having committed the terrorist crimes listed above (see para. 35), and not for having exercised his right to freedom of thought, opinion and expression. The Government points out that Mr. Al-Sadeq admitted before the investigating authority that he had threatened to violently assault the mayor of Tarout, and that his lawyer and himself refrained from denying this during the court hearings.

58. The Government points out that its legislation prohibits the confinement, detention or imprisonment of any person except in accordance with the provisions of the law in force, making specific reference to articles 36 and 38 of the Basic Law of Governance and article 2 of the Code of Criminal Procedure. According to these provisions, no person may be convicted and punished except on the basis of previously enacted sharia and statutory provisions.

59. The Government argues that the legal basis for the arrest of Mr. Al-Sadeq was the charge of committing the terrorist crimes listed above as well as his threat to mount a violent assault on the mayor of Tarout. The Government therefore contests that the deprivation of liberty of Mr. Al-Sadeq is arbitrary under category I.

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<sup>4</sup> The Government specifically cites arts. 2, 36 and 102 of the Code of Criminal Procedure, art. 28 of the Imprisonment and Detention Act and art. 2 (8) of Royal Decree No. 43 of A.H. 1377 (A.D. 1958).



60. The Government contests the allegations regarding category II, noting that its domestic laws protect freedom of opinion and expression, and that every person is entitled to exercise such rights unless doing so is deemed to breach or exceed the bounds or the norms applicable to society or its members. The Government alleges that such restrictions are consistent with relevant international norms, particularly the provisions of articles 18, 19 and 29 (2) of the Universal Declaration of Human Rights and article 19 of the Covenant.

61. The Government also contests the allegations under category V, reiterating that Mr. Al-Sadeq was arrested on the charges of committing punishable terrorist crimes and threatening to violently assault the mayor of Tarout, and that his arrest is unrelated to his religious affiliations or social activism.

62. The Government underscores that all citizens and residents are treated equally before the law and exercise their rights without discrimination, in accordance with the domestic laws in force. The Government notes that complaint mechanisms are available on an equal basis for anyone alleging that their rights have been violated, in accordance with article 47 of the Basic Law on Governance, and that a number of mechanisms exist to guarantee effective human rights safeguards, which include the judiciary and governmental and non-governmental human rights institutions.

63. The Government contends that it fully complies with the principle of equality and that all its Muslim citizens have the same rights and obligations on an equal footing and practise their religious rites and beliefs freely, without discrimination, as part of a single and harmonious national fabric. The Government recalls that discrimination is criminalized and punishable under articles 8, 11, 12 and 26 of the Basic Law of Governance.

64. Saudi Arabia reminds the Working Group of the Code of Conduct for Special Procedure Mandate Holders of the Human Rights Council adopted in resolution 5/2 of 18 June 2007.

*Further comments from the source*

65. On 23 May 2022, the response of the Government was sent to the source for further comments, which it provided on 3 June 2022.

66. The source reiterates its allegations contained in its initial submission and argues that the Government has failed to address many of these allegations.

67. The source also underlines that the existence of domestic law prohibiting certain acts, such as torture or ill-treatment, does not negate the possibility of such acts occurring. The source contends that, in any case, it is not sufficient for the arrest and detention of Mr. Al-Sadeq to comply with national law, as these must also be consistent with the relevant provisions of international human rights law.

**Discussion**

68. The Working Group thanks the source and the Government for their submissions.

69. In determining whether Mr. Al-Sadeq's detention was 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. Mere assertions by the Government that lawful procedures have been followed are not sufficient to rebut the source's allegations.<sup>5</sup>

*Category I*

70. The source has argued that Mr. Al-Sadeq was arrested on 1 October 2015 and that no arrest warrant was presented to him nor reasons for his arrest given. While the Government, in its reply, argues that the arrest was based on a warrant, it does not provide the date of the arrest or explain when and how the arrest warrant was presented to Mr. Al-Sadeq. The Government submits that the warrant was issued in accordance with article 4 of the Law on

<sup>5</sup> A/HRC/19/57, para. 68.

Combating Crimes of Terrorism and their Financing, of 2013, which indicates that the issuing authority would be the General Directorate of Investigation.

71. 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 which may authorize the arrest. The authorities must invoke that legal basis and apply it to the circumstances of the case through an arrest warrant.<sup>6</sup> Indeed, the international law on deprivation of liberty includes the right to be presented with an arrest warrant, which is procedurally inherent in the right to liberty and security of person and the prohibition of arbitrary deprivation, under articles 3 and 9 respectively of the Universal Declaration of Human Rights, as well as under principles 2, 4 and 10 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.<sup>7</sup> Any form of detention or imprisonment should be ordered by, or be subjected to the effective control of, a judicial or other authority under the law, whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence, in accordance with principle 4 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

72. In this regard, the Working Group must also recall its previous jurisprudence concerning Saudi Arabia,<sup>8</sup> in which it has consistently held that an arrest warrant, even assuming that it has been issued by the Ministry of the Interior or by delegated organs such as the General Directorate of Investigation, does not in itself fulfil the requirement that any form of detention or imprisonment be ordered by, or be subject to, the effective control of a judicial or other authority under the law whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence, in accordance with principle 4 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The Working Group reiterates its view that the Ministry of the Interior or its delegated organs cannot be considered as competent authorities in this respect. The Working Group once again underlines that any deprivation of liberty without a valid arrest warrant issued by a competent, independent and impartial authority with oversight exercised by the judicial authority, is arbitrary and lacks legal basis.

73. In the present case, the Working Group considers that Mr. Al-Sadeq was arrested without an arrest warrant being presented to him (even if such had been issued); nor was he provided promptly with the reasons for his arrest. The Working Group therefore concludes that a breach of articles 3 and 9 of the Universal Declaration of Human Rights took place.<sup>9</sup>

74. The source has also alleged that following his arrest, Mr. Al-Sadeq was held incommunicado and in solitary confinement for three months during the investigation of his case. Although this very serious allegation was put to the Government, it chose not to provide a specific response. The source also has specified that Mr. Al-Sadeq was not brought before a judicial authority until the start of his trial – another allegation that the Government has chosen not to address.

75. The Working Group notes with concern that it has received numerous complaints about prolonged incommunicado detention in Saudi Arabia of Saudi citizens and foreign nationals by the General Directorate of Investigation – the Ministry of the Interior’s domestic intelligence service doubling as a secret police agency, which has been nearly ubiquitous in the cases referred to the Working Group from Saudi Arabia for nearly three decades, since appearing for the first time in a decision by the Working Group at its eighth session, in 1993.<sup>10</sup>

<sup>6</sup> See, for example, opinions No. 46/2017, No. 66/2017, No. 75/2017, No. 93/2017, No. 35/2018 and No. 79/2018.

<sup>7</sup> Opinions No. 88/2017, para. 27; No. 3/2018, para. 43; and No. 30/2018, para. 39. See also art. 14 (1) of the Arab Charter on Human Rights.

<sup>8</sup> See, for example, opinions No. 93/2017, No. 10/2018 and No. 86/2020.

<sup>9</sup> Opinions No. 10/2015, para. 34; and No. 46/2019, para. 51.

<sup>10</sup> The Working Group found the deprivation of liberty of the person(s) concerned to be arbitrary in its decisions No. 60/1993, No. 19/1995 and No. 48/1995 and in its opinions No. 8/2002, No. 25/2004, No. 34/2005, No. 35/2005, No. 9/2006, No. 12/2006, No. 36/2006, No. 37/2006, No. 4/2007, No. 9/2007, No. 19/2007, No. 27/2007, No. 6/2008, No. 11/2008, No. 13/2008, No. 22/2008, No. 31/2008, No. 36/2008, No. 37/2008, No. 21/2009, No. 2/2011, No. 10/2011, No. 11/2011, No.

76. The Working Group notes that practices of incommunicado detention effectively place the victims outside the protection of the law and deprive them of any legal safeguards:

No jurisdiction should allow for individuals to be deprived of their liberty in secret for potentially indefinite periods, held outside the reach of the law, without the possibility of resorting to legal procedures, including habeas corpus.<sup>11</sup>

77. Indeed, such deprivation of liberty, entailing a refusal to disclose the fate or whereabouts or to acknowledge detention, lacks any valid legal basis and is inherently arbitrary as it places the person outside the protection of the law, in violation of article 6 of the Universal Declaration of Human Rights.<sup>12</sup> The Working Group thus finds a further breach of Mr. Al-Sadeq's rights under articles 3, 6, 8 and 9 of the Universal Declaration of Human Rights.

78. Moreover, as the Working Group has consistently argued, holding persons incommunicado violates their right to challenge the lawfulness of detention before a court.<sup>13</sup> The Working Group notes that Mr. Al-Sadeq was not brought promptly before a judge or afforded the right to take proceedings before a court so that it might decide without delay on the lawfulness of his detention. In fact, he was not brought before a judicial authority until the start of his trial some two years after his arrest, and the Working Group observes that the Government has chosen not to provide either the date of his arrest or the start date of his trial.

79. The Working Group considers that judicial oversight of detention is a fundamental safeguard of personal liberty<sup>14</sup> and is essential in ensuring that detention has a legal basis. Given that Mr. Al-Sadeq was not able to challenge the legality of his detention, his rights under articles 8 and 10 of the Universal Declaration of Human Rights were also violated.

80. Finally, the Working Group observes that Mr. Al-Sadeq was convicted and sentenced on the basis of, inter alia, article 6 of the Anti-Cybercrime Law, which is confirmed by the Government.

81. In this regard, the Working Group recalls its previous jurisprudence concerning this provision of Saudi law, in which it found article 6 to be formulated in vague and broad terms in breach of the principle of *lex certa*, violating the due process of law.<sup>15</sup> The Working Group reiterates that the principle of legality requires that laws be formulated with sufficient precision so that individuals may have access to and understand the law, and regulate their conduct accordingly.<sup>16</sup>

82. The Working Group further notes that laws that are vaguely and broadly worded may have a deterrent effect on the exercise of the rights to freedom of thought, conscience and religion, freedom of opinion and expression, freedom of peaceful assembly and association, participation in political and public affairs, equality and non-discrimination, and protection of persons belonging to ethnic, religious or linguistic minorities, as they have the potential for abuse, including the arbitrary deprivation of liberty.<sup>17</sup> Consequently, the Working Group finds that the detention and sentencing of Mr. Al-Sadeq under the *lèse-majesté* provisions in

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17/2011, No. 18/2011, No. 19/2011, No. 30/2011, No. 31/2011, No. 33/2011, No. 41/2011, No. 42/2011, No. 43/2011, No. 44/2011, No. 45/2011, No. 8/2012, No. 22/2012, No. 52/2012, No. 53/2012, No. 32/2013, No. 44/2013, No. 45/2013, No. 46/2013, No. 14/2014, No. 32/2014, No. 13/2015, No. 38/2015, No. 52/2016, No. 61/2016, No. 10/2017, No. 63/2017, No. 93/2017, No. 10/2018, No. 68/2018, No. 22/2019, No. 26/2019, No. 56/2019, No. 71/2019 and No. 33/2020. The Working Group did not find the detention of the person concerned to be arbitrary in opinion No. 44/2006, and it filed the case after the release of the detainee(s) in decision No. 37/1993 and opinions No. 22/2005 and No. 18/2014.

<sup>11</sup> [A/HRC/16/47](#), para. 54.

<sup>12</sup> See the Declaration on the Protection of All Persons from Enforced Disappearance, and opinions No. 56/2019 and No. 33/2020, for example.

<sup>13</sup> See, for example, opinions No. 28/2016, No. 79/2017, No. 93/2017 and No. 33/2020.

<sup>14</sup> See the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court ([A/HRC/30/37](#)), para. 3.

<sup>15</sup> Opinions No. 86/2020, para. 67; No. 71/2019, para. 73; and No. 10/2018, para. 52.

<sup>16</sup> See, for example, opinion No. 41/2017, paras. 98–101. See also opinion No. 62/2018, paras. 57–59.

<sup>17</sup> Opinion No. 10/2018, para. 55.

article 6 (1) of the Anti-Cybercrime Law expressly violates international human rights law and as such lacks legal basis.<sup>18</sup>

83. Noting all the above, the Working Group considers that Mr. Al-Sadeq's arrest and detention violate articles 3, 6, 8, 9 and 10 of the Universal Declaration of Human Rights, lack a legal basis, and are thus arbitrary, falling under category I.

#### *Category II*

84. The source argues that the arrest and subsequent detention of Mr. Al-Sadeq resulted from his peaceful exercise of rights under articles 18 and 19 of the Universal Declaration of Human Rights. The Government denies this, submitting that everyone's rights to freedom of expression and assembly are protected in Saudi Arabia and that Mr. Al-Sadeq was arrested and convicted purely for a number of terrorism crimes (see para. 35 above). However, the Working Group observes that while the Government has provided a list of these alleged crimes, it has not submitted any information as to what actions by Mr. Al-Sadeq may have been conceived as amounting to these crimes. Moreover, the Government has chosen not to address the source's submissions that Mr. Al-Sadeq had been arrested before, in 1997 and 2008, for peaceful protests.

85. The Working Group therefore considers that the Government has not met the burden of proof, and recalls that the present case is yet another case where it has been asked to examine deprivation of liberty by the Government under the provisions of the Anti-Cybercrime Law.<sup>19</sup> The individuals in these prior cases, like Mr. Al-Sadeq in the current one, were deprived of their liberty for peaceful expression of their views. For this reason, the Working Group has in the past found prosecution and imprisonment under the Anti-Cybercrime Law, as well as under the counter-terrorism law, to be arbitrary when they result from the legitimate exercise of fundamental human rights.<sup>20</sup>

86. The Working Group recalls that article 29 (2) of the Universal Declaration of Human Rights provides that the only legitimate limitations to the exercise of one's rights and freedoms must be for the purposes of securing due recognition and respect for the rights and freedoms of others and meeting the just requirements of morality, public order and the general welfare in a democratic society. The Working Group notes the failure of the Government to explain how actions by Mr. Al-Sadeq required the imposition of any restrictions under the justifications listed in article 29 (2) of the Universal Declaration of Human Rights. In fact, the Government has provided no account of any actions by Mr. Al-Sadeq that may have amounted to a criminal act.

87. The Working Group is therefore of the opinion that the deprivation of liberty of Mr. Al-Sadeq is arbitrary, falling within category II, as it violates articles 18 and 19 of the Universal Declaration of Human Rights.

#### *Category III*

88. Given its finding that the deprivation of liberty of Mr. Al-Sadeq is arbitrary under category II, the Working Group wishes to emphasize that no trial should have taken place. However, the trials did take place, and Mr. Al-Sadeq received a lengthy term of imprisonment of 13 years. Therefore, the Working Group will now consider whether the alleged violations of the right to a fair trial and due process were of such gravity as to give his deprivation of liberty an arbitrary character, falling under category III.

89. The source has alleged that Mr. Al-Sadeq was denied legal assistance for the first two years of his detention. The source also alleges that he was interrogated during this time, in absence of a lawyer. Although the Government has argued that Mr. Al-Sadeq was allowed to appoint a lawyer, it has specified that this was when the trial proceedings started, but it has

<sup>18</sup> Opinion No. 71/2019, para. 75.

<sup>19</sup> See, for example, opinions No. 63/2017, No. 93/2017, No. 68/2018, No. 10/2018, No. 26/2019 and No. 71/2019.

<sup>20</sup> Opinions No. 63/2017, paras. 54–63; and No. 71/2019, para. 82.

failed to address the allegations that access to a lawyer was denied prior to the start of the trial.

90. The Working Group therefore considers the source's allegations as credible and finds that the absence of legal counsel for Mr. Al-Sadeq prior to the start of his trial violated his rights to legal assistance as part of his right to a fair trial and due process under articles 10 and 11 (1) of the Universal Declaration of Human Rights and principles 17 and 18 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

91. Furthermore, the Working Group notes with grave concern the allegations of the treatment Mr. Al-Sadeq was subjected to, which the source submits amounted to torture and was directed at extracting a confession. The Working Group notes that the Government has merely stated that these allegations were found to be untrue, arguing that the court ordered an investigation and examined medical reports which showed "no impact of beating or self-harm" on his body. However, the Working Group observes that there is no evidence that an independent medical examination was ordered, nor that such examination complied with the criteria set out in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The Government has also chosen not to address the submission that Mr. Al-Sadeq was unconscious for a number of days and was denied access to other evidence that he had requested so that he could show the treatment he had received, and neither has the Government addressed the submissions concerning sectarian abuse of Mr. Al-Sadeq.

92. Moreover, the Working Group has already established that Mr. Al-Sadeq was interrogated repeatedly in the absence of legal counsel and while in incommunicado detention. As the Working Group has stated before, confessions made in the absence of legal representation are not admissible as evidence in criminal proceedings.<sup>21</sup> Furthermore, the admission into evidence of a statement allegedly obtained through torture or ill-treatment renders the entire proceedings unfair, regardless of whether other evidence was available to support the verdict.<sup>22</sup> The burden is on the Government to prove that statements were given freely, but in this case it has merely cited its domestic legislation.

93. The Working Group therefore finds a violation of Mr. Al-Sadeq's fundamental fair trial rights, including the right to be presumed innocent and the right not to confess guilt under articles 10 and 11 of the Universal Declaration of Human Rights. The Working Group also notes that the use of a confession extracted through ill-treatment that is tantamount if not equivalent to torture may also constitute a violation by Saudi Arabia of its international obligation under article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Furthermore, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment specifically prohibits taking undue advantage of the situation of detention to compel confession or incriminating statements (see principle 21). The Working Group refers the present case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, for appropriate action. The Working Group also calls upon the Government to adhere to the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles).<sup>23</sup>

94. Furthermore, the Working Group observes that Mr. Al-Sadeq was tried by the Specialized Criminal Court, as submitted by the source and confirmed by the Government. In this regard, the Working Group must recall its earlier jurisprudence in which it has established that this court is insufficiently independent of the Ministry of the Interior.<sup>24</sup> The Working Group notes that the Specialized Criminal Court, which tried, convicted and sentenced Mr. Al-Sadeq, is a court of exception with jurisdiction over terrorism cases, which is not composed of independent judges but of a panel appointed by the Ministry of the

<sup>21</sup> A/HRC/45/16, para. 53. See also opinions No. 41/2020, para. 70; No. 73/2019, para. 91; No. 59/2019, para. 70; No. 14/2019, para. 71; and No. 1/2014, para. 22; and E/CN.4/2003/68, para. 26 (e).

<sup>22</sup> Opinions No. 73/2019, para. 91; No. 59/2019, para. 70; No. 32/2019, para. 43; No. 52/2018, para. 79 (i); No. 34/2015, para. 28; and No. 43/2012, para. 51.

<sup>23</sup> A/HRC/51/29, paras. 50–55.

<sup>24</sup> Opinion No. 10/2018, para. 73.

Interior. The Committee against Torture has expressed concern that this court is insufficiently independent of the Ministry of the Interior.<sup>25</sup> The Working Group further notes the assessment of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism that the recent power realignment and governmental reorganization has placed the Ministry's investigatory powers directly under the authority of the Public Prosecution and the Presidency of State Security, both of which report directly to the King, and that concerns regarding the lack of independence of the Specialized Criminal Court therefore remain undiminished.<sup>26</sup>

95. The Working Group has already stated previously<sup>27</sup> that it considers that the Specialized Criminal Court cannot be considered an independent and impartial tribunal replete with the presumption of innocence and guarantees necessary for defence, and remains of the same view in the present case. The trial before the Court thus contravened article 10 of the Universal Declaration of Human Rights. The Working Group refers the present case to the Special Rapporteur on the independence of judges and lawyers, for appropriate action.

96. Given all of the above considerations, the Working Group concludes that the violations of Mr. Al-Sadeq's right to a fair trial and due process are of such gravity as to give his deprivation of liberty an arbitrary character, and that the case therefore falls under category III.

#### *Category V*

97. The Working Group will now examine whether the deprivation of liberty of Mr. Al-Sadeq was arbitrary under category V, as submitted by the source. In this regard, the Working Group first notes the Government's submission that everyone in Saudi Arabia is treated equally and that no discrimination is permitted in law, citing numerous legal provisions.

98. The Working Group notes that the source has presented a credible case, spanning decades, showing a discriminatory attitude by the Saudi authorities against Mr. Al-Sadeq as a prominent social activist, arrested and released without charge in 1997 and 2008 following protests – allegations which the Government has chosen not to address. The Working Group also notes the uncontested submissions regarding the verbal, sectarian abuse Mr. Al-Sadeq received while in custody, all related to his affiliation with the Shiite sect.

99. The Working Group notes that the views and convictions of Mr. Al-Sadeq are clearly at the centre of the present case and that the authorities have displayed an attitude towards him that can only be characterized as discriminatory. Indeed, he has been the target of persecution, and there is no explanation for this other than his exercise of the right to express such views and convictions.

100. Consequently, the Working Group concludes that the deprivation of liberty of Mr. Al-Sadeq violated articles 2 and 7 of the Universal Declaration of Human Rights on the grounds of discrimination based on religion and national origin, making his detention arbitrary under category V. The Working Group refers the case to the Special Rapporteur on freedom of religion or belief.

#### *Concluding remarks*

101. The Working Group is seriously disturbed at the allegations that the family of Mr. Al-Sadeq was not informed of his arrest and subsequently was allowed very limited contact with him, allegedly due to COVID-19 restrictions. The Government has submitted extensive explanations concerning the measures it adopted to curb the spread of COVID-19, including in places of detention, but in regard to the case of Mr. Al-Sadeq merely stated that family had been permitted visits, without providing any further details.

102. While the Working Group appreciates the challenges that the whole world faces regarding the spread of COVID-19, this must never be used as an excuse to deny basic rights.

<sup>25</sup> CAT/C/SAU/CO/2 and Corr.1, para. 17.

<sup>26</sup> A/HRC/40/52/Add.2, para. 47.

<sup>27</sup> See, for example, opinions No. 71/2019, para. 44; No. 56/2019, para. 86; No. 26/2019, para. 102; and No. 22/2019, para. 74.

Regular and meaningful family contact is an essential safeguard for the rights of detainees, and reducing this to short phone calls twice a month is incompatible with principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

103. In its 31-year history, the Working Group has found Saudi Arabia in violation of its international human rights obligations in over 65 cases.<sup>28</sup> The Working Group reiterates its concern that this indicates a systemic problem with 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>29</sup>

104. The Working Group welcomes the voluntary pledges pursuant to General Assembly resolution 60/251 concerning the Human Rights Council by Saudi Arabia.<sup>30</sup> In particular, the Working Group lauds the expressed willingness of the Government to cooperate with the Human Rights Council and its various mechanisms including the special procedures. In the light of this, the Working Group would welcome the opportunity, at the earliest convenience to the Government, 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 relating to instances of arbitrary deprivation of liberty.

### Disposition

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

The deprivation of liberty of Husain bin Abdulla bin Yusuf al-Sadeq, being in contravention of articles 2, 3, 6, 7, 8, 9, 10, 11, 18 and 19 of the Universal Declaration of Human Rights, is arbitrary and falls within categories I, II, III and V.

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

107. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Al-Sadeq immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law. In the current context of the global coronavirus disease (COVID-19) pandemic and the threat that it poses in places of detention, the Working Group calls upon the Government to take urgent action to ensure the immediate unconditional release of Mr. Al-Sadeq.

108. The Working Group urges the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr. Al-Sadeq and to take appropriate measures against those responsible for the violation of his rights.

<sup>28</sup> Decisions No. 40/1992, No. 60/1993, No. 19/1995 and No. 48/1995, and opinions No. 8/2002, No. 25/2004, No. 34/2005, No. 35/2005, No. 9/2006, No. 12/2006, No. 36/2006, No. 37/2006, No. 4/2007, No. 9/2007, No. 19/2007, No. 27/2007, No. 6/2008, No. 11/2008, No. 13/2008, No. 22/2008, No. 31/2008, No. 36/2008, No. 37/2008, No. 21/2009, No. 2/2011, No. 10/2011, No. 11/2011, No. 17/2011, No. 18/2011, No. 19/2011, No. 30/2011, No. 31/2011, No. 33/2011, No. 41/2011, No. 42/2011, No. 43/2011, No. 44/2011, No. 45/2011, No. 8/2012, No. 22/2012, No. 52/2012, No. 53/2012, No. 32/2013, No. 44/2013, No. 45/2013, No. 46/2013, No. 14/2014, No. 32/2014, No. 13/2015, No. 38/2015, No. 52/2016, No. 61/2016, No. 10/2017, No. 63/2017, No. 93/2017, No. 10/2018, No. 68/2018, No. 22/2019, No. 26/2019, No. 56/2019, No. 71/2019 and No. 33/2020.

<sup>29</sup> [A/HRC/13/42](#), para. 30; and opinions No. 1/2011, para. 21; No. 37/2011, para. 15; No. 38/2011, para. 16; No. 39/2011, para. 17; No. 4/2012, para. 26; No. 38/2012, para. 33; No. 47/2012, paras. 19 and 22; No. 50/2012, para. 27; No. 60/2012, para. 21; No. 9/2013, para. 40; No. 34/2013, paras. 31, 33 and 35; No. 35/2013, paras. 33, 35 and 37; No. 36/2013, paras. 32, 34 and 36; No. 48/2013, para. 14; No. 22/2014, para. 25; No. 27/2014, para. 32; No. 34/2014, para. 34; No. 35/2014, para. 19; No. 36/2014, para. 21; No. 44/2016, para. 37; No. 60/2016, para. 27; No. 32/2017, para. 40; No. 33/2017, para. 102; No. 36/2017, para. 110; No. 51/2017, para. 57; and No. 56/2017, para. 72.

<sup>30</sup> See [A/75/377](#).

109. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on freedom of religion or belief, for appropriate action.

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

#### **Follow-up procedure**

111. 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 Mr. Al-Sadeq has been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to Mr. Al-Sadeq;
- (c) Whether an investigation has been conducted into the violation of Mr. Al-Sadeq's 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.

112. 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.

113. 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.

114. 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>31</sup>

*[Adopted on 2 September 2022]*

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<sup>31</sup> Human Rights Council resolution 42/22, paras. 3 and 7.