

## Statement UPR Info Pre-sessions

Talking points: Counterterrorism, state security, arbitrary detention

### Counterterrorism:

- Freedom of expression is severely restricted in Saudi Arabia: the crackdown on public dissent does not happen in a vacuum. The legal framework enables the repression and establishes a real modus operandi.
- **Saudi Arabia previously supported recommendations to ensure that its counterterrorism legal framework does not criminalise acts that fall under the right to freedom of expression: Recommendations 122.90 (Norway) and 122.91 (Austria).**
- The main legal basis relied upon by authorities is the Counterterrorism legal framework. The definition of terrorism is enshrined in article 1 of the 2017 Counterterrorism Law : a very vague and broad definition which allows public authorities to conflate public criticism with terrorism. This concern was in fact voiced by UN Special Procedures in a letter issued to the government in December 2020 and pointed to the ambiguous provisions that could entail the criminalisation of acts of falling under freedom of expression.
- For example, in 2022, **two women human rights defenders** were sentenced to 27 and 45 years in prison for merely tweeting on the basis of this framework.
- **Key recommendation: Amend the Counter-Terrorism Law to adopt a terrorism definition in line with international human rights standards, so as not to criminalise acts falling under the right to freedom of expression, peaceful assembly and association.**

### State Security:

- There is an institutional framework that gives effect to this legal framework and its undeniably the State Security Presidency (SSP). **The State Security has undergone an overhaul of its apparatus since the accession of Crown Prince Mohammed Bin Salman, and is now fully centralized under the power of the King.**
- **Unfortunately, no recommendation was made about the institutional framework in Saudi Arabia during Saudi Arabia's last UPR cycle. We believe that during this cycle, it is crucial to have a recommendation, as the SSP constitutes the starting point of any subsequent human rights violation.**
- Its mandate is provided in the Counterterrorism law and it is given the authority to arrest and detain suspects of any Counterterrorism crimes: UN Special Procedures pointed out that it is provided with almost unconstrained powers and it acts without judicial oversight.
- The SSP also controls a number of detention centers and prisons. MRG has documented several cases of gross human rights violations in these centers.
- The SSP does not work in silos: it works with the Public prosecution office and the Specialized Criminal Court which have been increasingly used for the prosecution of human rights and political activists.
- **Our recommendation is to ensure, at the very least that ensure that the SSP is subjected to independent and impartial judicial oversight. We also recommend to amend the Basic Law and the 2017 Counter-Terrorism Law to ensure that those arrested by the SSP are brought promptly before a judicial authority.**

### Arbitrary detention:

- UN WGAD found KSA to be in violation of its international human rights law obligations in over 60 cases
- **Saudi Arabia supported recommendations regarding the release of anyone imprisoned for the exercise of their right to freedom of peaceful assembly, including human rights defenders and journalists: Recommendations 122.132 (United States) and 122.131 (Belgium).**
- Individuals are routinely arrested without a warrant nor justification for the arrest and are usually abducted from their homes.
- Those arrested by the SSP are systematically denied the right to challenge the lawfulness of their detention before a court.
- They are transferred to secret or unknown locations where they are typically held incommunicado, i.e., denied their right to contact their family or lawyer or receive visits
- Prisoners are often held beyond the completion of sentence.
- **Our recommendations are to end the practice of incommunicado detention and prevent detention in secret or unknown locations; Amend relevant legislation to ensure procedural guarantees are afforded, including access to a lawyer.**