

# **Shrouded in Secrecy:** **Prisons and Detention Centres** in Saudi Arabia





✉ Contact@ALQST.ORG ☎ 02073851311 🌐 ALQST.ORG 🐦 @ALQST\_ORG 📱 @ALQST.ORG

📍 Unit 24.7, Coda Studios, 189 Munster Rd, Fulham, London SW6 6AW | Registration no: 09093387

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# Terms and Abbreviations

<b>BIPP</b>	The Bureau of Investigation and Public Prosecution. An investigation and prosecution service, created in 1989 by a Royal Decree but effective from 1995. Previously under the jurisdiction of the Ministry of Interior, in 2017 it was transferred to a new agency, the Public Prosecution, under the direct authority of the king.
<b>CAT</b>	The United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, ratified by Saudi Arabia with reservations in 1997.
<b>BLG</b>	The Basic Law of Governance. Promulgated in 1992 by Royal Decree No. A/90, it is regarded as the country's constitution and used – in theory – as the frame of reference for other domestic legislation.
<b>HRC</b>	The Saudi Human Rights Commission. A government body officially established in 2005 to promote and protect human rights, and that reports directly to the king.
<b>LCP</b>	Law of Criminal Procedure, enacted in 2001 as the first code of criminal procedure issued in the country. Also known as the Code of Criminal Procedure (CCP).
<b>LID</b>	Law of Imprisonment and Detention, enacted in 1978.
<b>Mabaheth</b>	General Investigation Directorate, the secret police agency dealing with domestic security and counter-intelligence. Previously under the jurisdiction of the Ministry of Interior, in 2017 it became an agency of the Presidency of State Security.
<b>Nafethah Tawasul</b>	(lit. communication window). A website that allows families to access information on a detained relative by entering his national identification number.
<b>NSHR</b>	The National Society for Human Rights. A government body officially established in 2004 to promote and protect human rights.
<b>Presidency of State Security</b>	Created in 2017 by merging both counterterrorism and domestic intelligence services under one command, reporting to the king.

# Preface

This report comes at a significant time in Saudi Arabia, where we are seeing a worrying trend of increasing human rights violations in terms of arrests and conditions of detention. Such violations have been systematically documented by ALQST and other human rights organisations over the past two decades, but their scope and severity have increased since King Salman came to the throne in 2015, and particularly since he made his son, Mohammed bin Salman, crown prince in 2017. This report is therefore timely in providing significant information on recent changes in the legal climate and the inherent problems of the prison system in Saudi Arabia.

The Saudi prison system, in terms of structure and administration, lacks transparency and independent monitoring. This contributes to the potential for serious violations of prisoners' rights, including unlawful arrest and detention, prolonged pre-trial detention, systematic use of torture during interrogation, medical neglect and malpractice, and failure to observe guarantees of due process. Although many such violations have been communicated through human rights organisations, reports by working groups and Special Rapporteurs of the UN Human Rights Council, and in the international media, the Saudi authorities have repeatedly failed to address the issues in a comprehensive and institutional manner. More concerning still is the increased interference of the Presidency of State Security and the Royal Court in the judiciary and legal system since 2017, with thousands of people being detained on spurious charges.

Despite limited access to information from relevant institutions in Saudi Arabia, we have attempted to explore the main concerns by examining prison conditions and highlighting notable cases of violations in the context of international law and domestic legislation, based on legal documents, Saudi media sources and international human rights reports as well as ALQST's own information-gathering since 2014.

In addition, to update our picture of the Saudi prison system, between late 2020 and early 2021 ALQST's researchers conducted a unique survey, by means of questionnaires and interviews, of current or recent prisoners and people close to them. A total of 16 responded. Their observations and experiences are reflected throughout this report, but we have withheld specific details that might potentially identify individuals and compromise their personal safety.

Most but not all of the prisoners in the survey were male; most of the informants were female: wives, sisters and friends. The prisoners are, or were, being held in a variety of different prisons, including several in al-Ha'ir political prison. Their time in detention ranged from about a week to more than eight years to date. The diversity of the survey respondents thus provides depth and detail to the findings of this report. Our survey also highlights the wide-ranging impact of arbitrary detention and poor prison conditions on detainees' families and friends, especially where visits and phone calls are unjustifiably and punitively denied.

The cases documented here are likely to represent only the tip of the iceberg, but nevertheless indicate the severity of the violations taking place and the potential magnitude of the abuse remaining undocumented.

# Executive Summary

The Saudi prison system lacks transparency and independent monitoring. This contributes to the potential for serious violations of prisoners' rights, including unlawful arrest and detention; prolonged pre-trial detention; systematic use of torture during interrogation; medical neglect and malpractice; and failure to observe guarantees of due process.

Despite limited access to information from relevant institutions in Saudi Arabia, we have attempted to explore the main concerns by examining prison conditions and highlighting notable cases of violations. In addition, ALQST's researchers conducted a unique survey of current or recent prisoners and people close to them. We identified an emerging and alarming trend of unusual and increased abuse of prisoners' rights since Crown Prince Mohammed bin Salman came to power, consistent with previous reports published by ALQST and other sources.

## Failure to meet legal requirements

The report sets out the legal framework of international and regional standards within which the Saudi prison system operates, and the domestic legislation and regulations relevant to imprisonment and detention. As a member state in the United Nations Saudi Arabia is bound to observe certain legal principles that are, however, weakly adopted in domestic laws and poorly implemented in practice. Certain groups are at particular risk, such as prisoners of conscience, including women, as well as illegal residents and migrants.

The Convention against Torture (CAT) is particularly significant and relevant to this report on prisons and detention centres in Saudi Arabia; the report notes discrepancies between CAT requirements and the Saudi authorities' interpretation of them.

The Saudi legal system, with its lack of a written penal code, is a major culprit in amplifying rates of detention and imprisonment and violations of due process, as laws are frequently and arbitrarily overridden by royal decrees and ministerial orders. The report critically examines the 1978 Law of Imprisonment and Detention and the 2001 Law of Criminal Procedure, showing both their shortcomings and how their provisions are violated by the authorities' extensive use of arbitrary arrests and detention, torture and other forms of ill-treatment.

No independent monitoring of prison conditions is permitted or possible. The government's own officially sponsored human rights bodies, the Saudi Human Rights Commission (HRC) and the National Society for Human Rights (NSHR), appear to function mainly as window-dressing for the authorities, but even they have issued a series of damning reports on conditions in Saudi prisons, which the authorities have largely ignored.

## Structure and control of the Saudi prison system

The administrative and control structure of the Saudi prison system broadly consists of general prisons and detention centres under the Ministry of Interior; Mabaheth (intelligence services) prisons and secret detention facilities under the Presidency of State Security; and juvenile care/detention centres under the Ministry of Human Resources and Social Development. Outside this structure, in addition, the authorities make use of unofficial places of detention where some of the worst human rights violations take place in even greater secrecy.

Orchestrated efforts are made by state institutions and loyal domestic media to whitewash the image of political prisons in particular. One journalist prefaced his rosy report on a visit to a Mabaheth prison by directly referencing the widespread perception of such jails as oppressive places in remote and secret locations, with underground cells where inmates are tortured and ill-treated.

Detention facilities for juveniles consist of “social supervision homes” for boys under the age of 18 and “care homes” for girls and young women up to the age of 30. Concerns over conditions in the institutions for young women have periodically surfaced in Saudi media and online, and several cases of suicide or attempted suicide have been reported. A particular concern is that girls and women can only be discharged from either a juvenile care institution or an adult women’s prison into the custody of a male relative; if their families disown them and refuse to collect them from detention they may be forced to remain there indefinitely.

Recent examples of unofficial places of detention being used to conceal torture, or the use of extreme techniques of interrogation that amount to torture, include the detention of wealthy individuals, business people and senior officials in the Ritz-Carlton hotel in Riyadh in November 2017; the torture of a group of women rights activists in a secret facility known as “the hotel” south of Dhahban Prison in Jeddah in 2018; and the brutal physical abuse of cleric Sulaiman al-Dowaish in the basement of a royal palace in 2016.

## Chronically poor conditions and systematic use of torture

The report highlights chronically poor conditions in Saudi prisons, detention centres, and deportation centres, which are characterised by overcrowding, poor hygiene and sanitation, and medical and administrative neglect. ALQST’s own survey participants fleshed out these findings with horrific details from their lived experience. Medical neglect led to the death in custody in April 2020 of pioneering human rights activist Abdullah al-Hamid, at the age of 69. So too has there been negligence in the handling of infectious diseases, including COVID-19.

One of the hallmarks of the era of King Salman and Crown Prince Mohammed bin Salman has been the systematic use of torture for political purposes. Although ALQST did not document any fresh reports of physical torture during 2020, new information continued to surface concerning torture and ill-treatment in the recent past, often outside the prison system and in informal, private settings. Moreover, given the widespread practice of enforced disappearance and incommunicado detention it

is likely that further instances of torture have occurred in secret. The absence of fresh torture reports could therefore signal a more worrying trend than may at first appear. Meanwhile, the Saudi courts continue to dismiss recent torture allegations, as in the case of women human rights defender Loujain al-Hathloul, thus reinforcing the climate of impunity for those involved.

Respondents to ALQST's survey provided details of physical and psychological torture as well as solitary confinement and other forms of ill-treatment and general harassment, notably including the cruel denial of family contact and visits, which, as well as causing suffering for both inmates and relatives, also hinders the reporting of wider torture and ill-treatment.

The report notes a number of suspicious deaths in custody that the authorities have refused to investigate. The fact that so many Saudi prisoners, notably human rights activists, have resorted to hunger strikes underlines the unresponsiveness of the prison authorities and the state's disregard for the rights of those held in Saudi prisons and detention centres.

## Recommendations

The report concludes with a detailed set of recommendations addressed to both the international community and the Saudi authorities. International players are urged to exercise due diligence in all dealings with official Saudi entities in terms of the potential impact regarding human rights, and to urge the Saudi authorities to implement the domestic measures recommended. These include:

- substantial reforms to the legal system to bring laws and practices into conformity with international standards;
- allowing prisoners and detainees to know and exercise their rights;
- regular, independent monitoring of prison and detention facilities, and unfettered access for international observers to ensure the safety and welfare of prisoners;
- accelerated development and refurbishment of the prison estate;
- reduction of overcrowding by establishing alternatives to imprisonment and also releasing political prisoners, minor offenders and older prisoners or those with underlying health conditions;



- observance of the minimum health standards set out by the World Health Organisation (WHO) including adequate and timely healthcare, especially for women and prisoners with disabilities;
- a full enquiry into every death in custody; and
- an end to the practice of torture, which should be criminalised in line with the Convention against Torture (CAT), with victims assured of accountability, rehabilitation and redress.



# 1

## The Legal Framework

# 1.The Legal Framework

## 1.1. International and Regional Laws and Standards Relevant to Prisoners' Rights

Saudi Arabia is a member state in the United Nations and is therefore bound by several legal principles set out in international declarations and treaties to observe due process and basic prisoners' rights. However, poor adoption of these principles in domestic laws, and poor implementation in practice, continue to compromise prisoners' rights and their ability to achieve justice. Certain groups are at particular risk, such as prisoners of conscience, including women, as well as illegal residents and migrants.

First and foremost, Saudi Arabia is bound to adhere to the basic international human rights principles embodied in the Universal Declaration of Human Rights (UDHR) and the Cairo Declaration on Human Rights in Islam (CDHRI). Both declarations affirm respect for basic human rights and protection from unfair trials or unlawful detention. With particular regard to prisons and places of detention, Saudi Arabia is also obliged to observe other relevant international treaties and legal instruments, including:

- the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;
- the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);
- the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT);
- the Convention on the Rights of the Child (CRC);
- the Convention on the Rights of Persons with Disabilities (CRPD);
- the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW);
- the UN Rules for the Protection of Juveniles Deprived of their Liberty; and
- the Bangkok Rules, or UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.

There are also significant treaties of relevance to prisoners' rights that Saudi Arabia has not joined or ratified. These include:

- the International Covenant on Civil and Political Rights (ICCPR); and
- the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Where Saudi Arabia has joined treaties, it has sometimes made reservations to clauses that provide for independent monitoring and arbitration, including making reservations to optional protocols. As a result, the country's performance and any violations reported are less easily remedied through such channels.

The Convention against Torture (CAT) is particularly significant and relevant to this report on prisons and detention centres in Saudi Arabia. Article 1 of the Convention defines torture as

“*any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions.*”<sup>1</sup>

Under the CAT, each state is required to ensure that all acts of torture are considered offences under its criminal law, which Saudi Arabia has not satisfactorily done. The only legislative provision prohibiting torture is Article 2 of the Law of Criminal Procedure (LCP), which states that “an arrested person shall not be subjected to any bodily or moral harm” or “any torture or degrading treatment”, which offers no adequate definition of torture, does not specify the applicable punishment for the offence, nor provides for the different modes of participation in the crime. Furthermore, the royal decree by which Saudi Arabia joined the CAT made two reservations: to Article 20 of the Convention – which allows the Committee against Torture to investigate credible information on the systematic use of torture by a State Party, including conducting visits to the country – and Article 30 (1), which allows the Committee to conduct arbitration if a dispute between two or more States Parties on an interpretation of the Convention cannot be resolved.<sup>2</sup>



The Committee against Torture's review of Saudi Arabia in 2016 noted a discrepancy between the definition of torture in the domestic laws of the kingdom, namely the Basic Law of Governance (BLG) and the Law of Criminal Procedure (LCP), and the standard definition in the CAT. It also voiced concern over the prevalence of torture and ill-treatment by investigators in the Ministry of Interior and in Mabatheth








<sup>1</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>





<sup>2</sup> Royal Decree No. M/ 11, 9 August 1997, <https://bit.ly/3iRTtrp>

(secret police) detention centres. The Committee noted that the state did not provide the specific data it had requested, on any cases in which officials were sanctioned for engaging in conduct prohibited by the CAT.

The issue of torture in Saudi prisons and detention centres is addressed below in [section 1.3.3](#) of this report and discussed more fully in [section 4](#).

Treaty/ Principle	About	Saudi Arabia's Ratification / Reservations
Universal Declaration of Human Rights (UDHR)	A historic document which outlined 30 universal rights and freedoms, adopted in 1948	n/a  Bound to observe as a UN member state
Cairo Declaration on Human Rights in Islam (CDHRI)	A set of rights adopted by member states of the Organisation of Islamic Cooperation in 1990	
UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment	A series of principles for the protection of persons under any form of detention or imprisonment, adopted in 1988	n/a  Bound to observe as a UN member state
UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)	122 rules regarded as the primary – if not only – source of standards relating to treatment in detention, first adopted in 1957 and revised and adopted as the Nelson Mandela Rules in 2015	n/a  Bound to observe as a UN member state
UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT)	An international treaty adopted in 1984 that aims to prevent torture	 Ratified in 1997  Reservations against the Committee investigating the use of torture by a State Party (including by conducting visits) (Article 20) or conducting arbitration if a dispute occurs (Article 30)

Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	A treaty that supplements CAT, by establishing an international inspection system for places of detention, adopted in 2002	
Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol)	A set of international guidelines for documentation of torture and its consequences, which became a UN document in 1999	n/a Bound to observe as a UN member state
UN Convention on the Protection of all Persons from Enforced Disappearance (ICPPED)	An international treaty adopted in 2006 that aims to prevent forced disappearance	
UN Convention on the Rights of the Child (CRC)	54 articles that set out the civil, political, economic, social and cultural rights of children, adopted in 1990	 Ratified in 1995 “Reservations with respect to all such articles as are in conflict with the provisions of Islamic law”
Optional Protocol on the Involvement of Children in Armed Conflict	Optional Protocol to the CRC, adopted in 2000	 Ratified in 2011
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	Optional Protocol to the CRC, adopted in 2000	 Ratified in 2010
UN Convention on the Rights of Persons with Disabilities (CRPD)	An international treaty adopted in 2006 aimed at protecting the human rights of persons with a disability	 Ratified in 2008
Optional Protocol to the UN Convention on the Rights of Persons with Disabilities (CRPD)	A side-agreement to the CRPD that establishes an individual complaints mechanism for the Convention, adopted in 2006	 Ratified in 2008

UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)	An international treaty adopted in 1979, described as an international bill of rights for women	 Ratified in 2000 Reservations against women passing on citizenship to their children (Paragraph 2, Article 9) and parties conducting arbitration if a dispute occurs (Paragraph 1, Article 29) and a general reservation that “in case of contradiction between any term of the Convention and the norms of Islamic law, the kingdom is not under obligation to observe the contradictory terms of the Convention”
Optional Protocol to the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)	A treaty which establishes complaint and inquiry mechanisms for CEDAW, adopted in 1999	
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)	A treaty which governs the protection of migrant workers and families, signed in 1990	
UN Rules for the Protection of Juveniles Deprived of their Liberty	A set of rules concerning child justice, under the UN Convention on the Rights of the Child (CRC), adopted in 1990	n/a Bound to observe as a UN member state
Bangkok Rules, or UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders	A list of standards providing for the specific characteristics and needs of women offenders and prisoners, adopted in 2010	n/a Bound to observe as a UN member state
International Covenant on Civil and Political Rights (ICCPR)	A key international treaty adopted in 1966, providing a range of protections for civil and political rights	

First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)	A international treaty establishing an individual complaint mechanism for the ICCPR, adopted on 1966	
International Covenant on Economic, Social and Cultural Rights (ICESCR)	A key international treaty adopted in 1966, that aims to ensure the protection of economic, social and cultural rights	
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR)	A treaty establishing complaint and inquiry mechanisms for the ICESCR, established in 2008	

*Figure 1: Relevant International Treaties and Principles*



## 1.2. Domestic Legislation and Regulations Relevant to Imprisonment and Detention

Although Saudi Arabia has, as indicated above, joined several international conventions and treaties relevant to prisoners' rights and the conditions of their detention and imprisonment, several challenges persist in the adoption and implementation of such obligations in domestic law and practice. One significant challenge is the lack of an independent judiciary. Saudi Arabia is an absolute monarchy, in which legislative, judicial and executive powers are all controlled by King Salman and Crown Prince Mohammed bin Salman, the kingdom's day-to-day de facto ruler.

Local laws and regulations remain largely underdeveloped or only vaguely drafted, with no written criminal or penal codes and no assurance of due process. The Law of Imprisonment and Detention (LID), for instance, grants the king and his appointed governors exceptional powers to override the legal limitations on detention orders and the definition of a major crime warranting immediate detention. The Presidency of State Security, established in 2017 by the consolidation of both counterterrorism and domestic intelligence services under one command, reporting to the king, has extensive powers to deploy all branches of the state's security apparatus without adequate legal safeguards or monitoring.

The present legal system is thus a major culprit in amplifying the rates of detention, imprisonment and violations of due process, as laws are frequently and arbitrarily overridden by royal decrees and ministerial notices and changes. Moreover, the fact that much significant legislation is uncoded or poorly codified in turn affects the state's compliance with its obligations under relevant international law.

Saudi Arabia's lack of a written penal code can be explained by Articles 7 and 55 of the BLG, which identify Sharia (Islamic) law (as interpreted by the Council of Senior Scholars, the kingdom's highest religious authority), as the basis of governance and ultimate source of reference for laws. This absence of a written penal code violates the principle of legal certainty, makes prosecution inherently arbitrary, and gives judges broad discretionary powers, leading to inconsistency between legal decisions in similar cases and excessive use of imprisonment as punishment. It furthermore creates fear and confusion among citizens, who cannot know with certainty what constitutes a crime.

For over a decade Saudi Arabia has attempted to reform its legal system, which is based on Saudi jurists' interpretation of the Hanbali school of thought.<sup>3</sup> However, most of this reform has been in procedural law and the structuring and reorganisation of the courts, for instance introducing electronic data systems to facilitate case processing and forming specialised courts for different cases. Examples are courts assigned for family law or criminal law, or the notorious Specialised Criminal Court (SCC), which was

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<sup>3</sup> The Hanbali school is one of the four traditional schools of jurisprudence in Sunni Islam. It takes a particularly literalist approach to textual sources of law (principally the Qur'an and Sunna). A modified and more austere version – Wahhabism – was developed in Saudi Arabia in the 18th century and remains the official basis for the country's legal system

established in 2008 to hear cases of terrorism or national security but for years has increasingly been used to try human rights activists. Guarantees of independence for the justice system in Saudi Arabia are minimal, and the dominance of the political system over the courts has been increasing at a worrying pace. This has been taking place through three different mechanisms, namely: reliance on royal and governmental decrees regarding substantive legal questions; the formation of specialised courts and quasi-judicial bodies based on state edicts; and greater executive oversight of the judicial sector.<sup>4</sup>

The Basic Law of Governance (BLG), promulgated in 1992 (by Royal Decree Number A/90), is regarded as the country's constitution and used – in theory – as the frame of reference for other domestic legislation.<sup>5</sup> A few articles of the BLG refer to some basic human rights principles regarding trials and detention. Examples include references to the principle that no one should be punished for another's crime (Article 38), independence of the judiciary (Article 46), and the right of litigation for all citizens and residents (Article 47). However, other articles of the same BLG violate these principles or contradict them. Examples include Article 52, stating that judges shall be appointed and relieved by royal decree, and Article 58, granting the king the power to appoint and relieve ministers and deputy ministers. In addition, Article 70 states that laws, international treaties, agreements and concessions are to be issued or amended by royal decree, thereby restricting the international legal principles adopted to those formally approved by the king. The king's control over the judiciary is further demonstrated in Article 44 of the BLG, which declares that the king is the ultimate arbiter for the judicial, executive and regulatory authorities of the state, thereby contradicting Article 46 on the independence of the judiciary.

The two main pieces of domestic legislation relevant to this report on prisons and detention centres in Saudi Arabia are the 1978 Law of Imprisonment and Detention (LID) and the 2001 Law of Criminal Procedure (LCP), which often contradict each other and which are discussed in further detail below in section 1.3.1 on arbitrary arrests and detention. Both lay down safeguards for prisoners and detainees and mandate proper treatment for them. Article 102 of the LCP prohibits interrogation of a suspect under conditions that may affect his free will to cooperate, either by coercion or by forcing him to take an oath. Article 11 of the LID provides for a transitional period for prisoners who have completed four years of their sentences to allow for their reintegration into society. Article 21 also prohibits delaying a prisoner's release after completion of a sentence. Articles 13 and 14 allow for special treatment in terms of nutrition and work for pregnant women in detention, and for them to be transferred to hospital when due to give birth and remain there until a doctor permits their return to prison. Article 15 allows for mothers in detention to nurse their children up to the age of two years if they wish, or for the child to be transferred to the custody of a guardian, or of the state if no guardian is available, the mother having been informed of the child's whereabouts. The LID also lays down regulations for the provision of educational and social programmes for detained individuals in cooperation with the Ministry of Social Affairs. The LID also deals with the detention of juveniles, with separate regulations for boys under the age of 18 and girls and young women up to the age of 30 (discussed in sections 2.4 and 2.5 below).

<sup>4</sup> Abdullah Alaoudh and Nathan J Brown, The Saudi regime is reshaping the country's legal sector in profound ways, Carnegie Middle East Centre, 8 January 2018, <https://carnegie-mec.org/diwan/75155>

<sup>5</sup> Basic Law of Governance, 1 March 1992, <https://www.saudiembassy.net/basic-law-governance>

While torture and demeaning treatment are not explicitly mentioned in domestic legislation, the LCP and the LID contain articles prohibiting ill-treatment. Despite this, however, Article 20 of the LID provides a list of permitted disciplinary actions against prisoners that include solitary confinement of up to 15 days, a complete or partial ban on visits or phone calls, and flogging of up to 10 lashes. The latter punishment has been partly suspended, with Saudi Arabia issuing a decree in April 2020 announcing to end flogging as a judicial punishment for crimes prescribed by ta'zir (judicial discretion).<sup>6</sup> The LID also allows a prison director to handcuff a prisoner for up to 72 hours in cases of violent behaviour or assault. It allows prison officers to use their firearms against prisoners who exhibit violent behaviour or resistance or attempt to flee if it is not possible to restrain them in any other way; the first shot should be a warning shot, followed if necessary by shots aimed at the extremities (hands or legs of the inmate). Article 28 does, however, prohibit any assault against prisoners or detainees by correctional officers, and mandates disciplinary action against any military or civilian officer involved in such an act. Additional details are provided in the executive regulations of the LID.<sup>7</sup>

## 1.3. Failure to Meet Legal and Treaty Requirements

### 1.3.1. Arbitrary Arrests and Detention

The UN Working Group on Arbitrary Detention determines cases of arbitrary deprivation of liberty on the basis of specific criteria. Deprivation of liberty is arbitrary if a case falls into one of the following five categories:

- 1- 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 sentence...);
- 2- when the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by [...] the Universal Declaration for Human Rights and [...] the International Covenant on Civil and Political Rights;
- 3- when the total or partial non-observance of the international norms relating to the right to a fair trial, as set out 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;
- 4- when asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy; and
- 5- when the deprivation of liberty constitutes a violation of international law for reasons of discrimination.<sup>8</sup>

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<sup>6</sup> Reuters, Saudi Arabia to end flogging as form of punishment: document, 24 April 2020, <https://www.reuters.com/article/us-saudi-rights-flogging/saudi-arabia-to-end-flogging-as-form-of-punishment-document-idUSKCN2262VT>

<sup>7</sup> The Law of Imprisonment and Detention, Royal Decree No. M/31, 28 May 1978, <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/19945fe2-e690-4b24-9ab0-a9a700f17d03/1>

Saudi Arabia abstained in the 1948 United Nations vote adopting the Universal Declaration of Human Rights (UDHR), saying it contradicted Sharia law. However, despite its assertions to the contrary, the kingdom is committed by virtue of its membership in the United Nations to uphold universal human rights standards, including those set forth in the UDHR, which are recognised as norms of customary international law.

Saudi Arabia has also not joined the 1992 Declaration on the Protection of all Persons from Enforced Disappearance. However, as a member state in the United Nations it is bound to observe the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Several of the Principles prohibit arbitrary arrest and detention, such as Principle 2 requiring that arrest, detention, or imprisonment be carried out by a competent authority, and Principle 4 requiring any measure of imprisonment or detention to be ordered by a judicial or other authority.<sup>9</sup> Saudi Arabia has, however, joined the 1992 Cairo Declaration on Human Rights in Islam (CDHRI), which also guarantees protection from arbitrary arrest and detention.<sup>10</sup> Article 20 of the Declaration prohibits the arrest, restriction of freedom, or exile of an individual without a legitimate reason. It also prohibits the promulgation of emergency laws to provide executive authority for such action.

Several domestic laws also guarantee protection from arbitrary arrest and detention. Articles 1 and 7 of the Law of Imprisonment and Detention (LID) of 1978 prohibit the imprisonment of any person, including someone who has completed their sentence, unless a detention order is issued by the authorities, with special provision for juvenile offenders.<sup>11</sup> However, Article 4 of the LID grants the Minister of Interior the right, in cases involving national security, to order imprisonment and detention through a special department.

The Law of Criminal Procedure (LCP), enacted in 2001, contains several clauses guaranteeing due process from time of arrest to sentencing<sup>12</sup>, which were violated for 75% of our survey respondents. Article 2 of the LCP mandates that detention should take place in locations designated for that purpose, and that detained individuals should be protected from any bodily or moral harm, or torture or degrading treatment. It prohibits the arrest, detention, imprisonment or searching of any individual unless ordered by a competent authority, and grants individuals the right to legal representation during both the

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<sup>8</sup> Fact Sheet No. 26, The Working Group on Arbitrary Detention, <https://www.ohchr.org/documents/publications/FactSheet26en.pdf>

<sup>9</sup> Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 9 December 1988, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/DetentionOrImprisonment.aspx>

<sup>10</sup> Cairo Declaration on Human Rights in Islam, 5 August 1990, <http://hrlibrary.umn.edu/instree/cairodeclaration.html>

<sup>11</sup> Law of Imprisonment and Detention (LID), 1978, <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/19945fe2-e690-4b24-9ab0-a9a700f17d03/1>

<sup>12</sup> Law of Criminal Procedure, 16 October 2001, [http://hrlibrary.umn.edu/research/saudi-arabia/criminal\\_procedure.html](http://hrlibrary.umn.edu/research/saudi-arabia/criminal_procedure.html)

investigation and trial phases. The LCP also mandates that a detained individual should be informed of the reasons for his detention and allowed to call a person of his or her choice to inform them of the arrest. It gives the Bureau of Investigation and Public Prosecution (BIPP), the right to inspect prisons and detention facilities at any time to ensure compliance with the law. Previously under the jurisdiction of the Ministry of Interior, in June 2017 following a royal decree the BIPP was transferred to a new agency, the Public Prosecution, under the direct authority of the king.

The LCP also determines that the period of detention for investigation of an individual should not exceed 24 hours, after which either an order of release must be issued or an extension of no more than five days granted, if deemed necessary. The law states that in cases where the investigator requires a longer period of detention they may request this through the BIPP, but for no more than 40 days from the day of arrest. Under the LCP, only the Director of the BIPP (now the Public Prosecutor) can extend a detention period, up to a maximum of six months in total. After that, the detainee should be either released or referred to court. However, Article 19 of the 2017 Counter-Terrorism Law effectively removes this upper limit on the length of time for which a person may be held in custody. It can now be up to 12 months solely on the authority of the Public Prosecutor's Office, and the Public Prosecutor can then apply to the Specialised Criminal Court for an extension, with no upper limit specified. This clearly contravenes the standards for fair trial, which require defendants to be brought promptly before a judge. The LCP regulations were violated in 75% of cases reported by our survey participants.

Article 35 of the LCP prohibits the arrest or detention of any individual except by order of a competent authority unless the suspect is caught in the act of committing a crime. Article 37 prohibits the holding of any person other than in a detention facility designated as such by law, and prohibits the prison administration from accepting or keeping any individual after completion of a sentence without a formal order from a competent authority determining the duration of and reasons for further detention.<sup>13</sup> The Law also guarantees the rights of individuals to be informed by a law enforcement officer of the charges brought against them by the Prosecution, and for those unlawfully detained to file complaints to the relevant authorities.

Article 10 of the LCP sets out an extensive list of major crimes defined as warranting immediate detention, several of which would not be recognised as such in international law. The list includes the crimes of murder or attempted murder; grievous bodily harm; Sharia-defined "hudud" crimes;<sup>14</sup> rape; theft; sexual assault; homosexuality; trading in or consuming alcohol; drug dealing; trafficking in or unlicensed use of explosives or personal weapons; involvement in armed or tribal fighting; destruction of private or public property; killing other people's livestock; counterfeiting money; usury; impersonating a general

<sup>13</sup> Law of Criminal Procedure (LCP), 2013, <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/8f1b7079-a5f0-425d-b5e0-a9a700f26b2d/1>

<sup>14</sup> According to Duhaime's Law Dictionary: "In Islamic law, crimes are classified in three ways: hudud, qisas (and) Ta'azir..."[H]udud crimes are those specifically mentioned in the Koran as transgressing the limits which God himself has placed on people's behavior. The hudud crimes are: theft, highway robbery, drinking alcohol, unlawful sexual intercourse (and) false accusation of unchastity. Some jurists also include murder and apostasy (al-riddah) among the categories of hudud crimes."

intelligence officer; resisting enforcement officials; and embezzlement of public funds. Article 10 also adds the overarching definition of a major crime as “any crime considered by royal order or ministerial notice as constituting a major crime”, without giving any more specific definition. The list of major crimes warranting immediate detention is updated at intervals. The latest update, published in domestic newspapers in August 2020,<sup>15</sup> contained a list of 25 major crimes including national security crimes; prostitution; physically assaulting a parent; traffic accidents involving driving under the influence of drugs or alcohol or driving on the wrong side of the road or through a red light or speeding; as well as blackmail, kidnapping and commercial fraud. The extensiveness of the list is another indication of the excessive use of detention and the rapid transformation of the country into a police state.

Additional details on detention and arrests are provided in the executive regulations of the Law of Imprisonment and Detention.<sup>16</sup> Some of these regulations contradict those of the Law of Criminal Procedure, perhaps because of recently enacted updates to the LCP. One example is that the LID prohibits the detention of any person without evidence of a crime having been committed, and mandates a maximum of three days, rather than 24 hours, after detention to investigate the case. After that, a detained person should be released by order of the detaining authority if no evidence is found. If evidence exists, he should either be released while the case is referred to court or else detained in prison if the case involves a major crime.

ALQST and other sources have confirmed that hundreds of detainees have spent prolonged periods in pre-trial detention, particularly since September 2017. Questionnaires filled out in the course of research for this report, by or on behalf of 16 current or recent prisoners, showed that in most cases their arrests and detention were not lawful. The prisoners were held for various durations in different prisons and detention centres in Saudi Arabia; ten of them were held in political prisons. None of the participants were informed of their legal rights upon arrest or detention; nine individuals were denied access to lawyers. Only four participants out of the 16 were referred for trial within the legal period or allowed legal representation. Many of the participants were held for more than three months without charge, were misinformed about the reason for their detention, were frequently denied family visits, and did not obtain prompt medical care upon arrest.

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<sup>15</sup> Okaz, Okaz publishes details of 25 crimes that lead to arrest, 21 August 2020, <https://www.okaz.com.sa/news/local/2038058>

<sup>16</sup> The Law of Imprisonment and Detention, Royal Decree No. M/31, 28 May 1978, <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/19945fe2-e690-4b24-9ab0-a9a700f17d03/1>

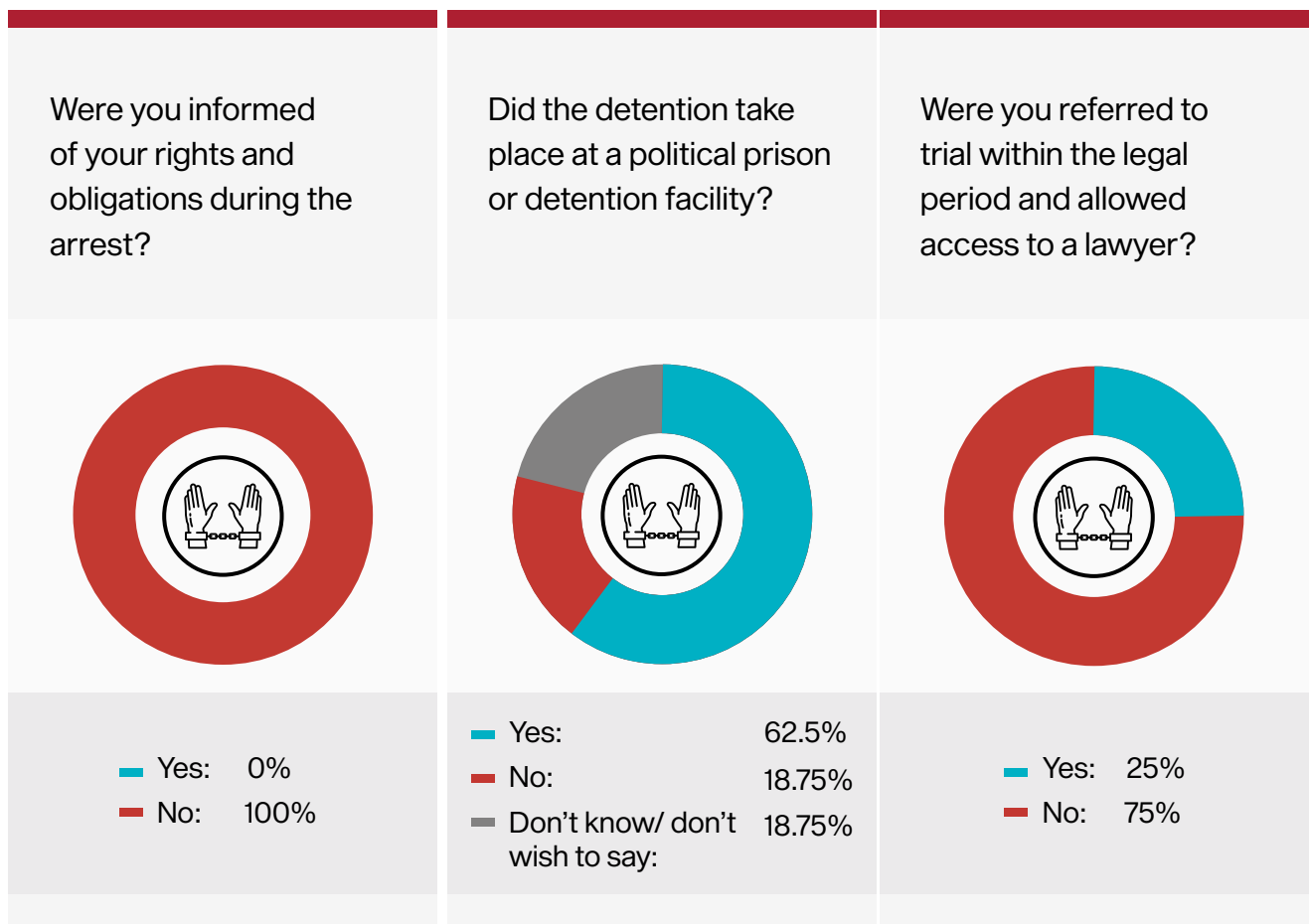


Figure 2: Information on Arrest and Detention from Survey Participants

### 1.3.2. The Right to Humane Conditions of Detention

Prison conditions vary from one place to another, and what is banned in one facility may be allowed in another. For example, some places allow prisoners access to newspapers, books, food and other items from outside, while others do not. However, most Saudi prisons give rise to concerns over poor infrastructure and maintenance, inadequate hygiene, lack of facilities for nursing mothers, or limited access to daily exercise or fresh air;<sup>17</sup> and the new research carried out by ALQST for this report confirms earlier findings by ALQST on the poor conditions of prisons and detention centres in general. Survey participants in this research described overcrowded prisons; unavailability of essential personal hygiene items; verbal and physical abuse by correctional officers or other prisoners; lack of daily exercise

<sup>17</sup> ALQST for Human Rights, Human rights in Saudi Arabia: 2015, 14 March 2016, <https://www.alqst.org/en/post/human-rights-in-saudi-arabia-2015-overview>

or exposure to sunlight; inadequate or unhealthy diets; arbitrary deprivation of phone calls or family visits; delays or neglect in healthcare services; and a lack of response from the authorities to prisoners' complaints or inquiries. Participants also reported drug dealing within the facilities and, to a lesser extent, lack of adequate protection from COVID-19. Eight of the prisoners became ill while in detention; four developed a chronic condition. Delayed urgent care caused the death in detention of **Abdullah al-Hamid**, a pioneering human rights defender and a founding member of the Saudi Association for Civil and Political Rights (see p.56 for details).

Health, hygiene and other aspects of prison conditions in Saudi Arabia are described in detail in [section 3](#), below, on conditions and healthcare in Saudi prisons and detention centres.

### 1.3.3. Freedom from Torture and Ill-treatment

The use of torture and ill-treatment is systematic in Saudi Arabia, particularly with regard to prisoners of conscience. The Saudi authorities fail to implement the minimum procedural safeguards in interrogation and detention, as documented by the former UN Special Rapporteur on promoting and protecting human rights and fundamental freedoms while countering terrorism after his fact-finding mission to Saudi Arabia in 2018. In earlier research, ALQST had already documented an emerging trend of repression, and a qualitative shift in the use of torture against both citizens and foreign nationals in Saudi Arabia, after King Salman came to power.

Survey participants in this new study confirmed various forms of torture and ill-treatment, or threats of them, during interrogation or detention. The majority of participants reported arbitrary bans on visits or phone calls, solitary confinement, verbal abuse, threats of abuse and torture, lack of essential medication, sleep deprivation, and forced confessions or signing of documents. The use of banned ultra-interrogation techniques such as electrocution, waterboarding and beating of detained individuals and activists, including female activists, has also been reported by ALQST and other sources.

These violations of prisoners' rights to freedom from torture and other ill-treatment contradict Article 36(1) of Saudi Arabia's own Law of Criminal Procedure (LCP), which mandates that a detained individual should be treated in a dignified way and prohibits any physically or emotionally harmful treatment, as well as articles of the Law of Imprisonment and Detention (LID) that also mandate proper treatment for detained or imprisoned individuals. Yet the Saudi authorities continue to practise and to tolerate the systematic use of torture in a climate of impunity. This pattern of violations, and the lived experiences of prisoners and ex-prisoners who have suffered such abuse, are explored in detail below in [section 4](#) on torture and other forms of ill-treatment.

## 1.4. Oversight and Scrutiny

There is next to no oversight of decisions of the courts, and no possibility of independent inspection of prisons, by independent civil society, elected legislative bodies or independent media inside Saudi



Arabia, since the state does not allow independent media or civil society organisations that might provide scrutiny of the performance of state institutions. Most decisions and laws are enacted and promulgated by the executive Council of Ministers or the Royal Court.

Two governmental human rights organisations, the Saudi Human Rights Commission (HRC) and the National Society for Human Rights (NSHR), were established two decades ago, mainly to engage with international entities on human rights as well as acting as domestic monitoring bodies. However, their function appears to be mainly one of window-dressing, to present a facade of oversight and scrutiny, since their powers are limited to making suggestions, and on the evidence these appear to be largely ignored by the authorities. The HRC, moreover, which nominally functions as the country's national human rights institution (NHRI), has not sought accreditation from the International Coordinating Committee of NHRIs, for which it would have to demonstrate independence and compliance with the Paris Principles, or international minimum standards.

The government-sponsored NSHR has conducted a number of visits to political prisons and between 2011 and 2012 published a report on its most notable findings.<sup>18</sup> It documented several complaints from prisoners, of which the most significant were: prolonged periods of pre-trial detention without referral to a judicial authority; the use of ill-treatment to extract confessions; prisoners continuing to be held in detention after orders had been issued for their release; bans on family visits; prolonged and frequent use of solitary confinement; the excessive isolation of certain prisoners regarded by the authorities as threatening the national interest; medical neglect and delays in providing healthcare; and intrusive searches of visitors, particularly women, who were subjected to intimate searches. The NSHR report also noted a prevalence of mental health disorders that called for an immediate action plan.

The NSHR's Annual Report for 2018<sup>19</sup> documented 601 complaints related to prisoners' conditions and requests, the highest documented number since 2014, with the Riyadh and Qassim branches of the NSHR receiving the greatest number of prisoners' complaints. The majority of prisoners' complaints were related to requests for release (148), delayed referral to court (141), and requests for release after completion of a sentence without discharge (87). There were also 40 complaints of poor medical care in prisons, and 35 complaints of abuse, assault, and breaking of the rules by officers and guards inside the prison.

In 2020, the officially authorised Saudi Human Rights Commission (HRC) conducted over 1,200 visits to detention facilities and prisons.<sup>20</sup> It noted serious issues including: overcrowded prisons, and detention facilities operating beyond their maximum capacity; low numbers of correctional officers and staff; the unsuitability of some prisons for individuals with disabilities; prolonged interrogation and delays in the referral of cases beyond the lawful maximum period; prisoners being prevented from meeting

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<sup>18</sup> National Society for Human Rights: The Society reports on conditions in Mabathet prisons, date unspecified (sometime between October 2011 and June 2012), <https://nshr.org.sa/?news=news910>

<sup>19</sup> National Society for Human Rights, 15th Annual Report, 2018, <https://nshr.org.sa/wp-content/uploads/2019/06/1-5.pdf>

<sup>20</sup> Al-Madina, Nine human rights recommendations to reduce overcrowding in prisons, 29 December 2018, <https://www.al-madina.com/article/606705/محليات-9-توصيات-من-دقوق-الانسان-للحد-من-التكدس-في-السجون>

their lawyers or not being kept updated on their cases; poor hygiene, ventilation and maintenance at some prisons; and inadequate healthcare services for prisoners in general prisons, with only one general or visiting physician on certain days of the week and limited availability of medical equipment. The HRC recommended a set of remedial actions to alleviate the problems of overcrowding and poor communication on cases between different government departments. It recommended establishing alternative measures to imprisonment; revising the list of crimes deemed to warrant immediate detention; speeding up the judicial review of pre-trial detention or activating detainees' release pending trial; revising and updating the laws and regulations on detention and imprisonment; developing a standard prison manual to define the rights and obligations of prisoners as well as emergency plans; establishing a shared online system to facilitate communication on cases and court decisions across relevant state entities; and drawing up a plan to remedy the weak infrastructure of prisons and detention facilities.

In 2012, the NSHR had published a manual on the rights and duties of prisoners but it was never incorporated into the training of correctional officers in detention facilities or prisons.<sup>21</sup> Meanwhile, a charity has been operating to support the social and financial needs of prisoners and their families in response to recommendations by the Council of Ministers. The charity is composed of representatives from several ministries and has branches all over Saudi Arabia. It is tasked with developing programmes in prisons and correctional facilities, providing suitable care for prisoners and their families to reduce recidivism, and conducting studies to help ameliorate prisoners' conduct and suggest alternatives to detention. A ministerial decision was also issued in 1981 that prisoners' families should be supported financially for up to six months after release.<sup>22</sup>

ALQST has reported on these and similar issues in the past. The fact that the HRC and NSHR report how many complaints they receive but not how many complaints are resolved clearly shows that they have no real power to address or solve the issues. So despite years of the state acknowledging serious violations of both its domestic and its international obligations, little to nothing has changed, and in fact the problems have intensified. This deterioration is indicative of the domination of political over legal authority that has occurred especially since the ascent to power of King Salman and his son Crown Prince Mohammed.

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<sup>21</sup> National Society for Human Rights, Rights of prisons and their duties, 2012, [https://nshr.org.sa/wp-content/uploads/2013/10/101\\_PDF1.pdf](https://nshr.org.sa/wp-content/uploads/2013/10/101_PDF1.pdf)

<sup>22</sup> National Centre for Archives and Records, Prisoner assistance will continue for six months after their release, 1981, <https://ncar.gov.sa/Documents/Details?Id=t284I9rtMISKV8qbKiSuvQ%3D%3D>



## 2

# **The Saudi Prison System: Structure and Control**

## 2. The Saudi Prison System: Structure and Control

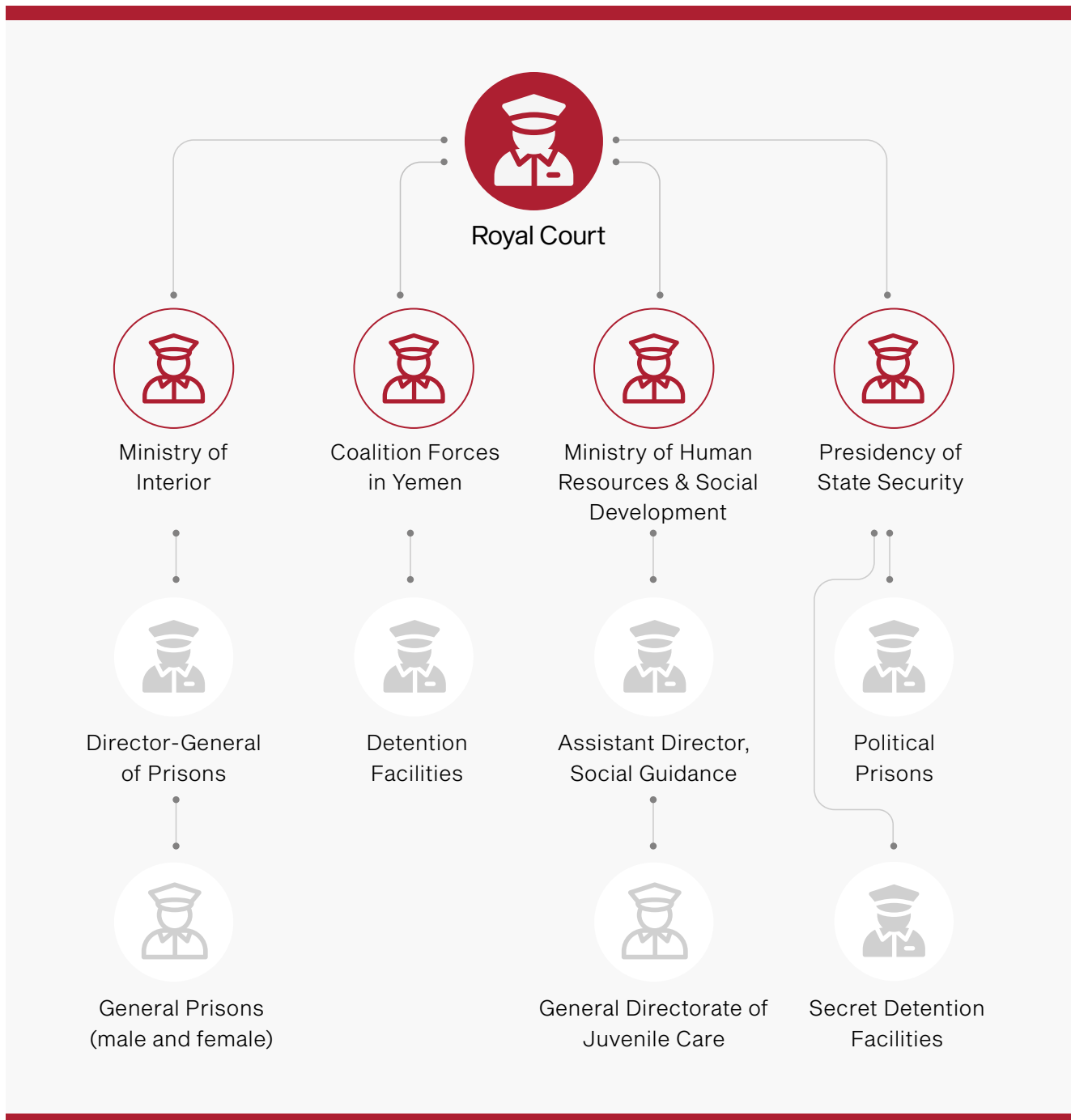


Figure 3: The Saudi Prison System: Structure and Control

## 2.1. The Prison System, Management and Staff

In Saudi Arabia, prisons and detention centres operate in secrecy with no independent monitoring or oversight. Inevitably, therefore, the information in this report may not be fully comprehensive or up-to-date in its description of the different types of prison and the characteristics of each type.

Saudi Arabia's prisons and detention centres are broadly classified into four categories depending on the overseeing authority (see Figure 3): general prisons, political prisons, juvenile detention facilities, and detention facilities under the Saudi-led coalition forces in Yemen. General prisons and detention facilities are under the authority of the General Directorate for Prisons within the Ministry of Interior (see Figure 4). Political prisons are prisons and secret detention facilities, or facilities temporarily converted for use as prisons, run by the Presidency of State Security. This all-encompassing security agency was set up by royal decree in 2017 to consolidate both counterterrorism and domestic intelligence services under a single command, reporting directly to the king. The royal decree moved many security-related functions and departments, including the notorious General Directorate of Investigation commonly known as "Al-Mabaheth", out of the Ministry of Interior and into the Presidency of State Security. Juvenile detention facilities are places of detention for juveniles, both male and female, who are awaiting sentencing or have been sentenced by the courts, under the supervision of the Ministry of Human Resources and Social Development (MHRSD). Finally, detention facilities are reported to exist under the control of the Saudi-led coalition in Yemen. For the purposes of this report, however, we focus on the first three of these categories.

Prisons and detention centres in Saudi Arabia, then, consist of general prisons and detention centres under the Ministry of Interior; Mabaheth (intelligence services) prisons and secret detention facilities under the Presidency of State Security; and juvenile care/detention centres under the Ministry of Human Resources and Social Development. Outside this structure, in addition, the authorities make use of unofficial places of detention where some of the worst human rights violations take place in even greater secrecy.

Historically, prisons in Saudi Arabia were linked with the police administration as a single department. In 1968, the prisons department was brought under General Security, and in 1969 a royal decree approved the establishment of the Directorate for Prisons and Detention. The Minister of Interior also ordered the formation of a General Directorate of Prisons, with a clear definition of all the duties and special responsibilities of each section, in Ministerial Decision No. 4090. In 2000, the Minister of Interior ordered the prison administration to be separated from General Security and form an independent department reporting directly to the Deputy Minister of Interior for Security Affairs, with the title of "General Directorate of Prisons". The Council of Ministers also issued a ministerial decision, No. 273, to separate prisons from General Security and create a separate directorate responsible for the oversight and management of prisons and the execution of detention, imprisonment and release orders, in addition to any rehabilitation or reform programmes for convicted prisoners (Figure 4, below).<sup>23</sup>

<sup>23</sup> Historical Overview, General Directorate of Prisons, <https://bit.ly/2SgPnhC>

While the Presidency of State Security directly operates only the kingdom's political prisons and secret facilities, and has no explicit organisational relationship with the general prisons run by the Ministry of Interior, it is permitted by its mandate to utilise any of the state's security apparatus or access any part of the prison system, without a clear description of its role or duties.

The Director-General of Prisons, meanwhile, reports to the Minister of Interior, and loosely supervises five assistant directors covering different departments in the prison system, as shown in Figure 4. The Assistant Director for Operations is tasked with central leadership and control and the directorates of prisoners' affairs and prison security. The Assistant Director for Rehabilitation and Reform heads the directorates of prisoners' rehabilitation and training, care and reform, and gainful employment. The Assistant Director for Planning and Development heads the directorates of planning and organisation and training, and the budget and quality departments. The Assistant Director for Administrative Affairs heads the directorates of administration and finance, procurement and purchasing, and supplies and stores, the inventory monitoring department and the documents and archives centre. The Assistant Director for Technical Affairs heads the directorates of communications, maintenance, engineering and safety. Other departments reporting directly to the Director-General of Prisons include the directorates of detention of foreign nationals; military personnel affairs; female supervision; information technology; nutrition; security and protection; and military police.

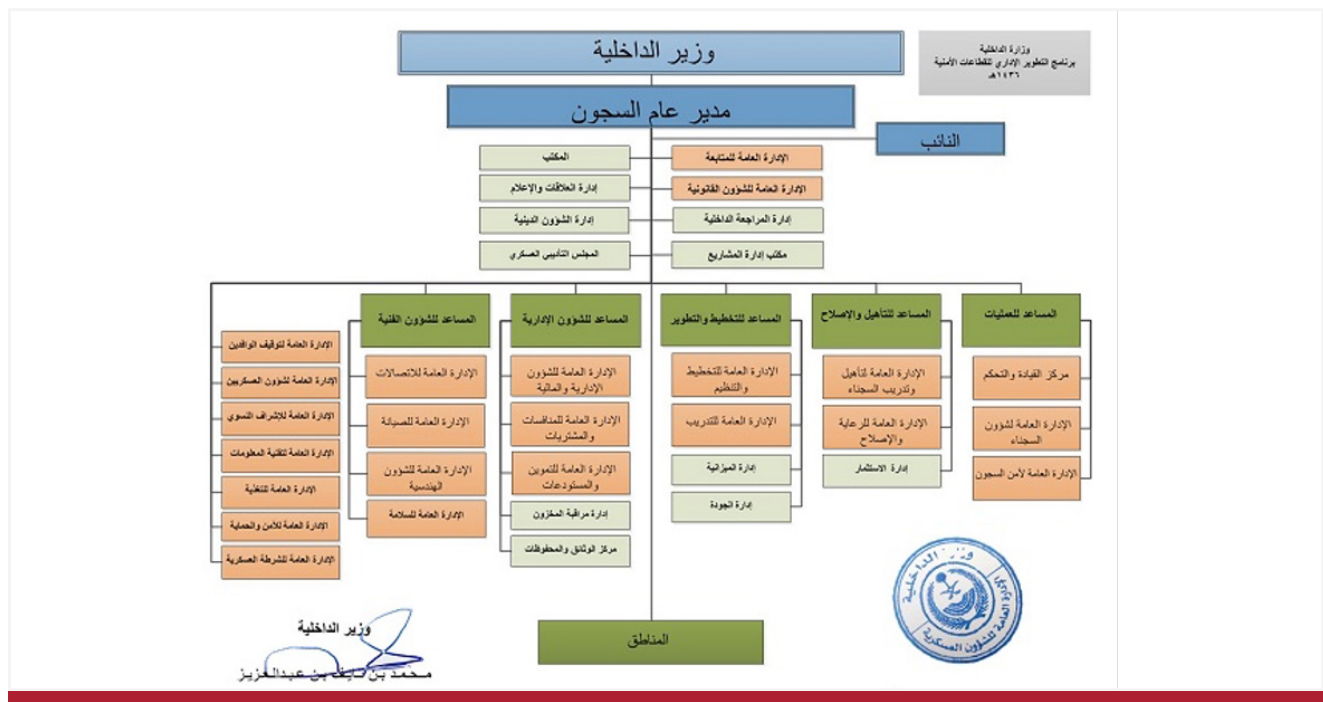
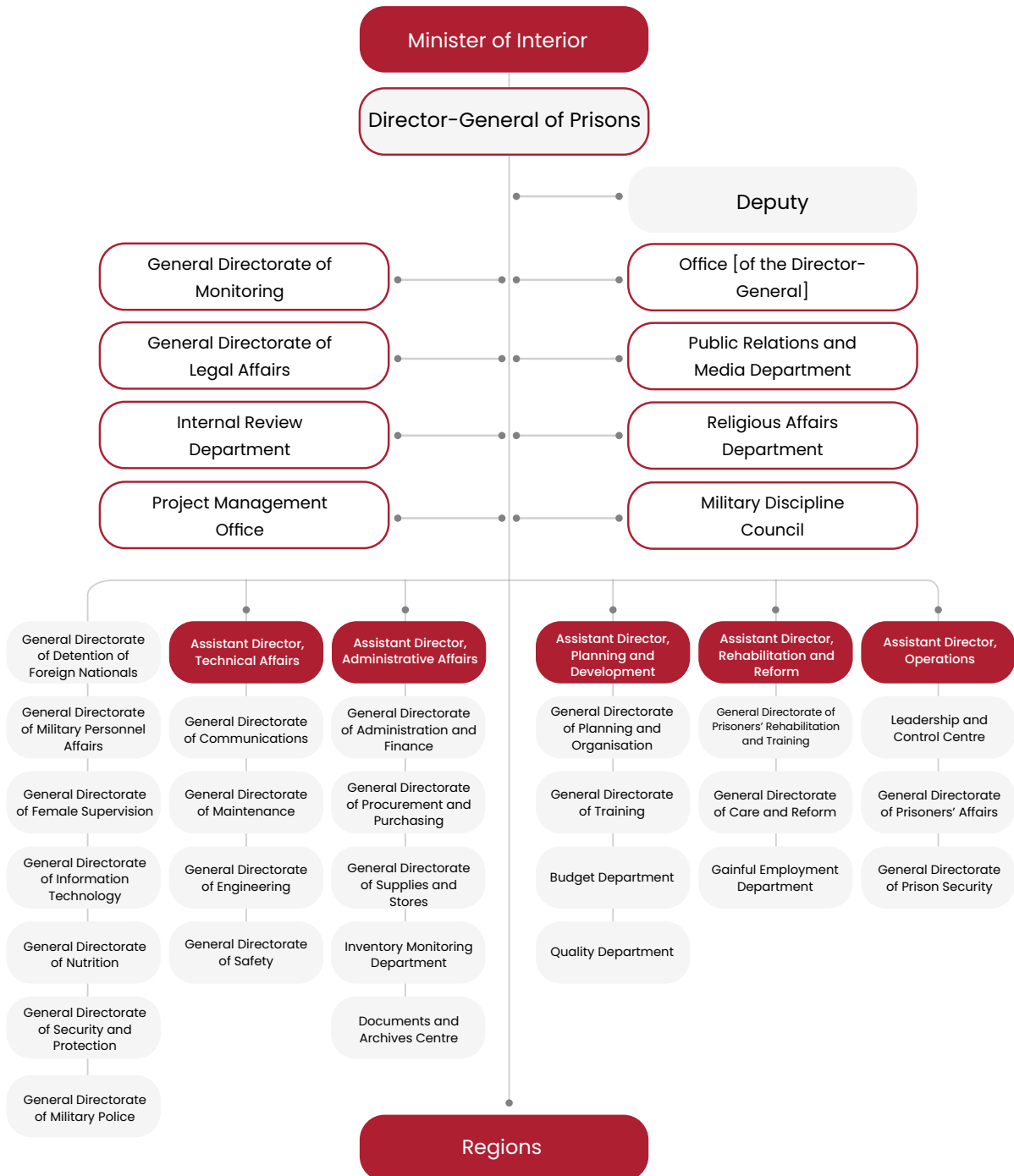


Figure 4: Organisational Chart of the General Directorate of Prisons Within the Ministry of Interior (as found on the Ministry of Interior's website at the time of writing the report) (English translation below)



There are no published statistics on the number of prisoners in any given detention facility. There are also no archival sources to help us examine the nature of cases and the legal decisions issued by courts. However, the Ministry of Interior has created an online database called “Nafethah” (lit. “window”) of those arrested by the intelligence authorities since 2014 (see in more detail under [section 2.3](#) below). The database lists the national identification number for each detainee and the status of their case since their arrest. Analysis conducted in 2018 showed that the Ministry of Interior had held thousands of prisoners without referral for trial for more than six months, and some were held for years.

The prison system in general does not allow independent media or human rights organisations access to its facilities, but some prisons receive regular visits from members of the two government-controlled human rights organisations, the HRC and the NSHR. Over the years, each of these organisations has presented recommendations in their reports for officials to reduce overcrowding in prisons and detention facilities, improve hygiene and maintenance of the buildings, train officials in standards of care, and provide better communication between the prison system and other official bodies to facilitate and accelerate the processing of cases.

## 2.2. General Prisons

There are general prisons distributed across Saudi Arabia’s administrative regions, in addition to many detention facilities in various places. In 2017, the Saudi newspaper al-Watan published a figure of 61,000 prisoners in Saudi Arabia – 192 prisoners per 100,000 population – half of whom were imprisoned for drug-related offences.<sup>24</sup>

Reliable and up-to-date information is not available on all prisons or detention facilities, but there is some information on some prisons. In Riyadh, for instance, two prisons are notoriously overcrowded and poorly equipped. Al-Malaz Prison in Riyadh, one of the most crowded, was reported in 2010 to be holding three to four times its regular capacity of 100 prisoners per wing,<sup>25</sup> and no change in this situation has been reported or officially announced. Al-Shumaisi Prison is designated as a detention centre for non-Saudi nationals who either entered the country illegally or have remained in violation of the residency regulations. There have been several reports and videos from the prison showing overcrowded and inhumane conditions of detention, including claims of children and infants of foreign residents being detained because of their parents’ inability to pay residence permit renewal fees.<sup>26</sup> Al-Shumaisi Prison was reported in 2014 to have witnessed riots over poor conditions of detention, and incidents where security officers used firearms against prisoners.<sup>27</sup> Again, there has been no more recent information to suggest reforms.

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<sup>24</sup> Al-Watan, 192 prisoners per 100,000 people in Saudi Arabia, 29 June 2017, <https://bit.ly/3gBROTV>

<sup>25</sup> Al-Karama, Al-Malaz Prison an example of prisoners’ suffering, 7 September 2010, <https://www.alkarama.org/ar/articles/alswdyt-sjn-almz-knmwdhj-lmanat-alsjna>

<sup>26</sup> The New Khalij, Al-Shumaisi Prison, date unspecified, <https://thenewkhalij.news/index.php/keyword/%D8%B3%D8%AC%D9%86-%D8%A7%D9%84%D8%B4%D9%85%D9%8A%D8%B3%D9%8A>

<sup>27</sup> International News Agency, Three Yemenis injured inside a Saudi prison, 3 March 2014, <http://internationalnewsagency.net/details.php?sid=389>



Breiman Prison in Jeddah is another of the country's largest, in both area and capacity. It can house up to 7,270 male and female prisoners and is used as a temporary detention centre for people waiting for their cases to be reviewed by the relevant authorities. Reports in the past have said there were approximately four thousand prisoners in Breiman, with a daily influx of around a hundred prisoners. Despite the prison being equipped with three thousand monitoring cameras, prisoners managed to smuggle out footage of overcrowded conditions, together with claims of deaths and deadly infections among the inmates.<sup>28</sup> A joint committee of the health and interior ministries was reportedly set up to tackle such problems in the prisons of Jeddah governorate. Other prisons, including the general prisons in Najran<sup>29</sup> and Jazan,<sup>30</sup> still faced the same overcrowded and poor conditions; the general prison in Buraydah reportedly witnessed riots and the firing of arms against prisoners in one incident.<sup>31</sup>

In 2016, a local newspaper published coverage of a large new prison in Jeddah, known at the time as Jeddah Penitentiary, made up of twenty detention units each with capacity for 124 prisoners.<sup>32</sup> According to the newspaper's report, the whole prison is covered by an electronic monitoring system with cameras. Each unit has a sun-lit area, central lounge with TV, dining area, prayer room, library, laundry room and hair salon. Holding cells are of two types, one designed to accommodate two prisoners and one that houses six. A social worker, psychologist, physician and religious counsellor are available in each unit, in addition to a gym and a football pitch. The facility also has a medical unit and a block of small apartments for family visits, where presumably a prisoner can spend a day with his family. The new prison was, at the time, one of seven model prisons built as part of a project ordered by the king to refurbish the Ministry of Interior's infrastructure. The project successfully launched four model correctional facilities in Jeddah, Riyadh, Taif and Dammam, but the whole prison estate remains in need of improvement and updating, and the authorities' steadfast refusal to allow visits to Saudi prisons by independent monitors does nothing to create confidence that these issues are being tackled.

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<sup>28</sup> Makkah, Overcrowding of prisoners spreads deadly diseases in Jeddah, date unspecified, <https://makkahnewspaper.com/article/3104>

<sup>29</sup> Al-Watan, Najran prison rejects inmates, 15 May 2013, <https://www.alwatan.com.sa/article/183975>

<sup>30</sup> Youtube, Leaked video from Jazan prison, 5 November 2018, [https://www.youtube.com/watch?v=IM4asNBCEUo&feature=emb\\_logo](https://www.youtube.com/watch?v=IM4asNBCEUo&feature=emb_logo)

<sup>31</sup> Makkah, Inmates' refusal for inspection leads to a riot in Buraydah prison, 26 December 2014, <https://makkahnewspaper.com/article/3811>

<sup>32</sup> Okaz, Jeddah Penitentiary, Freedom of movement for prisoners and rehabilitation and recreational programs, 11 May 2016, <https://www.okaz.com.sa/article/1056861>

## 2.3. Political Prisons

Political prisons are specific detention facilities previously run by the Ministry of Interior but now operated and overseen by the Presidency of State Security. This new State Security entity was established by Royal Decree A/293 in 2017, bringing together both counterterrorism and the feared Mabath domestic intelligence service under the direction of intelligence chief Abdulaziz bin Mohammed al-Huwairini, who holds the rank of minister. The Presidency of State Security is overseen by the king, and comprises several departments: the General Directorate of Investigation (Mabath), the Special Security Forces, the Special Emergency Forces, the General Security Aviation Command, the General Directorate of Technical Affairs, and the National Information Centre. In addition, State Security is assigned the handling of all matters relating to counterterrorism.<sup>33</sup>

### *Number of political prisoners*

There is conflicting information in relation to the number of political prisoners in Saudi Arabia because of inconsistencies between numbers in the state database and those monitored by human rights organisations. Most of those detained by State Security prefer not to disclose their arrest or detention for fear of reprisals. Sometimes the detainees' families worry about being targeted if they disclose their relatives' arrests or contact activists or human rights organisations. This is what happened in the case of **Khaled al-Odah**, brother of Islamic scholar **Salman al-Odah**, who was immediately arrested when he announced his brother's arrest on Twitter in 2017. Likewise, activist **Mayaa al-Zahrani** was arrested after announcing the arrest of her friend **Nouf Abdulaziz**, a blogger and women's rights activist. In some instances, the families of those arrested are told by State Security officials not to publicise the arrest so as not to aggravate the situation of the person detained. In other cases, families are left without any notification of the arrest and the authorities prevent detainees from informing them. This was the case with **Abdulrahman al-Sadhan**, who was arrested from his workplace and held incommunicado in an unknown location for nearly two years before the authorities allowed him a one-minute call to his family to inform them of his whereabouts.<sup>34</sup> There are many other similar cases, which helps to explain why it is so difficult to determine independently the exact number of political prisoners in Saudi Arabia.<sup>35</sup>

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<sup>33</sup> Arab News, Saudi Arabia forms new state security apparatus, 21 July 2017, <https://www.arabnews.com/node/1132466/saudi-arabia>

<sup>34</sup> ALQST for Human Rights, Two years since arrest and disappearance of Saudi humanitarian worker Abdulrahman AlSadhan, 12 March 2020, <https://alqst.org/en/two-years-since-arrest-disappearance-saudi-humanitarian-worker-abdulrahman-alsadhan>

<sup>35</sup> ALQST for Human Rights, Systematic practise of enforced disappearance in Saudi Arabia, 28 August 2020, <https://alqst.org/en/post/enforced-disappearance-in-Saudi-Arabia>



**Salman al-Odah**



**Khaled al-Odah**



**Abdulrahman al-Sadhan**

In 2013, and in response to calls by several community figures inside the kingdom for disclosure of the number of political prisoners, the authorities launched an online database detailing all those detained by State Security, called “Nafethah Tawasul” (lit. communication window).<sup>36</sup> The website allows families to access information on a detained relative by entering his national identification number. The website shows them the name, date of arrest, and status of the case of the person involved, as either “under investigation”, “with the Bureau of Investigation and Public Prosecution”, “under judicial review”, “in the process of being referred for prosecution”, “convicted”, or “convicted on appeal”. It also allows the family to request a visit or make other requests as needed, but does not record whether or not the authorities have responded to these requests. Furthermore, the website can only be accessed from inside Saudi Arabia, making it difficult for families of prisoners who are outside the country to use the service.

In 2014, and again in 2018, Human Rights Watch (HRW) conducted an independent analysis of this database to monitor the number of those detained and the legality of their detention. The 2014 analysis showed 2,766 persons detained, of whom 293 had been held in pre-trial detention for over six months without referral to court, including 16 held for over two years and one for over 10 years.<sup>37</sup> HRW’s 2018 analysis revealed even more striking results: there were now 5,314 people in the database, of whom 3,380 had been held for over six months without conviction or pending judicial review, including 2,949 held for more than a year and 770 for over three years. There were 2,305 people who had been under investigation for more than six months, 1,875 for more than a year, and 251 for over three years.<sup>38</sup>

Local media have reported figures announced by the Ministry of Interior for detainees from other countries in political prisons.<sup>39</sup> A report in 2019 noted the detention of 259 Syrians, 358 Yemenis, 75 Egyptians, 73 Pakistanis and 10 Jordanians in Mabathet prisons on charges related to the national security of Saudi Arabia.

<sup>36</sup> Nafethah Tawasul, Twitter, <https://twitter.com/nafethaht?lang=en>

<sup>37</sup> Human Rights Watch, Saudi Arabia: End arbitrary detention, 23 September 2014 <https://www.hrw.org/news/2014/09/23/saudi-arabia-end-arbitrary-detention>

<sup>38</sup> Human Rights Watch, Saudi Arabia: Thousands held arbitrarily, 6 May 2018, <https://www.hrw.org/news/2018/05/06/saudi-arabia-thousands-held-arbitrarily>

<sup>39</sup> Zaman, 216 Syrians detained in Saudi Arabia’s Mabathet prisons, 23 July 2019, <https://www.zamanalwsl.net/news/article/109076/>

## ***Nature of political prisons***

There are several political prisons and correctional facilities across Saudi Arabia. They are regarded as maximum security prisons, and many ordinary items like books, newspapers and notebooks are banned for certain prisoners. Some of these prisons are used to incarcerate both political prisoners and criminal offenders.

Al-Ha'ir Prison complex, located 40 km south of Riyadh, is the kingdom's largest correctional facility.<sup>40</sup> It was built in 1983 over an area of 1.8 million square metres. It has the potential capacity to house 10,000 prisoners. The building is used as both a general and a political prison, with some cells designated for VIP inmates. It is made up of three buildings: the security building (prison), the administrative building, and the service building. The same structure applies to the women's prison, which is built within a high security surrounding wall. There are also two additional buildings, one for security assistance and one for private family visits, conjugal visits, or visits through a window. The women's prison includes a vocational training school, a school, and a building for receiving or releasing inmates along with other services.

Al-Ha'ir's function as a place of incarceration for VIP or high-value prisoners can be seen from the announcement by an official source in 2017 that several members of the ruling family who had been arrested on corruption charges would be sent there if they did not transfer certain assets to the state.<sup>41</sup>

Al-Ha'ir Prison has witnessed several devastating incidents over the years. A fire in 2003 caused the deaths of more than 67 inmates as well as injuring others, including seven Yemenis killed and three injured. A committee formed to investigate the cause of the fire concluded that it had been caused by one of the prisoners. Another fire broke out in April 2004, injuring 13 people, and was also found to have been caused by a prisoner setting his cell on fire. In April 2015, a 19-year-old Saudi man belonging to the Islamic State organisation, Abdullah al-Rasheed, set his car on fire near a checkpoint close to al-Ha'ir prison.

Another notable political prison is Dhahban Prison in Jeddah, thought to hold 4,000 political prisoners along with some foreign nationals imprisoned on criminal convictions. The prison was built in 2015 as part of a plan to refurbish Jeddah city's infrastructure, including its prisons. Dhahban has a capacity of 7,500 prisoners, with separate sections for men and women. In 2020, Al Jazeera news channel managed to gain rare insight into conditions in Dhahban Prison and even produce a sketch of the wing where female political prisoners were housed, based on an interview with former female detainee Yumna Desai.<sup>42</sup> The sketch depicted groups of cells alongside a central section of rooms for various activities and interrogation rooms. Dhahban houses some of Saudi Arabia's best known human rights activists, including members of the Jeddah reform group as well as **Raif Badawi**, **Samar Badawi** and **Waleed Abu al-Khair**.

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<sup>40</sup> Okaz, Okaz visits the most famous prison in the Saudi capital and meets inmates, 23 April 2016, <https://www.okaz.com.sa/article/1053993>

<sup>41</sup> Al-Jazeera, Al-Ha'ir: Saudi Arabia's most fortified prison, 24 November 2017, <https://bit.ly/3xqODoY>

<sup>42</sup> Al-Jazeera, Detainees in Dhahban Prison, 3 May 2020, <https://bit.ly/2SJYzep>



**Raif Badawi**



**Samar Badawi**



**Waleed Abu al-Khair**

The al-Mabaheth Prison in Dammam is another of the five main political prisons in Saudi Arabia and houses 950 to 1,000 prisoners. Several cases of torture have been documented here.<sup>43</sup> However, in February 2020 local media coverage of the prison, clearly orchestrated by the prison administration, showed prisoners being allowed privileges such as conjugal visits once a month in one of 30 hotel-like rooms, weekly phone calls, twice-monthly visits, a chance to continue their public or university education, and healthcare in a fully equipped hospital on site. The media coverage, featuring photos of immaculate and seemingly brand new facilities and furnishings, reported that there were also 17 female prisoners who enjoyed the same privileges, in addition to a beauty salon and an outside area for access to sunshine. As part of the same public relations exercise, the media talked about a special programme called “time-management” for model prisoners, providing access to a small library, gym, and media centre for recording songs and national poetry. Prisoners on this “time-management” programme were reported to be housed in five-person cells rather than the standard seven-person cells in the rest of the prison. The prison, readers were told, also allows inmates to request temporary release on humanitarian grounds in cases such as a death in the family, during which they wear an electronic bracelet to track their movements.<sup>44</sup>

Other notable political prisons are in Buraydah (al-Tarafiyah Prison) and the city of Abha (Abha Prison). Again, local newspapers have published reports of visits by journalists to these prisons in what looks like an obvious attempt to rebut claims of torture or ill-treatment. In one much older (2013) but equally effusive report, a journalist visits al-Tarafiyah Prison in Buraydah and details all the impressive services provided for the inmates. He arrives in the administrative area and heads with the prison’s director and some officers to the visitation lounge, which has separate sections for men and women. There are hot and cold drinks available, and snacks are offered to visitors while they wait for their relatives to be brought out to meet them. There is a section for conjugal visits with 27 rooms that are refurbished with new hotel-like designs every three months. The prison has its own water desalination plant and a hospital that uses a colour-coded system to identify how frequently prisoners need to have regular

<sup>43</sup> ALQST for Human Rights, Cleric Mohammad al-Habib’s health is deteriorating in prison, 31 March 2021, <https://www.alqst.org/en/post/cleric-mohammad-al-habib-health-is-deteriorating-in-prison>

<sup>44</sup> Al-Ahsa news, Al-Ahsa news in Dammam Mabatheth prison, 20 February 2020 <https://www.hasanews.com/6621795.html>

health checks. There is a crisis and prisoner clearance area between the cells and the hospital, which uses golf carts to transfer prisoners across in emergencies. The reporter also describes in detail the several designs of the cells, including individual and shared cells with capacity for up to eight prisoners but housing only four, each one having a private bathroom, mattress and blankets for each prisoner, and a TV hanging at the top of the room for watching the news. There is also a counselling centre, the journalist goes on to say, where radical Islamist prisoners receive regular lectures from appointed clerics to persuade them to abandon their ideology. Prisoners are also allowed to engage in activities such as gardening, continuing education in Saudi universities, and art, producing portraits of the king, crown prince and Minister of Interior, and pictures of the Ministry of Interior building.<sup>45</sup>

It is instructive that the journalist quoted at length above prefaced his article by directly referencing the widespread perception of Mabaheth jails as oppressive places in remote and secret locations, with underground cells where inmates are tortured and ill-treated, despite statements to the contrary put out “by the security authorities, the National Society for Human Rights, the Saudi Human Rights Commission and the Bureau for Investigation and Public Prosecution”.

The reality of conditions in Saudi Arabia’s political prisons is far less rosy than the whitewashing efforts of state institutions and local media would have us believe, as amply demonstrated by ALQST’s first-hand information from inmates and their relatives over several years, supplemented by the exclusive survey conducted for this report. This topic will be explored in detail below in [sections 3](#), on conditions and healthcare in Saudi prisons and detention centres, and [section 4](#), on torture and other forms of ill-treatment.

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<sup>45</sup> Al-Eqtisadia, Tarafiya prisons; rehabilitating prisoners is our prime concern, 23 March 2013, [https://www.aleqt.com/2013/03/23/article\\_741521.html](https://www.aleqt.com/2013/03/23/article_741521.html)

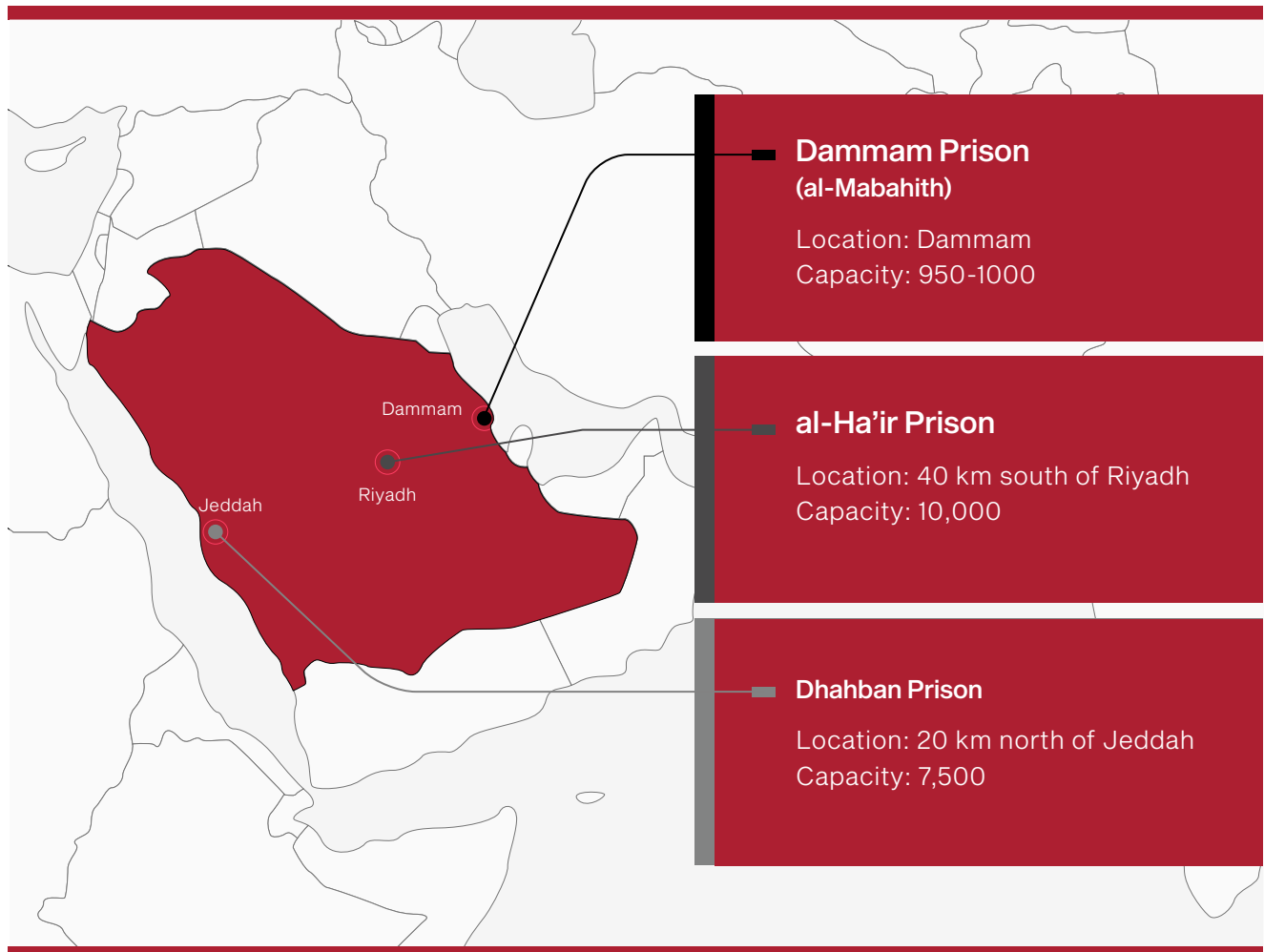


Figure 5: Main Political Prisons



## 2.4. Juvenile Detention

Saudi Arabia is a signatory to the Convention on the Rights of the Child (CRC), and some of its domestic laws lay down special regulations for the arrest and detention of minors under 18 years of age. The Law of Imprisonment and Detention prohibits the detention of children under 10 years of age for investigation. It also mandates releasing children below 15 years of age to the custody of their guardians unless ordered by a judge or otherwise deemed necessary. The Law of Criminal Procedure also allows for appropriate consideration to be given to juvenile offenders and girls in terms of investigation and trials. There are other brief regulations concerning the detention of minors in juvenile care facilities.

### 2.4.1. Social Supervision Homes for Boys

The first juvenile detention centre for boys was opened in Riyadh in 1954 to detain boys who were defying their guardians, or at risk of becoming delinquent because of a dysfunctional family or school environment. In 1961, the facility came under the supervision of the Ministry of Labour and Social Affairs, which oversaw both boys' and girls' care facilities. In 1963, this type of care facility was named "Dar al-Mulahadha al-ljtema'iyya" (lit. house of social supervision).

There are 17 juvenile care facilities for boys in 17 cities across Saudi Arabia. They are designated for boys over seven and under 18 years of age who are ordered by a judge or other competent authority to be temporarily detained pending investigation or trial, provided they have no addiction to drugs or alcohol and are free of any contagious infection, mental or physical disorder or disability.

The regulations for boys' care facilities (houses of supervision) cover four main areas: the purpose of detention, the conditions for temporary detention, the methods used to achieve the objectives of detention, and the care facilities' programmes and activities. The purpose of the care facility is described as providing social, psychological, vocational and health care, among other services, according to the protective care objectives for temporarily detained juveniles. Most of the services provided in the boys' facilities are similar to those listed for girls' care facilities below, with the exception that a boy can be released for up to three days to the custody of a guardian to attend a function or family event. Boys dress in colour-coded uniforms that categorise them by body weight.<sup>46</sup> There have been reports of boys running away from such facilities, presumably because of ill-treatment by the staff.<sup>47</sup>

### 2.4.2. Girls and Young Women's Care Institutions

The juvenile detention centres provided in Saudi Arabia for girls and young women up to the age of 30 are known as "Dar al-Re'aya" (lit. house of care). According to a spokesperson for the former Ministry of Labour and Social Affairs (precursor of the Ministry of Human Resources and Social Development,

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<sup>46</sup> Al-Madina, Jeddah Juvenile Detention Center, comprehensive care for guests, 30 August 2015, <https://bit.ly/2S9zb1p>

<sup>47</sup> Wtniaa, "Repair" works facilitate the escape of seven minors in Riyadh Juvenile Detention Center, date unspecified, <https://www.wtniaa.com/news-action-s-id-391.htm>



MHRSD), Khalid Abalkhail, girls and young women's care institutions are government establishments tasked with providing care and social discipline, strengthening religious affiliation, and delivering education, training and healthcare for delinquent girls who are detained pending investigation or trial, or who a judge decides should remain in the care facility, so long as they are no more than 30 years old.<sup>48</sup>

Girls and young women's care institutions are distributed across four branches, in Riyadh, Mecca, al-Ahsa and Abha. In 2016, there were 233 girls and young women in such institutions, according to the Ministry of Labour and Social Affairs. In 2018, the MHRSD announced that it intended to expand these institutions by renting more buildings, so as to have a total of 13 care facilities across Saudi Arabia, instead of the seven existing ones, some of which would henceforth be used to detain women who broke the traffic laws (now that they were finally allowed to drive).<sup>49</sup> The ministry set eight criteria for a building to be used as a detention facility. One was that it must have the potential to be divided into six sections: administration, a school, sleeping accommodation, a male-designated section, an activity area, and a dining lounge. The building should not be close to schools or industrial zones or in a remote area. In addition, local residents should not object to having the care facility in their neighbourhood.

The reasons for which girls and young women are referred to these institutions include running away or being absent from home, engaging in an act of moral indecency such as extramarital sexual relations, committing murder, disobeying a parent, or using or dealing in drugs.<sup>50</sup> For a girl or young woman to be accepted into the care facility, she has to fulfil certain criteria, such as being homeless, defying her male guardian, belonging to a dysfunctional family that might cause her to become delinquent, being over seven and under 30 years of age, being recommended by a social worker to be placed in a care facility, and being free from any illness that might affect her care.

The regulations governing girls and young women's care institutions (Dar al-Re'aya) are more extensive than those for the detention facilities for boys, running to 20 articles.<sup>51</sup> Girls' facilities may also accept young women of up to 30 years of age, but should keep girls below the age of 15 in a separate section within the facility. Girls and young women should be housed at the care facility immediately after arrest if a detention or arrest order is issued against them. Interrogation and court-determined punishments should be carried out at the care facility, and a special section should be designated for women and girls who have received court sentences. A girl can be released from the care facility if: a) interrogation reveals her to be innocent; b) a court exonerates her from any charges; c) she completes her sentence; or d) the Minister of Social Affairs decides that she has been reformed and a judge approves this decision. An exception to this is also stipulated whereby, with the minister's approval, a girl can remain at the care institution if she or her male guardian requests this on the basis that she is in need of further

<sup>48</sup> Al-Watan, Is it really a young women's care institution? 18 July 2017, <https://www.alwatan.com.sa/article/34735>

<sup>49</sup> Al-Madina, The opening of five additional girls and young women's care institutions in the kingdom, 25 March 2018, <https://bit.ly/3wSKx9r>

<sup>50</sup> Al-Madina, Rehabilitation of 13-30 year-old girls and young women in Mecca care institution, 23 February 2013, [https://www.aleqt.com/2013/02/23/article\\_733841.html](https://www.aleqt.com/2013/02/23/article_733841.html)

<sup>51</sup> Regulations for young women's care facilities (dar al-Re'aya), 28 July 1975, <https://nezams.com/لائحة-مؤسسة-رعاية-الفتيات/>

guidance. This is one of the most problematic clauses in the Law on Imprisonment and Detention (LID), as most of the girls affected are abandoned by their male guardians or came from abusive homes to start with. Abolishing the requirement for male guardians to approve the release of women and girls from care facilities and other state institutions has long been one of the main demands of civil society-led campaigns to end the male guardianship system.<sup>52</sup>

In its 2016 Annual Report, ALQST documented several concerns for the well-being of young female prisoners in women's care institutions.<sup>53</sup> The report documented cases of abuse and neglect such as malnutrition, poor health and hygiene conditions, mistreatment and brutality, excessive use of solitary confinement, and denigration.

There have been several hashtags on Twitter detailing the conditions of care in these institutions. Women have complained online of being deprived of any recreational activities or the ability to continue their education, and being unable to leave the institution for any reason. They have also complained about the use of excessively harsh methods of punishment, such as being made to stand for six hours at a time, having to clean a sports hall on their own, solitary confinement, and strip searches at the time of entering the institution. The punishment of flogging, which has supposedly now been discontinued, was once reported as being performed in one such institution every Thursday, with the girl or young woman to be flogged being required to kneel, fully covered, to receive the flogging.<sup>54</sup>

Several cases of suicide or attempted suicide in girls' and young women's care facilities have also been reported in domestic media. In 2017, nine girls in the care facility in Mecca were reportedly involved in rioting to protest ill-treatment from the care facility's management and staff. They were subsequently transferred to the general women's prison in Mecca, but the prosecution ordered their return to the care facility. The girls refused to return to the care facility, preferring to remain in prison, and four attempted suicide before finally being forcibly returned to the care facility.<sup>55</sup> The same facility in Mecca witnessed the suicide of 21-year-old Lama, who was detained at the care facility by police while fleeing from her abusive father in the city of Jeddah. Lama was found hanged in solitary confinement after 20 days. This in itself was in breach of the LID's prohibition on solitary confinement for more than 15 days without regular medical supervision, as well as international standards that say solitary confinement in excess of 15 days amounts to torture. Other girls, who were also being kept in solitary confinement in adjacent cells as a punishment for fighting, eventually realised that Lama was not answering their calls, and they alerted the supervisors. The director of the care facility blamed the Ministry of Social Affairs for not maintaining the monitoring cameras, none of which was working at the time of the incident.<sup>56</sup>

As indicated above, girls and women are not allowed to leave the care facilities except to the custody of a male relative. If no such person agrees, or is available, to collect them, then the authorities will transfer

<sup>52</sup> Equality Now, Ending male guardianship in Saudi Arabia, [https://www.equalitynow.org/ending\\_male\\_guardianship\\_in\\_saudi\\_arabia](https://www.equalitynow.org/ending_male_guardianship_in_saudi_arabia)

<sup>53</sup> ALQST for Human Rights, ALQST 2016 Annual Report, 23 January 2017, <https://www.alqst.org/en/post/hr2916>

<sup>54</sup> Manshoor, Young girls and women of care facilities in Saudi Arabia, 14 August 2017, <https://manshoor.com/people/women-social-welfare-saudi-arabia/>

<sup>55</sup> Okaz, 4 girls attempt suicide after being returned to care facility, 21 July 2017, <https://www.okaz.com.sa/last-stop/na/1560192>

<sup>56</sup> Rotana, The full story of the suicide of an inmate of Jeddah care facility, date unspecified, <https://bit.ly/3cJkUzN>

them to a women's guest care facility, from which women also require a male guardian or relative to collect them. Women who pass the age of 30 years while in the institution are also transferred to a guest care facility, unless they have been convicted of a crime, in which case they will be transferred to a women's general prison.

These women's guest care facilities also come under the supervision of the MHRSD but are not regarded as detention or prison facilities. There are concerns, though, that these guesthouses bar women from going out of the facility for any reason, such as education or work, and keep them locked up if their male guardians refuse to collect them. The government-sponsored Human Rights Commission has reported some of these complaints after visiting women's guest care facilities. It noted shortcomings in hygiene and maintenance; women being prevented from resuming their education or work, or being kept locked up without a legal basis; inadequate healthcare for women suffering addiction; and buildings poorly equipped to house the women.<sup>57</sup>

## 2.5. Unofficial Places of Detention

Despite it being stipulated in the Law of Criminal Procedure (LCP) that detention should take place in locations designated for that purpose, secret detention facilities have been reported by political prisoners in Saudi Arabia for decades. Such reports have persisted in recent years, some describing secret detention facilities equipped with torture chambers under the authority of the Presidency of State Security that was created in 2017. The growing number of reports documenting details of these facilities is in line with the increase in politically motivated arrests. These unofficial, clandestine facilities are often described as either furnished apartments or gated housing compounds under the control of State Security; ALQST has also gathered information on the use of a royal palace basement as an unofficial detention centre and torture chamber.

On one notorious occasion in November 2017 the Ritz-Carlton hotel in Riyadh was used to arbitrarily detain hundreds of wealthy individuals, senior officials and members of the ruling family in what was claimed to be an anti-corruption drive but which followed no legal or judicial procedure. The detainees were beaten, ill-treated and in several cases tortured to various degrees with no judicial oversight or legal safeguards, and one, Major-General Ali al-Qahtani, later died in custody. The detainees, many subjected to coercion, were able to "buy" their freedom by transferring assets to the state, with settlements, according to the authorities, reaching over \$100 billion.

In 2018 ALQST documented the torture of women activists in the basement of a secret facility in an unknown location described as "the hotel" or "the villa", south of Dhahban Prison in Jeddah. The Saudi authorities, however, reported to the UN Working Group on Arbitrary Detention in December 2019 that the facility in which they were held was a Mabatheth-run prison.<sup>58</sup> Sources described their place of

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<sup>57</sup> Slaati, Female inmates must leave guest care facility after completing their sentences, date unspecified, <https://www.slaati.com/2019/12/18/p1544337.html>

<sup>58</sup> Doughty Street, A stain on world leaders and the G20 summit in Saudi Arabia: The shameful detention and torture of Saudi women, November 2020, [https://www.doughtystreet.co.uk/sites/default/files/media/document/KSA\\_Report\\_-\\_Womens\\_Rights\\_Activists\\_-\\_10.11.20.pdf](https://www.doughtystreet.co.uk/sites/default/files/media/document/KSA_Report_-_Womens_Rights_Activists_-_10.11.20.pdf)

detention as consisting of hotel-like rooms, where the women were kept all the time except during interrogation, when they would be blindfolded and handcuffed before being taken to the basement. There, they were interrogated and subjected to torture including beatings, electric shocks and sexual harassment.<sup>59</sup> The individuals involved in the torture wore masks, but at least one of the women recognised Saud al-Qahtani, the crown prince's close advisor, among the men interrogating her, as he issued threats of rape and murder. After an initial period of three months following their arrests, the women activists were transferred to Dhahban Prison.

It was difficult to pinpoint the exact location or give a detailed description of these secret facilities, or to identify the officials involved, as the prisoners feared for their lives and the lives of their families, quite apart from their having been mostly blindfolded and kept unaware of their surroundings or the identities of the men involved in these incidents. However, the fact that several prisoners and family members described details in common and gave similar descriptions of the locations, personnel involved, and methods of interrogation, would seem to indicate that their accounts are accurate. It thus appears to confirm that Saudi Arabia does indeed use secret facilities to cover up illegal and unlawful interrogation and intimidation practices, in addition to the torture and “enhanced interrogation” techniques carried out inside formal places of detention.

ALQST recently reported on brutal physical abuse of cleric **Sulaiman al-Dowaish** by high-ranking officials in the basement of a private royal palace.<sup>60</sup> The preacher was arrested on 22 April 2016 after posting tweets criticising King Salman for appointing his favourite son, Mohammed bin Salman, to leadership appointments for which he did not have the necessary competence. The minister of interior at the time refused to have the preacher arrested, so Mohammed bin Salman had him apprehended by a group of men from the royal court and taken to a Ministry of Defence facility in Jeddah before being flown to Riyadh by night and taken to a royal palace. There he was questioned by a high-ranking official about



**Sulaiman al-Dowaish**

his Twitter post, and severely and bloodily beaten. He was tortured on several further occasions while being held incommunicado in the basement of the palace, which housed a number of makeshift wooden cells equipped for torture. These basement cells may have been used to imprison as many as 150 rival members of the ruling family and high-ranking officials. It appears to have been run personally by two senior officials: Saud al-Qahtani, an adviser to MBS, and Maher al-Mutrib, a royal bodyguard and member of the hit squad sent to Istanbul to murder journalist Jamal Khashoggi in October 2018.

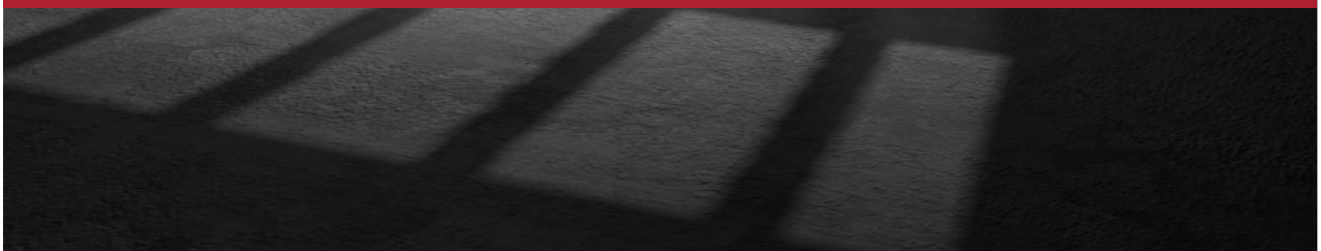
<sup>59</sup> ALQST for Human Rights, ALQST confirms new details of torture of Saudi women activists, 3 January 2019, <https://www.alqst.org/en/confirm-new-details-of-torture-of-saudi-women-activists-as-british-mps-see-access-to-prisons-to-investigate>

<sup>60</sup> ALQST for Human Rights, Key details emerge of preacher Sulaiman al-Dowaish's torture ordeal in royal palace basement, 3 March 2021, <https://www.alqst.org/en/post/key-details-emerge-of-preacher-Sulaiman-al-Dowaish-torture-ordeal-in-royal-palace-basement>



### **3**

## **Conditions and Healthcare in Saudi Prisons and Detention Centres**





# 3. Conditions and Healthcare in Saudi Prisons and Detention Centres

According to the UN Basic Principles for the Treatment of Prisoners, all prisoners are entitled to be treated with respect due to their inherent dignity and value as human beings.<sup>61</sup> Furthermore, there should be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In particular, states should make efforts to abolish solitary confinement as a punishment, or at least restrict its use. The ninth Principle states the right of prisoners to access the health services available in the country without discrimination on the grounds of their legal situation.

The requirement to maintain adequate health conditions for prisoners is explained in further detail in “Health in prisons: A WHO (World Health Organisation) guide to the essentials in prison health”.<sup>62</sup> The guide makes several recommendations in terms of organisation, screening and provision of vaccinations and medical treatment in prisons. Each prison should maintain a well-equipped clinic with a qualified physician and a nurse to provide any immediate healthcare as needed; this is also mandated by Saudi regulations. Screening and physical examinations should be conducted when prisoners first arrive in detention facilities, to detect certain communicable diseases and provide a mental and physical assessment. Special care must be given to inmates with chronic diseases or a history of addiction, behavioural aggression/violence, suicidal ideation, self-harming, mental illness or dental disease, as well as female prisoners. The prison physician should submit any health recommendations to the prison management in order to properly place and treat the needs of prisoners. The WHO guide also details the requirements for hygiene and access to clean clothing and personal items. There are special care requirements for female prisoners, and for pregnant women in particular, which are also mandated by domestic Saudi laws.

The Saudi Law of Imprisonment and Detention (LID) also provides for the humanitarian, health-related release of prisoners who are terminally ill or affected by a disabling condition that prevents them from living independently. However, no information is available on the number of prisoners who have been released for this reason, or the conditions permitting their release.

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<sup>61</sup> United Nations, Basic Principles for the Treatment of Prisoners, 14 December 1990, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/BasicPrinciplesTreatmentOfPrisoners.aspx>.

<sup>62</sup> World Health Organisation, Health in prisons: A WHO guide to the essentials in prison health, 2007, [https://www.euro.who.int/\\_data/assets/pdf\\_file/0009/99018/E90174.pdf](https://www.euro.who.int/_data/assets/pdf_file/0009/99018/E90174.pdf).

### 3.1. Overcrowding

Overcrowded prisons and detention facilities create systemic challenges to maintaining prisoners' health and providing a safe environment. Overcrowded prisons may lead to insanitary, violent, conditions that are harmful to prisoners' physical and mental well-being. Overcrowding endangers the prison's employees as well, as they face more violence, threats of infection, and increased stress and mental health issues.<sup>63</sup>

Overcrowding has been a consistent complaint in Saudi prisons and detention centres, and has frequently been documented by local media and government-sponsored human rights organisations. In our survey, nearly half of the participants reported overcrowded prison or detention facilities. Foreigners' detention facilities are particularly affected by overcrowding, with grave consequences for prisoners' health and well-being.

General prisons where Saudi prisoners are held are also overcrowded, particularly al-Malaz Prison in Riyadh and Breiman Prison in Jeddah. Leaked videos and photos taken by inmates of both these prisons have shown overcrowded holding cells. In a 2014 video of Breiman Prison, several inmates were shown in a confined cell without beds, some of them fighting over blankets. Similarly, video footage of al-Malaz Prison in 2013 showed a crowded holding cell without beds, where inmates were sleeping on the floor



*Photos from Mecca Penitentiary*

<sup>63</sup> Morag MacDonald, Overcrowding and its impact on prison conditions and health, *International Journal of Prisoner Health*, Vol. 14 No. 2, pp. 65-68, 11 June 2018, <https://doi.org/10.1108/IJPH-04-2018-0014>, <https://www.emerald.com/insight/content/doi/10.1108/IJPH-04-2018-0014/full/html>

with piles of clothing and other items placed in the corners and hanging on the walls. In 2014 ALQST documented the testimony of a detained human rights activist who counted 500 prisoners in a wing with a maximum capacity of 100. Leaked photos showed prisoners sleeping in corridors and bathrooms.<sup>64</sup>

Overcrowded facilities are indicated as the reason for an unusual request in 2014 from the Ministry of Interior, which urged governors and the public prosecution service to facilitate pardons for both Saudi and foreign nationals jailed under the principle of ta'zir,<sup>65</sup> to reduce overcrowding and maintain healthy conditions. The ministry also urged pardons for inmates suffering serious health conditions, and the deportation of pregnant foreign detainees.

In 2015, the NSHR reported a large number of prisoners' complaints related to prisoners completing their sentences without being released, and imprisoned migrants not being deported because their embassies did not provide return tickets or complete their documentation.<sup>66</sup> The problem of overcrowding in deportation centres is only expected to worsen under the slow and bureaucratic processing of foreign prisoners' exit papers and tickets; the recent influx of thousands more migrants; and the increasing incarceration of foreign residents who find themselves unable to pay recently-introduced annual renewal fees for residence permits.<sup>67</sup>

## 3.2. Hygiene and Sanitation

As discussed in previous sections, the increase in the rate of imprisonment and detention for politically motivated reasons has contributed to the deterioration of health and hygiene conditions in Saudi detention centres and prisons. There is also variation in prison conditions in terms of infrastructure, the incarcerated populations, and the ability of prisoners to access basic health and hygiene services.

Most prisons and detention centres are affected by poor sanitation because of the number of people sharing the same space. The health and hygiene of people in detention requires sanitary facilities that are clean, in good condition, sufficient in number and easy to access, not only to maintain the health and well-being of the prisoners but also to reduce the likelihood of transmission of infectious diseases.<sup>68</sup> As we have outlined above, overcrowded detention centres and prisons in Saudi Arabia are not meeting

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<sup>64</sup> Youtube, Briman Prison in Jeddah, 7 April 2013, <https://www.youtube.com/watch?v=UwuJJTxseJs>.

<sup>65</sup> Ta'zir crime in Islamic law refers to punishment, usually corporal, being determined at the discretion of the judge, as opposed to hudud crimes, where there is a fixed punishment determined by the two sources of Sharia law, the Qur'an (holy book) and Sunna (teachings and sayings of the Prophet)

<sup>66</sup> Al-Watan, Prisoners make 456 complaints, 13 March 2015, <https://www.alwatan.com.sa/article/255442>.

<sup>67</sup> Arab News, Expats in Saudi Arabia welcome ministry move to study quarterly payment of levy, 1 January 2021, <https://www.arabnews.com/node/1785516/saudi-arabia>.

<sup>68</sup> Association for the Prevention of Torture, Sanitary facilities and personal hygiene, <https://www.ap.t.ch/en/knowledge-hub/detention-focus-database/material-conditions-detention/sanitary-facilities-and>.



this necessary standard, and are jeopardising the health and life of those detained. In many cases, toilet facilities are insanitary and there is insufficient water for detainees to wash, so they are rarely able to take showers; even when they have access to water for showers, no soap is given out.

Two recent investigative reports, by Human Rights Watch (HRW) and Amnesty International, found dire and deadly conditions in migrant deportation centres across Saudi Arabia.<sup>69 70</sup> Amnesty said that with the escalation of COVID-19 in early March 2020, Ethiopian migrants working in northern Yemen near the Saudi border were expelled by Houthi authorities who accused them of spreading the virus. Several thousand were expelled in March and April 2020.

As Ethiopian migrants reached the Saudi side, Saudi security forces apprehended them and took all their belongings, including money, mobile phones and clothes. This meant that they could not change into clean clothes when needed, which contributed to the spread of skin diseases without access to proper healthcare services. The migrants were taken to al-Dayer detention centre or another compound near a river, bound together in pairs by their arms with plastic chains. They were crammed into severely overcrowded cells, with at least 65 and sometimes up to 500 individuals held in the same cell at once. There was insufficient space for everyone to lie down and sleep at the same time, so people had to take turns, sleeping without beds on the soil. Rooms were not fully covered, and rain filled the cells with water.



*Photo from al-Shumaisi Prison*



*Photo from Mecca Penitentiary*

<sup>69</sup> Amnesty International, Ethiopian migrants describe “hell” of detention, 2 October 2020, <https://www.amnesty.org/en/latest/news/2020/10/ethiopian-migrants-hellish-detention-in-saudi-arabia/>

<sup>70</sup> Human Rights Watch, Saudi Arabia: migrants held in inhuman, degrading conditions, 15 December 2020, <https://www.hrw.org/news/2020/12/15/saudi-arabia-migrants-held-inhuman-degrading-conditions>

Migrants were then transferred to five other detention facilities across Saudi Arabia to make room for new waves of migrants. Al-Dayer centre and Jizan Central Prison were especially overcrowded and lacking in proper ventilation. Detainees said there were no toilets at all at al-Dayer detention centre and people used a corner of the room. One said he did not wash his body for four months. In Jizan Central Prison, the toilets were unclean and overflowing, did not function properly, and did not have sufficient water, other interviewees said. In Jeddah and Mecca prisons, detainees interviewed for the reports estimated that there were between 60 and 80 people detained in each cell. All the detainees were confined inside these cells 24 hours a day without exposure to natural light, fresh air or exercise. Pregnant women and children were at particular risk of poor health and hygiene conditions at the detention centres; three detainees reported that they knew of babies and children who had died. Amnesty reported 30 pregnant Ethiopian women being held in one cell in Jizan Central Prison without any access to medical care.

Similar findings were reported in December 2020 by HRW, which interviewed seven Ethiopian migrants detained in a deportation centre in Riyadh and two Indian men who were detained in the same facility before being deported. Interviewees said the Saudi authorities kept them in cramped, insanitary rooms with up to 350 other migrants for months on end, and two men had been in detention for a year. Detainees did not have enough room to all lie down, so they took turns sleeping on unclean blankets without mattresses. Videos showed hundreds of men either standing or lying on top of each other in a crowded room with piles of rubbish in the corner. Migrants shared between two and five toilets with 350 other detainees and had no access to shower facilities or soap. Migrants also reported abuse by guards and severe beatings if they asked for medical attention or complained about their conditions of detention. There were reports of at least three people being killed as a result of severe beatings by guards. Other African and Asian migrants were also detained, but Ethiopians made up the majority.

There have been previous independent reports on insanitary conditions in prisons and deportation centres across Saudi Arabia, where thousands of foreign workers have been held in makeshift detention facilities without adequate food or shelter before being deported.

By contrast, in its 2016 Annual Report ALQST reported on personal health and food hygiene conditions in some of the less crowded and more recently built prisons in Jeddah and Riyadh.<sup>71</sup> Even there, the prison administration contracts private companies to provide catering services for prisoners on such low budgets that they receive only one piece of fruit three days a week. Meals for the day are distributed daily to each cell in containers that are left at room temperature throughout the day, rather than being served hot or kept refrigerated as required. Prisoners often have to buy their own shaving items and soap: more than half the respondents in our survey mentioned lack of availability of personal hygiene items. These conditions fall far short of the minimum health standards set out in the LID and other regulations.

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<sup>71</sup> ALQST for Human Rights, ALQST 2016 Annual Report, 23 January 2017, <https://www.alqst.org/en/post/hr2916>

### 3.3. Women's Needs in Prison

Research has documented the special needs of female prisoners, in addition to gynaecological healthcare. Incarcerated women tend to have higher rates of gynaecological conditions, mainly irregular menstrual bleeding and vaginal discharge, than non-incarcerated women.<sup>72</sup> This was notable from the response of one of our female survey participants. Women's gender-specific health needs should be addressed specifically by correctional facilities. Rates of substance use disorders, prior trauma and abuse, mental illness, and sexually transmitted diseases are higher among incarcerated women than incarcerated men or non-incarcerated women. In its 2016 Annual Report, ALQST also documented several concerns for the health and hygiene conditions of young female prisoners in women's care institutions.<sup>73</sup>

Responding to our survey, three women detainees said they did not have access to sanitary pads and that there were a significant number of pregnant women in detention.

One detained woman told human rights researchers that in Jizan Central Prison an Ethiopian consular official once brought sanitary pads during a visit.<sup>74</sup> Pregnant women in a Jeddah detention compound were allowed to see a physician, but only after a 25-minute walk to get there, chained together by the leg in pairs during transfer and their clinical examinations. At al-Dayer centre women gave birth during detention after being taken to a medical facility, but were returned with their infants to the same insanitary conditions without adequate access to food, water or sanitation.

Information on sanitary conditions in women's prisons was provided in July 2019 by **Yumna Desai**, a South African professor who came to work at Ha'il University before being arrested and detained in various Saudi political prisons between 2015 and 2018. In a statement to the UN Human Rights Council in Geneva<sup>75</sup> she said she was locked up in Dhahban political prison in Jeddah along with many other innocent women, some of whom were incarcerated along with their children, and some of whom gave birth while in detention. Desai said the hot water supply was disconnected in the cold of winter, and personal hygiene items like soap were always denied. At best, the women were only allowed out of their holding cells to get some sunshine every few days, and for no more than one hour. She also testified that many women were forced to sign divorce documents.

Desai's statement tallies with the responses we received in our own survey, in which nine out of 11 participants said they did not have access to personal hygiene items, and 11 did not get daily exercise outside their cells.

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<sup>72</sup> National Commission on Correctional Health Care, Women's health care in correctional settings, 3 May 2020, <https://www.ncchc.org/womens-health-care>

<sup>73</sup> ALQST for Human Rights, ALQST Annual Report 2016, 23 January 2017, <https://www.alqst.org/en/post/hr2916>

<sup>74</sup> Amnesty International, Ethiopian migrants describe "hell" of detention, 2 October 2020, <https://www.amnesty.org/en/latest/news/2020/10/ethiopian-migrants-hellish-detention-in-saudi-arabia/>

<sup>75</sup> Reuters, South African sisters describe Saudi detention and complain to U.N., 25 June 2019 <https://www.reuters.com/article/uk-saudi-arrests-women/south-african-sisters-describe-saudi-detention-and-complain-to-un-idUKKCNIQ2R6?edition-redirect=uk>

### 3.4. Medical and Administrative Neglect

The WHO describes a prison that promotes the health of prisoners as doing three main things: a) having health services equivalent to those provided in the country as a whole; b) reducing health risks to a minimum; and c) respecting the dignity and human rights of every prisoner.<sup>76</sup>

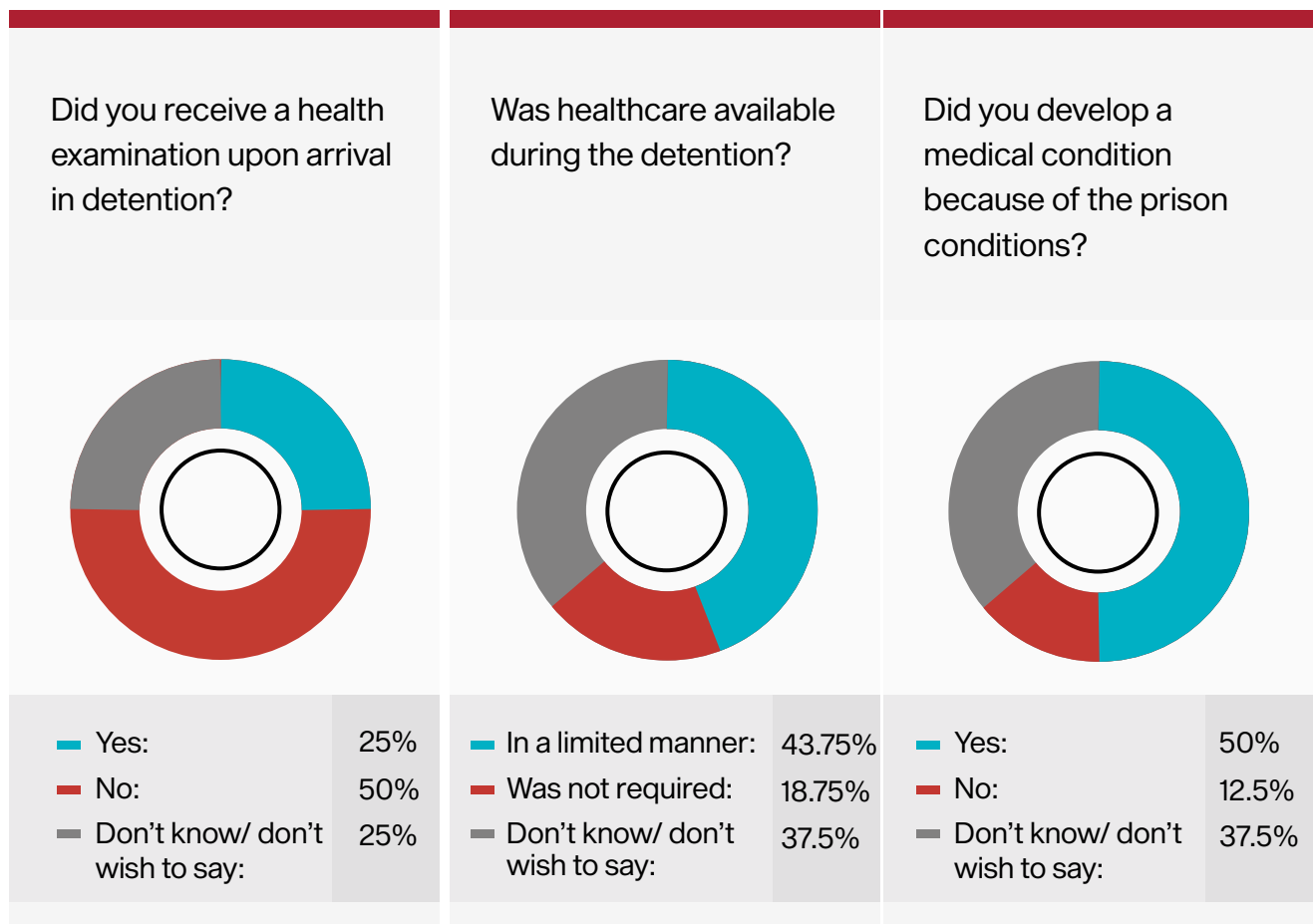
Prison populations are among the most marginalised groups in society, and often present with poor health and untreated medical conditions. Many who enter prison may have been involved in unhealthy, risky, or violent activities that affect their own health and the health of people they engage with in prison or after their release. Living conditions in prisons generally are often unhealthy, and more so in Saudi Arabia because of a multitude of factors, some of which have already been mentioned. In addition to overcrowding and abusive treatment by officials during arrest and interrogation, insanitary and unhealthy conditions of detention mean that many end up in poor health or even die.

The LID mandates the provision of adequate medical care and a well-equipped and professionally operated clinic in every prison. In addition, the law stipulates that the prison's physician is responsible for screening and following up every prisoner entering the facility and maintaining standards of hygiene and infection control as needed. However eight of the 16 participants in our survey (50%) did not receive any health check on arrival in detention, in contravention of the regulations and local byelaws. Participants also indicated several concerns regarding their well-being during imprisonment and detention, particularly in relation to health and medical care. Nine cited unavailability of personal hygiene items; four reported a prevalence of infectious diseases; 11 reported a lack of daily exercise or exposure to sunlight; nine reported unavailability of a healthy or adequate nutritious diet; five referred to lack of screening or special care for COVID-19; ten referred to delays or neglect in provision of required medical or urgent care; two reported forced intake of medication without their consent or knowledge of the nature of the drug. Six of our survey participants reported that healthcare was available but in a delayed or limited manner.

Eight participants (50%) also reported that they had become ill as a result of their conditions of detention. Four of the prisoners developed a chronic condition because of their detention; two developed psychological disorders; and two needed urgent care during detention (see Figure 6).

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<sup>76</sup> World Health Organisation, Prisons, <https://www.who.int/topics/prisons/en/>



*Figure 6: Information on Healthcare in Prison from Survey Participants*

Participants in our survey also gave details of their health conditions during their imprisonment. One male respondent reported torture-related bone fractures. A female respondent mentioned a rash caused by irritable bowel syndrome, which persisted after her release, and said the fact that the prison diet was rich in oils and fats had aggravated her condition, and caused her to live only on honey and milk. She mentioned the infant of a foreign woman who caught chickenpox while in detention, which caused the authorities to expedite the deportation of the mother and the infant. The same female participant reported that the prison guards used to force all the female prisoners to take a small, round, white tablet of an unknown drug each day without telling them what it was. She also said most of the female prisoners had their menstrual periods on an almost continuous basis during their detention. Two participants mentioned developing hypertension, and another participant mentioned a ban on diabetes medication, which had caused a heart problem. Another participant reported rashes and vitiligo because of a lack of exposure to sunlight. One participant reported developing clinical depression, and another reported several psychological and mental symptoms, including dizziness, forgetfulness, nausea and

concentration problems. One participant developed chronic sinusitis without access to medication, and severe pain in his knees, possibly rheumatism, but the prison's general physician simply gave him sedatives and painkillers. Two prisoners mentioned sleep problems because of exposure to strong UV light 24 hours a day. One reported being placed more than seven times in solitary confinement, where he was not allowed a mattress and had to sleep directly on the floor, subject to extreme cold or hot weather conditions. One mentioned being exposed to heavy smoking in the detention cells.

In addition to the provisions of the LID mentioned above, royal orders have been issued holding both the Ministry of Interior and the Ministry of Health responsible for the provision of all necessary preventive and specialised care to prisoners, whether inside the prison or in any public or specialised hospital outside.<sup>77</sup> However, there is no reference to medical or administrative neglect in Saudi Arabia's domestic laws, although the law on practicing a medical profession in Saudi Arabia makes some reference to dealing with medical errors or neglect.<sup>78</sup> Article 27 of this law states that a physician will be held accountable for any medical error causing harm to the patient. A medical error in practice is defined as: 1) erroneous treatment or inadequate follow-up; 2) ignorance of techniques that are well known to physicians of his specialty; 3) conducting unprecedented or experimental surgical procedures against the regulations; 4) conducting unauthorised experiments or research on the patient; 5) administering experimental drugs to a patient; 6) using equipment or medical devices without adequate knowledge of their operation or without taking adequate precautionary measures; 7) inadequate supervision or monitoring; or 8) neglecting to refer a patient for professional consultation in accordance with the patient's needs. The law also prohibits physicians from imposing any conditions on medical treatment that limit or absolve them of responsibility.

As such, the law and royal guidance recognise, in some detail, the responsibility of the prison's physician, the Ministry of Health and the Ministry of Interior to protect each prisoner's health. In reality, many patients fail to recognise any dereliction in healthcare provision, and prisons do not always uphold the standards required by the law. In fact several reports of poor and inadequate healthcare have been received by the NSHR.<sup>79</sup> In 2014 the Society reported that 26 families had submitted complaints about the poor healthcare of relatives in prisons across Saudi Arabia that caused many of them to suffer a deterioration in their health or to contract infectious diseases. The Society said such cases were mainly reported in general prisons in various cities, but not in political prisons, which are well-equipped and maintain a high standard of healthcare services. The Society let it be known that clinics in several prisons lacked up-to-date medical equipment and drugs, and needed trained medical specialists instead of relying only on general practitioners.

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<sup>77</sup> Okaz, Treating and caring for prisoners is the responsibility of Ministry of Interior and Health, 7 June 2017, <https://www.okaz.com.sa/local/na/1551870>

<sup>78</sup> Law of Practicing Healthcare Professions, <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/f1de206c-eef4-4a76-904a-a9a700f2899a/2>

<sup>79</sup> Al-Watan, Health care in prisons in 6 areas "deteriorating", 10 June 2014, <https://www.alwatan.com.sa/article/229009>

It also mentioned administrative neglect, or problems of coordination between prisons and hospitals because of the need for secure transport to transfer prisoners between the two. In that regard, the Directorate of Prisons announced in the Saudi media in August 2020 that it would be developing and launching an electronic data system to manage and follow up prisoners' affairs, including the administration of healthcare.<sup>80</sup> In our own survey, ten participants responded that the healthcare they required was delayed or neglected in prison.

A further example of administrative neglect was highlighted in a NSHR report that found a female prisoner with learning difficulties had been placed in a wing for mothers and babies after engaging in fights in other wings. This was in violation of regulations that prohibit the detention of individuals with learning difficulties and mandate their referral to mental health facilities.

Some of the most notable cases of death in custody in recent years have been because of medical and administrative neglect involving prisoners of conscience. ALQST reported in April 2020 on the death in custody of **Abdullah al-Hamid**, a prominent academic and founding member of the Saudi Association for Civil and Political Rights. Sixty-nine-year-old al-Hamid's health had deteriorated for several months after he was denied a medical procedure considered necessary by his doctors for a heart condition. The Saudi authorities also prevented al-Hamid from discussing his condition with his family. Subsequently, on 9 April 2020, he suffered a stroke but he was left for hours before being transferred to hospital, where he arrived in a coma and died two weeks later on 24 April.<sup>81</sup>



**Abdullah al-Hamid**

A number of reports, including those related to overcrowded deportation centres and general prisons in various cities, have revealed the lack of health monitoring, sanitation, and infection control inside prisons. But in addition to this medical neglect there is also administrative neglect that causes many prisoners to have to endure these harsh conditions longer than they should. ALQST has reported on several cases of such administrative neglect, including in political prisons. In its Annual Report for 2016, ALQST reported on what is termed “tatweef” (roughly meaning “walking around in circles”). This is a word used by prisoners to describe having to remain in prison for months, or even years, after completing their sentences without being released. Some prisoners in this situation were informed that their files had gone missing, and some had no lawyer or relative to follow up the case and make efforts to secure their release.

ALQST also reported that over 100 prisoners in Jeddah went on hunger strike for two days over being held beyond the expiry of their sentences.<sup>82</sup> In a further example of administrative failure, prisoners were often unable to attend court hearings or hospital appointments because of a lack of secure transport

<sup>80</sup> Menafn, A technical system for managing prisoners' procedures, 7 January 2020, <https://menafn.com/arabic/1100419067/السعودية-نظام-تقني-لإدارة-إجراءات-السجناء>

<sup>81</sup> ALQST for Human Rights, ALQST 2019 Annual Report, 28 January 2020, <https://www.alqst.org/en/post/annual-report-2019>

<sup>82</sup> ALQST for Human Rights, ALQST 2016 Annual Report, 23 January 2017, <https://www.alqst.org/en/post/hr2916>



arrangements. One prison with thousands of prisoners had only three six-seater minibuses for prisoner transport, which it had to use even when they had infectious diseases.

In a previous section, we highlighted the dangerous impact of ill-treatment and solitary confinement in girls' care facilities, which led to reports of suicide or attempted suicide without proper investigation or provision of the required mental healthcare.

ALQST also reported in its 2018 Annual Report on several cases of medical neglect and ill-treatment of prisoners.<sup>83</sup> **Habib al-Shuwaikhat** died in Dammam political prison due to neglect of his medical condition. The same prison witnessed the death of another detainee, 61-year-old **Ali Jassem al-Nazaa**. Similarly, **Hamad bin Abdullah bin Hamad al-Salehi** died in Tarafiyah political prison in Buraydah after his health declined due to prolonged solitary confinement for most of his 13 years of incarceration.

At the time of writing this report there are several more elderly and critically ill prisoners of conscience including reformer and Islamic scholar **Salman al-Odah**, whose health is deteriorating and whose medical needs are being cruelly neglected, causing their families to fear for their lives.

### 3.5. Infectious Diseases, Including COVID-19

Maintaining the health of prisoners and detainees is not the only goal of a prison's health system. It should also aim to reduce the risks of inmates developing or contracting diseases because of their conditions of imprisonment.

Eight of the participants in our survey did not receive any health check on their arrival in detention, in contravention of domestic laws and regulations. Seven cited dangerously overcrowded detention conditions; nine cited unavailability of personal hygiene items; four reported a prevalence of infectious diseases; nine reported the lack of a healthy or adequate diet; five referred to lack of screening or special care for COVID-19; ten referred to delays or neglect in provision of required medical or urgent care; and 13 reported a lack of responsiveness from the authorities to their complaints.

Incarcerated individuals are at higher risk for all kinds of communicable diseases and infection than any other group. Factors like overcrowding, proximity, high-risk sexual behaviour, injecting drugs, unsafe handling of food, and insanitary conditions can all contribute to the higher likelihood of infection among incarcerated people. In particular, imprisoned people have a higher likelihood of contracting human immunodeficiency virus (HIV), hepatitis B, hepatitis C, syphilis, gonorrhoea, chlamydia, and tuberculosis. Laws and regulations in Saudi Arabia mandate the screening of new prisoners for infectious diseases before they are admitted to any internal wing. In reality, the spread of diseases and the poor infection control measures in many Saudi prisons and detention centres are well documented, such as the transmission of scabies from several infected political prisoners in Riyadh to many others in Jeddah during their transfer to the capital to attend trials.<sup>84</sup>

<sup>83</sup> ALQST for Human Rights, ALQST 2018 Annual Report, 1 February 2019, <https://www.alqst.org/en/post/annual-report-2018>

<sup>84</sup> Watan, Infection transmitted from Riyadh to Jeddah, 16 September 2018, <https://bit.ly/3gAB93f>



In 2014 the NSHR warned of the spread of serious infections in prisons, including tuberculosis, in the absence of adequate ventilation and exposure to sunlight.<sup>85</sup> The Society pointed to a failure to isolate infected female prisoners from the rest of the prison population, and the lack of personal protective equipment for visitors before admission to the prison to protect against infection. Overcrowding and poor ventilation exacerbated the spread of infections. One women's prison had only one physician and one clinic, while the rest of the clinics were closed. The NSHR's observations on the spread of infections and the limited protection for prisoners and prison staff inside prisons or during the transfer of infected prisoners had been documented, without remedy, since 2012.

In its 2017 Annual Report, ALQST wrote about a major outbreak of infectious diseases, mainly tuberculosis and scabies, in Mecca General Prison, with both prisoners and several prison employees infected. This was one of Saudi Arabia's most crowded prisons, where inmates were sharing the same bedding and dozens of prisoners were sleeping in the corridors and landings between sections. ALQST also noted that the authorities had interrogated a number of prisoners in Buraydah Prison for leaking information on the death of a prisoner identified as A.M.H., and the spread of tuberculosis in Saudi prisons. In its previous Annual Report, for 2016, ALQST also recorded the death of a prisoner in a Mecca prison from tuberculosis after the authorities ignored his multiple pleas to be taken to a hospital.

In 2020, in the early stages of the coronavirus pandemic, the Saudi authorities took several measures to manage the spread of COVID-19 among the general population as well as in prisons. There were major curfews and lockdowns of public spaces such as universities, schools and mosques. There was also a suspension of flights, testing of all new arrivals in the country, and a stop to all religious visits to the Holy Mosques. The General Directorate of Prisons, in collaboration with the Ministry of Health, announced a set of precautionary measures including raising COVID-19 awareness through health promotion and education; daily testing of prison staff; mandating the use of personal protective equipment; and the suspension of visits and cultural or sports activities to ensure social distancing.<sup>86</sup> Although the authorities have launched an online system for conducting lawsuits, the courts closed and all trials were suspended for the first five months of the pandemic, leaving thousands of prisoners unnecessarily facing further detention and isolation. In a modest effort to address the problem of overcrowding and the risk of COVID-19 in prisons, toward the end of March 2020 the authorities announced the release of 250 foreign prisoners who had been detained for non-violent immigration and residency offences.

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<sup>85</sup> Makkah, 60 complaints of infectious diseases in prisons, 1 September 2014, <https://makkahnewspaper.com/article/57782>

<sup>86</sup> Al-Watan, 8 precautionary measures to protect inmates in prisons, 25 March 2020, <https://www.alwatan.com.sa/article/1040956>

Later in the year ALQST reported on the suspicious death of prominent journalist **Saleh al-Shehi**, who was arrested in January 2018 and sentenced in February 2018 to five years in prison followed by a five-year travel ban.<sup>87</sup> During his imprisonment he was featured in a Saudi media report on political prisoners, and appeared to be in good health. However, on 19 May 2020 he was suddenly released from prison without explanation; two weeks later he was admitted to hospital having reportedly contracted COVID-19, and on 19 July he died. No other information was made available on his case. His suspicious release and subsequent illness and death warrant an investigation into how he contracted the infection, and whether it was related to his time in detention.



**Saleh al-Shehi**

The Saudi authorities have made no official announcements about the spread of COVID-19 in the kingdom's overcrowded prisons and detention centres. However, relatives of prisoners in al-Ha'ir prison said in April 2021 that cases were rapidly increasing in the wing where human rights defender **Mohammed al-Qahtani** had been held. Al-Qahtani was moved into isolation after testing positive for COVID-19 on 7 April and was being held incommunicado, denied all contact with his family. On 8 May, writer **Zaheer Ali Shareeda al-Mohammed Ali**, a prisoner of conscience since 2017, died in al-Ha'ir after contracting Covid-19; his body was delivered to his family the next day. ALQST called on the Saudi authorities to open an investigation into the medical neglect that led to his death in custody.



**Mohammed al-Qahtani**

### 3.6. Crime and Drug Abuse

Four of the participants in our survey (25%) referred to drug dealing in prisons; two reported being forced to ingest medication without their consent or knowledge of the nature of the drug; 12 (75%) cited physical or verbal abuse by prison guards or officials; and five cited physical or verbal abuse by other prisoners.

Prisons are susceptible to problems of crime and drugs for various reasons. Roughly half of the prison population in Saudi Arabia are there for drug-related crimes, including dealing, using or storing drugs. In its 2016 Annual Report, ALQST described the prevalence of drugs of all kinds in Saudi prisons. On 3 April 2016 a prisoner identified as S.F.A. died of an overdose while being detained in a prison wing designated for drug-related convicts. ALQST had received video footage and photographs from inside Saudi prisons showing large quantities of drugs being used, together with accounts from prisoners, officials

<sup>87</sup> ALQST for Human Rights, Journalist Saleh al-Shehi dies in mysterious circumstances following release from prison, 22 July 2020, <https://www.alqst.org/en/post/journalist-Saleh-al-Shehi-dies-in-mysterious-circumstances>.

and guards. Confronted with the video evidence of prisoners injecting drugs, the Saudi authorities claimed that all they could see in the videos was a prisoner injecting himself with insulin for diabetes. To test this claim, ALQST consulted medical expert Dr Michael Ambler, who examined the footage and said it was highly unlikely that the drug the prisoners were using was insulin, as they were first mixing a powder with liquid before injecting it – whereas insulin is a liquid and not mixed with anything else; in an unmeasured dose – which no diabetic would do; into their veins – whereas insulin is injected under the skin; and, furthermore, the prisoners were sharing syringes. 25% of our survey participants reported drug dealing in prisons. In addition, some of the drugs prescribed by prison authorities and used by prison officers to sedate inmates have been identified as having dangerous side effects.<sup>88</sup> A former female prisoner who participated in the survey also said that she and all the other inmates of Damman general prison for women were forced to take an unknown medication daily without their prior consent. Another participant in our survey also reported being forced to ingest an unknown drug without consent.

In its 2016 Annual Report, ALQST reported on violence and crime in Saudi prisons, highlighting an incident on 25 February 2016 when **Abdullah al-Onzi** died in al-Ha'ir prison in Riyadh after a blow to his head from a sharp object.<sup>89</sup> This occurred during a fight among gang members in al-Onzi's prison wing after they were released from solitary confinement. Al-Onzi was not involved in the fight himself.

In 2003, a fire broke out in the youth wing of al-Ha'ir prison, leaving 68 dead including 49 Saudi prisoners and several of Yemeni and other Arab nationalities, all below the age of 25.<sup>90</sup> The authorities said the fire was caused by a prisoner who set his blanket on fire but was not himself harmed. The authorities compensated the families of those who were killed in the fire and dismissed or suspended eight officials for failing to evacuate and protect the prisoners according to the prison's safety and evacuation plans in the prison.

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<sup>88</sup> ALQST for Human Rights, Drugs in Saudi prisons, 4 August 2015, <https://www.alqst.org/en/drugs-in-saudi-prisons>

<sup>89</sup> ALQST for Human Rights, ALQST 2016 Annual Report, 23 January 2017, <https://www.alqst.org/en/post/hr2916>

<sup>90</sup> Al-Jazeera, Saudi Arabia rules out sabotage in al-Ha'ir prison fire, 16 September 2003, <https://www.aljazeera.net/news/arabic/2003/9/16/السعودية-تستبعد-التخريب-في-حريق-سجن>



# 4

## **Torture and Other Forms of Ill-treatment**

## 4. Torture and Other Forms of Ill-treatment

One of the hallmarks of the era of King Salman and Crown Prince Mohammed bin Salman has been the systematic use of torture for political purposes. Torture is well documented as a tool used by Saudi interrogation officers in political prisons. However, the range of people targeted recently and the severity of torture methods used is unprecedented. Coupled with this is the increasing use of informal places of detention to conduct secret interrogations, using extreme techniques amounting to torture, even further from scrutiny and with less oversight, fewer safeguards, and even greater impunity than in regular prisons or detention centres. Vivid examples have already been given in [section 2.5](#).

Although ALQST did not document any fresh reports of physical torture during 2020, new information continued to surface concerning torture and ill-treatment in the recent past, often outside the prison system and in informal, private settings. Moreover, given the widespread practice of enforced disappearance and incommunicado detention it is likely that further instances of torture have occurred in secret. The absence of fresh torture reports could therefore signal a more worrying trend than may at first appear. Meanwhile, the Saudi courts in 2020 continued to dismiss recent torture allegations, as in the case of women human rights defender **Loujain al-Hathloul**, thus reinforcing the climate of impunity for those involved.



Earlier this year, ALQST published a separate report on the use of torture and ill-treatment against detainees by the Saudi authorities, giving detailed information on the legal aspects, lack of safeguards against torture, case studies, and emerging patterns of abuse.<sup>91</sup> Here, in the final section of this report, we will examine aspects of the use of torture and ill-treatment in Saudi prisons and detention centres to highlight a dangerous trend towards the use of torture as a key interrogation method.

As set out in the Convention against Torture (CAT, see [section 1](#)), four elements are used to determine if an act qualifies as torture: the nature of the act, the intention of the perpetrator, the purpose of the act, and the involvement of public officials. The nature of the act refers to the infliction of **severe pain or suffering**, whether mental or physical. This includes deprivation of food and other items. A perpetrator must **intend** to cause suffering or pain to the victim of torture. Negligence is therefore not an act of torture, but recklessness is one under international law. The act must also have the **purpose** of extracting a confession; obtaining information from the victim or a third person; punishing, intimidating or coercing them or discriminating against them. And it must be carried out by, or with the consent of someone acting **in an official capacity**. There are other elements to consider as well, such as the powerlessness of

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<sup>91</sup> ALQST for Human Rights, Torture in Saudi Arabia - Impunity Reigns, 17 March 2021, <https://www.alqst.org/en/post/Torture-in-Saudi-Arabia-Impunity-Reigns>

a victim, as in the case of detained or imprisoned persons. The element of severity of the ill-treatment is reflected in the duration of the act, its physical or mental effects, and the victim's gender, age and state of health.

Interrogation techniques such as sleep deprivation, keeping detainees in stress positions, denying them food and drink, subjecting them to loud noise, and hooding, are considered inhumane even if they do not result in actual bodily injury. Solitary confinement can also be considered a form of torture, depending on the duration or the outcome. Incommunicado detention, which is regularly practised in Saudi Arabia, is strictly forbidden in international law as an act of torture.<sup>92</sup> Claims of torture, ill-treatment or degrading treatment must therefore be examined on a case-by-case basis, as the duration, severity and outcomes will vary from one situation to another.

Article 28 of the Law of Imprisonment and Detention (LID) prohibits any assault on a detained individual and mandates disciplinary action against the officers involved, whether military or civilian. However, some of the disciplinary measures sanctioned by the LID and routinely applied in Saudi prisons are classified under the CAT as acts of torture and ill-treatment, such as solitary confinement and bans on family visits or phone calls.

While torture and ill-treatment are difficult to prove anywhere, monitoring and exposing it – let alone ensuring accountability – is particularly problematic in Saudi Arabia for several reasons, the most important being the secrecy of trials, which are sometimes held in the absence of even the defendant or their lawyer. In addition, many prisoners of conscience are held incommunicado for prolonged periods before trial, which prevents torture from being exposed at the time of its occurrence. Moreover, the use of secret places of detention equipped with torture facilities for interrogation, as described earlier in [section 2.5](#), on unofficial places of detention, prevents proper monitoring or surveillance of incidents.

As we have seen, courts, including the Specialised Criminal Court, routinely admit information and confessions extracted under torture. Saudi laws do not explicitly define torture or ill-treatment or provide a mechanism for claims of torture to be filed or investigated independently. Even when torture is reported by defendants, their families, or other sources to the authorities, or made public by reputable human rights organisations, no thorough medical examination of victims ensues. Moreover, the revised Counter-Terrorism Law of 2017 confers on the Presidency of State Security broad powers of arrest, detention, investigation, confiscation and prosecution without judicial oversight. It is therefore not surprising that the systematic use of torture and other ill-treatment by State Security has become increasingly prevalent.

In 2018, the Saudi authorities allowed a rare fact-finding visit by the UN Special Rapporteur (SR) on the promotion and protection of human rights and fundamental freedoms while countering terrorism.<sup>93</sup> The

<sup>92</sup> United Nations, Interpretation of Torture in the Light of the Practice and Jurisprudence of International Bodies [https://www.ohchr.org/Documents/Issues/Torture/UNVFVT/Interpretation\\_torture\\_2011\\_EN.pdf](https://www.ohchr.org/Documents/Issues/Torture/UNVFVT/Interpretation_torture_2011_EN.pdf)

<sup>93</sup> Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his mission to Saudi Arabia, 6 June 2018, <https://www.ohchr.org/Documents/Issues/Terrorism/SR/A.HRC.40.%20XX.Add.2SaudiArabiaMission.pdf>



SR noted that the Saudi government had assured him there were legal safeguards in place to prevent torture under the 2013 LCP. He was informed that the Bureau of Investigation and Public Prosecution oversees all prisons and detention facilities and is empowered to undertake inspections to ensure the appropriate regulations are being applied, along with the monitoring conducted by the two governmental human rights organisations, the HRC and the NSHR. However, he also received well-documented reports of the use of torture and ill-treatment by law enforcement officials to extract confessions that became the sole and decisive evidence used in securing the victims' convictions.

There have been other reports expressing concern at the widespread use of torture and ill-treatment in Saudi prisons and detention centres, and particularly in Interior Ministry and Mabathet prisons, such as the 2016 report of the UN Committee Against Torture.<sup>94</sup> The Committee also noted that confessions extracted under torture were admissible evidence in Saudi courts, providing an incentive for the use of torture in investigations, and thus breach Article 5 of the Convention against Torture (CAT).

Judges have refused to investigate torture allegations made by defendants even when the claim of torture was recorded in the judgment. More than 3,000 allegations of torture were formally recorded between 2009 and 2015, but not a single official was prosecuted for any of them. According to Article 15 of the CAT, any allegation of torture must be promptly investigated by a body independent of the alleged perpetrator; the investigation must include a thorough medical examination of the alleged victim of torture or ill-treatment. The SR on the promotion and protection of human rights while countering terrorism concluded, after his 2017 fact-finding visit to Saudi Arabia, that "the failure of Saudi Arabia to provide minimum procedural safeguards during detention and interrogation, and its judicial practice of admitting coerced confessions into evidence, strongly suggests that the practice is officially endorsed".

## 4.1. Physical and Psychological Torture

The 2016 report of the UN Committee Against Torture, in which it expressed concern at the widespread use of torture and ill-treatment in Saudi prisons and detention centres, described the methods allegedly used as including electric shocks, sleep deprivation, incommunicado and prolonged solitary detention, and beatings to the head, face, jaw, and feet. The research carried out for this report identified several more forms of torture and ill-treatment in Saudi prisons (see Figure 7).

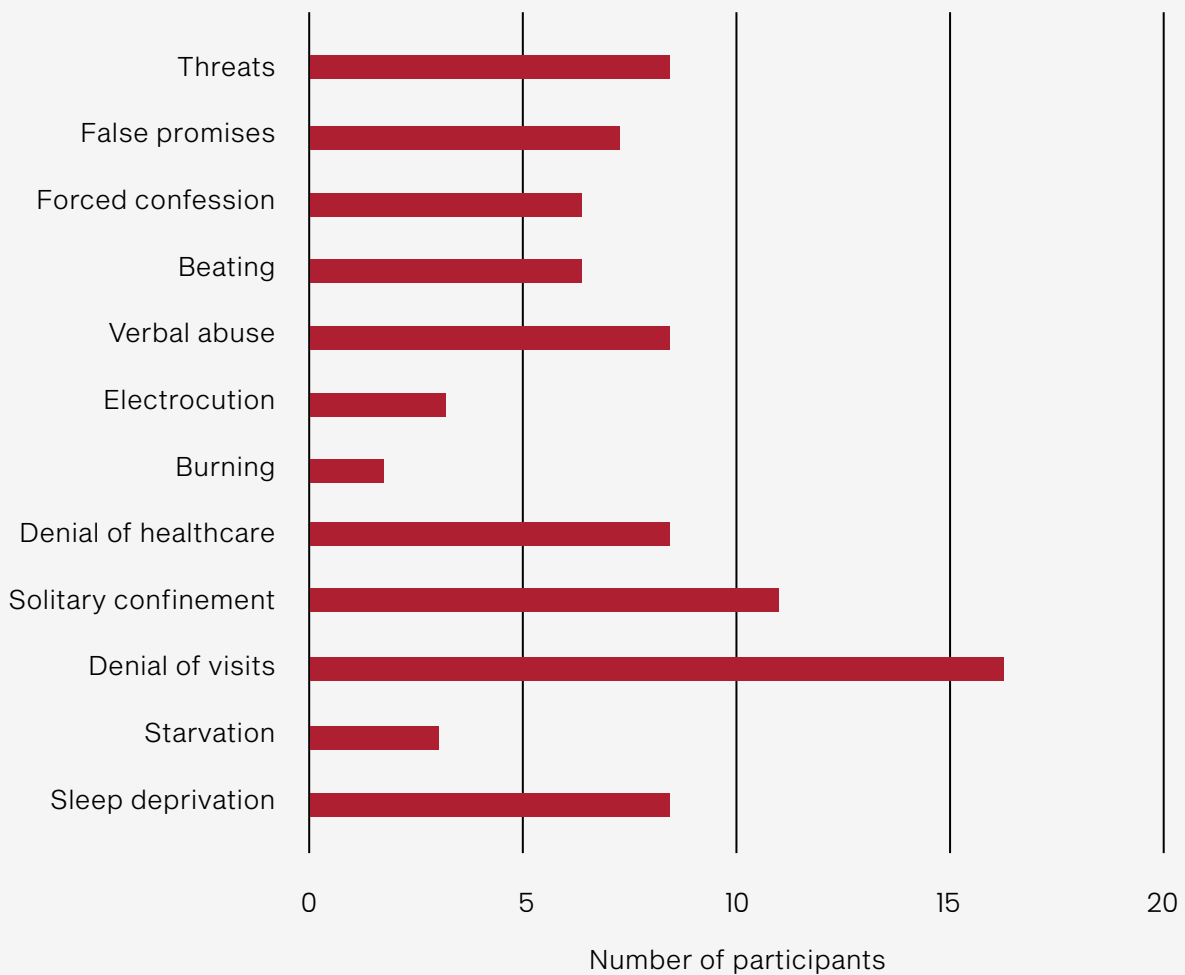
All participants in our survey reported acts of physical and psychological torture. Physical torture in the form of beating was reported by six out of the 16 participants, and threats of beating by eight out of 16 (50%). Starvation was reported by three out of 16, and sleep deprivation, again, by half of the participants. Electrocutation was reported by seven of them, and burning by one. Psychological abuse in the form of verbal abuse and/or use of demeaning language was reported by 10 of the 16 participants. Additionally, all participants identified other forms of psychological abuse, such as the use of arbitrary

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<sup>94</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Concluding observations on the second periodic report of Saudi Arabia, 8 June 2016, <https://bit.ly/2Ue15tW>

bans on family visits or phone calls, which had affected all the participants. Denial of medical care was also identified by half of the participants. Use of solitary confinement was reported in the case of 11 participants. Seven of the 16 participants, or almost half, were coerced into signing documents or confessions.

### Did interrogators use any of the following methods?



*Figure 7: Information on Types of Torture and Ill-treatment from Survey Participants*



A detailed account of Mabaheth interrogation techniques was given in November 2020 in a report by the British barrister Baroness Helena Kennedy, to which ALQST contributed, on the 2018 torture of women's rights activists<sup>95</sup> discussed above in [section 2.5](#) on unofficial places of detention. It listed the acts of physical and psychological torture carried out in "the hotel" or "the villa" as including: a) administering electric shocks and beatings, typically punching and kicking, often in front of other women activists; b) severely beating groups of male prisoners in front of the women until they answered questions to the interrogators' satisfaction; c) forcing the women to remain in stress positions for hours at a time; d) making threats of rape, torture, internment and death against the women and members of their families, or misinforming them that relatives had died or been arrested; and e) forcing the women activists to perform sexual acts on the interrogators, and other forms of sexual harassment such as forcing them to watch pornography. The consistency of witnesses' reports strengthened their credibility. **Loujain al-Hathloul** was also subjected to waterboarding, according to her family's testimony.

This experience caused adverse health effects for several of the women activists, whose family members found them physically and mentally traumatised. Testimonies indicated that Saud al-Qahtani, a close advisor to Crown Prince Mohammed bin Salman, oversaw the interrogation and torture at the unofficial facility. ALQST reported that he told one of the women activists "I'll do whatever I like to you, and then I'll dissolve you and flush you down the toilet". Al-Qahtani was also witnessed sexually assaulting several of the women activists in their rooms. Another high-ranking official, Khaled bin Salman, the brother of the Crown Prince and Saudi Arabia's ambassador to the United States at the time, was occasionally present in the facility and would at times attend interrogations. One of the women activists said that Khalid bin Salman would threaten the women during interrogations with rape and murder and would boast about his position and power saying, "Do you know who I am? I am Prince Khaled bin Salman, I am the ambassador to the US, and I can do anything I like to you."

Male activists and bloggers were subjected to similar physical and psychological abuse to that of the women activists. **Mohammed al-Rabiah**, who was arrested on 15 May 2018 with the other women's rights activists, was also viciously tortured.<sup>96</sup> For months after his arrest al-Rabiah was subjected to beating with canes and whips and electric shocks. He was also kept in a stress position inside a wardrobe for several days, unable to sit or sleep, despite having a pre-existing herniated disc. He was also hung upside down from his feet and beaten until unconscious. He was starved for a full year after his detention, served empty food trays, and only allowed to eat snacks obtained during his family visits once every month.



<sup>95</sup> Doughty Street, A stain on world leaders and the G20 summit in Saudi Arabia: The shameful detention and torture of Saudi women, November 2020, <https://www.doughtystreet.co.uk/sites/default/files/media/document/KSA%20Report%20-%20Womens%20Rights%20Activists%20-%2010.11.20.pdf>

<sup>96</sup> ALQST for Human Rights, Human rights Activist Mohammed al-Rabiah brutally tortured and at risk of lengthy prison sentence, 23 March 2021, <https://www.alqst.org/en/post/mohammed-al-rabiah-brutally-tortured-and-at-risk-of-lengthy-prison-sentence>



*Photo from al-Shumaisi Prison*



*Photo from al-Malaz Prison*

## 4.2. Ill-treatment and Harassment

In addition to these various types of torture, there are several other documented methods by which Saudi officials in prisons and detention centres mistreat and harass prisoners, either for obtaining coerced confessions or for vindictive purposes.

In our survey, respondents reported several of these methods. Twelve participants (75%) cited physical or verbal abuse by prison guards or officials; 14 reported arbitrary bans on family visits or phone calls; ten referred to delays or neglect in provision of required medical or urgent care; and 13 reported a lack of responsiveness from the authorities to their complaints.

The types of ill-treatment and harassment that survey respondents reported included not being kept informed of the details or progress of their cases through the legal system; not being informed of, or allowed to attend, court deliberations on their cases; deliberate misinformation about the status of their cases or proceedings by the authorities; use of arbitrary solitary confinement of undetermined duration; use of derogatory verbal abuse targeting the detainee's sect, gender, body shape, or nationality; being denied a healthy diet; denial of legal representation during arrest or interrogation; being threatened with beheading if they did not sign documents while blindfolded; the arrest of friends and relatives who were in contact with the detainee; sleep deprivation through exposure to bright lighting 24 hours a day and noise at night; sudden inspections of cells late at night in a random and disrespectful manner; exposure to excessive cigarette smoke from other detainees in crowded cells; being placed with mentally unstable and violent prisoners; and being transported unsafely in prison vehicles while blindfolded, shackled and

not allowed to wear seat belts, or together with other prisoners who had infectious diseases. One survey respondent reported “being searched by 100%-covered women [female guards] holding sticks in their hands, and being ordered to strip completely naked”; one spoke of being threatened with something called “the red room”; another reported threats of rape and murder.

Political prisoners and prisoners of conscience often appear to be deliberately targeted for such ill-treatment and harassment as an unlawful and vindictive form of additional punishment in detention. The family of religious scholar and reformer **Salman al-Odah** have expressed fears for his life as his health has deteriorated markedly in detention since his arrest in September 2017. Writing in the New York Times in December 2020,<sup>97</sup> al-Odah’s son Abdullah Alaoudh related how when his siblings had seen their father in court the previous month they had been struck by how significantly weaker and emaciated he had become. Having lost half of his hearing and vision in prison, he was incoherent and had difficulty hearing and seeing them clearly. Al-Odah’s physical and mental decline had accelerated over three years of abuse and isolation. Interrogators had deprived him of sleep and medication for many days in succession. On one occasion, the guards threw a plastic bag of food at him without removing his handcuffs, forcing him to open the bag and remove the food with his mouth, causing damage to his teeth. Following months of mistreatment, in January 2018 he was hospitalised for a few days for dangerously high blood pressure.

Detained or imprisoned women are at particular risk of mistreatment and harassment by state officials in Saudi Arabia. Traditional patriarchal and conservative gender values are deeply embedded in institutional policies and practices and promoted through the state-sponsored media and education system. The authorities often involve male guardians in the detention or interrogation of women by demanding that they attend the interrogation or sign undertakings to exert greater control over the women in future, implicitly holding the men accountable for the women’s behaviour, and condoning domestic violence against women who may challenge their guardians’ authority. Guardians are also required by the state to approve the release of women from state prisons or care institutions; putting many women at risk of having to remain in prison indefinitely if their families disown them.

Detained women human rights defenders are generally required to be released into the custody of a male relative, and male guardians are required to sign pledges to ensure the women will not continue their human rights activities. In the case of the women rights activists tortured in 2018, interrogators and prison guards systematically used threats of rape, acts of sexual abuse, and threats against their children and extended families. ALQST was able to confirm that women activists **Samar Badawi, Shadan al-Onezi, Aziza al-Yousef, Eman al-Nafjan, Loujain al-Hathloul** and **Nouf Abdulaziz** suffered various forms of systematic ill-treatment and harassment including: a) arrests from homes by dozens of security forces, and subjection to house inspection under glaring spotlights with weapons being pointed at them while they held their children; b) solitary confinement for extended periods; c) one woman, at least, was photographed naked and had her photograph placed on the table during interrogation; and d) one woman, at least, was falsely informed while in detention of the death of a family member.

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<sup>97</sup> Abdullah Alaoudh, Saudi Arabia is slowly killing my father, 30 December 2019, <https://www.nytimes.com/2020/12/30/opinion/saudi-arabia-political-prisoners.html>



**Samar Badawi**



**Aziza al-Yousef**



**Eman al-Nafjan**

Families of the women activists were also harassed legally. For instance, Salah al-Haidar, son of detained activist Aziza al-Yousef, was detained immediately after her provisional release for approximately two years. The parents and siblings of activist Loujain al-Hathloul who were still in Saudi Arabia were placed under an indefinite travel ban.

Travel bans have been used extensively against prisoners of conscience who have been provisionally released, or against their family members, as ways to prevent them speaking out about their arrests or imprisonment. Upon the arrest of the women's rights activists, and before any interrogations or trials, a vicious smear campaign by the state-sponsored media, in which their names and faces were displayed under the caption "traitor",<sup>98</sup> represented an unprecedented form of harassment, in an attack never before seen against any other group, including political movements or even violent terrorist groups.

### 4.3. Solitary Confinement

As discussed in [section 3.2](#) of this report, solitary confinement is regulated under Article 20 of the Saudi LID as a disciplinary measure to contain violent behaviour, and only for a maximum of 15 days. Solitary confinement should also take place only under conditions that protect the health and wellbeing of a prisoner and be monitored regularly by the prison's health authorities. Such punishment is not only likely to have adverse health effects but also prevents the prisoner from communicating important information related to the case or conditions of detention with a legal representative or family member while in solitary confinement, thereby presenting conditions conducive to torture, incommunicado detention or other barriers to due process.

In our survey, 11 out of 16 of respondents reported having been subjected to arbitrary solitary confinement. One respondent commented that he was repeatedly placed in solitary confinement as a punishment for objecting to an officer's beating and verbal abuse of other elderly prisoners. He was also left for three days in solitary confinement without access to a bed or blanket during wintertime. Another respondent commented that he was placed in solitary confinement on the spurious accusation of using a prohibited

<sup>98</sup> Project on Middle East Democracy, Saudi Arabia: No country for bold women, 16 October 2018, <https://pomed.org/saudi-arabia-no-country-for-bold-women/>

cell phone in Onayza and Buraydah prisons, and that he was kept in solitary confinement for more than four months.

ALQST has reported previously on the arbitrary and prolonged use of solitary confinement and incommunicado detention of several prisoners in ways incompatible with the laws and obligations of the state. Such cases include those of ten-year-old **Murtaja Qureiris** and the Shia cleric **Mohammad al-Habib**.<sup>99</sup> Dozens of detained Palestinian and Jordanian community leaders, including 83-year-old cancer patient **Mohammed al-Khudari**, were also subjected to torture, ill-treatment and prolonged solitary confinement.<sup>100</sup> ALQST also reported on the case of **Hamad Abdullah al-Salhi**, who spent seven years in solitary confinement out of a total 13 years before his death.

Credible information on the use of solitary confinement in terms of prevalence, duration or justification is not available from any governmental sources; however, statements from relatives and former detainees, particularly politically targeted individuals, suggest that the practice is used mainly during the first few months of detention, combined with denial of contact with lawyers or family visits, to coerce individuals into submission to the demands of their interrogators. This pattern was seen in the case of the Ritz-Carlton detainees, some of whom were kept in solitary confinement without access to lawyers or family visits; it was also observed in the case of the women's rights activists, some of whom were kept in solitary confinement for more than a year.

## 4.4. Deaths in Custody

We have already referred above, in [section 3.4](#) on medical and administrative neglect, to the deaths in custody of Abdullah al-Hamid, Habib al-Shuwaikhat, Ali Jassem al-Nazaa and Hamad bin Abdullah bin Hamad al-Salehi, and in [section 3.5](#) to the suspicious death of Saleh al-Shehi shortly after his unexpected release from prison.

The Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) lays down a state's responsibility to investigate any death in custody as a result of torture, and mandates holding officials accountable. The kingdom's domestic laws, however, make no direct mention of death in custody as a result of torture and contain only brief and general articles prohibiting assault or harm, whether physical or psychological, to individuals in detention. Death in custody is only mentioned as a natural outcome of illness not caused by neglect or abuse in custody. ALQST calls for all deaths in custody to be independently investigated to establish the cause.

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<sup>99</sup> ALQST for Human Rights, UN experts issue urgent appeal concerning the judicial harassment and prolonged detention of cleric Mohammad al-Habib and teenager Murtaja Qureiris, 23 July 2020, <https://www.alqst.org/en/post/UN-experts-issue-urgent-appeal-concerning-Mohammad-al-Habib-and-Murtaja-Qureiris>

<sup>100</sup> ALQST for Human Rights, Dozens of Palestinians and Jordanians, many in deteriorating health, scheduled for sentencing in Saudi court on political charges, 24 February 2021, <https://www.alqst.org/en/post/dozens-of-Palestinians-and-Jordanians-scheduled-for-sentencing-in-Saudi-court>

The regulations on medical care in prisons include provisions on handling death in custody. Article 31 states that in the case of an inmate dying in prison, the prison's attending physician is required to issue the death certificate. The prison is then required to pass the death certificate to the Ministry of Health to obtain a licence for burial and notify the family of the deceased to receive the body. Article 32 prohibits the burial of any deceased individual who has died of an infectious disease anywhere other than the place where the death took place, in order to reduce the risk of infection. Articles 33 and 34 allow the transfer of a deceased individual to his home country, if requested by his family, once the family has paid the physician's fees and the cost of transfer of the body to his homeland within 24 hours of death. Article 35 mandates informing the family of a detained individual if his health is in a serious condition, so that they can visit him before he dies.

Similarly, reference is made in the Law of Imprisonment and Detention (LID) to the death of an individual in detention. Article 23 of the LID states that in the event of a detained individual dying, a detailed medical report on the case should be prepared. The director of the prison is then required to inform the responsible authorities and notify the deceased's family to receive the body. In case of delay, or if the family does not come to receive the body, burial will take place in the cemetery assigned for the prison or detention centre. The LID also prohibits transfer of a deceased individual's body if the cause of death is an infection or a threat to public health.

Deaths in custody from torture are particularly difficult to verify because of a lack of transparency and the inability of families to receive the body of the deceased, in addition to a lack of credible clinical examination to determine the cause of death.

Over the past four years families and activists have started campaigning online for the Saudi authorities to release the bodies of those who have been executed to their families. Some of those executed had mentioned to their families beforehand that they were forced to sign documents without being allowed to study them, including consent forms for post-mortem organ donation.<sup>101</sup> Some families were never informed of the place of burial, let alone allowed to receive the body and perform their religious burial rituals, in violation of the legal provisions outlined above that allow for families to receive the bodies of inmates who die in detention (unless they have died of an infectious disease). Families' inability to receive the bodies, together with the lack of independent clinical verification of the cause of death, impedes the collection of data on the prevalence and causes of deaths in detention, whether from torture, disease, medical neglect or natural causes, and fosters a climate of unaccountability for such cases.

Reports have surfaced in the media in recent years of deaths in detention because of torture. One such case was that of military officer and former statesman Major-General **Ali al-Qahtani**, who worked for the former governor of Riyadh. Al-Qahtani died in state custody after being detained at the Ritz-Carlton hotel; and his body reportedly showed signs of torture, such as his neck being "twisted unnaturally" and burn marks that appeared to be the result of electric shocks, according to a doctor and two other people who were briefed on the condition of the body.<sup>102</sup>

<sup>101</sup> Voice of the People, Activists launch a campaign titled "where are the bodies of the Qatif martyrs?" 22 March 2021, <https://sowtalnaas.com/643/>

<sup>102</sup> New York Times, Saudis said to use coercion and abuse to seize billions, 11 March 2018 <https://www.nytimes.com/2018/03/11/world/middleeast/saudi-arabia-corruption-mohammed-bin-salman.html>



A report by the European-Saudi Organisation for Human Rights (ESOHR) in 2020 documented several cases of deaths in detention where there were signs of physical torture.<sup>103</sup> These included the deaths of athlete **Makki al-Areed** in 2016 and a young man called **Mohammed Reda al-Hassawi** in 2017. After al-Areed's body was handed over to his family, photos and video clips emerged purporting to show the effects of torture on his body, such as bruising, electric shocks, cigarette burns, and wounds from sharp instruments. Al-Hassawi died in the Mabaheth prison in Dammam two years after his arrest, and photos of his body published by activists showed similar signs of torture, including marks on his hands that indicate suspension for long periods, and signs of multiple electric shocks. A doctor who examined the body was quoted as saying it was likely al-Hassawi had been dead for at least a week before being handed over to his family. The authorities had claimed that he died of a heart attack.

The ESOHR report mentioned two other cases of detainees who died in a Mabaheth prison and whose bodies showed signs of torture when they were handed over to their families: **Ali al-Nazgha** in 2018 and **Hussein al-Ribh** in 2019. The report also listed a dozen cases of death in detention, in a variety of settings, from ill-treatment or negligence or in suspicious circumstances. In the case of **Hanan al-Thobyani** in 2016 activists claimed she had died as a result of torture, and when her family were summoned to Dhahban Prison in Jeddah they were not allowed to see her face. The authorities then buried al-Thobyani in a secret location and forced her family to sign a declaration stating that she died of natural causes. Forty-year-old **Basheer al-Mutlaq** died in the Mabaheth Prison in Dammam 2018 having suffered a stroke, according to the authorities, but from pains and complications of torture during his first years in prison after being arrested in 2012, and denial of healthcare; the circumstances of his death were never investigated. In some cases of suspicious death the authorities say the detainee committed suicide, as in the 2018 case of **Lotfi al-Habib**, who died three days after being arrested in connection with a traffic incident. The authorities refused to hand over the body unless al-Habib's father signed an acknowledgement of his son's suicide, which the father contested.

## 4.5. Denial of Visits

Denying prisoners phone calls and visits from family members inflicts suffering and mental anguish on both prisoners and their families and can amount to torture in itself, especially where children and elderly relatives are concerned. Within the context of torture and ill-treatment of prisoners and detainees, bans on contact with family, lawyers and friends represent a serious limitation on the possibility of exposing abuse and holding officials involved in such practices accountable. Nearly all of the respondents in our survey reported arbitrary bans on family visits and phone calls. Respondents also commented that such bans were repeatedly imposed.

In some cases prisoners of conscience have been banned for years from having family visits or phone calls. Humanitarian aid worker **Abdulrahman al-Sadhan**, for example, was arrested by Mabaheth security forces from his workplace at the Red Crescent in Riyadh on 12 March 2018, without a warrant.

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<sup>103</sup> European Saudi Organisation for Human Rights (ESOHR), Death in Saudi prisons: Denial of torture and lack of accountability, 13 August 2020, <https://www.esohr.org/en/?p=2950>

He was then subjected to severe torture while being forcibly disappeared for 23 months, with no news on his whereabouts. Following a public call for information from his sister, who is a US citizen and campaigned for him from abroad, the Saudi authorities finally allowed him a one-minute call to his family on 12 February 2020. He told the family that he was being held in al-Ha'ir prison in Riyadh, but gave no details on his case or state of health. He was then denied any contact with his family for a further year, until 22 February 2021. During his detention, he was subjected to sexual harassment, electric shocks, beatings that caused bone fractures, flogging, suspension in stress positions, death threats, insults, verbal humiliation and solitary confinement.<sup>104</sup> Not surprisingly, his health reportedly deteriorated, but the authorities have not taken any steps to investigate his family's claims of enforced disappearance and torture.

The authorities also at times banned family visits and phone calls for prisoners, and especially for prisoners of conscience, during the COVID-19 lockdown. Whatever argument might be made for limiting physical contact with visitors, there can be no health-related justification for banning phone communication, which appears to be purely punitive.

Even in situations where the authorities do allow phone calls, these are monitored and detainees are not allowed to share any information on their cases or conditions of detention, let alone talk about torture, with their families or legal representatives. In-person visits are also subject to extensive surveillance and monitoring, and take place under conditions that make it hard for prisoners to relay any significant information to their families. While some families, if they have members living abroad or some connection with the international human rights community and media, manage to pass information on torture, enforced disappearance or extended pre-trial detention to the public and relevant entities, other families do not have this ability; in fact families are pressured and threatened by state security officials if they are perceived to be revealing information on torture, as mentioned earlier.

## 4.6. Prisoners' Hunger Strikes in Protest at Ill-Treatment

Prisoners who refuse food are not always genuine "hunger strikers" but may fast voluntarily for a variety of reasons. In countries like Saudi Arabia where prisoners' rights are not fully respected, and where the authorities resort to legal intimidation, harassment or torture, or fail to respond to prisoners' complaints or enquiries, hunger strikes or voluntary fasting may be a last resort for prisoners wanting to protest against their situation and demand attention from the authorities.<sup>105</sup>

Guidelines for doctors involved in hunger strikes, established by the World Medical Association (WMA) in the 1975 Declaration of Tokyo and the 1991 Declaration of Malta, prohibit the use of force-feeding, as a potential form of torture, and focus on ensuring the patient's welfare through a relationship of trust with the doctor. If a prisoner has clearly stated that he or she refuses to be force-fed, then the doctor must

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<sup>104</sup> ALQST for Human Rights, Humanitarian worker Abdulrahman Al-Sadhan sentenced to 20 years in prison, 8 April 2021, <https://www.alqst.org/en/post/abdulrahman-al-sadhan-sentenced-to-20-years-in-prison>

<sup>105</sup> International Committee of the Red Cross, Medical and ethical aspects of hunger strikes in custody and the issue of torture, 1 January 1998, <https://www.icrc.org/en/doc/resources/documents/article/other/health-article-010198.htm>



use his or her clinical and moral judgment to ensure the best interests of the patient without any form of coercion, while heeding the informed consent of the fasting prisoner. However, in coercive regimes such as the Saudi prison system doctors may not have the privacy or the ability to engage with hunger strikers across the whole process, which may limit their ability to monitor their health and engage with the authorities to alleviate their conditions.

In Saudi prisons, hunger strikes are commonly used by political prisoners and detained human rights activists as a way to challenge poor conditions, mistreatment, or legal harassment while in detention. ALQST has documented several cases of hunger strikes in recent years by both newly and long imprisoned activists. In December 2020 the authorities responded to the demands of **Mohammed Fahad al-Qahtani**, a political activist and co-founder of the Saudi Civil and Political Rights Association, after a 10-day hunger strike in protest at being denied access to books and essential medication.<sup>106</sup> Significantly, al-Qahtani's family was instrumental in promoting his demands from abroad, and this proved key to his ability to publicise his case. In March 2021, more than 30 imprisoned political activists and writers, including **al-Qahtani**, **Fawzan al-Harbi**, **Essa al-Nukhaifi**, **Fahad al-Araini**, **Mohammed al-Hudaif** and **Abdulaziz al-Sunaidi**, joined in a hunger strike in protest over harassment and ill-treatment in al-Ha'ir and Onayza prisons. Prisoners protested against being held in the same ward as psychiatric detainees who express violent attitudes toward them, and also against being denied family contact and access to books and newspapers. Prisoners started their hunger strike after failing to receive a response from the prison authorities to their complaints. The authorities had repeatedly denied al-Sunaidi family visits or phone calls and repeatedly placed him in solitary confinement. One prisoner, al-Nukhaifi, was hospitalised as a consequence of the strike.<sup>107</sup>



Fawzan al-Harbi



Mohammed al-Hudaif



Abdulaziz al-Sunaidi

<sup>106</sup> ALQST for Human Rights, Mohammed al-Qahtani ends his 10-day prison hunger strike as the authorities say they will meet demands, 30 December 2020, <https://www.alqst.org/en/post/Mohammed-al-Qahtani-ends-his-10-day-prison-hunger-strike>

<sup>107</sup> ALQST for Human Rights, More than 30 prisoners of conscience go on hunger strike in protest over harassment, 12 March 2021, <https://www.alqst.org/en/post/more-than-30-prisoners-of-conscience-go-on-hunger-strike-in-protest-over-harassment>



**Waleed Abu al-Khair**



**Khaled al-Omair**



**Raif Badawi**

Similarly, a hunger strike was staged by three prominent activists – the lawyer and award-winning human rights activist **Waleed Abu al-Khair**, the constitutional reformist **Khaled al-Omair** and the liberal blogger **Raif Badawi** – in late 2019/early 2020 in protest over mistreatment, unfair trials and poor prison conditions.<sup>108</sup> Abu al-Khair was protesting over repeated raids on his cell and being taken to a high security unit, and continued to fast until the authorities returned him to his normal prison cell. At one point during his fast he was force-fed with nutrients in hospital, where he was observed by a witness to be in a poor state of health. Badawi, who joined Abu al-Khair in the strike, also ended it after being transferred from the high security unit back to a regular cell block. Al-Omair ended his strike, in protest over his unfair trial and the harassment of activists, after the authorities belatedly started initial judicial proceedings. Women's rights activist **Loujain al-Hathloul** resorted twice to hunger strikes during 2020 in protest over the limits placed on family contact and visits and the lack of any response from the authorities at al-Ha'ir political prison to her requests and complaints. She informed her parents, when they were still only being allowed to visit her once a month, that she was going to go on hunger strike to be allowed regular weekly phone calls in accordance with the regulations.<sup>109</sup>

While it is difficult to estimate the success of any hunger strike in resolving a persistent or difficult problem for a prisoner in Saudi Arabia, the fasting involved poses a serious risk to the prisoner's health. Hunger strikers have been transferred to hospital in view of the generally limited access to proper medical care inside prisons. However, it remains a last resort for certain prisoners who may be able, because of family or friends abroad, to publicise a hunger strike and their demands to end it. The fact that so many Saudi prisoners, notably human rights activists and lawyers, have resorted to hunger strikes underlines the unresponsiveness of the prison authorities, and the state's disregard for the rights of those held in Saudi prisons and detention centres.

<sup>108</sup> ALQST for Human Rights, Urgent: prisoners of conscience announce end of hunger strike, 12 February 2020, <https://www.alqst.org/en/post/urgent-prisoners-conscience-announce-end-hunger-strike>

<sup>109</sup> Reuters, Prominent Saudi women's rights activist on hunger strike in detention says family, 27 October 2020, <https://www.reuters.com/article/saudi-rights-int/prominent-saudi-womens-rights-activist-on-hunger-strike-in-detention-says-family-idUSKBN27C1TJ>



# Recommendations

# Recommendations

## For the international community:

- At all times when dealing with the Saudi authorities or engaging in business with commercial or other Saudi entities, give due consideration to the human rights situation in the country and any potentially adverse impact your engagement might have;
- Introduce and endorse a UN resolution establishing a monitoring mechanism over the human rights situation in Saudi Arabia;
- Support efforts by third party governments and consular officials to secure the release and safe repatriation of vulnerable detainees, including overstaying migrant workers or illegally trafficked persons, or to improve their conditions of detention to ensure their safety and welfare; and
- Urge the authorities in Saudi Arabia to implement the recommendations below.

## For the Saudi authorities:

### The Legal Framework

- Reform the country's legal system by promulgating a constitution and a criminal code and by revising the Law on Combating Crimes of Terrorism and its Financing, the Anti-Cybercrime Law, the Law on Printing and Publication and the Law on Associations and Foundations to bring them into full conformity with international standards, so that they cannot serve as a basis for prosecuting individuals engaged in non-violent expression and advocacy, especially in defence of human rights;
- Bring the definition of terrorism in line with international standards and ensure that legal safeguards equally apply to terrorism suspects;

- Ratify the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Protection of all Persons from Enforced Disappearance (ICPPED) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW);
- Ratify the Optional Protocols to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), to enable individual complaints to be entertained by the treaty bodies operating under those instruments; and lift the reservations made to the CAT, the CEDAW and the Convention on the Rights of the Child (CRC);
- Bring the 1978 Law of Imprisonment and Detention and the 2001 Law of Criminal Procedure into line with international standards;
- Put an end to the practice of arbitrary detention, and effectively afford individuals deprived of their liberty all fundamental legal safeguards and fair trial rights;
- Ensure both in law and in practice that all persons deprived of their liberty are able to have prompt access to a lawyer of their choice at all stages of arrest, interrogation and pre- and post-trial detention, to confer with their lawyer in confidence, and to contact a family member or other person of their choice to inform them of their whereabouts;
- Ensure that detainees are informed of their rights and that they can exercise their rights to request and receive a medical examination by an independent doctor, preferably of their choice; to receive language assistance such as translation and interpretation; and to be presented promptly before a judicial authority;
- Guarantee the independence and impartiality of the judiciary in conformity with international standards; and
- Abolish the Specialised Criminal Court (SCC) and refrain from subjecting peaceful dissidents to reprisals under the pretext of counterterrorism.

## The Saudi Prison System

- Allow independent international observers, such as UN Experts or representatives of international human rights organisations, access to detention facilities in order to assess prison conditions and to ensure the safety and welfare of prisoners. The access must be unfettered and unsupervised;
- Ensure that all places of detention are subject to regular monitoring by an independent institution;
- Request the accreditation of the Saudi Human Rights Commission (NHRC) by the International Coordinating Committee of National Institutions to review its independence and compliance with the Paris Principles in its roles of monitoring and oversight;
- Improve the management of prison facilities and ensure that the UN Standard Minimum Rules for the Treatment of Prisoners are upheld in all places of detention;
- Ensure that no individual held in pre-trial custody is detained for any longer than the maximum legal provision allows before being transferred to the competent court or released; and that convicted prisoners are released promptly upon completion of their sentences.
- Abolish the provision of the male guardianship system by which a woman needs the permission of her male guardian to leave a detention or care facility;
- Revise the list of crimes deemed to warrant immediate detention and remove those that are inconsistent with international standards;
- Ensure that no one is held in an unofficial or secret detention facility under the de facto control of the state authorities; and
- Ensure the maintenance of registers in detention facilities containing full and detailed information, including on interrogations and incidents in detention, and medical records for each detainee.

## Conditions and Healthcare

- Ensure the application of fair and humane conditions of detention in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and guarantee the principle of non-discrimination to all persons in detention;
- Alleviate overcrowding in detention facilities, including through the application of alternative measures to imprisonment and an increase in budgetary allocations to develop and renovate the infrastructure of prisons and other detention facilities;
- Further reduce overcrowding in detention facilities by releasing political prisoners and minor offenders and prioritising the release of older prisoners and those with underlying health conditions;
- Follow the minimum health standards set out in the Law of Imprisonment and Detention (LID) and World Health Organisation (WHO) guidelines;
- Ensure the independence of medical professional operating in detention facilities, offering regular training programmes;
- Provide access to adequate and timely healthcare, especially for female prisoners and prisoners with disabilities;
- Conduct health screenings for all prisoners when they first arrive in detention facilities;
- Take effective measures to improve sanitation, quality of food and the health services and facilities available to all detainees;
- Put in place protective measures such as hygiene and infection control procedures and ensure the sufficient supply of personal protective equipment; and
- Ensure independent inquiries into all deaths in detention.



## Torture and Other Forms of Ill-treatment

- Put an end to the practice of torture and ill-treatment, including prolonged periods of incommunicado detention and solitary confinement; and conduct prompt, effective and credible investigations into all allegations of torture, holding perpetrators accountable and providing victims with effective remedy in line with international standards;
- Enshrine in domestic legislation a definition of torture in line with Article 1 of the UN Convention against Torture (CAT);
- Ensure that all relevant officials, including medical personnel, are specifically trained to identify and document cases of torture and ill-treatment, in accordance with the Istanbul Protocol;
- Criminalise torture in full compliance with the CAT, ensuring that penalties reflect the gravity of the crime, including different levels of participation, and that superior orders cannot constitute a defence for acts of torture;
- Prohibit secret and incommunicado detention and remove all legal provisions that allow for or facilitate these practices;
- Provide appropriate medical and forensic examinations by independent physicians to victims of torture;
- Enshrine in domestic legislation the right to redress for acts of torture or other cruel, inhuman or degrading treatment or punishment and secure accountability, rehabilitation and redress for victims of abuse or violations.

And finally, on behalf of ALQST, the researchers and authors of this report urge the Saudi authorities to immediately and unconditionally release all prisoners of conscience, including human rights defenders, who are being detained for exercising their fundamental freedoms.

# **Shrouded in Secrecy:** **Prisons and Detention Centres** in Saudi Arabia

