



Saudi Arabia

Call for inputs: visit to the Kingdom of Saudi Arabia from 20 to 30 April 2025.

Briefing submitted to the Independent Expert on the enjoyment of all human rights by older persons

April 2025

Table of Contents

1	Introduction.....	3
2	Freedom of expression in Saudi Arabia.....	3
3	Conditions of detention in Saudi prisons.....	5
3.1	Legal framework.....	5
3.2	Treatment of prisoners and detainees	6
3.2.1	The case of Salman Fahad al Odah (Dhahban prison and Al-Ha'ir prison)	6
3.2.2	The case of Abdullah al-Hamid (Al-Ha'ir prison).....	8
3.2.3	The of Issa al-Nukheifi (Al-Ha'ir prison)	10
3.2.4	The case of Mohammad Fahad al-Qahtani.....	12

1 Introduction

In the present report, MENA Rights Group would like to communicate information to the Independent Expert on the enjoyment of all human rights by older persons, regarding the treatment of elderly individuals in Saudi prisons.

Over the past few years, MENA Rights Group has documented cases of medical negligence, overcrowding, and dire conditions of imprisonment that could amount to torture. This report contains information about the general human rights situation in Saudi Arabia with regards to freedom of expression and how elder populations are particularly vulnerable in this context. We will also provide input about the implementation of the international legal framework that relate to the prohibition of torture and the treatment of prisoners in prison.

MENA Rights Group finds that the Kingdom of Saudi Arabia has failed to comply with its human rights obligations and subjects its elderly incarcerated population to ill-treatments. For the purpose of this report, and due to the “accelerated ageing” commonly observed in incarcerated populations, we will consider those over 50 years old as falling within the scope of our analysis.¹

2 Freedom of expression in Saudi Arabia

Freedom of expression in Saudi Arabia is severely restricted by legislations such as the 2017 Counter-Terrorism Law and the 2007 Anti-Cybercrime Law, which have been increasingly used to prosecute peaceful expression and dissent.² Human rights defenders, including the eldest of them, are targeted by Saudi authorities and are particularly vulnerable to this legal framework, which is used to prosecute and silence them. It is on the basis of the Counter-

¹ This follows the finding of the Ombudsman of Luxembourg who decided to expand the definition of an older person in prison to include those above the age of 55, which is explained by findings that those in detention, by the effects of detention, age faster than people outside. See Ombudsman of Luxembourg, *La privation de liberté des détenus particulièrement vulnérables*, 2014, p. 51-62, available at : <https://www.ombudsman.lu/uploads/RV/RV9%20-%20Rapport.pdf> (accessed on 16 April 2025).

² US Department of State, *2022 Country Reports on Human Rights Practices: Saudi Arabia*, 2023, p. 28, available at: <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/saudi-arabia/#:~:text=On%20December%201%2C%20Amnesty%20International,the%20Saudi%20Shi%27s%20minority> (accessed on 17 April 2025).

Terrorism Law³ and the Anti-Cybercrime Law⁴ that Saudi courts give lengthy prison sentences to human rights defenders for expressing dissent.

For instance, Sheikh Mohammad bin Hassan Al Habib,⁵ a 61 year-old, cleric known for supporting protests against the systematic discrimination faced by Saudi Arabia's Shi'a minority, was sentenced to 7 years in prison by the Specialized Criminal Court (SCC)⁶ on account of "sectarianism" and "calling people for sedition". While serving his sentence, he was further charged with "endeavouring to shake the societal fabric and national unity by supporting protests in inciting riots in al-Qatif Governorate"; "attempting to leave Saudi Arabia to Kuwait irregularly"; and "violating the Cybercrime Law". On 26 August 2019, the SCC sentenced him to an additional 5 years' imprisonment.⁷

On 26 November 2020, the Working Group on Arbitrary Detention (WGAD) issued Opinion No. 86/2020,⁸ stating that Al Habib was being detained arbitrarily and calling on the authorities to immediately release him. Among other things, the WGAD found that Al Habib's detention constituted a violation of international law on the grounds of discrimination as the views and beliefs of Al Habib were "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." The authorities have refrained from implementing this opinion.

Similarly, a 68 year-old Islamic scholar and prominent media figure, Salman Fahad al-Odah,⁹ was arrested in September 2017, following a tweet calling for reconciliation between Qatar

³ You can find a version of this law in English on MENA Rights Group's website: <https://menarights.org/en/documents/law-combating-crimes-terrorism-and-its-financing-2017> (accessed on 17 April 2025).

⁴ You can find a version of this law in English on MENA Rights Group's website: https://menarights.org/sites/default/files/2016-12/KSA_CyberCrimeLaw_EN.pdf (accessed on 17 April 2025).

⁵ Sheikh Mohammad bin Hassan Al Habib was born in 1964. He is currently 61 years old. See MENA Rights Group, *Saudi cleric arbitrarily detained for denouncing discrimination faced by Saudi Arabia's Shi'a minority*, 8 July 2019, available at: <https://menarights.org/en/caseprofile/saudi-cleric-arbitrarily-detained-denouncing-discrimination-faced-saudi-arabias-shia> (accessed on 17 April 2025).

⁶ The Specialised Criminal Court is the court that has special and exclusive jurisdiction over all crimes that fall under the 2017 Counterterrorism Law. The SCC initially focused on allegations of political violence linked to al-Qaeda, this started to change in 2010 and the court has been used increasingly for the prosecution of human rights defenders and political activists. This court is not considered to be independent; hearings are conducted in secret, 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 as they are considered to be "disloyal to the State." For more information: Amnesty International, *Saudi Arabia: Muzzling critical voices: Politicized trials before Saudi Arabia's Specialized Criminal Court*, 6 February 2020, available at: <https://www.amnesty.org/en/documents/mde23/> (accessed on 17 April 2025); Committee against Torture, *Concluding observations on the second periodic report of Saudi Arabia*, 8 June 2016, CAT/C/SAU/CO/2, para. 17.

⁷ The ruling was upheld on appeal on 15 December 2019. His five-year sentence was then confirmed by the Supreme Court in March 2020.

⁸ UN Working Group on Arbitrary Detention, *Opinion No. 86/2020 concerning Sheikh Mohammad bin Hassan*, 3 March 2021, UN doc. A/HRC/WGAD/2020/86.

⁹ Salman Fahad al-Odah was born in 1957. He is currently 68 years old. See, MENA Rights Group, *Saudi Islamic scholar Salman al-Odah at risk of execution*, 4 December 2019, available at:

and Saudi Arabia. In September 2018, Al Odah was charged under the Counterterrorism law and is currently still on trial for an indefinite period. The prosecution has called for Al Odah to be sentenced to death. The WGAD issued Opinion No. 56/2023, where it held that the detention of Salman Fahad al-Odah is a violation of his right to freedom of expression and the freedom to manifest one's religion.¹⁰

3 Conditions of detention in Saudi prisons

3.1 Legal framework

Regarding the international legal framework, the Kingdom of Saudi Arabia has failed to ratify a number of treaties that are relevant to guarantee prisoners' rights and protect elderly individuals from being subjected to ill-treatments. In particular, it did not ratify the International Covenant on Civil and Political Rights (ICCPR), the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), nor the Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). Saudi Arabia also made reservations to conventions that would ensure monitoring of the situation of detainees. Such reservations put them at increased risk of being subject to torture and ill-treatment.

Although it is a State party to the UN Convention Against Torture (UNCAT), it has not accepted the competence of the Committee against Torture to conduct inquiries under article 20 of the Convention against Torture (UNCAT) nor the individual communication procedure under article 22. During its second periodic review, the Committee Against Torture also found that the current legal framework in Saudi Arabia does not define the crime of torture.¹¹

Older persons should be afforded all the rights set out in international human rights frameworks that pertain to the rights of detainees.

Among them, a key legal framework in place to protect the rights of people in prison is the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which

<https://www.menarights.org/en/caseprofile/saudi-islamic-scholar-salman-al-odah-risk-execution> (accessed on 17 April 2025).

¹⁰ UN Working Group on Arbitrary Detention, *Opinion No. 56/2023 concerning Salman Fahad Alodah and Khaled Alodah (Saudi Arabia)*, 13 October 2023, UN doc. A/HRC/WGAD/2023/56, paras. 99-100.

¹¹ Committee Against Torture, *Concluding observations on the second periodic report of Saudi Arabia**, 8 June 2016, CAT/C/SAU/CO/2, para. 5, available at: <https://docs.un.org/en/CAT/C/SAU/CO/2> (accessed on 16 April 2025).

set out a minimum universal standard for the treatment of people in prison that pertain to all aspects of prison life.¹²

The principle of non-discrimination in the treatment of prisoners is enshrined in Rule 2.1, which requires prison administrations to take into account the individuals' needs, including the "the most vulnerable categories". While older persons are not explicitly mentioned in any of these international legal frameworks. However, their special protection is implied, given their health needs and challenges they face while in prison.

The main domestic legislations governing the rights of detainees in the country are: the Basic Law of Governance (Basic Law) – considered as the "Constitution" of Saudi Arabia, the 1978 Law of Imprisonment and Detention (LID) and the 2001 Law of Criminal Procedure (LCP). This framework lays out safeguards for prisoners and detainees, including proper standards of treatment.¹³ In particular, they offer protection from arbitrary arrests and detention, and they set out some procedural rules for proper treatment of prisoners such as a 15-day limit for solitary confinement and the prohibition of ill-treatments.

This framework does not provide any special protection for elder prisoners. Torture is not explicitly prohibited either (only ill-treatments). Elder people, including those with health issues, could therefore legally be put in solitary confinement for instance, or even be shot at in case of resistance, as it is permitted by law.

There are also many discrepancies that were observed between the LID and the LCP. For instance, the maximum duration of detention during investigation is set for three days in the LID and for 24 hours in the LCP. Such major contradictions weaken the overall protective legal framework for prisoners and detainees.

3.2 Treatment of prisoners and detainees

MENA Rights Group has documented several cases of mistreatments of prisoners and dire conditions of detention that could amount to torture. These cases mostly involve human rights defenders and peaceful protesters and the intensity of the mistreatments vary from one prison to another and from one individual to another.

3.2.1 The case of Salman Fahad al Odah (Dhahban prison and Al-Ha'ir prison)

From the moment of arrest, Salman Fahad al-Odah was exposed to mistreatments and acts of torture despite his old age. Upon arrest, when he was 60 years old, al-Odah was disappeared

¹² UN General Assembly, *United Nations Standard Minimum Rules for the Treatment of Prisoners*, 17 December 2016, A/RES/70/175, available at: https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf (accessed on 16 April 2025).

¹³ A detailed layout of the law can be accessed at: ALQST, *Shrouded in Secrecy : Prisons and Detention Centres in Saudi Arabia*, 27 July 2021, p. 18, available at : <https://alqst.org/ar/posts/600> (accessed on 16 April 2025).

for at least three months.¹⁴ For over three months, al-Odah experienced severe mistreatment including sleep deprivation, repeated interrogations, and the withholding of necessary medication. During this period he was also kept shackled in chains and repeatedly blindfolded. His family later learned that he was transferred to the *Mabahith*-run prison of Dhahban in January 2018.¹⁵ In January 2018, Al Odah was briefly hospitalised because of his severely deteriorating health. The following month, on 13 February 2018, his family was able to visit him for the first time in Dhahban prison, Jeddah.

Al-Odah was transferred to al-Ha'ir prison right before his trial hearings at the SCC in October 2019.¹⁶ He was placed in the political prison of al-Ha'ir in the wing for solitary confinement. During his confinement there, he was held in a tiny cell, approximately two meters by two meters (six feet by six feet), with no bathroom, for up to a day.¹⁷

Since his arrest in September 2017 to date, *i.e.*, eight years, al-Odah has been kept in solitary confinement, which amounts to torture.¹⁸ Al-Ha'ir officials deprived al-Odah of family visits and, from mid-May 2020 to mid-September 2020, they have held him *incommunicado* and deprived him of any other form of contact with his family.¹⁹

According to his family members, al-Odah was subject to severe mistreatment during his transfers from al-Ha'ir prison to his court hearing at the SCC.²⁰

In November 2020, during one of the al-Ha'ir prison doctor's visits, the prison doctor informed al-Odah that he had lost half of his hearing and vision due to medical negligence.²¹ As a result

¹⁴ Testimony obtained by MENA Rights Group from Al-Odah's son. See also Communication by UN Special Procedures mandate holders to Saudi Arabia, *AL SAU 14/2018*, 16 November 2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24186> (accessed on 17 April 2025).

¹⁵ Al-Odah's family learned about his place of detention through an article published by a state-allied journalist. See Abdulaziz Kasem's Twitter post on the article, which has since been taken down: <https://twitter.com/azizkasem/status/958782995254710273?s=20> (accessed on 17 April 2025)

¹⁶ DAWN, *Expressing Cynicism about the Government's Achievements': KSA Imprisons Salman Al-Odah, a Popular Scholar Advocating for Reform*, October 16, 2020, <https://dawnmena.org/expressing-cynicism-about-the-governments-achievements-ksa-imprisons-salman-al-odah-a-popular-scholar-advocating-for-reform/> (accessed on 17 April 2025). See also: ALQST, *Salman al-Odah*, <https://alqst.org/en/politicalprisoners/salman-al-odah> (accessed on 17 April 2025).

¹⁷ *Ibid.*

¹⁸ *Ibid.* See also, UN Special Procedures mandate holders to Saudi Arabia, *AL SAU 3/2021*, February 12, 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26007> (accessed on 17 April 2025).

¹⁹ UN Special Procedures mandate holders to Saudi Arabia, *AL SAU 3/2021*, February 12, 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26007> (accessed on 17 April 2025), p. 14.

²⁰ This information is based on testimonies obtained by DAWN from family members of Al-Odah. See: DAWN, *Expressing Cynicism about the Government's Achievements': KSA Imprisons Salman Al-Odah, a Popular Scholar Advocating for Reform*, October 16, 2020, <https://dawnmena.org/expressing-cynicism-about-the-governments-achievements-ksa-imprisons-salman-al-odah-a-popular-scholar-advocating-for-reform/> (accessed on 17 April 2025).

²¹ MENA Rights Group, *Saudi Islamic scholar Salman Al Odah at risk of execution*, December 4, 2019, <https://menarights.org/en/caseprofile/saudi-islamic-scholar-salman-al-odah-risk-execution> (accessed on 17 April 2025); UN Special Procedures mandate holders to Saudi Arabia, *AL SAU 3/2021*, February 12, 2021,

of his harsh conditions of detention, his relatives have noted an alarming deterioration in his health: he has lost half his sight and hearing and appeared very weak and much thinner during his last court hearings which took place in July 2021.²² It remains very difficult for his relatives to obtain visiting rights, and calls have been suspended for nine months during COVID-19. He is currently still not allowed to have calls with his family but he is allowed to receive visits once a month.²³

Al-Odah continues to be arbitrarily detained in solitary confinement at the *Mabahith*-run al-Ha'ir prison. No hearing has been scheduled. His detention in al-Ha'ir was deemed to be arbitrary according to the UNWGAD.²⁴

The family sent regular letters to inquire about his situation but they have never been answered. The letters were sent to the SSP, the Saudi Human Rights Commission, the Royal Court, the Ministry of Interior and the warden of the prison of al-Ha'ir.

3.2.2 The case of Abdullah al-Hamid (Al-Ha'ir prison)

Abdullah al-Hamid was a prominent human rights defender and founding member of the Saudi Civil and Political Rights Association who was repeatedly subjected to acts of reprisals for his human rights activism.²⁵ Since June 2012, he faced multiple charges all relating to the expression of opinions on human rights violations in Saudi Arabia to international human rights organisations and the media.²⁶ On 9 March 2013, when al-Hamid was 63 years old, the SCC sentenced him to a total of 11 years in prison.²⁷ He was arrested on the spot and taken into custody that same day. He was transferred to al-Ha'ir shortly after his arrest. During his stay in al-Ha'ir, he was subjected to *incommunicado* detention and ill-treatments, including medical neglect that led to his tragic passing.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26007> (accessed on 17 April 2025); Human Rights Council, Working Group on Arbitrary Detention, *Opinion No. 56/2023 concerning Salman Fahed Alodah and Khaled Alodah (Saudi Arabia)*, October 13, 2023, UN doc. A/HRC/WGAD/2023/56.

²² ACAT France, "Salman Al-Awdah: cinq ans de détention à l'isolement", September 15, 2022, <https://www.acatfrance.fr/appel-a-mobilisation/salman-al-awdah-cinq-ans-de-detention-a-l-isolement> (accessed on 17 April 2025).

²³ This information is based on testimonies obtained by MENA Rights Group from al-Odah's son Abdullah al-Odah, MENA Rights Group, *Saudi Islamic scholar Salman Al Odah at risk of execution*, December 4, 2019, <https://menarights.org/en/caseprofile/saudi-islamic-scholar-salman-al-odah-risk-execution> (accessed on 17 April 2025).

²⁴ Human Rights Council, Working Group on Arbitrary Detention, *Opinion No. 56/2023 concerning Salman Fahed Alodah and Khaled Alodah (Saudi Arabia)*, October 13, 2023, UN doc. A/HRC/WGAD/2023/56.

²⁵ MENA Rights Group, *ACPRA co-founder Abdullah Al Hamid dies in detention following denial of medical care*, September 29, 2021, <https://menarights.org/en/caseprofile/acpra-co-founder-abdullah-al-hamid-arbitrarily-detained-march-2013> (accessed on 17 April 2025).

²⁶ Communication by UN Special Procedures mandate holders to Saudi Arabia, *AL SAU 8/2020*, June 2, 2020, https://alqst.org/images/UN-Abdullah-al-Hamid-WHRDs_1596472919.pdf (accessed on 17 April 2025), p. 4; Human Rights Council, Working Group on Arbitrary Detention, *Opinion No. 38/2015 concerning Sheikh Suliaman al-Rashudi, Abdullah al-Hamid, Mohammed al-Qahtani, Abdulkareem Yousef al-Khoder, Mohammed Saleh al-Bajadi, Omar al-Hamid al-Sa'id, Raif Badawi, Fadhel al-Manasif and Waleed Abu al-Khair (Saudi Arabia)*, 24 November 2015, UN doc. A/HRC/WGAD/2015/38, para. 10 (accessed on 17 April 2025).

²⁷ *Ibid.*

Abdullah al-Hamid suffered from cardiac issues (namely hypertension) while he was held in prison. In January 2020, al-Hamid was told by a doctor that he needed to undergo heart surgery in the following months (cardiac catheterisation).²⁸ The prison administration delayed the operation by several months and it was eventually decided that the operation would take place in late May or early June 2020.²⁹ Al-Hamid faced threats from prison authorities should he disclose his health conditions to his family and he was reportedly denied phone calls and visits on several occasions.³⁰

Despite his request, he was never given the proper care that was needed and he was not allowed to remain in hospital whilst awaiting the operation.³¹ He was returned to the prison immediately, in spite of the doctor's recommendations, and was not given regular medical attention.³²

Al-Hamid was never considered for early release in light of the COVID-19 pandemic, and phone calls with his family were restricted, supposedly as a mean to contain the virus.³³

Consequently, on April 9, 2020, he suffered a stroke while in prison and collapsed in his cell.³⁴ He reportedly laid on the floor for hours before the prison guards took him to al-Shumaisi

²⁸ *Ibid.*; Amnesty International, *Saudi Arabia: Prisoner of conscience in coma still detained during COVID-19 pandemic*, April 17, 2020, <https://www.amnesty.org/en/latest/news/2020/04/saudi-arabia-prisoner-of-conscience-in-coma-still-detained-during-covid19-pandemic/> (accessed on 17 April 2025).

²⁹ MENA Rights Group, *ACPRA co-founder Abdullah Al Hamid dies in detention following denial of medical care*, September 29, 2021, <https://menarights.org/en/caseprofile/acpra-co-founder-abdullah-al-hamid-arbitrarily-detained-march-2013> (accessed on 17 April 2025).

³⁰ Amnesty International, *Saudi Arabia: Prisoner of conscience in coma still detained during COVID-19 pandemic*, April 17, 2020, <https://www.amnesty.org/en/latest/news/2020/04/saudi-arabia-prisoner-of-conscience-in-coma-still-detained-during-covid19-pandemic/> (accessed on 17 April 2025); Human Rights Council, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General*, September 25, 2020, UN doc. A/HRC/45/36, para. 109, <https://documents.un.org/doc/undoc/gen/g20/239/52/pdf/g2023952.pdf?token=sVeaGySkWqPXZh36Bn&fe=true> (accessed on 17 April 2025).

³¹ MENA Rights Group, *ACPRA co-founder Abdullah Al Hamid dies in detention following denial of medical care*, September 29, 2021, <https://menarights.org/en/caseprofile/acpra-co-founder-abdullah-al-hamid-arbitrarily-detained-march-2013> (accessed on 17 April 2025).

³² UN Special Procedures, *Communication AL SAU 8/2020*, June 2, 2020, p. 4, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25310> (accessed on 17 April 2025).

³³ Communication by UN Special Procedures mandate holders to Saudi Arabia, *AL SAU 8/2020*, June 2, 2020, p. 4, https://algst.org/images/UN-Abdullah-al-Hamid-WHRDs_1596472919.pdf (accessed on 17 April 2025).

³⁴ Amnesty International, *Saudi Arabia: Prisoner of conscience Dr. Abdullah al-Hamid dies while in detention*, April 24, 2020, <https://www.amnesty.org/en/latest/news/2020/04/saudi-arabia-prisoner-of-conscience-dr-abdullah-al-hamid-dies-while-in-detention/> (accessed on 17 April 2025); DAWN, *Saudi Arabia: Warden Ali al-Zahrani Let Prominent Activist Die without Treatment*, February 2021, <https://dawnmena.org/lieutenant-colonel-ali-bin-rashid-al-zahrani/> (accessed on 17 April 2025).

hospital.³⁵ He was eventually transferred to the intensive care unit of King Saud Medical hospital in Riyadh.³⁶ He remained in critical conditions for two weeks and entered a coma.³⁷

He passed away on the night of 23 to 24 April 2020 in hospital after being in a coma for 15 days as a consequence of severe medical negligence from prison authorities.³⁸

3.2.3 The case of Issa al-Nukheifi (Al-Ha'ir prison)

Issa al-Nukheifi is a human rights defender and anti-corruption activist. He has been arrested in September 2012 after appearing on television and accusing the Saudi authorities of committing human rights violations and corruption in south-west Saudi Arabia.³⁹ He was sentenced to three years in prison, which he has completed on 6 April 2016 and was released on that day.⁴⁰

A few months after his release, he was arrested again on 17 December 2016 because of his tweets calling for the release of members of ACPRA and drawing attention to financial corruption, and his contact with international human rights organisations, including his cooperation with the Special Rapporteur on extreme poverty to Saudi Arabia.⁴¹ He was transferred to Mecca General Prison, which was located more than 700 km away from his family and where he was subjected to various acts of mistreatment.⁴² He was later transferred

³⁵ DAWN, *Saudi Arabia: Warden Ali al-Zahrani Let Prominent Activist Die without Treatment*, February 2021, <https://dawnmena.org/lieutenant-colonel-ali-bin-rashid-al-zahrani/> (accessed on 17 April 2025).

³⁶ Human Rights Council, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General*, September 25, 2020, UN doc. A/HRC/45/36, para. 109, <https://documents.un.org/doc/undoc/gen/g20/239/52/pdf/g2023952.pdf?token=sVeaGySkWqPXZh36Bn&fe=tr ue> (accessed on 17 April 2025).

³⁷ Amnesty International, *Saudi Arabia: Prisoner of conscience in coma still detained during COVID-19 pandemic*, April 17, 2020, <https://www.amnesty.org/en/latest/news/2020/04/saudi-arabia-prisoner-of-conscience-in-coma-still-detained-during-covid19-pandemic/> (accessed on 17 April 2025).

³⁸ UN Special Procedures, *Communication AL SAU 8/2020*, June 2, 2020, p. 4, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25310> (accessed on 17 April 2025); Right Livelihood, *A year after imprisoned Saudi activist Abdullah al-Hamid's passing, NGOs call for accountability and release of all human rights defenders*, April 24, 2020, <https://rightlivelihood.org/advocacy-updates/a-year-after-imprisoned-saudi-activist-abdullah-al-hamids-passing-ngos-call-for-accountability-and-release-of-all-human-rights-defenders/> (accessed on 17 April 2025).

³⁹ MENA Rights Group, *Issa Al Nukheifi sentenced to six years in prison in Saudi Arabia on charges related to human rights work*, January 30, 2023, <https://menarights.org/en/caseprofile/essa-al-nukheifi-sentenced-six-years-prison-saudi-arabia-charges-related-human-rights> (accessed on 17 April 2025).

⁴⁰ *Ibid.*

⁴¹ MENA Rights Group, *Issa Al Nukheifi sentenced to six years in prison in Saudi Arabia on charges related to human rights work*, January 30, 2023, <https://menarights.org/en/caseprofile/essa-al-nukheifi-sentenced-six-years-prison-saudi-arabia-charges-related-human-rights> (accessed on 17 April 2025); ALQST, *Essa al-Nukheifi*, <https://alqst.org/en/politicalprisoners/essa-al-nukheifi> (accessed on 17 April 2025); Human Rights Council, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General*, December 1, 2021, UN doc. A/HRC/48/28, para. 122, <https://documents.un.org/doc/undoc/gen/g21/357/79/pdf/g2135779.pdf?token=DFd8aqPi2gcf383HHE&fe=tr ue> (accessed on 17 April 2025); UN Special procedures, *Communications AL/SAU 6/2021*, May 20, 2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26389> (accessed on 17 April 2025).

⁴² *Ibid.*

to al-Malaz prison to be tried by the SCC.⁴³ He was sentenced in February 2018 to six years in prison and was immediately placed back in Mecca General Prison.⁴⁴

In August 2019, al-Nukheifi was transferred to al-Ha'ir although he requested to be placed somewhere closer to his family.⁴⁵ Al-Nukheifi has been detained in the criminal prison of al-Ha'ir since his transfer.

Between 6 and 14 March 2021, al-Nukheifi and more than 30 other prisoners of conscience undertook a hunger strike in protest over harassment in al-Ha'ir prison.⁴⁶ This included being held in the same ward as psychiatric detainees, some of whom have been violent towards them, and being denied family contact and access to books and newspapers.⁴⁷ They ended the hunger strike after the authorities said they will meet the prisoner's demands. On 11 March 2021, al-Nukheifi was transferred to a hospital after suffering from low blood sugar as a result of the hunger strike.⁴⁸

He began another hunger strike for reasons that are not known in August 2021 and after hearsay that he suffered various forms of harassment.⁴⁹ Al-Nukheifi entered another hunger strike from 15 to 19 May 2022, following the prison administration's failure to let him out to complete banking transactions.⁵⁰

His prison sentence expired in September 2022.⁵¹ Instead of being released, he has been forcibly disappeared by prison officials since 15 October 2022, after he announced a hunger strike to protest his detention beyond the completion of his sentence.⁵²

⁴³ *Ibid.*

⁴⁴ *Ibid.*; Human Rights Council, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General*, December 1, 2021, UN doc. A/HRC/48/28, para. 121, <https://documents.un.org/doc/undoc/gen/g21/357/79/pdf/g2135779.pdf?token=DFd8aqPi2gcf383HHE&fe=tr> (accessed on 17 April 2025).

⁴⁵ MENA Rights Group, ALQST for Human Rights, *Intimidation and reprisals for cooperation with the UN, Submission to the Secretary-General*, May 1, 2020, <https://alqst.org/images/ALQST%20and%20MENA%20Rights%20Group%20UNSG%20Submission%202020%201589876873.pdf> (accessed on 17 April 2025).

⁴⁶ Human Rights Council, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General*, December 1, 2021, UN doc. A/HRC/48/28, para. 122, <https://documents.un.org/doc/undoc/gen/g21/357/79/pdf/g2135779.pdf?token=DFd8aqPi2gcf383HHE&fe=tr> (accessed on 17 April 2025).

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ ALQST, Twitter post from August 11, 2021, https://x.com/alqst_en/status/1425536126337568777 (accessed on 17 April 2025).

⁵⁰ ALQST Twitter post from May 18, 2022, https://x.com/ALQST_En/status/1526885416254709765 (accessed on 17 April 2025), and from May 19, 2022, https://x.com/ALQST_En/status/1527283555293810688 (accessed on 17 April 2025).

⁵¹ MENA Rights Group, *Issa Al Nukheifi sentenced to six years in prison in Saudi Arabia on charges related to human rights work*, January 30, 2023, <https://menarights.org/en/caseprofile/essa-al-nukheifi-sentenced-six-years-prison-saudi-arabia-charges-related-human-rights> (accessed on 17 April 2025).

⁵² *Ibid.*

On 6 January 2025, more than two years after the completion of his sentence, al-Nukheifi was released.

3.2.4 The case of Mohammad Fahad al-Qahtani

On 9 March 2013, Dr. Mohammed Fahad al-Qahtani, an economics professor, prominent human rights defender, and co-founder of the Saudi Civil and Political Rights Association (ACPRA), was arrested.⁵³ He was sentenced by the SCC to 10 years in prison and a corresponding travel ban. He was arrested on the spot by police officers and was placed in al-Malaz prison for a few months before being transferred to al-Ha'ir prison.⁵⁴

Since his transfer to this facility, Dr. al-Qahtani has been subjected to various acts of ill-treatment. Immediately upon transfer to al-Ha'ir, he was placed in solitary confinement for prolonged periods of time⁵⁵ and entered multiple hunger strikes to protest detention conditions, including attempts of poisoning.⁵⁶

On March 20, 2019, Dr. al-Qahtani was transferred from the political wing of al-Ha'ir prison to the wing holding regular criminals.⁵⁷ The following month, he found a quantity of pharmaceutical pills as well as narcotics in the hot water urns of the wing.⁵⁸ Several prisoners suffered ill effects and had to be transferred to the hospital.⁵⁹

In February 2020, Dr. al-Qahtani was subjected to reprisals from prison authorities for having engaged with human rights mechanisms and communicated information to outside sources. In particular, he was denied contact with his family for several days and was transferred to another ward within the criminal section of al-Ha'ir without informing his family.⁶⁰ From 9 to 30 December 2020, he undertook a hunger strike in prison in protest of being denied contact

⁵³ ALQST, *Mohamad Fahd al-Qahtani*, <https://algst.org/en/politicalprisoners/mohammed-al-qahtani> accessed on 17 April 2025); Front Line Defenders, *Mohamad Fahd Al Qahtani*, <https://www.frontlinedefenders.org/en/profile/mohammad-fahd-al-qahtani> (accessed on 17 April 2025).

⁵⁴ Working Group on Arbitrary Detention, *Opinion No. 38/2015 concerning Sheikh Suliaman al-Rashudi, Abdullah al-Hamid, Mohammed alQahtani, Abdulkareem Yousef al-Khoder, Mohammed Saleh al-Bajadi, Omar alHamid al-Sa'id, Raif Badawi, Fadhel al-Manasif, Waleed Abu al-Khair*, November 24, 2015, UN doc. A/HRC/WGAD/2015/38, para. 13.

⁵⁵ *Ibid.* para. 77.

⁵⁶ ALQST, *Saudi prisoners of conscience go on hunger strike over harassment*, May 16, 2019, <https://algst.org/en/saudi-prisoners-of-conscience-go-on-hunger-strike-over-harassment> (accessed on 17 April 2025).

⁵⁷ ALQST, *Mohammed al-Qahtani ends his 10-day prison hunger strike as the authorities say they will meet demands*, December 30, 2020, <https://www.algst.org/en/post/Mohammed-al-Qahtani-ends-his-10-day-prison-hunger-strike> (accessed on 17 April 2025).

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ Human Rights Council, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General*, September 25, 2020, UN doc. A/HRC/45/36, para. 114, <https://documents.un.org/doc/undoc/gen/g20/239/52/pdf/g2023952.pdf?token=sVeaGySkWqPXZh36Bn&fe=t rue> (accessed on 17 April 2025).

with his family, access to books and essential medication.⁶¹ He ended his hunger strike after authorities met his demands.⁶²

During 2021, al-Qahtani was transferred again to another wing with psychiatric detainees, some of whom have been violent towards him and have subjected him to ill-treatments.⁶³ He therefore undertook a hunger strike alongside 30 other prisoners held in the same facility to protest his detention conditions, including the fact he was being held in the same ward as psychiatric detainees, and that he was being denied once again contact with his family and access to books and newspapers.⁶⁴ Prison officials did not meet his demands.

On 7 April 2021, Dr. al-Qahtani was taken for a COVID-19 test after suffering from a fever and body aches.⁶⁵ His wife was later informed by the Ministry of Health that he had tested positive for COVID-19 and prison authorities informed her he was placed in isolation.⁶⁶ Dr. al-Qahtani was denied any type of contact with his family once again from 7 to 14 April 2021.⁶⁷ Cases of COVID-19 had been spreading in the same ward as al-Qahtani raising serious fears for health of imprisoned human rights defenders.⁶⁸ Following his first recovery, Dr. al-Qahtani caught COVID-19 once again after having been placed alongside prisoners already infected, without telling him.⁶⁹

⁶¹ ALQST, *Mohammed al-Qahtani ends his 10-day prison hunger strike as the authorities say they will meet demands*, December 30, 2020, <https://www.alqst.org/en/post/Mohammed-al-Qahtani-ends-his-10-day-prison-hunger-strike> (accessed on 17 April 2025).

⁶² *Ibid.*

⁶³ ALQST, *More than 30 prisoners of conscience go on hunger strike in protest over harassment*, March 12, 2021, <https://www.alqst.org/en/post/more-than-30-prisoners-of-conscience-go-on-hunger-strike-in-protest-over-harassment> (accessed on 17 April 2025); Human Rights Council, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General*, December 1, 2021, UN doc. A/HRC/48/28, <https://documents.un.org/doc/undoc/gen/g21/357/79/pdf/g2135779.pdf?token=DFd8aqPi2gcf383HHE&fe=true> (accessed on 17 April 2025); Communication by UN Special Procedures mandate holders to Saudi Arabia, AL SAU 10/2022, November 30, 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27700> (accessed on 17 April 2025), p. 3.

⁶⁴ *Ibid.*

⁶⁵ Amnesty International, *Saudi Arabia: Fears for health of imprisoned human rights defender held incommunicado*, April 16, 2021, <https://www.amnesty.org/en/latest/press-release/2021/04/saudi-arabia-fears-for-health-of-imprisoned-human-rights-defender-held-incommunicado/> (accessed on 17 April 2025).

⁶⁶ *Ibid.*

⁶⁷ ALQST, *Mohammed al-Qahtani contracts COVID-19 amid outbreak in al-Ha'ir Prison*, April 15, 2021, <https://www.alqst.org/en/post/mohammed-al-qahtani-contracts-covid-19> (accessed on 17 April 2025); Amnesty International, *Saudi Arabia: Fears for health of imprisoned human rights defender held incommunicado*, April 16, 2021, <https://www.amnesty.org/en/latest/press-release/2021/04/saudi-arabia-fears-for-health-of-imprisoned-human-rights-defender-held-incommunicado/> (accessed on 17 April 2025).

⁶⁸ Amnesty International, *Saudi Arabia: Fears for health of imprisoned human rights defender held incommunicado*, April 16, 2021, <https://www.amnesty.org/en/latest/press-release/2021/04/saudi-arabia-fears-for-health-of-imprisoned-human-rights-defender-held-incommunicado/> (accessed on 17 April 2025).

⁶⁹ ALQST, *Authorities have an absolute duty to keep prisoners of conscience safe*, May 31, 2022, <https://www.alqst.org/en/post/authorities-have-an-absolute-duty-to-keep-prisoners-of-conscience-safe> (accessed on 17 April 2025).

A few months later, one of the detainees in al-Ha'ir, detained for psychiatric illness, started a fire in the wing where al-Qahtani was held.⁷⁰ This fire endangered the lives of detainees within the wing, including Dr. al-Qahtani's, and the incident was grossly mishandled by prison officials on the spot who were deliberately negligent towards the inmates of the wing.⁷¹

A few days after the fire broke out, on 9 August 2021, Dr. al-Qahtani undertook another hunger strike to protest the worsened conditions of detention after the fire incident and demanded he be transferred out of the psychiatric ward. The prison administration did not allow any of his demands.⁷² Almost a year later, on 26 May 2022, Dr. al-Qahtani was beaten up by a man with psychiatric illness detained in the same wing.⁷³ None of the prison officials intervened in that regard. Throughout his stay in al-Ha'ir, Dr. al-Qahtani has been taken multiple times to the prison hospital for tests, but he is sent back to his wing each time without seeing a doctor.⁷⁴

Dr al-Qahtani's sentence ended on 22 November 2022. However, instead of ensuring he is released on time, the prison administration has disrupted all communications with his family and the outside world since 24 October 2022. On multiple occasions, his wife Maha al-Qahtani has called the prison to inquire about his whereabouts, but she was given no response. In mid-March 2023, Dr. al-Qahtani was seen in King Saudi Medical City as his health has deteriorated in connection to his latest hunger strike.⁷⁵ In a response to the UN Working Group on Enforced and Involuntary Disappearances Saudi authorities claimed that al-Qahtani is actually still being detained in al-Ha'ir prison.⁷⁶

⁷⁰ ALQST, *Attempt to kill activist in Saudi prison, as authorities deliberately place lives at risk*, August 18, 2021, <https://www.alqst.org/en/post/attempt-to-kill-activist-in-saudi-prison-as-authorities-deliberately-place-lives-at-risk> (accessed on 17 April 2025).

⁷¹ *Ibid.*

⁷² ALQST, *Mohammed Fahad al-Qahtani*, <https://alqst.org/en/politicalprisoners/mohammed-al-qahtani> (accessed on 17 April 2025).

⁷³ ALQST, *Authorities have an absolute duty to keep prisoners of conscience safe*, May 31, 2022, <https://www.alqst.org/en/post/authorities-have-an-absolute-duty-to-keep-prisoners-of-conscience-safe> (accessed on 17 April 2025); Communication by UN Special Procedures mandate holders to Saudi Arabia, *AL SAU* 10/2022, November 30, 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27700> (accessed on 17 April 2025), p. 2.

⁷⁴ ALQST, *Authorities have an absolute duty to keep prisoners of conscience safe*, May 31, 2022, <https://www.alqst.org/en/post/authorities-have-an-absolute-duty-to-keep-prisoners-of-conscience-safe> (accessed on 17 April 2025).

⁷⁵ Human Rights Council, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General*, August 21, 2023, UN doc. A/HRC/48/28, para. 131, <https://documents.un.org/doc/undoc/gen/g23/161/72/pdf/g2316172.pdf?token=lb8x1DXJA2ZLHiYbch&fe=true> (accessed on 17 April 2025).

⁷⁶ On December 21, 2022, the Government of Saudi Arabia responded to a request sent by the UN Working Group on Enforced and Involuntary Disappearances claiming that al-Qahtani "is being detained at the Riyadh Reformatory Prison which is under the Ministry of Interior serving a prison sentence pursuant to article 113 of the Code of Criminal Procedure. His sentence was extended pursuant to article 114 of the Code and that the case is still being investigated. The government refute the allegations that Mr. Al Qahtani was transferred to a prison run by the Presidency of State Security, that he was subjected to harassment or assaults by inmates or other persons and that he is being forcibly disappeared. The Government in its reply note that Mr. Al Qahtani receives

On 7 January 2025, al-Qahtani was finally released after more than a decade in arbitrary detention and two years of enforced disappearance.

4 Conclusion and recommendations

In conclusion, and in light of the above-mentioned considerations, we urge the Independent Expert on the enjoyment of all human rights by older persons to:

- Conduct a visit to detention centres in Saudi Arabia, in particular the prisons where the individuals included in this submission have been or are currently detained.
- Recommend Saudi authorities to amend their counterterrorism legal framework and refrain from using it to crackdown on public criticism.
- Request from Saudi authorities to allow the monitoring of trials.

the necessary medical care and has access to physicians and that he is being treated in a manner that preserves his dignity and guarantees all his rights.” See Annex 1 to this submission.

MENA Rights Group is a Geneva-based legal advocacy NGO defending and promoting fundamental rights and freedoms in the Middle East and North Africa (MENA) region. Adopting a holistic approach, we work at both the individual and structural level. We represent victims of human rights violations before international law mechanisms. In order to ensure the non-repetition of these violations, we identify patterns and root causes of violations on the ground and bring key issues to the attention of relevant stakeholders to call for legal and policy reform.