Fact Finding Report into the detention of Saudi Arabian Royals: 
Former Crown Prince of Saudi Arabia 
Mohammed Bin Nayef and 
Prince Ahmed Bin Abdul-Aziz
Contents

Executive Summary ................................................................. 3
Summary of FFP mandate ........................................................... 3
FFP Findings ............................................................................. 5
FFP Recommendations ............................................................... 6
Panel Members .......................................................................... 8
Scope of the review ................................................................... 9
Correspondence with the Saudi Arabian authorities ..................... 10
Live evidence session on 17 November 2020 .............................. 12
Background .............................................................................. 13

  Saudi Vision 2030: in context...................................................... 13
  Treatment of high profile figures, academics, government officials, members of the royal family, activists and dissidents in Saudi Arabia ................................................................. 14
  Ritz Carlton “corruption” arrests and detentions in 2017 ............... 18
  Saudi Arabia lose their seat on the Human Rights Council ............ 19
  Saudi Arabia hosts the G20 Summit in November 2020 ............... 19

Sources of Evidence .................................................................... 21

The Detainees ............................................................................ 22

  Profile: Former Crown Prince Mohammed Bin Nayef - “MBN” ........... 22
  Profile: Prince Ahmed Abdulaziz Al Saud - “Prince Ahmed” .............. 22
  Arrest and detention in unofficial places of detention ..................... 23
  Arbitrary Detention .................................................................... 24
  Allegations of torture, inhumane, cruel and/or degrading treatment .... 24
  Detainees health and access to medical care whilst in detention ........ 27
  Access lawyers and contact with family members ........................... 28
  Social media campaign of false information ................................... 29

Law ......................................................................................... 30

  Saudi Arabia’s human rights obligations ..................................... 30
  International standards for detention ........................................... 31
  Fair trial and due process rights in detention ............................... 34
  International prohibition against physical and psychological torture, and other cruel, inhuman and degrading treatment ................................. 37
  Saudi Arabia’s compliance with international law ......................... 38

Conclusion .............................................................................. 40
Executive Summary

1. The Fact Finding Panel ("FFP") is an independent Panel of British Parliamentarians and international lawyers who have been mandated to review the detention conditions of the Former Crown Prince of Saudi Arabia Mohammed Bin Nayef ("MBN") and Prince Ahmed Bin Abdul-Aziz Al Saud ("Prince Ahmed") collectively "the Detainees", in the context of political prisoners in the Kingdom of Saudi Arabia ("KSA").

2. Former Foreign Affairs Select Committee Chair, Crispin Blunt MP, chairs the Panel. Its members include Layla Moran MP, who is the Liberal Democrat’s party spokesperson for Foreign Affairs and International Development and Imran Ahmad Khan MP, the Conservative Party Member of Parliament for Wakefield. Dr Tim Moloney QC of Doughty Street Chambers and Haydee Dijkstal of 33 Bedford Row are Counsel to the FFP. Tayab Ali is a Partner at Bindmans LLP and is Legal Secretariat to the FFP. Ella Jefferson, Solicitor at Bindmans LLP assisted in the collection and review of evidence as well as the drafting of this report.

3. A number of serious allegations have been made regarding the manner in which the Detainees were arrested and the conditions they face in detention, including that they have been denied access to legal advice, adequate medical care and communication with their family members.

4. The FFP has considered primary and secondary open source evidence as part of its review into the detention conditions of the Detainees.

Summary of FFP mandate

5. The FFP has been commissioned by an NGO on behalf of Saudi Arabian citizens interested in the welfare of detainees in the KSA. The NGO instructed leading, London-based, human rights law firm Bindmans LLP to convene the FFP. Bindmans LLP invited Crispin Blunt MP to chair the Panel and to select its members. The FFP was mandated to:

   i. Determine the location and nature of the Detainees’ detention including the conditions
   ii. Determine if the Detainees have been allowed access to independent lawyers and family members
iii. Determine if the Detainees have been afforded adequate access to medical treatment whilst in detention
iv. Establish if the conditions in which the Detainees are being detained are compliant with provisions under Saudi Arabian and International Law and;
v. Prepare a report detailing their findings.

6. In September 2020 Mr Crispin Blunt MP wrote directly to Saudi Ambassador to the United Kingdom His Excellency HRH Prince Khalid bin Bandar bin Sultan Al Saud, requesting facilitation of a visit to the KSA to see the Detainees. The letter explained the nature of the FFP, its constitution and its mandate. It further asked for the Ambassador’s assistance in facilitating an in person meeting with the Detainees, in order to take evidence directly from people responsible for the detention of the Detainees.

7. In October 2020 Crispin Blunt MP, Layla Moran MP and Imran Ahmad Khan MP met with to His Excellency, HRH Prince Khalid bin Bandar bin Sultan Al Saud. They discussed the work of the Panel and again reiterated the Panel’s desire to receive direct evidence by way of an in person meeting with the Detainees. The Panel also formally extended an invitation to the Saudi Government through the Saudi Ambassador, to present live evidence at an open session in November 2020 and to submit written evidence in connection with the detention of the Detainees. No response has been received to this invitation and no written evidence has been received.

8. The FFP has reviewed the following material:

i. Evidence submitted directly to the FFP
iii. Opinions from the United Nations (“UN”) Working Group on Arbitrary Detention
iv. UN expert joint statements
v. Reports from respected and credible human rights organisations
vi. News sources
vii. International and national legal instruments

9. Due to the Saudi Government’s failure to grant the FFP access to the Detainees, much of this report is based on secondary source material. Some of this material relates specifically to the Detainees and other material provides valuable insight into the way that other high profile political and prominent detainees are treated in the KSA.
10. Many of the reports that the FFP have relied on contain first-hand testimony. Human Rights Watch, for example, based many of its reports on interviews with affected individuals based within and outside Saudi Arabia.

FFP Findings

11. On the basis of the evidence submitted to it the FFP makes the following findings on a balance of probabilities:

i. In violation of the KSA’s international legal obligations the Detainees are being held without charge. They have not been given the opportunity to challenge their detention and the necessity of their continued detention has not been reviewed by any court or tribunal. It is therefore highly likely that they are being arbitrarily detained. There is clear and concerning evidence that there is a systemic problem with arbitrary detention in the KSA which amounts to a serious violation of international law.

ii. The location(s) where the Detainees are currently being held remains unknown to their families and lawyers. It is likely that they are being detained in an unofficial location, rendering it almost impossible to establish whether the conditions in which they are being kept comply with national and international minimum standards;

iii. In violation of the KSA’s international legal obligations both Detainees have been detained incommunicado for periods of time during their detention. MBN was held in solitary confinement for at least six months following his arrest;

iv. In violation of the KSA’s international legal obligations the Detainees have not been allowed access to their lawyers whilst they have been detained;

v. In violation of the KSA’s international legal obligations and despite the fatal risks posed by ongoing global covid-19 pandemic, there are real concerns that both Detainees have been denied access to appropriate and adequate medical care leading to a deterioration in their health. MBN has not been provided access to his personal doctor;
vi. In violation of international prohibitions against physical and psychological torture there are real concerns that through holding the Detainees in solitary confinement and in conditions very likely below the requisite minimum international standards, the Detainees have been subjected to cruel, inhuman or degrading treatment.

vii. KSA has taken a minimalist approach in adopting and ratifying the normal international conventions underlying a nation state’s acknowledged obligations towards its own citizens. Those it has adopted bind it by reference to those it has not formally acceded to or ratified. However, the conclusion to be drawn by the lack of a comprehensive approach to the normal instruments of international human rights law in light of the evidence presented to this Panel is that this is deliberate. The KSA appears not to expect to observe obligations towards the rights of its citizens seen as standard elsewhere in countries with fully developed legal systems.

viii. The Saudi Arabian government does not welcome oversight of the Detainees’ conditions in detention.

**FFP Recommendations**

12. Following its review of the available evidence and Saudi Arabia’s legal obligations, the FFP makes the following recommendations:

i. The independent Panel - and any other international organisations mandated to assess the well-being and rights of political prisoners and other detainees - should be granted urgent and unfettered access to visit the political prisoners and detainees in Saudi Arabia;

ii. Any criminal cases against the Detainees should be immediately reviewed by senior prosecutors. If a decision is made to proceed with any prosecutions, all steps should be taken to afford all fair trial and due process rights as required by Saudi Arabia’s international human rights obligations, and any reported violations to these rights must be fully and genuinely investigated and remedied before proceedings resume;
iii. Any mistreatment of political prisoners or other detainees should be halted with immediate effect and in accordance with international legal standards and human rights, in particular under the Mandela Rules, for the treatment and management of individuals in detention;

iv. All individuals in detention should be granted immediate access to medical care, including ongoing care or specialised care if required;

v. All individuals in detention should be granted immediate access to independent legal advice as well as regular access to, and communication with, their legal representative for the provision of confidential instructions and / or the preparation of a defence case;

vi. All individuals in detention should be granted, with immediate effect, regular communication with and / or visits from family members and friends;

vii. The international community and other Governments should take any steps available under international law and before international bodies such as the UN Security Council, the UN General Assembly, the UN Human Rights Council, to raise instances of human rights violations against political prisoners and other individuals detained in Saudi Arabia, in order for such allegations to be fully investigated and remedied, and to encourage the Government of Saudi Arabia to fully comply with its international human rights obligations. This should include imposing Magnitsky-style sanctions.

viii. The international community and in particular the Governments of the G7 countries should require the KSA to address concerns over its commitment to uphold norms of international human rights law by ratifying the two most basic human rights instruments: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

ix. That any attempt by KSA to use Interpol processes towards its own citizens should be examined with pre-emptive scepticism until it has ratified the basic legal instruments of international human rights and the pattern of oppressive behaviour towards its own citizens has ceased.
x. That the G7 nations and other members of the international community should suspend prisoner transfer agreements and extradition treaties with KSA and review all criminal justice agreements in light of the evidence being presented about the KSA’s unwillingness to meet its basic international legal obligations towards its own citizens.

xi. That the G7 nations and other members of the international community should review their laws around the manipulation and exploitation of social media platforms by state actors against individuals to require these platforms to try to prevent, help identify and at least not facilitate campaigns of public intimidation by state actors or unaccountable other groups or individuals who appear to be coordinated by state actors.

Panel Members

Crispin Blunt MP- Chair

13. Crispin Blunt is the Conservative Party Member of Parliament for Reigate and was Chair of the Foreign Affairs Select Committee in the 2015–17 Parliament. He was Parliamentary Under–Secretary in the Ministry of Justice with responsibility for Prisons and Probation 2010–12. He is currently an officer of the All−Party Parliamentary Group for Saudi Arabia and the Conservative Middle East Council. Further relevant experience includes serving as Chairman of the Conservative Middle East Council (CMEC) from 2003 – 2008 and as co–chair of the Council for the Advancement of Arab British Understanding (CAABU).

Layla Moran MP- Panel member

14. Layla Moran MP is a Liberal Democrat Member of Parliament for Oxford West and Abingdon. She is the Liberal Democrat’s Foreign Affairs and International Development Spokesperson and the first MP of Palestinian heritage.

Imran Ahmad Khan MP- Panel member

15. Imran Khan MP will be one of the panel members. He is the Conservative Party Member of Parliament for Wakefield. He has previously worked for the United Nations as Special Assistant for Political Affairs in Mogadishu.
Dr Tim Moloney QC - legal advisor to the Panel

16. Tim is the Deputy Head of Doughty Street Chambers. Tim’s practice encompasses crime, extradition, international criminal law, public law and media law. Tim is ranked in Band 1 of Crime QCs and is in the Spotlight Section for International Criminal Law in the current edition of ‘Chambers and Partners’ directory and is classed as a leading silk in crime in the current ‘Legal 500’.

Haydee Dijkstal - legal advisor to the Panel

17. Haydee Dijkstal is a barrister practicing international criminal law, international human rights law and general crime. She is also a US attorney with nearly a decade of experience in international law.

Tayab Ali - Legal Secretariat to the Panel

18. Tayab is a Solicitor Advocate and Partner at leading human rights law firm Bindmans LLP. Tayab is an internationally recognised and highly respected lawyer whose practice encompasses criminal and civil/public law in both domestic and international jurisdictions. Tayab was shortlisted as Human Rights Lawyer of the Year the Law Society’s Excellence Awards in 2017.

Scope of the review

19. The FFP has been constituted by an NGO on behalf of Saudi Arabian citizens interested in the welfare of detainees in Saudi Arabia. The NGO instructed leading, London-based, human rights law firm Bindmans LLP to convene the FFP. Bindmans LLP invited Crispin Blunt MP to chair the Panel and to select its members.

20. The Detainees were both arrested and detained in March 2020 as part of what has been described by both the media and human rights organisations as a “wave” of royal family arrests, during which a number of members of the royal family were reportedly arrested and detained. The international human rights community reported that the arrests and detentions were MBS’ latest effort to consolidate control over all major arms of power inside the KSA. The Saudi Government are yet to make a public statement in connection with the detention of the Detainees. Since their detention, it is alleged that the Detainees have effectively been held incommunicado, with no access to their lawyers and limited opportunities to communicate with their family members.
21. Further gravely concerning allegations have been made regarding the mistreatment and due violations experienced by MBN and Prince Ahmed whilst they have been detained. These include that they have been detained for lengthy periods of time in solitary confinement, are yet to be charged with any criminal offence despite their lengthy period in detention, and have been (and continue to be) held in unknown and unofficial detention locations. There are further concerns that despite the risks that covid-19 presents to prison populations generally, they remain detained unnecessarily and without access to adequate medical care. Allegations have also been made that the health of the Detainees is consistent with indicators that they have been subjected to cruel, inhumane or degrading treatment or punishment.

22. As set in earlier paragraphs, the FFP has been constituted and mandated to:

   i. Determine the location and nature of Detainees detention including the conditions
   ii. Determine if the Detainees have been allowed access to independent lawyers and family members
   iii. Determine if the Detainees have been afforded adequate access to medical treatment whilst in detention
   iv. Establish if the conditions in which the Detainees are being detained are compliant with provisions under Saudi Arabian and International Law and;
   v. Prepare a report detailing their findings.

23. The mandate provided that members of the public or any other person or entity could submit evidence to the FFP through Bindmans LLP.

**Correspondence with the Saudi Arabian authorities**

24. In September 2020, the Panel Chair, Crispin Blunt MP wrote directly to His Excellency HRH Prince Khalid bin Bandar bin Sultan Al Saud, the Saudi Ambassador to the United Kingdom, requesting assistance with the facilitation of a visit to the Detainees in Saudi Arabia. The letter outlined the FFP’s constitution and mandate and made it clear that as the FFP’s Chair, Crispin Blunt had appointed fellow panel members that he believed should collectively command confidence from the Saudi Arabian government. The letter stated that the FFP wished to meet with and take evidence directly from the Detainees as well as the officials responsible for their detention.
25. In the letter, Crispin Blunt MP informed the Ambassador that he had been “invited by Bindmans solicitors, on behalf of an interested party, (“the client”), to convene together an independent panel of UK parliamentarians and lawyers (“the Fact Finding Panel”) to investigate and report on the conditions of the Detainees.” Crispin Blunt MP confirmed that he had accepted the role of Chair and had convened panel members that he believed would collectively command confidence from the Saudi government and the families of the Detainees. He confirmed that he had constituted the panel with a mandate to review the detention conditions of the Detainees.

26. The letter stipulated that the mandate of the FFP was restricted to considering the Detainees’ conditions of detention and their health, and that it would act independently.

27. The letter outlined the fact that serious allegations have been made by various human rights organisations concerning the treatment of the Detainees in Saudi Arabia. These included allegations of arbitrary detention, denial of access to family members and independent lawyers, and ill treatment resulting in deterioration of health.

28. The letter confirmed that the FFP are in the process of reviewing information and evidence provided to it. The letter highlighted the FFP’s aim to gather direct testimony from the Detainees and the officials responsible for their detention, during its visit to Saudi Arabia. There has been no official response from the Saudi Arabian Embassy or the Saudi Arabian Government addressed to the FFP or its Secretary.

29. However, in October 2020, in what the FFP perceived to be a positive and promising development, the Ambassador agreed to meet with the Parliamentarians on the Panel for an “off the record” discussion. Unfortunately, the Ambassador declined both presence of a note taker and legal advisors to the Panel. The FFP have not been able to meet with the Detainees in custody and no assurances have been provided regarding their detention conditions, health and /or wellbeing.

30. On 10 November 2020, in addition to the Saudi Government’s standing invitation to submit written evidence to the FFP, the FFP invited them (once again through the Ambassador in London) to attend a live evidence session to submit oral evidence to the FFP. The Ambassador has not responded to this invitation and no one attended the live evidence session on behalf of the Saudi Arabian Government. Similarly, the FFP has not received any written submission of evidence from the Saudi Government.
Live evidence session on 17 November 2020

31. On 17 November 2020, the FFP hosted a live evidence session in which witnesses were invited to present their evidence to the Panel orally. The FFP’s Chair Crispin Blunt MP directed the live evidence session. Layla Moran MP and Imran Ahmad Khan MP attended and all three British Parliamentarians had the opportunity to ask the witnesses questions after they had submitted their evidence. Given time constraints, each witness had approximately 10 to 15 minutes to submit their evidence.

32. Human Rights Watch (HRW), DAWN Mena, MENA Rights Group, the Freedom Initiative, ALQST and Alia Al-Hathloul all gave evidence at the session. A transcript of the session is appended to this report at Appendix 1.

33. Due to KSA’s failure to engage in the live evidence session or indeed submit written evidence to the FFP, much of the evidence given during the live evidence session was secondary source material. Some of the evidence presented related specifically to the Detainees and other material provided relevant insight into the way that other high profile political and prominent detainees are treated in the region. Alia Al-Hathloul gave gravely concerning live evidence about the detention conditions and due process violations presently experienced by her sister Loujain Al-Hathloul, who remains detained despite the recommendations made by the UN Working Group on Arbitrary Detention in June 2020 that she be immediately released1.

---

Background

Saudi Vision 2030: in context

34. It has been over four years since the (now) Crown Prince Mohammed bin Salman (“MBS”) unveiled an economic reform plan called the ‘Saudi Vision 2030’, aimed at diversifying the Saudi economy away from oil and making Saudi society more progressive. When the vision was first unveiled in April 2016 MBS promised to “work tirelessly from today to build a better tomorrow for you, your children, and your children’s children” stating that the vision had three central themes, the third of which was “built on an effective, transparent, accountable, enabling and high-performing government.”

35. MBS’ reforms included increasing the number of Saudi Arabian citizens in private employment, soliciting foreign investment, to increase women’s participation in the workforce from 22% to 30% and promising women the right to drive.

36. The 16 months following the announcement of MBS’ Saudi Vision saw moderate but positive progressive reforms: women were allowed to attend sporting events, join the military and their access to education and healthcare was no longer dependent on the support of a male guardian. On 4 June 2018, the government abolished the ban on women driving cars, a move that was heralded internationally as a significant step forward in improving women’s rights in Saudi Arabia and a clear delivery of the promise as set out by MBS’ Saudi Vision. However, immediately prior to the change in law in May 2018, the Government had arrested and detained more than a dozen female activists (“Women’s Rights Defenders”) who had been campaigning for the right to drive and for an end to the male guardianship system. A number of the Women’s Rights Defenders continue to be detained, many arbitrarily and without access to legal advice or regular communication with their families. Reports from credible human rights organisations suggest that these women have also suffered cruel, inhuman and degrading treatment whilst detained including physical and sexual abuse. A detention review panel chaired by Crispin Blunt MP and on which Layla Moran MP also sat, investigated and reported on a number of credible allegations that had been made concerning prominent female rights activists. The detention review panel published a report detailing their findings in February 2019 some of which included findings concerning a pattern of ill-treatment and sexual abuse experienced by numerous women in detention.

Full text of Saudi Arabia’s Vision 2030, Saudi Gazette, Riyadh, 26 April 2016
37. Human rights organisations including HRW, Amnesty International and Reprieve report that in the last 3 years since MBS’s formal ascension, the KSA has spent billions of dollars on an image laundering campaign designed to detract attention from the continued human rights abuses committed in the region. Some of the arrests and detentions have been justified by the KSA as necessary in pursuance of the “anti-corruption” drive launched as part of the Saudi Vision 2030. However, despite continued requests by credible international organisations, very little information has been released by the KSA about the lawfulness of these arrests and detentions.

Treatment of high profile figures, academics, government officials, members of the royal family, activists and dissidents in Saudi Arabia

38. The Detainees’ arrests must be viewed in the context of the numerous arrests and detentions of others detained in the KSA including political activists, dissidents, former government officials, journalists, academics and members of the Royal Family. Below is an analysis of three particularly high profile cases that provide insight into how Saudi authorities are alleged to have targeted and treated certain perceived political opponents both inside and outside of the country.

Jamal Khashoggi

39. In October 2018 Jamal Khashoggi, Saudi Arabian dissident and columnist for the Washington Post was murdered in the Saudi Arabian Consulate in Istanbul, Turkey. In June 2019, following a six-month investigation, UN Special Rapporteur on Extrajudicial Killings Agnes Callamard issued her findings into the circumstances surrounding his death. She found that his murder “was the result of elaborate planning involving extensive coordination and significant human and financial resources. It was overseen, planned and endorsed by high-level officials. It was premeditated.”

40. In December 2019, following a trial that received widespread criticism, the Riyadh Criminal Court sentenced five officials to death and three others to 24 years in prison for the role they played in Khashoggi’s murder. The death sentences have since been commuted to terms of imprisonment. Agnes Callamard criticised the trial for being “grossly inadequate” meeting not even the “minimum international standards” and failed “to address the responsibility of Crown Prince Mohammed Bin Salman”. A US

---

2 The Khashoggi verdict is exactly what impunity looks like. It must be denounced - 23 December 2019 - Agnes Callamard opinion piece for the Washington Post.
3 Ibid.
4 “It was theatre” - Agnes Callamard on the Khashoggi murder trial - 10 September 2020 - Al Jazeera News
Congressmen discredited the trial: “After a sham trial, the masterminds behind Jamal Khashoggi’s brutal murder walk away scot-free” and “this sham trial ... looks more like a cover-up”. A government official stated in a press conference following the announcement of the verdicts that investigators did not indict official Saud al-Qahtani due to “insufficient evidence”. A number of human rights groups expressed concerns that the failure to indict senior individuals responsible and the lack of significant prison sentences were indicative of a climate of impunity for even the most severe human rights violations.

41. The lack of accountability for those instrumental in organising the assassination of a journalist on foreign soil illustrates the risks currently faced by the Detainees. Of grave concern to the FFP, Khashoggi’s targeting and assassination was not a “one off” event but indicative of a systemic government-sanctioned crackdown on free speech and critical or analytical reporting both inside and outside of the KSA. Another journalist, and close ally of Jamal Khashoggi Saleh al-Shehi died in July 2020, immediately after his release from prison. He is believed to have contracted coronavirus and been denied suitable medical treatment, leading to his death. These actions send a clear message to Saudi society: dissent, criticism, or indeed any independent commentary is no longer tolerated and is punishable by detention, torture and assassination. This amounts to a reign of terror over any public discourse.

Saad al-Jabri

42. Freedom Initiative drew the FFP’s attention to the case of Dr Saad al-Jabri. According to Freedom Initiative, Dr al-Jabri’s case provides insight into the lengths MBS will go to consolidate his power and suggests that no one, regardless of their geographical location and their position/title, is immune from the steps that will be taken by MBS to quash perceived opposition.

43. Dr al-Jabri is a former Saudi intelligence official who served under MBN whilst he was the Minister of the Interior. He has been living in self-imposed exile in Canada since 2017. Publicly available court documents filed on behalf of Dr al-Jabri reveal that in June 2020 he filed a civil claim for damages in a US Court against MBS and others. Dr al-Jabri’s claims that whilst in exile there have been and continue to be attempts made on his life. His claim advanced three causes of action:

---

7 “More like a cover-up”: Critics of Saudi Arabia decry “sham” Khashoggi trials- 23 December 2019- Middle East Eye
8 Saudi Arabia sentences 5 to death for Jamal Khashoggi murder- 23 December 2019- NBC World News
9 Saudi Prisoners of Conscience Report (2020/21)- Grant Liberty
I. Attempted extrajudicial killing in violation of the Torture Victim Protection Act against MBS (and others)

II. Attempted extrajudicial killing in violation of the Law of Nations under the ATS against MBS (and others)

III. Intentional infliction of emotional distress against MBS (and others)

44. Documents filed in these proceedings suggest that MBS was issued a witness summons via WhatsApp in September 2020. Other high profile officials named in the claim include Saud al-Qahtani. Saud al-Qahtani is the former advisor to MBS and his name will feature throughout this report as multiple sources make similar allegations naming him as a party complicit in their mistreatment and in some cases, actually physically present whilst they were tortured. In the complaint filed Dr al-Jabri quotes from WhatsApp messages between himself and MBS:

“[MBS] threatened that he would use “all available means” to silence Dr. Saad. [MBS] warned of a coming escalation, in which he would personally “take legal measures, as well as other measures that would be harmful to you” (emphasis added). Referencing bogus allegations of corruption, [MBS] threatened Dr. Saad with “two choices”: either “return to the Kingdom, where you will be placed under house arrest,” or become the target of a worldwide manhunt, beginning with the filing of bogus corruption allegations through INTERPOL in an attempt to “turn you over” to his men. “There is no state in the world that would refuse to turn you over,” Defendant bin Salman insisted. “You have one hour to decide,” [MBS] wrote, promising ominously “we shall certainly reach you.”

45. In March 2020, 10 days after MBN and Prince Ahmed were detained the two of Dr al-Jabri’s children who were still resident in Saudi Arabia; Omar al-Jabri (21 years old) and Sarah al-Jabri (20 years old) were arrested and since then have been held incommunicado, at a location unknown. Both Omar and Sarah had reportedly been subject to a travel ban since 2017 and prior to arrest had been unable (despite attempts) to leave KSA. In May 2020 Dr al-Jabri’s brother was also detained. A source told HRW that the al-Jabri family believes that the detentions of his various family members are designed to pressure and coerce Dr al-Jabri to return to Saudi Arabia.

10 Saudi Crown Prince served court summons via Whatsapp- 30 October 2020 - AlJazeera
11 Loujain al-Hathloul alleges Saud al-Qahtani directly participated in her torture during her detention in a secret prison in May 2018 to August 2018- WGAD submissions, media reports, evidence from her sisters Alia and Lina.
12 Complaint of Saad Al Jabri - filed in Court in District of Columbia. Case 1:20-cv-02146-TJK Document 1 Filed 08/06/20
46. In response to KSA’s attempt to petition Interpol to issue a red notice against Dr al-Jabri, Interpol reportedly refused, concerned about the lack of due process, the KSA’s handling of the corruption cases in 2017 and ultimately found that the request was politically motivated14.

Prince Salman Bin Abdulaziz Bin Salman Al Saud and Abdulaziz bin Salma bin Mohammed Al Saud

47. MENA Rights Group, a Geneva-based legal advocacy NGO focusing on fundamental rights and freedoms in the Middle East and North Africa (MENA) submitted evidence to the FFP concerning the cases of Prince Salman Bin Abdulaziz Bin Salman Al Saud (“Prince Salman”) and his father Abdulaziz bin Salma bin Mohammed Al Saud (“Mr Abdulaziz Al Saud”). These Princes are closely related to the ruling family; Prince Salman is MBS’ cousin and Mr Abdulaziz al Saud, his Uncle.

48. According to MENA Rights Group, both royals were arrested in January 2018 and were first detained in solitary confinement at Al Ha’ir prison. It is said that both were detained incommunicado for 7 months. In January 2019 having been detained for one year at Al Ha’ir, they were placed under house arrest, with heavy surveillance, at a villa in Riyadh belonging to the Saudi authorities. Prince Salman was removed from the villa in March 2020 for two months and is said to have been detained in an unknown location before returning to the villa. Prince Salman and his father thereafter remained under house arrest at the villa until very recently. During that time they were unable to leave and to date have reportedly not been informed of the reasons for their arrests, nor have they been presented to a judicial authority or informed of the charges (if any) they face. Furthermore, and of grave concern to the Panel is that according to MENA Rights Group, Prince Salman and his father are no longer at the villa but have disappeared since 28 November 2020. Their family have not had any contact with them since their disappearance and their whereabouts are unknown.

49. The evidence submitted also makes a number of gravely concerning claims concerning the manner in which these individuals have been treated during the course of their arrest and their detention. In respect of Prince Salman, his arrest occurred in January 2018 after he was asked to report to the Saudi Royal Palace, where around 30 other members of the royal family had gathered. The members of the royal family had attended the Palace to make enquiries regarding the arrest of relative Turki Bin Mohammed Bin Saud

---

Al Kabeer, another member of the royal family. Prince Salman reportedly arrived at the palace at around 4am and was beaten (with other members of his family) by around 20 guards in the presence of Saud Al-Qahtani. Prince Salman’s father, Mr Abdulzaziz al Saud was arrested shortly thereafter in a raid of his own home in which 50 officers were alleged to have been present and caused damage to his property.

50. After the arrest of Prince Salman and his father, several members of the European Parliament reportedly wrote to the Saudi authorities expressing concern over their arrests and continued detentions. Marc Tarabella, Vice Chair of the European Parliament’s Delegation for Relations with the Arab Peninsula wrote directly to MBS in September 2020, specifically concerning the detention of Prince Salman and his father. In the letter Mr Tarabella wrote: “it is clear ... that [Prince Salman and his father’s] current deprivation of liberty is arbitrary, and amounts to a violation of Saudi domestic and international obligations” requesting their “immediate release”. It has been reported in the media that the Saudi Arabian authorities have not responded to this correspondence or requests for information. Unfortunately, based on the manner in which the KSA has engaged with the FFP and NGOs who have submitted evidence, this lack of response does appear to be characteristic of Saudi Arabia.

Ritz Carlton “corruption” arrests and detentions in 2017

51. On 4 November 2017, the Saudi Press Agency announced a royal decree establishing a high-level corruption committee headed up by MBS. That day, as part of this anti-corruption initiative, a number of high profile businesspersons and some members of the royal family were detained for weeks and in some cases months at the Ritz Carlton Hotel in Riyadh.

52. Many credible human rights organisations including HRW raised their concerns regarding this wave of mass arrests and in particular the holding of individuals in unofficial places of detention, in violation of international standards. HRW reported that many detainees were reportedly forced to trade financial and business assets for their freedom.

53. In March 2018, the New York Times reported that 17 of the detainees required hospitalisation for physical abuse including one individual, Major General Ali al-Qahtani who later died in detention, whose body showed signs of abuse including a neck that appeared twisted and a badly swollen body.

---

54. Whilst there are no reports of the Saudi authorities having instigated an investigation in connection with these allegations of torture, an official of the Saudi Embassy in Washington did respond to the New York Times report by categorically denying that any individuals had been tortured during the anti-corruption campaign. Prince Alwaleed bin Talal gave reporters a tour of his place of detention prior to his being freed, to dispel reports that he had been tortured.\footnote{Saudi billionaire Prince Alwaleed bin Talal released- 27 January 2018- BBC News}

55. However, notwithstanding that three years have passed, reports concerning torture during the Ritz Carlton detentions continue to surface. In November 2020, the Guardian, purporting to rely on first-hand accounts of detainees, published a detailed report revealing how detainees at the Ritz Carlton were reportedly blindfolded and beaten and some were tied to the walls, in stress positions.\footnote{Night of the beating: details emerge of Riyadh Ritz-Carlton purge- 19 November 2020- The Guardian}

**Saudi Arabia lose their seat on the Human Rights Council**

56. In October 2020, the KSA suffered another blow to its image when it failed in its bid to win secure a place on the UN Human Rights Council. Saudi Arabia was the only applicant country not elected to join the Council in apparent global recognition of the ongoing human rights abuses perpetrated in the region.

**Saudi Arabia hosts the G20 Summit in November 2020**

57. Between 20 and 22 November 2020, the KSA hosted the G20 summit. The summit was intended to be a showcase for a progressive and open Saudi Arabia; to display the development of MBS’ “Saudi Vision 2030”, with world leaders arriving in Riyadh. However, the coronavirus pandemic meant that this year’s event took place virtually. Whilst the KSA may have hoped that it would be an opportunity to boost its image, a number of key political figures actively boycotted the event in condemnation of the Kingdom’s continuing poor human rights record. Mayors of London, Paris, New York and Los Angeles all declined to participate in the summit.

58. In the run up to the G20 summit, the international media’s attention was fixed on the KSA, but not only on matters concerning economic development. Instead, reports focused on the Kingdom’s continued arbitrary detention of human rights activists such as Loujain Al-Hathloul, the inadequate investigation into and subsequent prosecutions of individuals responsible for the death of Jamal Khashoggi and the five-year conflict in
Yemen that has caused the world’s worst humanitarian crisis. Just days before the Summit the Ambassador HRH Khalid bin Bandar bin Sultan bin Abdulaziz Al Saud suggested in an interview with The Guardian that the KSA was considering clemency for jailed female activists, offering hope to family members of detained activists such as Loujain al-Hathloul. Loujain’s case has attracted international attention and dominated headlines in the run up to the G20. There have been suggestions that the Ambassador’s comments were in fact another last ditch attempt to improve the KSA’s image prior to the Summit as no such steps have been taken to release any female activists and instead, Loujain’s case has been transferred to the Terrorism Court, despite the legally tenuous nature of the charges she faces and calls from the international community for her immediate release. In a statement endorsed by several UN experts, Elizabeth Broderick, the Chair of the United Nations Working Group on Discrimination against Women and Girls, called the charges faced by Loujain “spurious”.
Sources of Evidence

59. This report has been prepared using a variety of evidential sources. As mentioned earlier in this report, the FFP had requested the Saudi Embassy’s cooperation and assistance in facilitating an in-person visit to Saudi Arabia to obtain first-hand evidence of the Detainees’ health, wellbeing and detention conditions. The FFP had hoped that the visit would allow them to obtain primary evidence, through interviewing the Detainees and prison and government officials responsible for the detention of the Detainees. As the Kingdom of Saudi Arabia has not formally acknowledged or responded to the request, the FFP has not been able to obtain this form of evidence.

60. Accordingly, the FFP has relied on credible secondary sources of evidence to form its view. The FFP reviewed the following significant material, which included:

- Reports from credible and internationally leading human rights NGOs;
- United Nations communications;
- News articles; and
- International and national legal instruments.

61. Information regarding the detention conditions of the Detainees has been obtained from sources contacted specifically for the purposes of this Review as well as sources already published and widely available. In addition, the FFP document review includes reports and publications by the United Nations Working Group on Arbitrary Detention and various United Nations experts.

62. As the FFP’s requests for access to the Detainees has not been ignored by the KSA the FFP has been unable to obtain direct testimonies from the Detainees. Nevertheless, after the announcement of the formation of the FFP, important evidence as to the conditions faced by MBN has been provided on a confidential basis. Due to concerns regarding the safety and security of those who have provided this information, the provenance of the material relied upon by the FFP will not be provided within this report.
The Detainees

Profile: Former Crown Prince Mohammed Bin Nayef - “MBN”

63. MBN was the Crown Prince of the KSA and Deputy Prime Minister between 29 April 2015 and 21 June 2017. He was also Minister of the Interior between 5 November 2012 and 21 June 2017. He has previously served as Assistant and Deputy Minister of Interior. He is the cousin of MBS.

64. During his time at the Ministry of the Interior, MBN was well regarded for his contribution to the fight against terrorism, amongst other things. He had studied at the FBI in the late 1980s and with Scotland Yard from 1992 until 1994 and built strong relationships with the intelligence communities both in the United States and the United Kingdom. MBN’s life was directly targeted by terrorists as a result of this role. Most notably on 27 August 2009, MBN was the victim of an attack perpetrated by a known al-Qaeda terrorist, Abdullah Asiri. Asiri killed himself detonated a concealed bomb during a meeting with MBN. MBN survived the attack but suffered injuries and pain that plagued him long after it.

65. On 21 June 2017, King Salman ordered that his son, MBS, replace MBN as Crown Prince and First Deputy Prime Minister. MBN was subsequently relieved of all of his positions including his position as the Minister of the Interior. Despite MBN’s public support for MBS, evidence submitted to the FFP asserts that MBN was prohibited from leaving the country and was kept under constant surveillance by the Royal Guard until his arrest in March 2020. Requests submitted by HRW to the Saudi authorities for information concerning whether MBN had restrictions placed on his movements (i.e. a travel ban or house arrest) were ignored18.

Profile: Prince Ahmed Abdulaziz Al Saud - “Prince Ahmed”

66. Prince Ahmed is the younger brother of King Salman and one of the most senior members of the ruling Al-Saud family. He is 78 years old and was educated for the early part of his life in the Saudi capital, Riyadh. In 1968, he travelled to the United States where he obtained a degree in political science from the California-based University of Redlands.

---

67. Prince Ahmed served as deputy interior minister from 1975 to 2012 and then briefly as Interior Minister before being replaced by MBN. For several years, Prince Ahmed was also responsible for overseeing the administration of the holy sites in Mecca and Medina. Prince Ahmed left the KSA in November 2017 before the infamous Ritz Carlton arrests that saw top officials and business elites detained, many for months. Prince Ahmed flew back to the kingdom from London in October 2018, after reportedly receiving assurances that he would not be detained.

68. In March 2020, Prince Ahmed was arrested and detained with MBN. Reports suggest that their detention came amidst allegations that the pair were seeking ways to block the ascent of MBS to the Saudi throne. According to the human rights community, it was another move by MBS to consolidate his power by cracking down on any perceived opposition.

**Arrest and detention in unofficial places of detention**

69. Evidence submitted to the FFP confirms that the Detainees were arrested together at a retreat in the desert along with MBN’s brother Prince Nawaf Bin Nayef. Damage to their vehicles suggested that they were forcibly detained and their vehicles extensively searched. Simultaneously, a number of MBN’s household and business staff members were arrested and held at undisclosed locations. It is understood by the FFP that MBN himself is too currently detained at an unofficial place of detention.

70. On the basis of evidence submitted to the FFP, the holding of individuals in unofficial places of detention, though in violation of both Saudi law and international standards, is not unusual in the KSA. This report has already referred to evidence submitted concerning the highest profile example of this; namely the Ritz Carlton detentions between November 2017 and February 2018. Further evidence relates to the detention of the Women’s Rights Defenders arrested and detained in a wave of arrests in May 2018. Evidence from credible human rights organisations and sources close to many of the women indicate that it was at the unofficial place of detention that they were tortured between May and August 2018. The women were then reportedly moved to various official detention locations after August 2018, including Dhahban Prison. Sources stated that the authorities would continue to take women out of the prison for additional torture sessions, again, at the unofficial detention facility.

71. Of grave concern to the FFP is that the apparent systemic tactic deployed by the Government of holding of individuals at unofficial detention facilities means there is no
oversight of the conditions and no mechanism by which to hold accountable those responsible for the Detainees’ detention.

**Arbitrary Detention**

72. Evidence confidentially submitted states that MBN “has been detained without any explanation of the grounds of his arrest...he has not been able to contest his detention before an independent and impartial judge, has no access to a lawyer to discuss his situation and his case has not been reviewed to determine whether it is appropriate to continue his detention”. This evidence is consistent with reports concerning the circumstances in which many other individuals have been detained in the Kingdom. The UN Working Group on Arbitrary Detention (“WGAD”) commented in an opinion from June 2020:

> “in its 29 year history, the Working Group has found Saudi Arabia in violation of its international human rights obligations in at least 60 cases. The Working Group is concerned this indicates a systemic problem with arbitrary detention in Saudi Arabia which amounts to a serious violation of international law....under certain circumstances, widespread or systemic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity”

73. Evidence submitted to the FFP supports the concerns shared by the WGAD that arbitrary detention in the KSA is an endemic issue. Walid Fitaihi, Saudi American doctor arrested in the Ritz Carlton arrests in 2017 was reportedly detained for 20 months without charge. In May 2018, research conducted by HRW found over 2300 people had been detained for more than 6 months without seeing a judge, 1800 people detained for 1 year without seeing a judge and 250 people had not seen a judge within 3 years of their arrest.

**Allegations of torture, inhumane, cruel and/or degrading treatment**

74. Evidence submitted to the FFP asserts that shortly after MBN’s arrest he was held in solitary confinement for over 6 months in an undisclosed location; an action amounting to torture or other cruel, inhuman or degrading treatment or punishment in contravention of the Mandela Rules.\(^\text{20}\)

75. Whilst MBN is no longer in solitary confinement, evidence submitted to the FFP suggests that he has been threatened with the return to solitary confinement should he not

---

\(^{19}\) Opinion No.33/2020 concerning Loujain Al-hathloul (UAE and Saudi Arabia) - 25 June 2020

\(^{20}\)Rule 43.1- United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)
release funds to Saudi authorities. These funds are the subject of diffuse allegations of corruption, but no evidence or formal charge regarding them has been forthcoming. Of grave concern to the FFP is that this threat represents yet further evidence of a pattern of behaviour characterised by tactics such as extortion and/or coercion in return for release or in this case, humane treatment. This report has already touched upon the numerous reports of businesspersons being pressured by authorities to hand over assets/funds in exchange for their release during the Ritz Carlton detentions. Alwaleed al-Ibrahim reportedly handed control of his company MBC Group in exchange for his release from the hotel in January 2018. According to HRW many of the financial settlements reached reportedly took place outside of any clear or recognisable legal process. Given that MBN has not been charged with any criminal offence, it would appear the manner in which he is also being dealt with is entirely extra-judicial.

76. According to numerous human rights organisations including HRW, Amnesty International and Grant Liberty, the practice of torturing and mistreating detainees within KSA is endemic. In Grant Liberty’s latest report published in November 2020, they refer to at least 51 individuals - academics, journalists and even members of the royal family who have been tortured whilst detained or in the course of their arrests. Salman Alouda, cleric and Islamic scholar was arrested in September 2017. His son, resident in the United States, Abdullah Alouda told Grant Liberty that his father had been “held in solitary confinement ever since. He has been blindfolded, chained inside his cell, deprived of sleep and medications, brutalized to the point that he had to be taken to hospital.”

77. In March 2019 reports surfaced that Walid Fitaihi, Saudi-American physician, had been subject to physical abuse including electric shocks and beatings whilst detained as part of the 2017 anti-corruption campaign. The report, published in the Washington Post spoke of how he was “blindfolded, stripped of his underwear and bound to a chair” during his week-long detention at the Ritz Carlton in Riyadh.

78. In November 2018, HRW obtained credible evidence which it published that Saudi authorities tortured a number of the Women Rights Defenders detained in the May 2018 crackdown. The torture reported included electric shocks, whippings, waterboarding, and sexual harassment and assault including groping. The sister of prominent activist Loujain al-Hathloul reported that during a visit with her parents, visible injuries could be seen: “Loujain’s thighs were blackened with bruises” Other human rights groups

---

21 Top Saudi broadcaster caught up in Riyadh’s corruption shakedown - 26 January 2018 - Financial Times
have reported additional allegations, including periods of prolonged solitary confinement, beatings on the feet and forcing two of the women to kiss each other on the lips.

79. There is a wealth of publicly available material and material submitted directly to the FFP that raises grave concerns as to a pattern of poor treatment of detainees. International and other human rights organisations raised severe concerns regarding the conditions in several of Saudi Arabia’s overcrowded prisons, the situation having been reportedly made considerably worse by the onset of the covid-19 pandemic.

80. In January 2019, London-based Saudi Arabian human rights group ALQST reported that Islamic Scholar Sheikh Ahmed al-Amari died whilst detained without charge, due to poor prison conditions and possible torture.

81. In March 2019, leaked medical reports revealed that political detainees had been severely ill-treated and suffered various health issues with remarks including “the patient suffers from severe weight loss with continuous bloody vomiting. There are also a number of wounds and bruises in several areas in the body”. Another patient “could not move at all due to wounds in both legs as well as severe weakness in the body due to malnutrition and lack of fluids”. Other records included reference to patients have been burned and requiring immediate treatment following detention in solitary confinement.

82. On 29 November 2020, the UN Committee on the Elimination of Discrimination against Women called on the Saudi authorities to release all detained Women Rights Defenders including Loujain Al-Hathloul:

“the Committee is alarmed by the recent information concerning the conditions of Ms. Al-Hathloul’s prolonged detention, which have prompted her to start a hunger strike. Unlike other detainees, and contrary to Rules 26 and 42 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules; General Assembly resolution 65/229 of 21 December 2010), Ms. Al-Hathloul is not allowed to have regular contact with her family nor to exercise activities, according to reports received.”

83. Furthermore, evidence submitted to the FFP suggests that the Saudi Authorities do not properly investigate allegations of torture, identify perpetrators or hold them

---

accountable. Perhaps the clearest evidence of this submitted to the FFP relates to Loujain’s case. The UN Working Group on Arbitrary Detention provided their Opinion concerning Loujain in June 2020. Submissions made on behalf of Loujain detailed the way in which the KSA had violated the international prohibition on torture and cruel, inhuman and degrading treatment. The Saudi Government responded that the Prosecutor General investigated claims that Loujain had been tortured and found that there was insufficient evidence. The government relied on the existence of the Saudi Human Rights Commission, which has the power to visit prisons and detention centers at any time and report on complaints. They government asserted that the KSA is committed to human rights obligations under the treaties to which it is party, including the Convention against Torture and added that it considers these treaties to be a part of domestic law. However, the WGAD found:

“The Government of Saudi Arabia has failed to adequately respond to all five complaints concerning the allegations of torture submitted to it by Ms Alhathloul and her family. Accordingly, the working group finds the source has presented credible allegations that the absolute prohibition of torture enshrined in articles 5 of the Universal Declaration of Human Rights and Articles 2 and 16 (1) of the Convention against Torture, has been violated in Ms Al-Hathloul’s case.”

84. According to HRW, governmental human rights agencies within the KSA do not have the independence necessary to conduct a credible, transparent investigation that would ensure that perpetrators of torture were held to account. Independent, international organisations such as the United Nations- through the UN Special Rapporteur on Torture and Other Cruel, and Inhumane or Degrading Treatment or Punishment have repeatedly requested visits to KSA (in 2006 and 2017) but KSA have blocked these visits.

Detainees health and access to medical care whilst in detention

85. Evidence relating to MBN submitted to the FFP reports that:

“MBN’s health has drastically deteriorated since his detention. He has lost a significant amount of weight since March 2020, is pale, suffering from pains in his joints, particularly his knees, making it difficult for him to walk comfortably without assistance, and there is evidence of damage to his feet, adding to the pain in walking.”

86. Evidence submitted also confirms that MBN has been denied access to his own doctor, who has knowledge of his specific medical history, despite ongoing concerns regarding his health and specifically his vulnerability to covid-19 owing to his diabetes. It is unclear how or in what way his diabetes and other health issues are being managed.
There are of course similar concerns regarding Prince Ahmed’s health as he is nearly 80 years old and in the extremely high risk category if he were to contract covid-19.

87. The lack of information provided by the Saudi Authorities combined with the dissemination of misinformation on Twitter, has further compounded concerns for MBN’s health. In May 2020, Al Jazeera news agency reported that a Tweet by Saudi Arabia’s prison authority that has since been deleted, suggested that MBN had suffered a heart attack and transferred to intensive care.

88. The lack of information from the Saudi Authorities in respect of MBN and Prince Ahmed is particularly concerning in light of news concerning other detained individuals. On 24 April 2020, founding member of the Saudi Civil and Political Rights Association, Dr Abdullah Al-Hamid, died at age 69 years old whilst serving an 11 year prison sentence in respect of political charges such as “breaking allegiance to the ruler”, “questioning the integrity of officials”, “seeking to disrupt security and inciting disorder by calling for demonstrations”, and “instigating international organizations against the Kingdom”. According to Amnesty International, Dr Al- Hamid reportedly suffered a stroke on 9 April and remained in detention despite his underlying health issues and the fatal risk covid-19 placed him in as a vulnerable individual.

Access lawyers and contact with family members

89. Both Prince Ahmed and MBN have reportedly been denied access to legal advice regarding their detention. Again, this is consistent with the treatment of other detained individuals. According to Grant Liberty’s latest report of the 309 prisoners of conscience their report covered, 91 prisoners had reportedly been denied access to their lawyer whilst in detention. According to HRW numerous prominent detainees have been held incommunicado and this is only getting worse as international and other scrutiny afforded by the covid-19 outbreak have provided the KSA with an excuse not to facilitate communication between detainees and their family members.

90. Similar findings were published in the 2019 United States Department of State Country report pertaining to Human Rights Practices in Saudi Arabia. In respect of access to legal representatives, the report asserted that the relevant authorities in Saudi Arabia would not always allow legal counsel access to detainees who were under investigation in pretrial detention and some suspects had been held for up to 12 months in investigative detention without access to legal counsel. One of the consequences of a
lack of legal representation is that it means violations of due process are not properly investigated and resolved, so they just continue. In May 2018, HRW noted that authorities had detained thousands of persons for more than six months— in some cases—for more than a decade, without referring them to courts for criminal proceedings.

91. The US State Department Country Report further revealed issues concerning the regularity with which detainees were allowed to communicate/access their family members by way of visitation/telephone communications. They found that authorities generally permitted relatives and friends to visit prisoners twice a week though certain prisons restricted this to twice a month. Their investigations revealed that authorities cancelled scheduled visits without notice or reason. They also found that independent institutions were not permitted to conduct regular, unannounced visits to places of detention.

Social media campaign of false information

92. According to evidence submitted to the FFP by a confidential source there has been an ongoing press and social medial campaign brought against MBN since his arrest and detention. Allegations include that false twitter accounts have been created in an attempt to deceive the public that the tweets published were affiliated or attributed to MBN. Many of the tweets posted by the individual(s) purporting to be MBN were of a controversial political nature and designed to undermine him and legitimise his continued detention. Investigations have revealed that at least one of the false twitter accounts has close links to key high figures within the Saudi Government, strongly supporting the assertion that this is a government led, state sanctioned campaign of disinformation.

93. MBN’s lawyers have publicly referred to a similar campaign of misinformation via the platform YouTube. Various of the videos include allegations that MBN in association with Hilary Clinton conspired against the Saudi Government. Such allegations are denied by MBN. We have already touched upon the misinformation spread concerning MBN’s health in the preceding paragraphs. This is just one example of the “fake news” that has circulated on social media concerning MBN’s health. Others include that a date has

24 Detained former Saudi crown prince at risk after social media attack, say lawyers- 4 December 2020- The Guardian
been set for his execution even though he is yet to be formally charged or tried for any offences.

94. It is significant that to date, no official explanation has been given by the Saudi government as to why MBN has been detained but rumours of alleged criminal conduct including an attempted coup, corruption, treason and conspiracy with the Obama administration continue to circulate online. Given the evidence submitted regarding social media manipulation, the campaign of disinformation attributable directly to the Government presents a grave risk to MBN’s personal safety. It also lends further credibility to the concerns that his detention - and by extension, the detention of other high profile figures - is political and extrajudicial.

Law

Saudi Arabia’s human rights obligations

95. The Government of Saudi Arabia is party to several international human rights treaties and instruments which provide protections to prisoners, including political prisoners, detained in Saudi Arabia which the Government must guarantee. This includes the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment, which Saudi Arabia adopted in September 1997.

96. Saudi Arabia is also a party to the Arab Charter on Human Rights. In this regard, although Saudi Arabia is not a party to two fundamental human rights instruments - the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights - it is notable that the Arab Charter’s preamble supports the rights set out in these and other human rights documents; stating that the Arab Charter “Reaffirm[s] the principles of the United Nations Charter, the Universal Declaration of Human Rights, the provisions of the two United Nations International Covenants, on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Cairo Declaration on Human Rights in Islam.”

97. In addition, Saudi Arabia must respect the rights and protections set out in the Universal Declaration of Human Rights as adopted by the General Assembly on 10 December 1948. Saudi Arabia is also obligated to follow guidance set out in the UN Standard Minimum Rules for the Treatment of Prisoners, also known as the Mandela Rules. The Mandela Rules were agreed before the General Assembly of the UN as essential principles for the
treatment and management of prisoners. Revisions to these rules were unanimously agreed to before the General Assembly in December 2015. In 2016, the Mandela Rules were recognised as “a universally accepted minimum standard for the treatment of prisoners, conditions of detention and prison management, and offer essential practical guidance to prison administrations.” Similar to the Mandela Rules, Saudi Arabia is obligated to follow the protections set out in the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, also known as the Bangkok Rules. Also unanimously adopted by the UN General Assembly, the Bangkok Rules provide minimum standards for addressing the “gender specific needs of women in the criminal justice system.”

98. As a result of these international legal obligations, Saudi Arabia’s laws, and the application of those laws, must be compatible with the rights contained in each of these documents to ensure that Saudi Arabia respects the protections it has agreed to uphold and apply in its legal system.

**International standards for detention**

99. The international instruments above set out protections for prisoners and detainees which the Government of Saudi Arabia is obligated to guarantee. Key among these rights is Article 25(1) of the Universal Declaration of Human Rights which applies equally to individuals in detention and provides that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care.”

100. The Mandela Rules provide guidance for ensuring the health and well-being of individuals in detention through adequate conditions of detention such as minimal guarantees in regards to a prisoners’ accommodation, personal hygiene, clothing and bedding, food, and exercise and sport. The Bangkok Rules provide additional standards to address the gender-specific needs of women in prison including prison allocation close to their home to account for caretaking responsibilities, access to items needed for women’s specific personal hygiene, and the right to mother and child visits.

101. International protections limit the legitimate use of detention which places an individual in solitary and incommunicado detention. Rule 3 of the Mandela Rules prohibits such conditions of detention imposed without necessary justification, stating that “Imprisonment and other measures that result in cutting off persons from the
outside world are afflicting by the very fact of taking from these persons the right of self-determination by depriving them of their liberty. Therefore the prison system shall not, except as incidental to justifiable separation or the maintenance of discipline, aggravate the suffering inherent in such a situation.”

102. It is notable that the Mandela Rules acknowledge the afflictive nature of imprisonment which is aggravated by such conditions as solitary and incommunicado detention and detrimental to the well-being of prisoners. It echoes the finding of UN Experts that “the severe and often irreparable psychological and physical consequences of solitary confinement and social exclusion are well documented and can range from progressively severe forms of anxiety, stress, and depression to cognitive impairment and suicidal tendencies,” and that “[t]his deliberate infliction of severe mental pain or suffering may well amount to psychological torture.”

103. Principles for the adequate provision of health care to all individuals detained are also firmly established within the international law framework that Saudi Arabia is obliged to respect. The Mandela Rules make clear that the “provision of health care for prisoners is a State responsibility” and that “[p]risoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.” The Mandela Rules further require that the health care provided to prisoners must “ensure[ ] continuity of treatment and care” for existing and on-going health conditions, must afford “specialized treatment or surgery” in “specialized institutions or [ ] civil hospitals” to prisoners requiring such treatment, and must “ensure prompt access to medical attention in urgent cases.”

104. In addition, the Bangkok Rules provide additional standards for “[g]ender-specific health-care services at least equivalent to those available in the community”, and for the provision of “[i]ndividualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes.”

105. Various international courts, tribunals and human rights bodies have repeatedly emphasised the fundamental importance of affording the right to adequate health care as integral to protecting prisoners’ rights in detention. Both the Working Group on Arbitrary Detention and the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment have found that “essential medical services” must
be provided in order to guard against the cruel or degrading treatment of detained persons. The Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has emphasised that a “State must provide adequate medical care, which is a minimum and indispensable material requirement for ensuring the humane treatment of persons in its custody” and that medical examination on a routine basis, “constitutes one of the basic safeguards against ill-treatment.”

106. International Courts and Tribunals have also recognised the universality of “the right of all detainees to be treated in a humane manner in accordance with the fundamental principles of respect for their inherent dignity and of the presumption of innocence”. They have specifically highlighted that to be treated humanely requires adequate consideration of the accused’s medical conditions. In particular, the European Court of Human Rights has found that there is an “obligation on the State to protect the physical well-being of persons deprived of their liberty, for example by providing them with the requisite medical assistance.” The Court has confirmed that the denial of adequate medical consideration and treatment can rise to the level of inhumane, degrading and cruel treatment in light of the “right of all prisoners to conditions of detention which are compatible with human dignity, so as to ensure that the manner and method of execution of the measures imposed do not subject them to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention; in addition, besides the health of prisoners, their well-being also has to be adequately secured, given the practical demands of imprisonment.”

107. The right to health care in detention is of increased importance during the current global COVID-19 pandemic. Human rights organisations have warned that “COVID-19, like other infectious diseases, poses a particularly serious risk to populations that live in close proximity to each other, such as in ... prisons, [and] jails.” It has led human rights organisations to strongly urge States to “take all necessary steps to protect people in prisons” and “consider supervised release and other non-custodial alternatives for detained individuals who are at high risk of serious effects from COVID-19,”. In addition, the United Nations High Commissioner for Human Rights has called for Governments to “release every person detained without sufficient legal basis, including political prisoners.”

108. Fundamental to the ability to monitor compliance with these protections is the mandate that the location of detention of a prisoner must be known and recorded by
the authorities, and must be communicated to a prisoner’s family. The requirement that an individual’s location of detention be recorded is firmly set out in Rule 6 of the Mandela Rules which provides that “There shall be a standardized prisoner file management system in every place where persons are imprisoned.”

109. Rule 68 of the Mandela Rules addresses the right to immediately inform family of an individual’s arrest and location of detention, and specifies that an individual must “be given the ability and means, to inform immediately his or her family, or any other person designated as a contact person, about his or her imprisonment, about his or her transfer to another institution and about any serious illness or injury.” Article 14 of the Arab Charter on Human Rights similarly provides that “[a]nyone who is arrested has a right to contact his relatives.”

110. These provisions support the right of individuals in detention to regularly communicate with family, as well as the protections within Article 12 of the Universal Declaration of Human Rights against “arbitrary interference with [a prisoner’s] privacy, family, home or correspondence.” The Bangkok Rules highlight the right of women in detention to regular communication with their family and children, providing that this contact “shall be encouraged and facilitated by all reasonable means.”

111. As such, international protections which guarantee prisoners the right to not only immediately inform their family of their arrest and detention, but also maintain regular communication and visits with family throughout their detention, are critical to monitoring the conditions of an individual’s detention in order to ensure the health and well-being of the individual, as well as safeguard against abusive conditions which may inflict severe psychological and physical consequences.

**Fair trial and due process rights in detention**

112. Saudi Arabia’s international obligations also provide protections to prisoner’s fair trial and due process rights while in detention. Those rights include the fundamental assurances within Article 10 of the Universal Declaration on Human Rights which provides that:

113. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”
Complementary to these protections, Article 8 of the Universal Declaration on Human Rights addresses the rights of an individual to challenge and seek remedy against violations of an individual’s rights, including the right to a fair trial and due process. Article 8 provides that:

“Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”

Upon arrest, both the Mandela Rules and the Arab Charter on Human Rights address the right to be informed at the time of arrest of the reasons for arrest and the right to be presented with charges justifying continued detention. Rule 119 of the Mandela Rules provides that “[e]very untried prisoner has the right to be promptly informed about the reasons for his or her detention and about any charges against him or her.” Article 14(3) of the Arab Charter on Human Rights similarly provides that “Anyone who is arrested shall be informed at the time of arrest, in a language which he understands, of the reasons for his arrest, and shall be promptly informed of any charges against him.”

Article 14 of the Arab Charter goes on to further ensure the right to be brought promptly before a judge to challenge the lawfulness of the arrest and detention. Article 14(5) and 14(6) provide that:

“(5) Anyone arrested or detained on a criminal charge shall be brought promptly before a Judge or other officer authorized by law to exercise judicial power, and shall be entitled to trial within a reasonable time, or to release. The release may be subject to guarantees to appear for trial. It shall not be a general rule that persons awaiting trial shall be held in custody.”

“(6) Anyone who is deprived of his liberty by arrest or detention shall be entitled to proceedings before a court, in order that a court may decide without delay on the lawfulness of his arrest or detention, and order his release if the arrest or the detention is not lawful.”

These rights are emphasised by the UN Working Group on Arbitrary Detention which has found that “in all circumstances deprivation of liberty must remain consistent with the norms of international law,” and “the legal basis justifying the detention must be accessible, understandable, non-retroactive and applied in a consistent and predictable way to everyone equally.”
118. The right to legal representation upon arrest and charge, and during legal proceedings, is also protected. The Mandela Rules repeatedly set out the right to be provided with a lawyer, including within Article 119, which provides that:

“If an untried prisoner does not have a legal adviser of his or her own choice, he or she shall be entitled to have a legal adviser assigned to him or her by a judicial or other authority in all cases where the interests of justice so require and without payment by the untried prisoner if he or she does not have sufficient means to pay.”

119. These provisions not only highlight the right to legal representation, but the right to “be provided with adequate opportunity, time and facilities to be visited by and to communicate and consult with a legal adviser of their own choice or a legal aid provider, without delay, interception or censorship and in full confidentiality, on any legal matter, in conformity with applicable domestic law.” The provisions highlight the need for regular access to a lawyer to fully allow for the preparation of a defence. To this, Rule 93 provides:

“For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions.”

120. In addition to access to a lawyer, a detained individual must be provided with materials necessary to allow for adequate preparation of a defence, including “writing material for the preparation of documents related to his or her defence, including confidential instructions for his or her legal adviser or legal aid provider.”

121. The provision of a lawyer is also critical during interrogations to ensure the detained individuals rights and safeguard against abuse. Concerns that the absence of legal representation during interrogations might lead to abusive practices and violations to fair trial rights are addressed by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which Saudi Arabia is a party. Article 15 speaks to the risk that information acquired from abusive interrogation might be used to support charges against the detainee, providing that “any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings.”
International prohibition against physical and psychological torture, and other cruel, inhuman and degrading treatment

122. As foreshadowed in the previous paragraph, Saudi Arabia has also accepted international protections against physical and psychological torture and other abusive treatment, and has the obligation to ensure that “[a]ll prisoners shall be treated with the respect due to their inherent dignity and value as human beings.”\(^{25}\)

123. Physical and psychological torture, as well as other abusive treatment, is prohibited within the Convention against Torture, Arab Charter on Human Rights, the Mandela Rules and Universal Declaration of Human Rights, and through these documents, Saudi Arabia has agreed to protect the right against torture. For example:

   i. Article 5 of the Universal Declaration of Human Rights not only provides that “[n]o one shall be subjected to torture” but also that no individual should be subjected to treatment which might not rise to the level of torture, including “cruel, inhuman or degrading treatment or punishment.”\(^{26}\)

   ii. Rule 1 of the Mandela Rule provides a similar prohibition to both abusive acts and treatment which rises to the level of torture, stating “[n]o prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification.”\(^{27}\)

   iii. Article 8 of the Arab Charter on Human Rights similarly provides that “No one shall be subjected to physical or psychological torture or to cruel, degrading, humiliating or inhuman treatment.”\(^{28}\)

124. The Bangkok Rules acknowledge the vulnerable position of women who report abuse in prison; providing that “[w]omen prisoners who report abuse shall be provided immediate protection, support and counselling, and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality”, … and “taking into account specifically the risks of retaliation.”\(^{29}\)

The Rules go onto to provide that women who report sexual abuse “shall receive

---

\(^{25}\)Mandela Rules, Rule 1.

\(^{26}\)Universal Declaration of Human Rights, Art. 5.


\(^{28}\)Arab Charter on Human Rights, Art. 8(1).

\(^{29}\)Bangkok Rules, Rule 25(1).
appropriate medical advice and counselling and shall be provided with the requisite physical and mental health care, support and legal aid."^{30}

125. As a signatory to the Convention against Torture, Saudi Arabia has further agreed to protect against acts of torture and its implications for fair trial and due process rights. Here, 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.”^{31}

126. Importantly, these documents not only prohibit acts of torture but also create a positive obligation on States to take steps to prevent torture and other abusive acts from being committed. This includes Article 8 of the Arab Charter on Human Rights which provides that “[e]ach State party shall protect every individual subject to its jurisdiction from such practices and shall take effective measures to prevent them”,^{32} and Article 2 of the Convention against Torture “[e]ach State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.”^{33}

127. Last, it is important to note that the right against torture has been unequivocally confirmed as non-derogable. The Convention against Torture makes clear that “[n]o exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”^{34}

**Saudi Arabia’s compliance with international law**

128. International human rights organisations, such as Amnesty International and Human Rights Watch, and media outlets have documented allegations of violations to the rights

---

^{10} Bangkok Rules, Rule 25(2).
^{31} Convention Against Torture and Other Cruel Inhuman or Degrading Treatment, Art. 1.
^{32} Arab Charter on Human Rights, Art. 8(2).
^{33} Convention Against Torture and Other Cruel Inhuman or Degrading Treatment, Art. 2(1).
^{34} Convention Against Torture and Other Cruel Inhuman or Degrading Treatment, Art. 2(2).
of political prisoners, and other detainees. This includes reports that detainees “were frequently held incommunicado during interrogation and denied access to lawyers.”\textsuperscript{35} In its 2019 country report, the United States Department of State identified incommunicado detention as “a problem” and that “[a]uthorities reportedly did not always respect a detainees’ right to contact family members following detention.”\textsuperscript{36}

129. In respect of fair trial and due process rights, whilst there is no formal penal code, domestic provisions under the 2013 Law of Criminal Procedure (the Criminal Procedure Law) set out some protections for individuals who are arrested and detained. For example, Articles 4 and 114 set out time limits for the detention of an individual prior to trial.\textsuperscript{37} However, reports set out that despite Saudi Arabia’s international legal obligations in regards to fair trial and due process rights, and domestic provisions which set out specific protections, “[a]uthorities reportedly often failed to observe these legal protections.”\textsuperscript{38}

130. For example, Amnesty International reports that these violations are common, with allegations of authorities “detain[ing] arrested suspects for months, even years, without judicial review or prosecution” and figures indicating that in 2018 “authorities were holding 2,305 individuals who are under investigation for more than six months without referring them to a judge, including 251 for over three years.”\textsuperscript{39}

131. NGO and media reports have also documented instances of torture and other abusive treatment of political prisoners at detention facilities in Saudi Arabia. Amnesty International reports that “[t]orture and other ill-treatment are widely used in Saudi Arabia, in violation of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other international law” and that these actions are often “used to extract “confessions” from them, to punish them for refusing to “repent”, or to force them to undertake to not criticize the government.”\textsuperscript{40}

\textsuperscript{40} Saudi Arabia: Reform Without Human Rights, Amnesty International Submission for the UN Universal Periodic Review, 31st Session of the UPR Working Group, November 2018, p. 11.
132. This includes allegations of political prisoners, including a number of women in detention, being sexually harassed, and subjected to “torture and other forms of ill-treatment during interrogation.”\(^{41}\) Leaked medical reports prepared for King Salman detailed the abusive treatment of political prisoners including instances of torture, malnutrition and serious health conditions of as many as 60 political prisoners.\(^{42}\)

**Conclusion**

133. The FFP was not permitted to visit the Detainees in detention so that it could reach an independent conclusion regarding the conditions in which they are held and their overall health and wellbeing. The FFP has therefore been unable to collect direct evidence from the Detainees themselves or those responsible for their detention. Furthermore, despite invitation, the Saudi Arabian authorities have not submitted written evidence to the FFP nor did they engage with the live evidence session hosted on 17 November 2020.

134. In the circumstances, the FFP draws a conclusion that the Saudi government does not welcome independent oversight of the Detainees’ conditions in detention.

135. The FFP has carefully considered the evidence available to it and measured the allegations of torture, arbitrary and incommunicado detention against the wealth of independent information available regarding the detention conditions of detainees more generally in Saudi Arabia.

136. The FFP finds that the concerns raised as regards the welfare of the Detainees that it was mandated to investigate, consistent with those recorded by human rights organisations including Human Rights Watch (“HRW”), Amnesty International (“AI”), the United Nations and the United States State Department as well as media reports about the treatment of detained individuals in Saudi Arabia.

137. The FFP finds that, on the balance of probabilities, the allegations made on behalf of the Detainees are likely to be true and are consistent with the general treatment of prisoners, particularly human rights activists in Saudi Arabia.

\(^{41}\) Saudi Arabia: Reports of torture and sexual harassment of detained activists, Amnesty, 20 November 2018.

138. The FFP is deeply disappointed and concerned with the stance the Saudi Arabian authorities have taken to date and extends it invitation to the Saudi Arabian government to allow the FFP, or any other reputable independent body, to undertake a visit to the Detainees in Saudi Arabia.

139. The FFP believes that the combination of the failure of the KSA to live up to the normal standards of international law in respect of its duties towards its own citizens contributes to its unwillingness and inability to publicly contextualise the security challenge it faces in a turbulent region and thus serves to increase the threat to the stability of the government of KSA. This presents a wider threat to international peace and stability. It is in the interests of the whole international community and the KSA itself that this is urgently addressed so the KSA can defend and explain its actions in a way that will not leave it wholly pilloried in the wider court of global public opinion.