

SAUDI ARABIA'S POST-G20 CRACKDOWN ON EXPRESSION

RESUMPTION OF CRACKDOWN ON FREE SPEECH, HUMAN RIGHTS
ACTIVISM AND USE OF THE DEATH PENALTY

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1. EXECUTIVE SUMMARY

Following Saudi Arabia's presidency of the G20 which culminated in the November 2020 summit, the Saudi Arabian authorities resumed punitive trials of human rights defenders and other dissidents, particularly before the Specialized Criminal Court (SCC), and their use of the death penalty. The months during which Saudi Arabia hosted the G20 summit had seen a lull in trial proceedings of human rights defenders and dissidents before the SCC and other Criminal Courts, as well as a marked drop in the use of the death penalty. This coincided with the Covid-19 pandemic which disrupted operations in the criminal justice system.

However, after the end of the summit, from December 2020 onwards, courts resumed these trials, handing down heavy prison terms to individuals for their human rights work or expression through tweets, or imposing restrictive conditions on individuals released after serving their sentences such as travel bans or ordering the closure of their social media accounts. Some of those sentenced in early 2021 had in recent years finished serving lengthy prison terms from previous cases on similar charges related to their peaceful exercise of human rights.

After an 85% drop in executions during Saudi Arabia's presidency of the G20, executions resumed with nine people executed in December 2020 alone and a further 40 executed to date in July 2021. In one egregious case, the authorities executed a young man from Saudi Arabia's Shi'a minority in June.

This briefing features Amnesty International's documentation of 13 cases of activists and dissidents who have been or continue to be prosecuted, sentenced or have had their sentence confirmed by the SCC or ratified by the King, between December 2020 and July 2021. Amnesty International has documented the cases of 64 individuals prosecuted for exercising their rights to freedom of expression, association and assembly: 39 currently imprisoned, while the others were recently conditionally released after serving their sentences or are awaiting trial for charges related to their expression and human rights work.

In the majority of cases, the SCC handed down its sentences following grossly unfair trials, marred by incommunicado detention and solitary confinement for months at a time, no access to legal representation during the detention, interrogation and throughout the trial, as well as the court's unquestioning reliance on "confessions" extracted through torture- in many cases leading to a death sentence on the basis of such "confessions."

The reality of these trials stands in stark contrast to recent announcements by Crown Prince Mohammed bin Salman of legal reforms. In February 2021, the Crown Prince announced that Saudi Arabia would be adopting new laws and reforming existing ones in order to "preserve rights, bolster the principles of justice, enforce transparency, protect human rights and achieve comprehensive and sustainable development."¹ The announcement refers to four laws: a Personal Status Law, Civil Transactions Law, Penal Code for Discretionary Sentences and a Law of Evidence. To date, the authorities have yet to publish these laws or their implementing regulations, making it difficult to assess the human rights impact of the stated reforms.

Yet, at the same time as the authorities were announcing these reforms, the judiciary resumed its pursuit of people who has voiced critical opinions or scrutiny of governmental policies, mainly through the SCC. In April 2021, the SCC sentenced a humanitarian worker to an outrageous 20 years in prison, followed by an additional 20-year travel ban for charges related to his peaceful expression of critical and satirical views of government policies on Twitter.

The charges were based on vague provisions criminalizing peaceful expression under the Penal Law for Crimes of Terrorism and its Financing (Counter-Terror Law) and the Anti-Cyber Crime Law. Amnesty International has repeatedly called on the Saudi Arabian authorities to repeal or amend both these laws to bring them in line with international human rights law and standards.

Despite the long-awaited release of all of the women human rights defenders who remained behind bars in March and June 2021, the conditions placed on these releases effectively perpetuated violations of their rights. These conditions include travel bans or bans on public speaking, the resumption of human rights work or the use of social media, violating their rights to freedom of expression, association and peaceful assembly in the country and freedom of movement outside of the country. In addition, a number of family

¹ Saudi Press Agency, "HRH Crown Prince Announces 4 New Laws to Reform the Kingdom's Judicial Institutions", 8 February 2021, spa.gov.sa/viewfullstory.php?lang=en&newsid=2187801#2187801

members of human rights defenders, some of whom have been actively advocating for their loved ones' releases have also been subjected to travel bans.

In light of these latest developments, Amnesty International continues to be gravely concerned about the overall human rights situation: the continued detention and prosecution of human rights defenders, the use of overly broad laws to legitimize the targeting of peaceful expression and activism by way of unfair trials and the continued use of the death penalty following grossly unfair trials.

As such, Amnesty International reiterates its call to the UN Human Rights Council to establish a monitoring and reporting mechanism on the human rights situation in Saudi Arabia.²

² Amnesty International, "HRC45: Jointly reiterate calls on Saudi Arabia to release human rights defenders and address key benchmarks for human rights reform" (Index: 23/2960/2020), 9 September 2020, [amnesty.org/en/documents/mde23/2960/2020/en/](https://www.amnesty.org/en/documents/mde23/2960/2020/en/)

2. METHODOLOGY

This briefing examines the cases of 13 individuals who have been or continue to be prosecuted or sentenced before the SCC between December 2020 and July 2021, including one young man who was executed following the ratification of his death sentence. Five other individuals have been arbitrarily detained without charges for over three years. The briefing also examines travel and social media bans which several individuals face following their release this year.

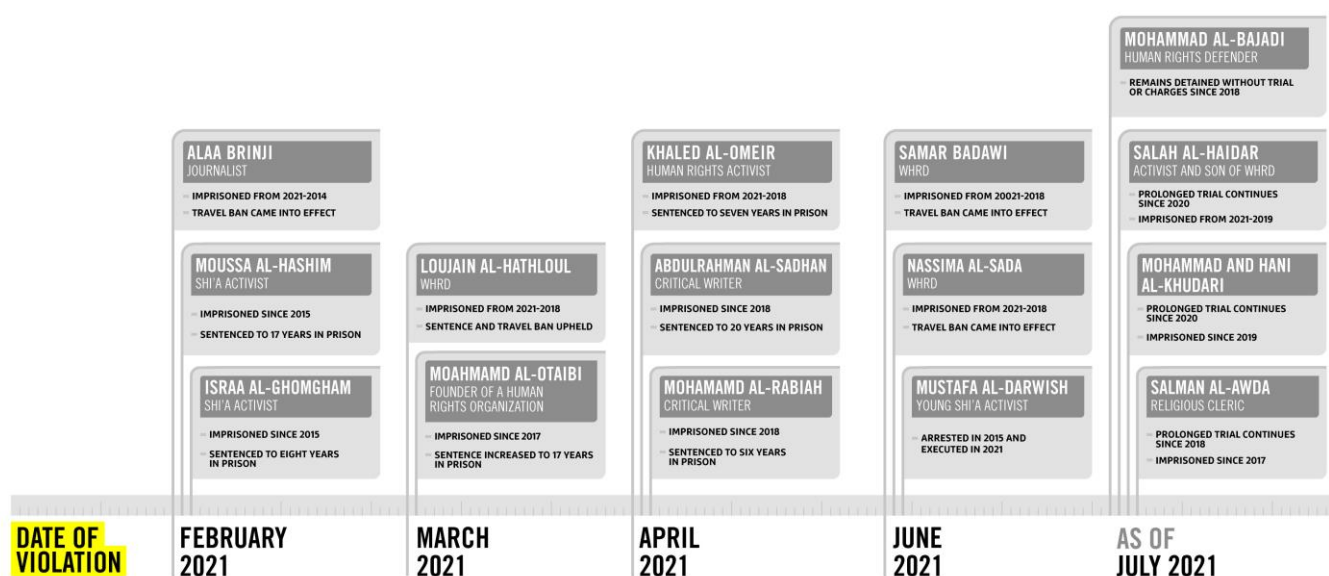
Amnesty International spoke to 10 individuals, including family members outside of Saudi Arabia, a lawyer and human rights experts; examined legal documents such as charge sheets and verdicts and reviewed government statements related to legislative reforms. To protect against reprisal, interviews were conducted in strict confidence and via trusted sources outside of the country, as anyone's cooperation with Amnesty International inside the country would put them at risk of arrest and prosecution under the Counter-Terror or Anti-Cyber Crime Law on charges which include: "harming the reputation of the Kingdom" and "communicating with foreign organizations."

3. RESUMPTION OF HEAVY SENTENCES FOR ACTIVISM AND SPEECH

Since December 2020, the Saudi Arabian authorities have resumed their relentless crackdown on anyone who has expressed critical views of the government or expressed their opinions. The authorities sentenced individuals who have been detained arbitrarily for up to twenty years, as well as increased the sentences of individuals already serving prison sentences or those previously imprisoned for their human rights work.

In five cases, human rights activists detained between three to six years were sentenced by the Specialized Criminal Court (SCC) to prison terms ranging between six and 20 years in prison. In one case, the authorities increased the sentence of a human rights defender from 15 to 17 years for additional charges related to his attempt to seek political asylum while on trial for his human rights work. At the time of writing, four individuals remain on trial before the SCC and one has been detained without charges or trial since mid-2018.


TIMELINE OF CRACKDOWN FROM JANUARY TO JUNE 2021



Amnesty International has documented dozens of cases of human rights defenders prosecuted on charges that do not amount to recognizable offenses under international law since they criminalize the peaceful exercise of freedom of expression, assembly and association and in some cases equate peaceful political activism or expression with terrorism-related crimes. The most common charges used in cases of human rights defenders include: “breaking allegiance to and disobeying the ruler”; “questioning the integrity of officials”; “seeking to disrupt security and inciting disorder by calling for demonstrations”; “disseminating false information to foreign groups”; and “forming or participating in forming an unlicensed organization” based on the Anti-Cyber Crime Law, Counter-Terror Law and Law on Associations.³

3.1 SENTENCED FOR PEACEFUL ASSOCIATION



 ↑ *Mohammad al-Otaibi.* ©Private.

Mohammad al-Otaibi, a founding member of the Union for Human Rights, an independent human rights organization, was already serving a 14-year prison sentence when the SCC increased his sentence by three additional years in December 2020 and March 2021.⁴ In December 2020, the SCC sentenced al-Otaibi to an additional year in a separate case in which he faced charges that include his communication with international organizations and attempt to seek political asylum while his trial was ongoing and prior to his detention in Saudi Arabia. In March 2021, the prosecutor demanded a two-year increase of the sentence which the court granted. Mohammad al-Otaibi is now serving a total of 17 years in prison for his human rights work.

In April 2013, Mohammad al-Otaibi and three other men were summoned for interrogations after they formally informed the authorities and requested a licence to establish a human rights organization called the Union for Human Rights. The investigations bureau summoned all four men and made them sign pledges to close down the organization. Mohammad al-Otaibi and one other human rights defender were then brought to trial based on their continued work with the Union for Human Rights.⁵

In October 2016, Mohammad’s trial began before the SCC. The court sentenced him based on charges including: “participating in setting up an organization and announcing it before getting an authorization; “participating in two media interviews”; “inciting people to protest” and “dividing national unity, spreading chaos and inciting public opinion by preparing, drafting and publishing statements that are harmful to the reputation of the Kingdom and its judicial and security institutions”.⁶ The court sentenced him to 14 years imprisonment, followed by a travel ban of equal duration.

Under Saudi Arabia’s Law on Associations and Foundations of 2015, no independent human rights organization has been able to register and the majority of human rights defenders who have attempted to formally register have been prosecuted and accused of charges similar to Mohammad al-Otaibi. Another individual who remains detained for his peaceful exercise of freedom of association is **Mohammad al-Bajadi**, a founding member of the Saudi Civil and Political Rights Association (ACPRA), who has been detained since May 2018 without charges or trial. He was previously prosecuted for his human rights work related to ACPRA and served five years in prison from 2011 to 2016 before his re-arrest in May 2018. ACPRA campaigned for the rights of prisoners in Saudi Arabia until it was forcibly shut down by the authorities in March 2013 and all its founding members were detained and sentenced to lengthy prison terms for their membership in the association and their peaceful human rights work.

LAW ON ASSOCIATIONS

The Saudi authorities do not allow the existence of political parties, trade unions or independent human rights groups, prosecute and imprison those who set up or participate in unlicensed human rights organizations. **The Law on Associations**, which has been in place since 2015, excludes any mention of “human rights” and extends wide discretionary powers to the Ministry of Social Affairs, including to deny licenses to new organizations and to disband them if deemed to be “harming national unity”. No independent human rights organizations or women’s rights organizations have been able to register under the law. Human rights defenders who have established organizations have been put on trial and sentenced for “establishing unlicensed organizations.”



³ Specialized Criminal Court, Verdicts of various human rights defenders on file with Amnesty International.


⁴ Amnesty International, “Saudi Arabia: First human rights defenders sentenced under leadership of ‘reformer’ Crown Prince Mohammad Bin Salman”, 25 January 2018, [amnesty.org/en/latest/news/2018/01/saudi-arabia-first-human-rights-defenders-sentenced-under-leadership-of-reformer-crown-prince-mohammad-bin-salman/](https://www.amnesty.org/en/latest/news/2018/01/saudi-arabia-first-human-rights-defenders-sentenced-under-leadership-of-reformer-crown-prince-mohammad-bin-salman/)

⁵ Amnesty International, “Saudi Arabia” Two human rights defenders on trial: Mohammad al-Otaibi and Abdullah al-Attawi” (Index: MDE 23/5098/2016), 4 November 2016, [amnesty.org/en/documents/mde23/5098/2016/en/](https://www.amnesty.org/en/documents/mde23/5098/2016/en/)

⁶ Specialized Criminal Court, Verdict on file with Amnesty International, 25 January 2018.


3.2 SENTENCED FOR PEACEFUL EXPRESSION




 ↑ Abdulrahman al-Sadhan
© Private.

In the case of **Abdulrahman al-Sadhan**, who works at the Saudi Arabian Red Crescent Society in Riyadh, the SCC tried and sentenced him in April 2021 to 20 years in prison, to be followed by a travel ban of equal duration. On 3 March 2021, Abdulrahman al-Sadhan attended his first secret hearing at the SCC, without legal representation and in the absence of his father, who had been assisting his legal defence. The evidence presented against him was series of satirical and critical tweets, from an account the prosecution accused him of running, and a statement he was forced to sign as a “confession” under duress. His charges included: “funding terrorism”, “support for a terrorist entity (ISIS) and advocating for it”, “preparing, storing and sending what would prejudice public order and religious values “and “offending state institutions and officials and spreading false rumours about them”.⁷

Some of the tweets which the authorities deemed offensive include Abdelrahman’s criticism of the authorities’ economic policies, and his calls for an alternative form of governance. In one tweet, he said:

 **“ The Vision’s mastermind [understood to be MBS’ Vision 2030] wants to impose taxes under the pretext of transforming the national economy into a modern economy. Why don’t we impose elections to turn the stone-age monarchy into a presidential one?”⁸**

In another tweet, he criticised the authorities’ imposition of new traffic fines:

 **“#In_2018, every citizen will pay a part of his monthly salary to pay for traffic violation, whether he committed a violation or not, all kinds of new and ridiculous violations will be invented. The goal will not be to control traffic and ensure safety, but the goal will be compatible with the #Vision_of_Poverty which is to dry up the citizen’s savings.”⁹**

Al-Sadhan was only allowed to meet with a court-appointed lawyer before his second trial session for 40 minutes. For an hour only, his father and lawyer were allowed to examine the evidence brought against him, which consisted of over 200 pages of tweets extracted from his satirical twitter accounts and a two-page document containing “confessions” made by Abdulrahman al-Sadhan, likely under duress, his family believes. He had been forced to sign and stamp the “evidence” documents which neither his father nor his lawyer received a copy of.

In another case in April 2021, the SCC sentenced **Mohammad al-Rabiah** to six years in prison, to be followed by a six-year travel ban. Al-Rabiah had supported the campaign for women’s right to drive in Saudi Arabia and was arrested in May 2018 as part of the crackdown on women human rights defenders. The charges against him are not recognizable crimes under international law and criminalize his peaceful exercise of his rights to freedom of expression and association. They include: “seeking to disrupt social cohesion and weaken national unity”; “preparing and sending what would prejudice public order through his social media accounts” and “authoring and publishing a book containing suspicious views.”

A few days later, on 25 April 2021, the SCC sentenced human rights defender **Khaled al-Omeir** to seven years in prison, followed by a travel ban of an equal duration and closure of his social media accounts. The charges he was convicted of related to his activism and online expression, including through launching a hashtag on Twitter that read “the people want a new constitution.”

He was first arrested in June 2018 after he filed a complaint to the authorities regarding his torture and other ill-treatment while he was detained in 2009 for charges related to his work to organize a protest. Khaled al-Omeir’s previous arrest was in January 2009, along with fellow human rights defender who is also now detained Mohammed al-Otaibi, after they requested a permit from the Ministry of Interior to organize a demonstration in protest of Israel’s “Operation Cast Lead” military campaign against the Gaza Strip. In May 2011, the SCC sentenced him to eight years in prison, followed by a travel ban of equal duration based on charges under the Anti-Cyber Crime law and Royal Decree 44/A, a follow-up decree to the counter-terror law for charges which included “calling for and inciting protests” and “promoting demonstrations via the internet.”

In March 2021, the Supreme Court upheld the sentence of woman human rights defender **Loujain al-Hathloul**, who was conditionally released in February 2021.¹⁰ She currently faces a five year travel ban, as part of her sentence. Al-Hathloul was held nearly three years


⁷ Charges on file with Amnesty International.

⁸ Sama7ti, Twitter post, 29 May 2017, <https://twitter.com/Sama7ti/status/869247043625267201> (translation from Arabic by Amnesty International).

⁹ Sama7ti, Twitter post, 2 February 2018, <https://twitter.com/Sama7ti/status/959519254491037696> (translation from Arabic by Amnesty International).

¹⁰ Amnesty International, “Saudi Arabia: Verdict upholding Loujain al-Hathloul’s conviction an appalling injustice”, 10 March 2021, [amnesty.org/en/latest/news/2021/03/saudi-arabia-verdict-upholding-loujain-al-hathloul-conviction-an-appalling-injustice/](https://www.amnesty.org/en/latest/news/2021/03/saudi-arabia-verdict-upholding-loujain-al-hathloul-conviction-an-appalling-injustice/)



 ↑ Loujain al-Hathloul ©Private.

in arbitrary detention, enduring torture and other ill-treatment, including sexual harassment as well as prolonged solitary confinement for months at a time.¹¹

Loujain al-Hathloul's trial first opened before the Criminal Court in Riyadh in March 2019 and was subsequently transferred to the Specialized Criminal Court (SCC) in December 2020 after the Criminal Court concluded that it was "outside its jurisdiction. On 28 December 2020, Loujain al-Hathloul was sentenced by the SCC to five years and eight months in prison - partially suspended by two years and ten months - after a deeply unfair trial. She was charged with "spying with foreign parties" and "conspiring against the kingdom" for her work promoting women's rights and calling for the end of the male guardianship system in Saudi Arabia.

Al-Hathloul had previously been detained on two occasions for her campaigning against the driving ban on women in Saudi Arabia. In June 2017, she was arrested for two days as she was due to be interrogated by the Bureau of Investigation and Prosecution and in November 2014, and she was detained for 73 days after she had attempted to drive into Saudi Arabia from the United Arab Emirates, defying the driving ban on women in Saudi Arabia.

On 10 February 2021, the SCC sentenced six activists, including Israa al-Ghomgham, to prison terms ranging between eight and 15 years on charges solely related to their peaceful exercise of their right to freedom of expression and assembly.

Israa al-Ghomgham was sentenced by the SCC to eight years in prison and an eight year travel ban for her peaceful activism and participation in anti-government protests. According to court documents reviewed by Amnesty International, Israa al-Ghomgham's charges included: violating Royal Decree 44/A for "participating in protests in al-Qatif and documenting these protests on social media"; "providing moral support to rioters by participating in funerals of protesters killed during clashes with security forces" and "violating Article 6 of the Anti-Cyber Crime law" through, among other things, advocating for protests and posting photos and videos of protests on Facebook."¹²

The SCC also sentenced al-Ghomgham's husband, **Moussa al-Hashim**, in the same trial to 17 years in prison, to be followed by a travel ban of equal duration.

¹¹ Amnesty International, "Saudi Arabia: Reports of torture and sexual harassment of detained activists", 20 November 2018, [amnesty.org/en/latest/news/2018/11/saudi-arabia-reports-of-torture-and-sexual-harassment-of-detained-activists/](https://www.amnesty.org/en/latest/news/2018/11/saudi-arabia-reports-of-torture-and-sexual-harassment-of-detained-activists/)

¹² Amnesty International, "Saudi Arabia: Appalling plan to execute female activist must be stopped", 22 August 2018, [amnesty.org/en/latest/news/2018/08/saudi-arabia-appalling-plan-to-execute-female-activist-must-be-stopped/](https://www.amnesty.org/en/latest/news/2018/08/saudi-arabia-appalling-plan-to-execute-female-activist-must-be-stopped/)

4. VIOLATIONS FROM ARREST TO SENTENCING

4.1 INCOMMUNICADO DETENTION, TORTURE AND OTHER ILL-TREATMENT IN PRE-TRIAL DETENTION

“What right does anyone have to kidnap your loved ones because of tweets or peaceful opinion and disappear them for years? The injustice against my brother has been incredibly difficult for my family, and especially my mother, who has not been able to speak to her son for over three years.”

Areej al-Sadhan, Abdelrahman al-Sadhan’s sister¹³

Individuals recently tried or sentenced by the SCC all faced incommunicado detention and were subjected to solitary confinement for months at a time, with no regular contact allowed with the outside world. In almost all cases detailed below, individuals were not allowed to consult with their lawyer from the moment of their arrest and until the beginning of their trial. Some were subjected to torture and other ill-treatment during the first months of their detention. Others were sentenced to harsh prison terms, including to death, following flagrantly unfair trials. In the case of one man, he was sentenced to death and executed following such a trial, including the fact that his sentence was based on a so-called “confession” that was extracted under duress.

In the cases of **Abdulrahman al-Sadhan**, a humanitarian worker, and **Mohammad al-Rabiah**, a human rights activist, both men were detained without charge or trial without any means to challenge their detention for up to three years until their trial began in 2021. They were detained incommunicado and in solitary confinement without access to the external world for up to two years, during which they were subjected to torture or other ill-treatment.

Abdulrahman al-Sadhan was arrested without a warrant, detained incommunicado, and forcibly disappeared for two years from his arrest in 12 March 2018 until he was allowed to call his family for the first time in 12 February 2020. During his incommunicado detention, his family told Amnesty International that he had been subjected to electric shocks, beatings, flogging, suspension in stress-positions, sleep deprivation, threats of death, insults, verbal humiliation, and solitary confinement. Prosecutors also had him sign on documents under threat while blind folded — all for his use of social media to criticize the Saudi Arabian government. He was then allowed to speak to his family, but since 5 April 2021, al-Sadhan has been barred from any family visits or calls, leaving them extremely worried about his health situation and well-being.

“We wonder day and night if Abdulrahman is being tortured, if he’s alive or not”

his sister, Areej al-Sadhan told Amnesty International¹⁴

Human rights activist Mohammad al-Rabiah is a writer and outspoken advocate for women’s rights. Following Al-Rabiah’s arrest on 15 May 2018, he was subjected on multiple occasions during the first year of his detention to torture, including: being electrocuted and waterboarded; hung upside down by his feet and beaten until he became unconscious. Al-Rabiah remains in detention serving his prison term.

¹³ Interview with Areej al-Sadhan on email, 27 June 2021

¹⁴ Interview with Areej al-Sadhan on email, 27 June 2021

Human rights defender **Khaled Al-Omeir**, sentenced in April 2021 to seven years imprisonment, was denied access to a lawyer throughout his trial and pre-trial detention. He was placed in solitary confinement for prolonged periods of time and said that he was being blindfolded for hours ahead of interrogations in pre-trial detention. He was released in November 2016 after seven years imprisonment. Prior to his re-arrest in June 2018, Khaled al-Omeir had continued his activism to demand political freedoms, including through separation of powers and an elected parliament.

Woman human rights defender **Loujain al-Hathloul** submitted a complaint for her torture and sexual abuse she was subjected to during her pre-trial detention. Following increased international pressure, in December 2020, the Criminal Court in Riyadh had announced it would open an investigation led by the Public Prosecution into Loujain al-Hathloul's claim that she was tortured in detention, but at the session held on 22 December 2020, the judge closed the so-called investigation and denied that the torture had taken place without providing al-Hathloul with a copy of the decision. Loujain al-Hathloul has appealed this decision before the Supreme Court.

4.2 PROLONGED TRIALS BEFORE THE SCC

Trials before the SCC are intrinsically unfair with defendants subjected to flawed procedures that violate both Saudi laws and international law from the moment of arrest to final appeal. The court routinely fails to respect the right to fair trial and does not operate according to clearly established and defined procedures.


Amnesty International has documented how the SCC has been used by the Saudi Arabian authorities since 2011 as an instrument of repression to silence dissent, resorting extensively to the country's Counter-Terror Law and Anti-Cyber Crime Law to legitimize their criminalization of peaceful expression.¹⁵ The SCC was set up to try individuals of "terror"-related crimes under the Counter-Terror Law; therefore, activists, human rights defenders and dissidents should not be brought before this court in the first place and their unfair trial proceedings before this court indicate the authorities' response to human rights activism and dissent.

The SCC continues to try several individuals for their activism, or peaceful expression, association or assembly indefinitely without an end in sight to their prosecutions. In several cases, trial sessions are postponed for months at a time without a clear reason, and in some cases, scheduled trial sessions do not take place and defendants are not brought to court despite their families waiting for an update or verdict in the cases of their loved ones.

Religious cleric **Salman Alodah**, who has been detained since September 2017, faces the death penalty in an unfair trial before the SCC. In August 2018, Salman Alodah was brought to trial before the SCC in a secret session, where he was charged on 37 counts, including affiliation with the Muslim Brotherhood, and calling for government reforms and "regime change" in the Arab region. Since then, Alodah has had over 10 trial sessions over the past three years which have been postponed for months at a time with no clear reason given to him or his family, bearing a huge mental and emotional toll on Alodah and his loved ones. In his last trial session, which was scheduled for 6 July 2021, Alodah was not brought to the court and the proceedings were yet again postponed. The previous trial session in March was also promptly postponed.

Additionally, Salman Alodah has been detained in solitary confinement ever since his arrest in September 2017. His son also said that his health has considerably deteriorated in detention, leading him to lose part of his vision and hearing.



 ↑ *Mohammad al-Khudari*
©Private.

In another case, Palestinian national **Mohammad al-Khudari**, 83, a retired surgeon, politician and writer, has been detained in Saudi Arabia since April 2019 along with his son **Hani al-Khudari**. Mohammed al-Khudari had once served as an official representative of the Hamas de-facto administration in Saudi Arabia, but he resigned from the post 10 years ago. Dr Hani al-Khudari is a university professor who completed his Ph.D. in computer science and is currently a professor at Umm al-Qura University in the province of Mecca. Since their trial began in March 2020, their trial sessions have been repeatedly adjourned without clear reason. In their last trial session on 21 June, the authorities postponed the trial proceedings until 3 October.

Al-Khudari is in urgent need of medical care as his health is deteriorating in prison while his trial is ongoing before the SCC. When he was arrested on 4 April 2019, he was already undergoing cancer treatment; concerns for his health evidently increased with the COVID-19 pandemic and risks for an older person with underlying medical conditions. Earlier this year, Mohammed al-Khudari lost partial function of his right hand and lost some of his teeth. He is currently dependent on his son **Hani al-Khudari**, to feed him and help him around the prison.¹⁶

On 8 March 2020, both men were charged before the SCC with "joining a terrorist entity" – in apparent reference to al-Khudari's political position as an official representative of the Hamas de

¹⁵ Amnesty International, *Saudi Arabia: Muzzling critical voices: Politicized trials before Saudi Arabia's Specialized Criminal Court* (Index: MDE 23/1633/2020), 6 February 2020, [amnesty.org/en/documents/mde23/1633/2020/en/](https://www.amnesty.org/en/documents/mde23/1633/2020/en/)

¹⁶ Amnesty International, "Saudi Arabia: 83-year-old detainee needs urgent medical care: Dr. Mohammed al-Khudari" (Index: MDE 23/3692/2021), 15 February 2021, [amnesty.org/en/documents/mde23/3692/2021/en/](https://www.amnesty.org/en/documents/mde23/3692/2021/en/)

facto authorities - as part a mass trial of 68 individuals that failed to meet international due process standards. Mohammad al-Khudari was additionally charged with holding several leadership positions within Hamas.

Both men have been subjected to gross human rights violations including enforced disappearance, arbitrary arrest and detention, being held incommunicado and in solitary confinement throughout their detention. Furthermore, both men were interrogated behind closed doors without the presence or participation of their lawyers. Their treatment and detention conditions placed a great deal of stress and psychological pressure on both men, especially Mohammed al-Khudari, who needs medical care for his bladder catheterization.

Another of those continuing to face prolonged trial before the SCC is **Salah al-Haidar**, the son of Aziza al-Yousef, a woman human rights defender who was also prosecuted for her peaceful human rights work before the SCC. Arrested in April 2019, al-Haidar was temporarily released with others in February 2021 but remains on trial before the SCC.

5. ARBITRARY AND JUDICIALLY IMPOSED TRAVEL AND SOCIAL MEDIA BANS

“Arbitrary travel bans violate both Saudi Arabian domestic law, its own regional treaty obligations and international law. The Travel Document Law requires all bans to have “a specific period of time” and the Arab Charter for Human Rights, which Saudi Arabia is a party, forbids governments from “arbitrarily or illegally” depriving citizens of their right to leave the country”

Abdullah Alodah, a Saudi Arabian legal scholar and the son of religious cleric Salman Alodah¹⁷

In all court documents Amnesty International has examined, convicted human rights defenders were sentenced to travel bans in addition to their prison terms, effective from the day of their release. This ban is prescribed in each person’s verdict, in many cases based on the country’s Travel Document Law. It prevents the defenders from travelling outside the country to continue their human rights activism in safety.

Courts also often order human rights defenders convicted for their online expression and activism to close their social media accounts and prohibit them from speaking to the media as part of their sentence or conditions for release.

In addition, prior to their release, the authorities often force human rights defenders to sign pledges to cease their human rights work. Failure to comply with the pledge would lead to re-arrest or prosecution. The imposition of a travel and social media or a ban on writing and appearing in the media on human rights defenders effectively prevents them from freely expressing their thoughts and opinion, as well as engaging with international human rights mechanisms, organizations or activists abroad.

Amongst those who face a travel ban following release from prison is Saudi Arabian journalist **Alaa Brinji**, who is currently on an eight-year travel ban. In February 2021, he was conditionally released after serving seven years in prison. Alaa Brinji was sentenced in March 2016 to five years in prison, which was later increased to seven years in prison, to be followed by an eight-year travel ban. The sentence was issued on charges relating to a series of tweets he had posted. His list of “offences” also originally included the act of “apostasy” which is considered a serious crime in Saudi Arabia and carries the death penalty, but he was not convicted of this due to a lack of evidence. Alaa Brinji is a respected journalist who worked for the Saudi Arabian newspapers al-Bilad, Okaz and al-Sharq.

All women human rights conditionally released in recent months now also face travel bans- these include **Loujain al-Hathloul, Nassima al-Sada and Samar Badawi** who are now under a travel ban for five years.¹⁸

Nassima al-Sada and Samar Badawi were conditionally released in June 2021 after serving their sentences. On 25 November 2020, they were both sentenced by the Criminal Court in Riyadh to five years prison term - with partial suspension by two years - and a travel

¹⁷ Interview by text messages with Abdullah Alodah, 7 July 2021

¹⁸ Amnesty International, “Saudi Arabia: Free women human rights defenders immediately!”, 21 June 2018, [amnesty.org/en/latest/campaigns/2018/06/saudi-arabia-release-women-human-rights-defenders/](https://www.amnesty.org/en/latest/campaigns/2018/06/saudi-arabia-release-women-human-rights-defenders/)

ban of five years. In addition to the travel ban, which arbitrarily violates their right to freedom of movement, they are at risk of re-arrest at any moment should they resume their human rights work due to the two year suspension of their sentence which makes their release conditional as their charges were not dropped.

Samar Badawi is an activist and mother of two who had been repeatedly targeted and interrogated by the Saudi Arabian authorities for her human rights activism. In 2014, she was subjected to a travel ban after she returned from the UN Human Rights Council in Geneva, and in 2016 was briefly arrested for her human rights work and conditionally released.

Nassima al-Sada is an activist, human rights educator and mother of three who has campaigned for civil and political rights, women's rights and the rights of the Shi'a minority in the Eastern Province of Saudi Arabia for many years. She stood in municipal elections in 2015 but was banned from participating. She has also campaigned for the right of women to drive and for the end of male guardianship system.

Family members of activists also often face arbitrary travel bans that are not officially handed down to them through the judiciary or through the Ministry of Interior. They are not notified of the travel ban or the reasons behind it. Many of them only find out at the airport once they attempt to travel outside of the country. Abdullah Alodah, a Saudi Arabian legal scholar and the son of Salman Alodah told Amnesty International that:

“No legal process or court was involved in the bans against my family, and no reason was given by any authority. The bans are mainly to pressure me into silence, even when I’m overseas, and to further pressure my father in prison”¹⁹

Amongst those who face such bans are five family members of woman human rights defender Loujain al-Hathloul 19 family members of **Salman Alodah**. Many other relatives and friends of human rights defenders face such arbitrary travel bans, but due to the fear of reprisals, it is difficult to ascertain the scale of such bans.


¹⁹ Interview by text messages with Abdullah Alodah, 7 July 2021

6. RESUMPTION OF USE OF THE DEATH PENALTY

Saudi Arabia has long been one of the worst offenders in the world when it comes to death penalty sentences and executions. However, in 2020, there were 85% less executions in Saudi Arabia compared to the previous year, a reduction from 184 to 27. While this reduction will have been impacted by the Covid-19 pandemic which delayed operations in the country's criminal justice system, it is significant that it occurred during Saudi Arabia's presidency of the G20. From the end of July to November, when the G-20 summit was held, no executions were carried out in Saudi Arabia.

Yet immediately after Saudi Arabia's presidency of the G-20 ended on 30 November, executions resumed in the country. Between 10 December and 31 December, nine people were executed, and a further 40 people were executed so far this year until July 2021.



 ↑ Mustafa al-Darwish © Private.

In one particularly significant case due to its discretionary nature, in June 2021, **Mustafa al-Darwish**, a young Saudi Arabian man from the Shi'a minority was executed following three years on death row. The SCC sentenced him in March 2018 on a string of charges, including "participation in armed rebellion against the rulers, blocking roads and sowing discord"; "forming... an armed terrorist network and firing at security officials" and "seeking to disrupt national cohesion through his participation in more than 10 riots."²⁰ He told the judge in one of his trial sessions that:

"my confession is not valid as I was threatened, beaten and tortured into giving a confession. I was also tortured in sensitive areas of my body that made me lose consciousness. I confessed in fear for my life."²¹

According to court documents, the aforementioned charges against Mustafa al-Darwish were based on his "confessions" or signed statement that he had participated in over 10 riots between 2011 and 2012, photos of him shooting at security patrols and a technical report of his phone which allegedly contained photos offensive to security officials. However, given that the official charge sheet doesn't specify the exact months of the alleged crimes, Mustafa al-Darwish could have been 17 or 18 at the time of his alleged participation in riots – therefore making it unclear as

to whether Mustafa al-Darwish's case should be revised under the juvenile law. Moreover, the "evidence" on which the death sentence is based had resulted from a seriously flawed due process which involved subjecting Mustafa al-Darwish to prolonged pre-trial detention for over two years, and according to his testimony to the judge, obtaining confessions from him under torture.

In the case of Mustafa al-Darwish and all cases where defendants were sentenced to death for protest-related offences deemed to "threaten state security," the SCC sentenced them to death for *ta'zir* offences, that is crimes that have no fixed punishments in Shari'a and therefore are handed down on the discretion of the judge. The judge therefore has the discretion to determine the sentence for *ta'zir* offence. Amnesty International has over the past year documented a notable reduction in such cases where individuals sentenced for *ta'zir* offences are executed, making Mustafa's case the first this year.

Amnesty International has also documented dozens of cases of individuals who remain on death row today. They were tried before the SCC and sentenced to death on wide-ranging charges arising from their opposition to the government, participation in anti-government protests and alleged involvement in violent attacks or murder. All individuals were sentenced following grossly unfair trials, marred by claims of torture during detention which the prosecution systematically failed to investigate.

²⁰ Specialized Criminal Court, Verdict on file with Amnesty International, 28 March 2018

²¹ Specialized Criminal Court, Verdict on file with Amnesty International, 28 March 2018

In early 2021, the Saudi Arabian authorities announced major reforms in relation to the death penalty, including a moratorium on executions for drug-related crimes. This moratorium is yet to be formalized as an official Royal Order or an amendment to existing laws. The Saudi Arabia Human Rights Commission had stated that “the sharp decrease [in executions] was brought about in part by a moratorium in death penalties in drug-related offences”²² The moratorium had not been previously announced officially in 2020, neither were the details published during the year.

Moreover, In August 2020, prior to the summit, the Saudi Human Rights Commission announced that the country’s public prosecutor has ordered a review in the death sentences of three young activists from Saudi Arabia’s Shi’a minority who were below the age of 18 at the time of arrest. The three young men, Ali al-Nimr, Dawood al-Marhoun and Abdullah al-Zaher, were subsequently re-sentenced in February 2021 to 10 years in prison.²³

The authorities have continued to execute individuals for a range of other crimes, including murder and terrorism-related crimes. The Saudi Arabian authorities have routinely used the Counter-Terror Law, which has overly broad and vague definitions of “terrorism” and of a “terrorist crime,” to sentence individuals to death after unfair trials which rely on “confessions” extracted through torture.²⁴

²² Saudi Arabia Human Rights Commission, Twitter post, 19 January 2021, twitter.com/HRCSaudi_EN/status/1351087958565281793: “Saudi Arabia drastically decreases application of death penalty in 2020: 2020 marks lowest number of executions in Saudi Arabia for decades, decreasing executions by 85% since previous year”.

²³ Amnesty International, “Saudi Arabia: Withdrawal of death sentences for three Shi’a activists arrested as teenagers a welcome move”, 8 February, 2021, <https://www.amnesty.org/en/latest/news/2021/02/saudi-arabia-withdrawal-of-death-sentences-for-three-shia-activists-arrested-as-teenagers-a-welcome-move/>

²⁴ Amnesty International, “Saudi Arabia: 37 put to death in shocking execution spree”, 23 April 2019, [amnesty.org/en/latest/news/2019/04/saudi-arabia-37-put-to-death-in-shocking-execution-sprees/](https://www.amnesty.org/en/latest/news/2019/04/saudi-arabia-37-put-to-death-in-shocking-execution-sprees/)

7. CONCLUSION AND RECOMMENDATIONS

The limited human rights and legislative reforms that Saudi Arabia claims to have achieved cannot be celebrated while the reality of the human rights situation is that of relentless targeting of human rights defenders, activists, journalists and anyone who has freely expressed their opinions in the past. This campaign to crush civil society and political opponents is not new and has occurred under the direction of the highest levels of the Saudi government for years and especially since 2018. As of mid-2021, nearly all human rights defenders, women's rights activists, independent journalist, writers and activists in the country have been arbitrarily detained, conditionally released while silenced and on travel bans or face prolonged unfair trials before the SCC.

Following a brief lull in trial proceedings of human rights defenders and dissidents before the SCC and other Criminal Courts, as well as a drop in the use of the death penalty during the months which Saudi Arabia hosted the G20, Amnesty International has documented a resumption of the country's relentless crackdown.

In light of these latest developments, Amnesty International continues to be gravely concerned about the overall human rights situation: the continued detention and prosecution of human rights defenders, the use of overly broad laws to legitimize the targeting of peaceful expression and activism by way of unfair trials; and the continued use of the death penalty following grossly unfair trials.

TO THE SAUDI ARABIAN AUTHORITIES

- Immediately and unconditionally release of all human rights defenders and other individuals detained solely for their peaceful expression and human rights work, ensure their convictions and sentences are quashed and promptly afford them appropriate reparation for the violations of their human rights.
- Immediately revoke all arbitrary and judicially imposed travel and social media bans, and stop forcing prisoners to sign pledges to desist from further activism, communication with international organizations and expressing free speech as a condition for their release.
- Fundamentally reform the SCC to ensure it is capable of conducting fair trials and protecting defendants from arbitrary detention, torture and other ill-treatment in accordance with international standards, or dismantle it.
- Repeal or extensively revise the Counter-Terror Law and Anti-Cyber Crime Law to bring them in full conformity with international human rights law and standards and to end the criminalization of human rights work and peaceful expression under their provisions.
- Amend the Law on Associations and Foundations, which came into effect in 2016, to remove restrictions that prevent the legal registration of independent human rights groups and other civil society organizations and thereby remove the powers of the Ministry of Labour and Social Development to prevent or impede the legal registration of such associations on grounds such as that the Ministry deems them to be breaching "national unity".
- Ensure that all those against whom there is sufficient admissible evidence of responsibility for torture or other ill-treatment are promptly prosecuted on criminal charges in fair trials and, if convicted, given sentences commensurate with the gravity of the offence. In no case should anyone be sentenced to death or to punishments that violate the prohibition of torture and other cruel, inhuman or degrading punishment, such as amputation or flogging. Those suspected of torture should be suspended

from positions where they exercise power or authority over detainees until the outcome of their cases. Those convicted should be barred from returning to such positions.

- Declare an official moratorium on all executions with a view to abolishing the death penalty.

TO SAUDI ARABIA'S STRATEGIC ALLIES

- Monitor trials of human rights defenders and ensure adequate follow-up to these efforts, including by raising fair trial rights violations with the authorities and publicly documenting and denouncing the violations.
- Use the broad range of diplomatic tools at the disposal of states, including public statements, and make regular assessments of their impact. Quiet diplomacy should not be the sole recourse. A combination of different tools applied at different levels of decision-making is often most effective at achieving impact. States should follow through on their actions, ensuring ownership and adequate follow-up.

TO MEMBERS OF THE UN HUMAN RIGHTS COUNCIL

- Adopt a resolution to set up a monitoring mechanism of the human rights situation in Saudi Arabia. Such a mechanism should have a mandate broad enough to cover the situation of freedom of expression, association and assembly, human rights defenders, as well as efforts to repress civil society in the country, including through repressive laws and tools of the justice system such as the SCC.

**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

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INTERNATIONAL** 

SAUDI ARABIA'S POST-G20

CRACKDOWN ON EXPRESSION

RESUMPTION OF CRACKDOWN ON FREE SPEECH, HUMAN RIGHTS ACTIVISM AND THE USE OF THE DEATH PENALTY

Following Saudi Arabia's presidency of the G20 culminating in the November 2020 summit, Saudi Arabian authorities increased their prosecutions and trials of human rights defenders and other dissidents, particularly before the Specialized Criminal Court (SCC) after a pause during the period which the country hosted the G20.

This briefing examines the cases of 13 individuals who have been or continue to be prosecuted or have had their sentences upheld before the SCC or ratified by the King between December 2020 and July 2021: seven were tried, sentenced or had their sentence upheld since the beginning of 2021 and five individuals continue to be on trial or arbitrarily detained without charges, for over three years. Several others who have been released in recent months now face travel bans and restrictions to their right to freedom of expression. The briefing also documents the authorities' politicized use of the death penalty, exemplified by the recent execution of a young man following a grossly unfair trial.