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THE SAUDI PRESIDENCY OF STATE SECURITY:

An Arm of Repression in
the Crown Prince's Kingdom

June
2022



Acronyms

MBS Mohammed bin Salman

SCC Specialised Criminal Court

SSP Presidency of State Security

UN United Nations

UN WGAD United Nations Working Group on Arbitrary Detention

UN WGEID United Nations Working Group on Enforced or Involuntary Disappearances

PPO Public Prosecution Office


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Executive summary

Since the ascension of Crown Prince Mohammed Bin Salman (MBS) in 2017, a lot has been said on his attempts to consolidate power and terrorise his real or perceived opponents. The repression that followed has been described by many as unprecedented. Yet, MBS did not unleash this crackdown on his own. His rise to power was marked by a complete transformation of the Saudi state security apparatus. The newly established State Security Presidency (SSP), under the leadership of Abdulaziz al-Huwairini – who had been heading the infamous Saudi secret police known as *Mabahith* for a decade – effectively became the enforcement arm of MBS’ repression. The State Security’s role should not be underestimated: nearly all human rights abuses committed over the past years in Saudi Arabia, ranging from enforced disappearances, torture, and arbitrary detention, can be traced back to this agency. The Public Prosecution Office (PPO) and the Specialised Criminal Court (SCC) have also played a prominent part in the detention of prisoners of conscience by prosecuting and sentencing them to lengthy prison terms.

This report sheds light on the role of the SSP in perpetrating a widespread and systematic pattern of human rights violations across Saudi Arabia. While the SSP is but one institution operating as part of a larger state security apparatus, the SSP has been granted greater powers and responsibilities, allowing it to operate without any judicial oversight and with complete impunity. This report delves into the history, structure and legal framework of the SSP, situating it within Saudi Arabia’s larger security apparatus. To that end, the report examines the ways in which the joint efforts of the PPO and the SCC, both of which are neither impartial nor independent from the executive, have systematically charged, convicted and detained individuals for exercising their fundamental rights and freedoms. The report finally outlines the pattern of human rights violations committed, often in response to individuals’ exercise of their fundamental freedoms. This includes the systematic use of enforced disappearances, torture and arbitrary detention against peaceful critics, human rights defenders and prisoners of conscience, more generally.

A photograph showing a man in a military uniform on the left and a man in traditional Saudi attire (ghutra and thobe) on the right. The man in uniform is looking down at a document he is holding. The man in traditional attire is looking forward. The entire image is overlaid with a semi-transparent purple color.

2017 AS A TURNING POINT: The ascension of MBS and reshuffling of state security institutions

Summer 2017: The establishment of new state security institutions

Since Mohammed Bin Salman's (MBS) ascension to the position of crown prince in 2017, Saudi Arabia has undergone a complete overhaul of its state security apparatus reflected through the establishment of the Public Prosecution Office (PPO) and the State Security Presidency (SSP) in June and July of that same year.¹ Since then, the Kingdom's new state security apparatus, in conjunction with the Specialised Criminal Court (SCC), has perpetrated gross human rights violations, including enforced disappearances, arbitrary detention, torture and ill-treatment, particularly against individuals exercising their rights to freedom of expression, peaceful assembly, and association.

The State Security Presidency was established by King Salman's Royal Decree No. 293 on 20 July 2017.² The decree placed the General Investigative Directorate (also known as "*Mabahith*"), the Special Security Forces, the Special Emergency Forces, the General Security Aviation Command, the General Directorate of Technical Affairs and the National Information Centre, which were previously under the jurisdiction of the Ministry of Interior, under the direct authority of the SSP.³

Under the founding decree, the SSP reports directly to the Prime Minister of Saudi Arabia, a position held by King Salman. Lastly, all matters relating to security affairs, which were previously under the authority of the Ministry of Interior, were transferred to the SSP, "including all related responsibilities, staff, budget, and documents."⁴

Moreover, just a month before the establishment of the SSP, on 17 June 2017, King Salman established the Public Prosecution Office, effectively replacing the former Bureau of Investigation and Public Prosecution which was under the control of the Ministry of Interior. The newly formed PPO was also brought under the direct control of the King.⁵ Under its founding decree, the PPO is "directly linked to the King" and "no one may interfere with its work."⁶

The establishment of the SSP and PPO centralised the Kingdom's security and counterterrorism-related institutions: now placed under the direct authority of King Salman, it enabled him and his son, Crown Prince MBS, to consolidate their power and authority over these institutions while providing them with greater discretion and oversight over their operations.

Political shakeups and the intensifying crackdown against dissidents



Saudi security forces on parade © Al Jazeera English, licensed under CC-BY-SA 2.0.

The establishment of the SSP and PPO was also accompanied by political shakeups within the royal family that sought to consolidate MBS' power. Only days after the establishment of the PPO, on 21 June 2017, King Salman removed his nephew, Mohammed Bin Nayef, from his position of Minister of Interior and Crown Prince, replacing him with his son, the then-deputy Crown Prince and Minister of Defence, MBS. This move was largely seen as being premeditated by the ambitions of MBS to succeed his father as King of Saudi Arabia.⁷ MBS, who perhaps saw his predecessor Mohammed Bin Nayef as a threat to his claim to the throne, then confined Bin Nayef to house arrest, later accusing him of corruption and disloyalty to the royal family.⁸

MBS' consolidation of power did not end there. In November 2017, he was appointed to oversee the National Anti-Corruption Commission, which proceeded to purge members of the Saudi royal family, former ministers, governors, and generals,

under the pretext of fighting corruption within the Kingdom.⁹ According to the commission, by 2021, more than 460 people were investigated and 207 individuals were arrested on allegations of corruption and fraud, including former ministers, deputy governors, and wealthy and well-connected businessmen.¹⁰ The ultimate aim of the corruption campaign led by MBS, however, was the side-lining of political rivals and influential individuals that may obstruct his ascension to the throne.¹¹

In addition, the establishment of the SSP and the PPO have allowed the Saudi authorities to unleash a wave of arrests against individuals who were deemed to be a threat or critical of MBS' policies, including peaceful dissidents, human rights defenders, lawyers, academics, and journalists. On 9 September 2017, Salman al-Odah was arrested by the SSP at the height of the crisis between Saudi Arabia and Qatar.¹²

The arrest of al-Odah, a prominent religious scholar, academic, and one of the Kingdom's leading proponents for political reform, was in direct retaliation for his sharing of a tweet calling for the "mending of hearts" between the leaders of the two countries "for the good of their people".¹³

Al-Odah was charged on 37 counts, among which "corrupting the country by repeatedly endeavouring to shake the structure of the nation and bring about civil strife", "inflaming society against the rulers" and "stirring up unrest".¹⁴ Three days after al-Odah's arrest, the SSP arrested Saudi writers Abdullah al-Maliki and Issam al-

Zamel, both known for their support of reforms within the Kingdom. All three individuals remain detained to date,¹⁵ and MBS' purge of peaceful critics has continued unabated since.

In the following months, tens of others were arrested in clear reprisal for exercising their right to free speech, including several prominent Saudi women's rights defenders.¹⁶ Though the crackdown on peaceful dissident was not new, the post-2017 arrests were different due to the "sheer number and range of individuals targeted over a short period of time as well as the introduction of new repressive practices not seen under previous Saudi leadership."¹⁷

A new counterterrorism framework criminalising any form of dissent

These efforts led by MBS to sideline real or perceived opponents and silence any form of peaceful criticism within the Kingdom were sealed with the adoption of a new counter-terrorism legal framework effectively criminalising a wide range of acts of free speech, including when perceived to be critical of the Saudi government or of MBS' policies.

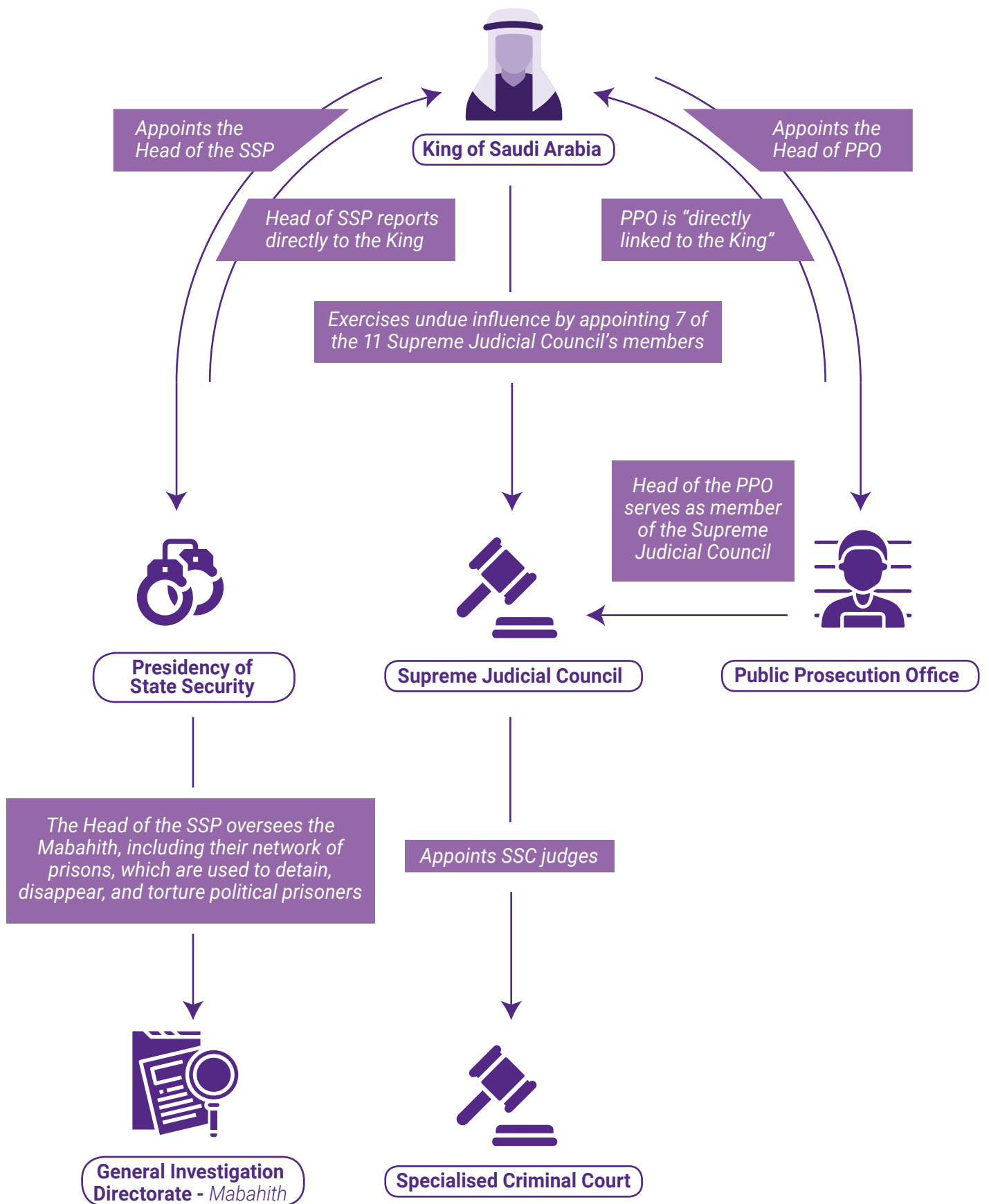
In November 2017, Saudi Arabia's 2014 Penal Law of Crimes of Terrorism and its Financing was replaced with the Law on Combatting Terrorism Crimes and its Financing, which further outlines the role, duties and obligations of the SSP, PPO, and SCC in combating the crimes defined within the law.¹⁸ The 2017 Law, which has been subject to severe criticism

because of its overbroad definition of terrorism and harsh prison sentences,¹⁹ effectively enables the SSP, the PPO, and the SCC to perpetrate human rights violations – including enforced disappearance and arbitrary detention – with complete impunity.

By the end of 2017, the Saudi state security apparatus had undergone a complete transformation. The newly established SSP effectively became the enforcement arm of MBS' unprecedented crackdown on dissent and has since been responsible for gross human rights abuses. The PPO and the SCC have also played a prominent role in the arbitrary detention of prisoners of conscience by prosecuting and sentencing them to lengthy prison terms.



Untangling Saudi Arabia's state security apparatus



The 2017 counter-terrorism framework: a legal tool of repression

The definition of terrorism enshrined in the 2017 Law on Combatting Terrorism Crimes and its Financing criminalises several acts protected under the rights to freedom of expression, peaceful assembly, and association. According to article 1 of the Law, a “terrorist crime” is defined as:

Any act committed, individually or collectively, directly or indirectly, by a perpetrator, with the intention to disturb public order, destabilize national security or state stability, endanger national unity, suspend the Basic Law of Governance or some of its articles, cause damage to state facilities or natural or economic resources, attempt to coerce any of its authorities into a particular action or inaction or threaten to carry out acts that would lead to of the aforementioned objectives or instigate such acts; or any act intended to cause death or serious bodily injury to a civilian, or any other person, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.

United Nations (UN) Special Procedures expressed concern over the law’s overbroad definition of terrorism and the use of ambiguous terms such as “disturbing public order, destabilizing national security or state stability, endangering national unity, [and] suspending the Basic Law of Governance.”²¹ In addition, UN experts stated that these “phrases could entail that a range of speech and association activities protected under international human rights law is characterized domestically as ‘terrorism.’”²²

Furthermore, the 2017 Law defines as terrorist “any individual who commits any of the crimes listed within the law, or who participates or contributes, directly or indirectly, in any of the crimes set forth within this law.”²³ As indicated by UN Special Procedures, this phrase “appears to suggest that even persons who have not committed a crime in furtherance of a terrorist aim may be treated as violent terrorist offenders.”²⁴

As such, since 2017, Saudi Arabia’s counter-terrorism legal framework has served as the basis for the prosecution of hundreds of

individuals for acts of free speech, ushering in an unprecedented wave of arrests and prosecutions of peaceful dissidents, with terrorism charges being levelled against those expressing any form of criticism.

In 2020, article 12 of the 2017 Law was amended to authorise the head of the Public Prosecution Office to temporarily release individuals suspected of committing any of the crimes defined within the Law, “so long as that does not harm the interests of the investigations and there is no fear of the individual’s escape or disappearance.”²⁵ However, the use of the term “the interests of the investigations” remains vague and, according to several UN Special Procedures mandate holders, “does not address the serious risks posed by the long pre-trial detention periods that are codified by this law.”²⁶ In a joint analysis issued on 17 December 2020, several UN experts also expressed their regret that “despite the broad range of concerns [they] have detailed” the amendment to article 12 of the Law, which remains vague, “was the sole amendment made to the Terrorism Law.”²⁷

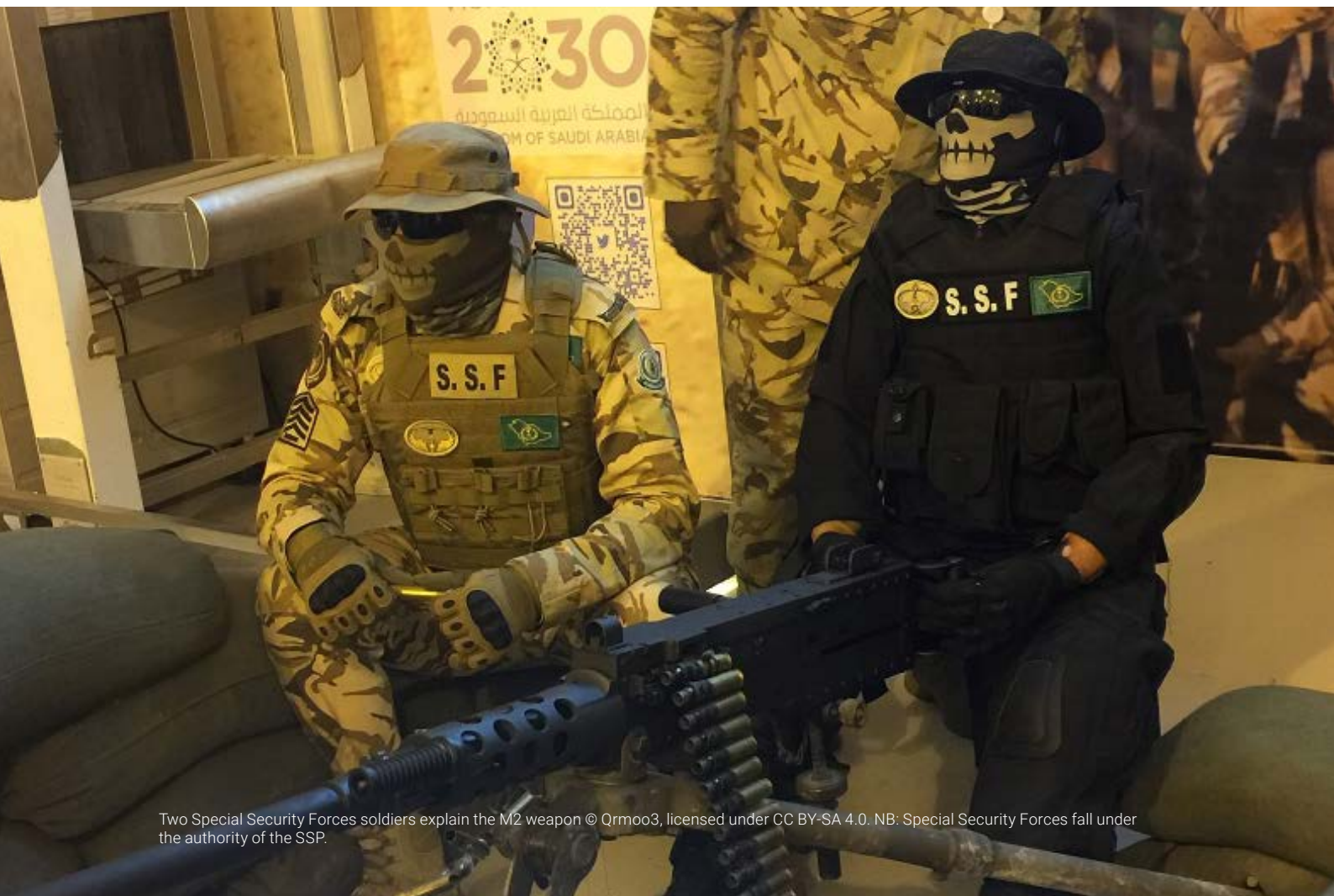
The State Security Presidency

Legal framework

Established on 20 July 2017, the SSP is tasked with enforcing the Kingdom's new counterterrorism framework. The 2017 Anti-Terrorism Law provides the SSP with the authority to arrest and detain suspects and to conduct criminal investigations, including "search, investigation, seizure, criminal and administrative prosecution, evidence collecting, secret financial investigations, in addition to identifying, tracking, seizing and releasing suspects' funds",²⁸ for any of the crimes set forth by the Law. The head of the SSP is also granted the powers to monitor individuals' communications and financial data,²⁹ decide whether detained individuals may be released,³⁰ and impose travel bans on any suspect without any judicial oversight.³¹ In fact, the head of the SSP must only inform the Public Prosecution Office of his decision to impose a travel ban on an individual within 72 hours.³²

As stipulated under article 1 of Royal Decree No. 293, the SSP is directly linked to the Prime Minister of Saudi Arabia, i.e., King Salman.³³ Article 6 of the decree states that a team of experts within the Saudi Council of Ministers is tasked with suggesting further amendments to Saudi laws and ministerial decisions in order to bring them into line with the SSP's founding decree.³⁴ The role, powers and authority of the SSP were thus laid out in a series of subsequent ministerial decisions.

In their joint letter of December 2020, UN Special Procedures mandate holders established that the 2017 Law "provided almost unconstrained powers to the PSS [SSP] in the field of counterterrorism," since the SSP may carry out the powers afforded to it "without judicial oversight".³⁵




On 16 January 2018, the Saudi Council of Ministers adopted Decision No. 217 which amends existing Saudi laws as a way of providing the SSP with the powers afforded to it in the Royal Decree.³⁶ This decision provided the SSP with wider powers and expanded its authority over Saudi internal security forces.

The decision amended the Law on Prisons, providing the head of the SSP with the authority to arrest and detain, without judicial oversight, any individual accused of committing a crime that infringes on the Kingdom’s national security. Decision No. 217 also amends the Law on Internal Security Forces, providing the Head of the SSP with the authority to appoint officers and establish investigative committees responsible for conducting internal investigations into allegations of misconduct by officials working

under the authority of the SSP, whenever they occur.³⁷ However, this essentially means that allegations of torture, or any other human rights violations committed by SSP officials, cannot be independently reviewed as the alleged perpetrators and investigators belong to the same authority.

Lastly, Decision No. 217 amends the Implementation List of the Criminal Procedure Law, providing the Head of the SSP, alongside the Minister of Interior, with the powers to arrest a sitting minister, a previous minister or an individual holding, or who has previously held, the title of minister, on the condition that the Minister of Interior or the Head of the SSP raise this matter with the King within 24 hours after conducting the arrest.³⁸



The powers of the SSP

1. Detain and arrest suspects
2. Conduct criminal investigations
3. Collect evidence
4. Conduct secret financial investigations
5. Monitor communications and financial data
6. Identify, track, seize and release suspects’ funds
7. Freeze the funds proceeds and assets of suspects
8. Impose travel bans
9. Maintain oversight over internal security forces

SSP-run detention facilities

There are four different categories of prisons in Saudi Arabia,³⁹ namely political prisons, general prisons, juvenile detention centres, and detention facilities relating to the Saudi-led coalition forces in Yemen, in addition to secret unofficial detentions facilities.⁴⁰

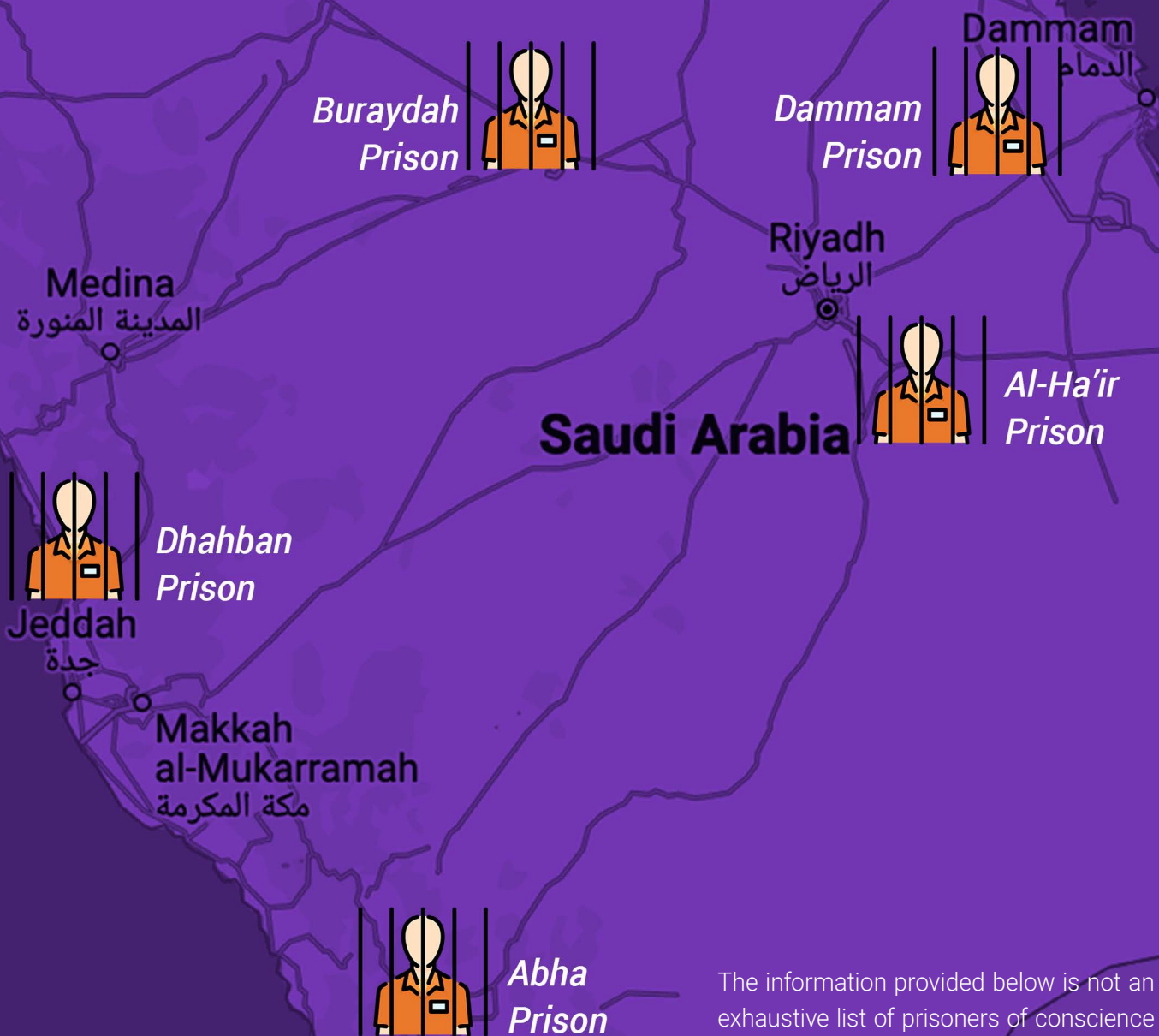
Political and secret prisons a web of detention facilities effectively run by the *Mabahith* (i.e., the General Investigation Directorate), which operates under the direct authority and control of the SSP. Prior to the establishment of the SSP in 2017, political prisons were under the jurisdiction of the Saudi Ministry of Interior, as the *Mabahith* was falling under the latter's authority.

It is worth highlighting that in 2017, Abdulaziz al-Huwairini was appointed as the Head of the SSP,⁴¹ with the rank of governmental minister. Since August 2006, he was the Head of the *Mabahith*, a position he maintained after the *Mabahith* was placed under the SSP's jurisdiction. As al-Huwairini is the Head of both the SSP and *Mabahith*, these two institutions are closely intertwined.

The SSP administers approximately 20 political prisons and detention centres across the Kingdom⁴² and runs five main maximum-security prisons.⁴³ These prisons are al-Ha'ir prison in Riyadh, Dhahban prison in Jeddah, Dammam prison, al-Tarrafiyah prison in Buraydah, and Abha prison.⁴⁴

In addition, the *Mabahith* runs other unofficial detention facilities. One such notorious secret facility is nicknamed "the hotel" or "the villa" and is located south of Dhahban prison. There, several women human rights defenders, including Loujain al-Hathloul, Aziza al-Youssef, Nouf Abdulaziz and Samar Badawi, were subjected to harrowing torture methods, including electric shocks, sexual assault, whipping, and waterboarding.⁴⁵

Prisoners of conscience held in *Mabahith* prisons



The information provided below is not an exhaustive list of prisoners of conscience in *Mabahith*-run prisons, but represents the main prisons used by the *Mabahith* to detain political prisoners.

Al-Ha'ir Prison



Abdulrahman al-Sadhan

Humanitarian aid worker.

In detention since March 2018.



Mohammed Fahed al-Qahtani

Human rights defender.

In detention since June 2012.



Fawzan al-Harbi

Human rights defender.

In detention since December 2013.



Salman al-Odah

Religious scholar, cleric, and author.

In detention since September 2017.



Turki al-Jasser

Journalist.

In detention since March 2018.



Essam al-Zamel

Economist and businessman.

In detention since September 2017.



Ibrahim al-Harhi

Religious scholar.

In detention since September 2017.



Issa al-Nukheifi

Human rights defender.

In detention since December 2016.



Khaled al-Omair

Human rights defender.

In detention since July 2018.



Marwan al-Muraisi

Yemeni journalist.

In detention since June 2018.

Abha Prison



Awad al-Qarni

Religious scholar.

In detention since September 2017.

Dammam Prison



Mohammed al-Otaibi

Human rights defender.

In detention since May 2017.



Israa al-Ghomgham

Human rights defender.

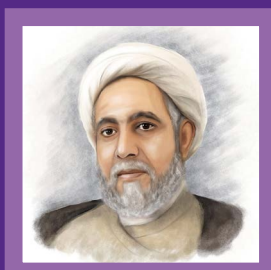
In detention since December 2015.



Abdulrahman Farhaneh

Jordanian journalist.

In detention since February 2019.



Mohammed al-Habib

Religious scholar.

In detention since June 2016.

Dhahban Prison



Mohammed al-Rabiah

Human rights defender.

In detention since May 2018.



Waleed Abu al-Khair

Human rights defender.

In detention since April 2014.



Abdullah Jelan

University graduate.

In detention since May 2021.

Buraydah Prison



Omar al-Sa'id

Human rights defender.

In detention since April 2013.



Mohammed al-Bajadi

Human rights defender.

In detention since May 2018.



Abdulkarim al-Khoder

Human rights defender.

In detention since September 2017.



Abdulaziz al-Shubaily

Human rights defender.

In detention since September 2017.

The State Security's partners in crime

The Public Prosecution Office

On 17 June 2017, King Salman's Royal Decree No. 240/A officially renamed the Bureau of Investigation and Public Prosecution (BIPP) to the Public Prosecution Office (PPO), removing the newly renamed body from the Ministry of Interior's control and placing it under the direct control of the King.⁴⁶

In conjunction with the SSP, the PPO is tasked with investigating acts criminalised under the 2017 Anti-Terrorism Law and is provided with the powers to arrest and investigate individuals before referring them to the Specialised Criminal Court.⁴⁷ In particular, the PPO is responsible for issuing subpoena and arrest warrants against individuals suspected of committing any of the crimes falling under the scope of the law.⁴⁸ The PPO may also issue search warrants for houses, offices and buildings, at any time, and may arrest individuals as part of the search.⁴⁹ The Head of the PPO may also order the monitoring of individuals who are deemed to have a connection to any of the crimes defined in the law.⁵⁰ This includes, intercepting, holding and recording, "all means of communication and data stored in various electronic systems."⁵¹

The 2017 Anti-Terrorism Law further enables the PPO to commit human rights abuses with complete impunity. Article 19 maintains that PPO may hold a person in custody for a total of 30 days, which may be renewed for a year, and may be extended beyond that period with authorisation from the SCC.⁵² However, the Law does not set a limit for the custody period, effectively allowing

for individuals to be held in custody indefinitely, in violation of *international human rights standards*. Moreover, the law provides the PPO with the power to place detained individuals in *incommunicado* detention for extended periods, thus prohibiting detainees from receiving phone calls or visits for up to 90 days, with the possibility of extension upon approval of the SCC.⁵³ Not only are arrested individuals denied their right to contact their family and receive visits, but they may also be denied the right to legal counsel. As stipulated in the Law, the PPO may restrict the right of the accused to seek the assistance of a lawyer "whenever the interest of the investigation so requires."⁵⁴

On 7 May 2020, King Salman issued Royal Decree No. 125/M, which expanded the powers of the Head of the PPO. The decree amends article 112 of the Saudi Code of Criminal Procedures, enabling the Head of PPO to delineate, "in coordination with the Ministry of Interior and the Presidency of State Security, what is to be considered a 'major crime' that requires arrest."⁵⁵ By providing the PPO with the power to criminalise any act it wishes to, it opens the door to arbitrary interpretation and abuse. In fact, on 20 August 2020, the Head of the PPO, Saud Bin Abdullah al-Mujib, issued his Decision No.1, in which he defined certain acts to constitute "major crimes",⁵⁶ among which "crimes infringing on national security." The use of such broad and vague language is concerning as it lacks legal certainty and could include acts of free speech deemed to be critical of the Saudi authorities.

The powers of the PPO

1. Issuing subpoenas and arrest warrants against suspects
2. Issuing search warrants and arresting individuals as part of the search
3. Monitoring individuals through the intercepting and recording all their means of communication
4. Issuing travel bans
5. Investigating crimes and referring individuals to the SCC
6. Holding suspects in custody indefinitely
7. Placing detained individuals in incommunicado detention for extended periods
8. Denying suspects their right to contact family members and receive visits
9. Denying suspects their right to legal counsel
10. Delineating what acts constitute “major crimes” which require arrest

The Specialised Criminal Court

On 7 January 2008, Saudi Arabia’s Supreme Judicial Council, the highest judicial authority in the Kingdom, issued Resolution No. 4/69 calling for the establishment of the Specialised Criminal Court in order to try individuals suspected of terrorism, initially those arrested following the al-Qaeda terrorist attacks of 2003.⁵⁷ However, from its first years of operation, the SCC has been used to prosecute Saudi human rights defenders, lawyers, and journalists, in reprisal for their peaceful dissent.⁵⁸

The SCC was formally established on 29 January 2009 by Minister of Justice’s Decree No. 1422, which, to date, has never been made public.⁵⁹ The court has exclusive jurisdiction over all crimes defined within the 2017 Law on Combatting Terrorism Crimes and its Financing. All individuals arrested by the SSP under the 2017 Anti-Terrorism Law are therefore brought for prosecution before the SCC, after being charged by the PPO. In addition to the 2017 Anti-Terrorism Law, the SCC has also repeatedly relied on the 2007 Anti-Cybercrime Law to convict dissidents and human rights defenders who have expressed peaceful criticism of Saudi authorities on social media.⁶⁰

Since its establishment, the SCC has suffered from undue influence by the executive, rendering it a tool of repression used to prosecute peaceful critics on trumped-up terrorism charges.⁶¹ SCC judges are appointed by the Supreme Judicial Council. Under the 2007 Law of the Judiciary provides, the Judicial Council is comprised of a chairman and 10 members – seven of whom are directly appointed by the King –, in addition to the Director of the Bureau of Investigation and Public Prosecution, which was replaced by the Public Prosecution Office in 2017.⁶² Because of the undue influence of the King and the Public Prosecutor over the Supreme Judicial Council, the SCC neither an impartial nor an independent body. This lack of independence was previously highlighted by the UN Committee against Torture,⁶³ which found the SCC to be “insufficiently independent”, particularly in light of the court’s refusal “to act on claims made by defendants facing terrorism charges that they were subjected to torture or ill-treatment during interrogations for the purpose of compelling a confession.”⁶⁴



The SSP's *modus operandi*:
Silencing dissent in the
name of security

Over the past four years since its inception, the SSP – acting as MBS’ arm of repression – has become infamous for its systematic and widespread human rights violations. SSP agents have arbitrarily arrested, forcibly disappeared, and tortured human rights defenders, lawyers, scholars, clerics, journalists, and peaceful critics, and by doing so, enforced a culture of silence in the Kingdom by preventing any form of peaceful criticism. Though victims come from diverse backgrounds and walks of life, there is one common denominator: all have

exercised their right to freedom of expression, peaceful assembly, or association, and as such, have been perceived as threats to the rule of MBS. Though the SSP is typically the instigator of such violations, it has operated collaboratively and interdependently with the PPO and SSC to crackdown against peaceful critics and human rights defenders across Saudi Arabia, from the onset of their arrest until their sentencing.

This is their *modus operandi*.



Enforced disappearance

According to the UN Declaration on the Protection of all Persons from Enforced Disappearance, an enforced disappearance takes place when:

*persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials acting on behalf of, or with the support, direct or indirect acquiescence of the Government, followed by a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law.*⁶⁵

Enforced disappearances are typically committed by the SSP when arresting political activists, peaceful critics, or more generally, any individual suspected of expressing views that are perceived to be critical of MBS, or of the Saudi authorities more broadly. Agents of the *Mabahith*, the secret police agency of the SSP, dressed in civilian clothes, usually abduct individuals from their homes.⁶⁶ They never provide an arrest warrant nor a justification for the arrest, despite the authority provided to the PPO to issue such warrants.⁶⁷ SSP officials usually search the arrested individuals' home and seize their belongings, particularly electronic equipment such as phones or computers. Often, individuals are abducted in direct response to their exercise of their right to freedom of expression.⁶⁸

The SSP then transfers arrestees to an unknown location, where they remain forcibly disappeared outside the protection of the law.⁶⁹ These unknown locations are often secret detention facilities or *Mabahith prisons*, where individuals are typically held *incommunicado*, i.e., denied their right to contact their family or lawyer or receive visits, for periods ranging from several weeks to several years.⁷⁰ Disappeared individuals usually only reappear once they are brought before the PPO or once their trial commences before the SCC.

As stated by the Declaration on the Protection of all Persons from Enforced Disappearance, "whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint."⁷¹ MENA Rights Group, however, is not aware of any case during which acts of enforced disappearance were investigated by the Saudi authorities, despite the authorities' clear knowledge of these disappearances. According to the UN Working Group on Enforced or Involuntary Disappearances (UN WGEID), "relatives who have made enquiries with the police as to the whereabouts of the disappeared individual are not provided with any official information and receive no additional direction or support in identifying additional avenues of recourse."⁷²

In 2020, the UN WGEID issued a general allegation on Saudi Arabia after receiving reports indicating that arbitrary detention and enforced disappearances "have been used as tools to suppress beliefs and behaviours that do not align with state-sanctioned political and religious dogma."⁷³ However, the Saudi authorities have not responded to the letter.



Abdullah Jelan

Detained *incommunicado* without charge or trial

Year of birth: 1992

Violations: Forcibly disappeared and tortured by the SSP

Abdullah Jelan⁷⁴ is a graduate of West Chester University in Pennsylvania, U.S. After moving to Saudi Arabia following his graduation, Jelan became active on Twitter, advocating through an anonymous account, for his right to work in Saudi Arabia and calling for the respect of fundamental freedoms in the Kingdom.

12 May 2021

Jelan is abducted by SSP agents from his mother's house in Medina. He is taken to an unknown location, which is later discovered to be the *Mabahith*-run prison in Medina. There, SSP officials subject Jelan to severe acts of torture, including sleep deprivation and beatings with an electric rod. Jelan is transferred to *Mabahith*-run Dhahban prison in Jeddah shortly thereafter.

May 2021

SSP agents use Jelan's phone to contact his fiancé, discouraging her from bringing attention to his disappearance and instructing her to delete all the tweets and hashtags she had created to bring attention to his disappearance.

21 July 2021

The Saudi government responds to the UN Working Group on Enforced or Involuntary Disappearances, which had been seized of his case, stating that Jelan is detained at *Mabahith*-run prison in Jeddah, i.e., Dhahban prison. The authorities claim that he was arrested pursuant to an arrest warrant issued on the basis of the Anti-Terrorism Law.

Torture and ill-treatment

According to article 1 of the UN Convention against Torture, torture is defined 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 is 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.⁷⁵

During the abovementioned period of enforced disappearance or *incommunicado* detention, arrested individuals are at a heightened risk of torture and other forms of ill-treatment. SSP agents systematically resort to torture, both as a form of punishment and to coerce self-incriminating confessions from victims.

The SSP has employed brutal and horrific torture methods, including floggings, beatings with an electric rod, chaining and hanging individuals from the ceiling by the wrists, electrocution, food and sleep deprivation, prolonged solitary confinement, waterboarding, denial of medical care, sexual harassment and assault, and threats of rape and execution, among others.⁷⁶

Torture is often used in order to extract a coerced confession from those detained, usually related to committing various crimes. The torture-tainted confessions are then often used as the sole-basis by the PPO and SCC for indicting and sentencing individuals to long prison sentences.⁷⁷

The use of torture, however, is not limited to periods of enforced disappearances, but continues well into periods of arbitrary detention,

during which victims are placed in *Mabahith*-run prisons. In 2016 already, the UN Committee against Torture expressed deep concern over numerous reports that torture and other ill-treatment are “commonly practiced [...] in *Mabahith* detention centres.”⁷⁸

Torture and other forms of ill-treatment practiced against detainees in *Mabahith* prisons also includes subjecting them to prolonged periods of solitary confinement and *incommunicado* detention. In this regard, the UN Special Rapporteur on torture has maintained that “prolonged solitary confinement of the detained or imprisoned person” may amount to torture.⁷⁹

Lastly, detainees are routinely subjected to medical neglect and denied appropriate medical care. Several deaths in custody have also been reported in the past years,⁸⁰ most recently with the death of prominent Saudi human rights defender Abdullah al-Hamid due to medical neglect in April 2020.⁸¹ In 2021, Saudi reformer Musa al-Qarni was beaten to death in the *Mabahith*-run Dhahban prison in Jeddah.⁸² To date, however, there has been no independent investigation into his murder.



Abdulrahman al-Sadhan

Detained *incommunicado*, serving a 20-year prison sentence

Year of birth: 1983

Violations: Forcibly disappeared and tortured by the SSP; sentenced to a heavy prison penalty by the SCC for exercising his right to free speech

Abdulrahman al-Sadhan⁸³ is a Saudi humanitarian worker and employee of the Saudi Red Crescent Authority.

12 March 2018

SSP agents abduct Abdulrahman al-Sadhan from his workplace at the Saudi Crescent Authority in Riyadh. Al-Sadhan is arrested in reprisal for allegedly running two satirical Twitter accounts critical of the Saudi authorities and extremist ideologies within the Kingdom. His identity had been revealed to the Saudi government by Twitter employees who were acting as spies.⁸⁴

Despite his family's multiple requests, the SSP refuses to provide any information on his fate and whereabouts. While disappeared, al-Sadhan is subjected to brutal torture methods – including electric shocks, beatings, floggings, hanging from the ceiling by the feet, suspension in stress-positions, sleep deprivation, and prolonged periods of solitary confinement – by SSP agents in order to extract self-incriminating confessions.

10 February 2020

Al-Sadhan is allowed to call his family for the first time. He informs them that he is held at *Mabahith*-run al-Ha'ir Prison in Riyadh.

22 February 2021

Al-Sadhan is allowed to make a second call to his family.

3 March 2021

Al-Sadhan is brought, for the first time, before the SCC for a secret trial. He is informed of the charges laid against him by the PPO under the Anti-Terrorism and Cybercrime Laws. As evidence, the PPO provides his forced confession and 200 pages of tweets from two Twitter anonymous satirical accounts he was allegedly running.

5 April 2021

After five hearings, the SCC sentences al-Sadhan to 20 years in prison in addition to a 20-year travel ban. His forced confession obtained by the SSP is admitted as evidence and acts of torture not investigated.

5 October 2021

Al-Sadhan's initial prison sentence and travel ban is upheld on appeal. This is the last time al-Sadhan is seen; he has been denied contact with his family since.

Arbitrary detention

According to the UN Working Group on Arbitrary Detention (UN WGAD), a detention is deemed to be “arbitrary” when it fits into any one of the following five categories:

1. *When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty [...] (category I);*
2. *When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13-14 and 18-21 of the Universal Declaration of Human Rights [...] (category II);*
3. *When the total or partial non-observance of the international norms relating to the right to a fair trial [...] is of such gravity as to give the deprivation of liberty an arbitrary character (category III);*
4. *When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);*
5. *When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination [...] that aims towards or can result in ignoring the equality of human beings (category V).⁸⁵*

Although various elements of the act of arbitrary detention are outlawed under Saudi and international law, the SSP, since its establishment, has systematically violated such laws with complete impunity. Saudi Arabia’s Basic Law of Governance, for example, affirms that “no one may be confined, arrested or imprisoned without reference to the Law.”⁸⁶ The SSP, however, has consistently failed to uphold its legal obligations in this regard.

In fact, the UN WGAD found Saudi Arabia to be in violation of its international human rights obligations in over 60 cases of arbitrary detention, and reiterated “its concern that this indicates a widespread or systematic problem of arbitrary detention in Saudi Arabia, which amounts to a serious violation of international law.”⁸⁷ According to the UN WGAD, “under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity.”⁸⁸

All the violations highlighted above, including the practice of arresting individuals without warrants, placing them in secret and/or *incommunicado* detention, and subjecting them to severe acts of torture to extract confessions are constitutive elements of the practice of arbitrary detention.

Those arrested by the SSP, moreover, are routinely denied their fundamental legal safeguards, including the right to challenge the lawfulness of their detention before a court. In 2016, the UN Committee against Torture noted that “the majority of persons deprived of their liberty by *Mabahith* are held in pre-trial detention for prolonged periods of time and their fundamental legal safeguards, including access to legal counsel of their choice and to habeas corpus, are frequently violated.”⁸⁹ In 2018, an analysis of the database of *Nafethat Tawasol*, the online registry of prisoners held by *Mabahith*, revealed that amongst the 5’314 people in the database, more than 2’300 individuals were held “under investigation” for more than six months,

including 1'875 individuals who have been held in pre-trial detention for more than a year.⁹⁰

Once defendants are brought to trial before the SSC, they are subjected to systematic violations of their right to a fair trial. In fact, proceedings before the SCC are known for routinely violating defendants' due process rights since they are usually held without access to adequate means to defend themselves as they are often unable to contact their lawyers before the start of their trial.⁹¹

Following his visit to Saudi Arabia in 2017, the former UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism expressed his concern over "the large number of reports regarding unfair trials before the Specialized Criminal Court, prolonged periods of detention, use of torture, coerced confessions and the lack of accountability, as well as the failure of Saudi Arabia to provide minimum procedural safeguards during detention and interrogation, and its judicial practice of admitting coerced confessions into evidence."⁹² During the trial, the PPO systematically utilises torture-tainted confessions as "evidence" against defendants, often in the absence of any material evidence.⁹³

In this regard, the UN Committee against Torture has received reports indicating that SCC judges had "repeatedly refused to act on claims made by defendants facing terrorism charges that they

were subjected to torture or ill-treatment during interrogations for the purpose of compelling a confession."⁹⁴ In addition, it noted that the SCC has taken "no serious steps to investigate the allegations of torture," usually dismissing such allegations under the justification that the burden of proof falls on the defendants.⁹⁵ The SCC has also consistently refused defendants' requests to release video recordings of interrogations sessions conducted by the SSP, in which the defendants were subjected to torture.⁹⁶

Furthermore, the principle of equality of arms, which means that "the same procedural rights are to be provided to all the parties",⁹⁷ and that "each side be given the opportunity to contest all the arguments and evidence adduced by the other party",⁹⁸ is also consistently violated by the SCC.⁹⁹ Defendants are often denied the right to adequate time and facilities to prepare their defence or respond to the list of charges brought against them.¹⁰⁰ Additionally, defence lawyers are often not provided with access to the all the case documentation and have even been prohibited in various cases from making copies of case file documents, thus significantly hindering their ability to contest the arguments and evidence brought forth against their clients.¹⁰¹ After these trials, defendants are sentenced to heavy prison sentences,¹⁰² and for acts directly related to the exercise of their rights to freedom of expression, peaceful assembly, and association, thus resulting in their arbitrary detention.¹⁰³



Salman al-Odah

Detained in solitary confinement, pending trial before the SCC

Year of birth: 1957

Violations: Forcibly disappeared and tortured by the SSP, detained arbitrarily for exercising his right to free speech.

Salman al-Odah¹⁰⁴ is a Saudi prominent religious scholar and author.

9 September 2017

Al-Odah shares a Twitter post calling for the “mending of hearts” between Saudi Arabia and Qatar’s rulers. Soon thereafter, SSP agents abduct al-Odah from his home in Riyadh and forcibly disappear him for three months. Despite his family’s multiple requests, the SSP refuses to acknowledge al-Odah is in their custody.

While disappeared, he is kept shackled and blindfolded in solitary confinement. He is deprived of sleep for several days on end and denied his medication for high blood pressure and high cholesterol.

January 2018

Salman al-Odah’s family learns that he is detained in *Mabahith*-run Dhahban prison in Jeddah. Meanwhile, al-Odah is hospitalised due to deteriorating health conditions.

13 February 2018

His family visits him in Dhahban prison for the first time.

4 September 2018

After one year of detention without charge, al-Odah is brought before a judge and informed of the 37 charges brought against him by the PPO. The Prosecutor seeks the death penalty for charges including calling for government reforms and “regime change” in the Arab region and “corrupting the country by repeatedly endeavouring to shake the structure of the nation” and “bring about civil strife”.

His trial before the SCC commences.

October 2019

Al-Odah is transferred from Dhahban to al-Ha’ir prison, which is also run by the *Mabahith*. He continues to be held in solitary confinement.

November 2020

A prison doctor at al-Ha’ir informs al-Odah that he has lost half of his hearing and vision due to medical negligence and the deprivation of audio-visual stimulation caused by prolonged periods of solitary confinement.

To date, al-Odah remains detained without any ruling issued, as hearings are repeatedly postponed.

Conclusion

Four years since its establishment, the SSP continues to perpetuate a pattern of human rights violations in Saudi Arabia with complete impunity, despite ample evidence provided by Saudi activists and human rights defenders, international human rights organisations, and UN bodies. Given that both the SSP and the PPO report directly to the King of Saudi Arabia, they are not subjected to judicial oversight and there are no redress or investigative mechanisms in place that may serve to end the violations committed by both bodies and provide redress to victims. In these circumstances, accountability for perpetrators of human rights violations is unlikely to happen at the domestic level.

The pattern of human rights violations outlined in this report has effectively contributed to silencing any form of dissent, peaceful political opposition, and the free exchange of ideas within the Kingdom.

The widespread and systematic nature of violations committed by the SSP, in conjunction with the PPO and SCC, including enforced disappearance, torture, and arbitrary detention, and the complete climate of impunity, can only point to the complicity and acquiescence of the Saudi authorities at the highest level. In fact, the Saudi government has received countless accounts, in the form of UN communications and credible NGO reports, of the violations that continue to be committed by the SSP to this day. Yet, the authorities' response has consistently been to deny such allegations, instead of investigating them. There is no known case in which a SSP official was held to account for human rights violations committed, or in which victims of such violations were provided with the redress and reparations that they are owed.

The SSP must be reformed and reined in; that is, placed under judicial oversight and subjected to independent and impartial investigative and legal accountability mechanisms that serve to deliver justice for victims of human rights violations, hold perpetrators accountable for their crimes, provide victims with reparations, and ensure the non-recurrence of such crimes.

Saudi Arabia must work to ensure the independence and impartiality of its judicial system, which suffers from an alarming level of undue influence from the executive. The SCC is not a court of law, but an effective tool of repression used to punish any semblance of political opposition or peaceful criticism within the Kingdom. Just as importantly, the Saudi authorities must amend or repeal draconian laws which, under the guise of "combatting terrorism," only serve to prohibit the right to exercise fundamental freedoms within the Kingdom and enforce a culture of silence.

Without such significant institutional, legal, and political reforms, the SSP, and the various bodies constituting Saudi Arabia's security apparatus, will continue to grossly violate human rights in the Kingdom.

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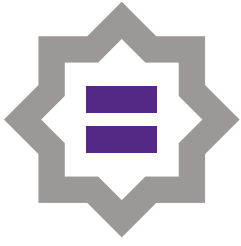
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