

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls**

Ref.: AL SAU 4/2024  
(Please use this reference in your reply)

28 November 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 52/4, 52/9, 49/10, 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the continued ill-treatment, and intimidation of detained human rights defender, Ms. **Manahel al-Otaibi**, as well as her conviction under the Law on Combatting Crimes of Terrorism and its Financing, which we have previously expressed concerns about.

Ms. **al-Otaibi** is a woman human rights defender, certified fitness instructor and artist from Saudi Arabia. She is a social media activist, and has frequently promoted content relating to women's empowerment, as well as her other interests including travel and yoga. Her posts have included advocacy for liberal dress codes for women, LGBTI rights and the abolition of Saudi Arabia's male guardianship laws. She has also called on the Government to shut down State-run shelters where women and girls had reportedly suffered abuse. She was previously the subject of a communication sent to your Excellency's Government by Special Procedures on 1 December 2023, [AL SAU 10/2023](#). We thank Your Excellency's Government for its reply on 25 January 2024. However, in light of the following information received, we remain concerned over the continued inadequate prison conditions, and her conviction under anti-terrorism legislation for what appears to be the legitimate exercise of her right to freedom of expression and opinion.

Ms. al-Otaibi was arrested on 16 November 2022, in relation to her social media posts expressing criticism of the male guardianship laws in Saudi Arabia, in particular the Personal Status Law which in March 2022 codified informal rules under Sharia law into Saudi Arabian legislation. Her posts also included criticism of the requirements for women to wear the body-shrouding abaya. Although the Saudi authorities announced a relaxation of the dress code, Saudi women still face legal uncertainty and poorly defined accusations of wearing "indecent" clothing. In January 2023, her case was referred to the Specialized Criminal Court (SCC), to be tried on charges related to the Anti-Cybercrime Law of 2007, in relation to her social media

posts. She was accused under Saudi customs and traditions, not under a specific law, of “defaming the Kingdom at home and abroad and calling for rebellion against public order and society’s traditions and customs.” Ms. al-Otaibi was detained while awaiting trial and was reportedly subjected to physical and psychological abuse by another inmate.

According to the information received:

On 9 January 2024, the SCC convicted Ms. al-Otaibi of having committed “terrorist offences,” under articles 43 and 44 of the Law on Combatting Crimes of Terrorism and its Financing (the Law), and sentenced her to 11 years in prison, in a preliminary ruling, which she subsequently appealed. The Court of Appeal upheld the sentence, and her case is currently in front of the Supreme Court. The court documents were not made available to Ms. al-Otaibi’s family.

Article 43 of the Law imposes a maximum sentence of 20 years to “whoever establishes a website” with the intent of committing a crime, or to “facilitate communication with a leader or members of a terrorist entity.” Under article 44 of the Law, the crime of broadcasting a “statement, false or malicious rumour for implementing a terrorist crime,” is punishable by up to of five years in prison.

Ms. al-Otaibi’s family first learned of her conviction and sentencing through the response of the Government of Saudi Arabia, made public on 25 January 2024, in response to the communication AL SAU 10/2023 sent by Special Procedures mandate holders, as cited above. The letter did not provide any further details: it did not identify the “leader or members of a terrorist entity” she had allegedly communicated with, nor which “terrorist crime” she had broadcast statements about. There was no mention in the letter of the charges related to the Anti-Cybercrime Law.

According to the Government’s reply, Ms. al-Otaibi “is regularly able to exercise her right to receive visits and make calls with her family members and her lawyer, like any other prisoner or detainee.” However, according to other information received, Ms. al-Otaibi has not been allowed any family visits since her imprisonment though she is allowed to make phone calls to them. Her court-appointed lawyer has not had regular contact with her family, has not provided them with documents or information about any procedures or court hearings. The extent of Ms. al-Otaibi’s contact with her lawyer is also not clear to her family.

Ms. al-Otaibi has been serving her sentence in al-Malaz prison, in a cell on her own. She is permitted to leave her cell but has reportedly been the victim of a number of attacks by other female inmates. When she complained several times to prison authorities about the attacks, she was placed in isolation, in one instance for up to five months, with no proper bedding, and no access to her family or to books or money sent by them.

On 22 April 2024, she spoke to her family for the first time in five months. It is reported that Ms. al-Otaibi had been placed in isolation following an incident in which she was beaten by other female inmates. She was not able to speak about all the violations against her for fear that the prison authorities would cut off her call.

It is reported that in early July 2024, three female inmates harassed her sexually while she was on her way to the bathroom, and had entered her cell, touching her while she was asleep. She complained to the prison authorities, but no action was taken.

It is further reported that in mid-September 2024, Ms. al-Otaibi was stabbed in the face by a female prisoner with a sharpened pencil and beaten. It is reported that prison guards gave the pencil to the inmate and allowed the attack to take place. She was taken to the hospital where she received stitches on her face and was placed in isolation in prison for two weeks, after which she was able to call her family.

It is also reported that the prison authorities added a new allegation to her case, claiming that she was in a sexual relationship with a fellow inmate. They were referring to the fact that the inmate in question had assisted Ms. al-Otaibi when she was in a poor physical or psychological state. The new allegation could reportedly be used as a judicial charge leading to an additional sanction at the judge's discretion.

Without prejudging the accuracy of the information received, we wish to express serious concern at the allegations of intimidation and ill-treatment in prison of human rights defender Ms. al-Otaibi, the lack of proper attention to her complaints and the lack of family visits.

We also wish to reiterate our concern regarding the trial of Ms. al-Otaibi before the Specialized Criminal Court, established in 2008 to try individuals accused of terror-related crimes. This court, in tandem with the vague definition of terrorism and terrorist offences, including speech-related offences, in the Law on Combatting Crimes of Terrorism and its Financing has been systematically used to quash criticism, dissent and opposition to the Government and royal family. The vague and overbroad nature of the counter-terrorism law is notably concerning as it allows to curtail and punish the exercise of freedom of opinion and expression and does not provide sufficient safeguards regarding compliance with the prohibition of arbitrary detention and enforced disappearances, and the right to a fair trial and due process guarantees. This matters has been previously brought to the attention of your Excellency's Government by sharing our observations on the law in communications [OL SAU 12/2020](#) and [AL SAU 5/2022](#), sent on 17 December 2020 and 28 March 2022 respectively. We thank your Excellency's Government for its reply to the latter communication on 25 May 2022, and we regret that no reply has been received to the former communication. The SCC and the Law were also criticised by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism during his 2017 visit to Saudi Arabia for their harmful impact to civil society and human rights defenders ([A/HRC/40/52/Add.2](#)). We are concerned that despite having already brought such concerns to the attention

of your Excellency's Government, it appears that specialized courts and anti-terrorism legislation continue to be used to restrain and punish the legitimate exercise of rights protected under international human rights law.

We would like to recall that the Working Group on discrimination against women and girls recently sent a letter ([OL SAU 9/2023](#) sent on 18 October 2023) regarding the restrictions on women's mobility that are based on certain interpretations of religion enshrined in legislation and social practices about "male guardianship", that are contrary to international human rights norms. We regret not receiving a response by your Excellency's Government. In addition, the Working Group on Discrimination against Women and Girls expressed in its thematic report (A/HRC/41/33) that measures to combat terrorism and corresponding national security measures sometimes profile and target women, in particular those from certain groups and sometimes even women human rights defenders. It has further recommended States to ensure that measures addressing conflict, crisis, terrorism, and national security incorporate a women's rights focus and do not instrumentalize women's deprivation of liberty for the purposes of pursuing government aims. As highlighted in its thematic report on Health and Safety (A/HRC/32/44), the Working Group stresses that women's safety should be addressed as an integral aspect of women's health. Women's exposure to gender-based violence in both the public and private spheres is a major component of women's physical and mental ill health and the destruction of their well-being, and constitutes a violation of their human rights. We recall the negative effect of counter-terrorism financing laws on women's rights organizations and civic space and reiterate the need to specifically protect women human rights defenders, including from ill-conceived and badly applied counter-terrorism law and practice (A/HRC/46/36, paras 7 and 13; A/HRC/43/51, para. 28).

We also wish to highlight that the Special Rapporteur on violence against women and girls highlighted the specific forms of violence that women and girls confront in sport (A/79/325) that "sport are important avenues for creating social change, as they enable women and girls to challenge gender norms and stereotypes". In its general recommendation 40, the CEDAW called on States to "dismantle stereotypes and establish parity in sport and artistic expression"

According to article 3 of the Declaration on the Elimination of Violence against Women, women are entitled to the full enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, civil or any other field, as well as to be free from all forms of discrimination. Women must also not be subjected to torture, or other cruel, inhuman or degrading treatment or punishment. According to article 4 of the aforementioned Declaration, States must "pursue by all appropriate means and without delay a policy of eliminating violence against women".

Furthermore, in its concluding observations on the fifth periodic report of Saudi Arabia, CEDAW/C/SAU/CO/5 of 29 October 2024 "the Committee urges the State party to uphold its commitment to women's human rights, including the right to life, access to justice and the rights to freedom of expression and assembly... It calls upon the State party to strengthen the application of the Convention in legal proceedings in the State party for the benefit of all women, particularly...human rights defenders and activists, women in detention" in line with the Committee's

general recommendation 33 201%) on access to justice It also called on your Excellency's Government to protect women in detention to fair and gender-responsive application of the law." It also recommended to your Excellency's Government the elimination of gender stereotypes regarding the roles and responsibilities of women and men in the family and in society, affecting the rights and capacity of women and girls to develop their personal abilities and make free choices about their lives and life plans.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to reported allegations of ill-treatment and intimidation in prison. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please provide information as to any restrictions that have been placed on Ms. al-Otaibi's access to family visits in prison, and whether she has access to legal counsel of her own choice and to medical personnel while in prison.
4. Please indicate the factual and legal grounds for Ms. al-Otaibi's arrest, detention and prosecution, including how these are compatible with international human rights standards and Saudi Arabia's obligations under international law. Please provide information on why charges related to terrorist acts and raising funds for terrorist organisations have been levied against Ms. al-Otaibi and indicate how this complies with the obligation to pursue counter-terrorism obligations consistent with international law as set out inter alia in United Nations Security resolution 1373, FATF recommendation 8, and a strict understanding of the definition of terrorism as elucidated by international law norms including but not limited to United Nations Security Council resolution 1566 (2004) and the recommendations provided by the mandate of the Special Rapporteur for the promotion and protection of human rights and fundamental freedoms while countering terrorism.
5. Please indicate the steps taken by your Excellency's Government to amend the Law on Combatting Crimes of Terrorism and its Financing to ensure that it complies with international human rights law, including the principle of legality and the right to freedom of

expression and opinion.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Laura Nyirinkindi

Chair-Rapporteur of the Working Group on discrimination against women and girls

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to highlight your Excellency's Government of its obligation to respect and protect the rights guaranteed under the Universal Declaration of Human Rights (UDHR), in particular, articles 3, 5, 9, 10, 19 and 20, which guarantee to all persons the right to life, liberty and security of person, that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, that no one shall be subjected to arbitrary arrest or detention, that all those with criminal charges against them are entitled to a fair and public hearing by an independent and impartial tribunal, that everyone has the right to hold opinions without interference, the right to freedom of expression, including freedom to hold opinions without interference and the right to seek, receive and impart information and ideas through any media, and the right to freedom of association. We further emphasize that the right contained in article 19 in relation to freedom of expression apply online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

We also respectfully remind your Excellency's Government of the applicable international human rights standards outlined by the Arab Charter on Human Rights (ACHR), specifically articles 8, 13, 14, 20, 24 and 30, which provide that no one shall be subjected to physical or psychological torture or to cruel, degrading, humiliating or inhuman treatment, and safeguard the rights to a fair trial, to liberty and security of person and freedom from arbitrary arrest or detention, to be treated with humanity and with respect for the inherent dignity of the person when deprived of their liberty, to freedom of association and to freedom of opinion and expression.

We recall that States have a duty to protect the health of prisoners and detainees, in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners, also known as the Mandela Rules (rules 25-35). The Mandela Rules also protect the right of detainees to receive visits from their family and prohibit the use of disciplinary sanctions or restrictive measures that include the prohibition of family contact (rules 43 and 58). The United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), complementary to the Nelson Mandela Rules, address specific needs of women in detention. According to rule 23, disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children. According to rule 25(1), women 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. Protection measures shall take into account specifically the risks of retaliation. Furthermore, article 4(c) of the Declaration on the Elimination of Violence against Women holds that States should exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women.

In addition, we would like to reiterate your Excellency's Government of its obligation under the International Convention on the Elimination of Discrimination against Women (CEDAW) through its ratification on 17 February 1982, in particular

article 7, which provides that States shall take appropriate measures to eliminate discrimination against women in the political and public life of the country, including the right to participate in non-governmental organizations and associations concerned with the public and political life of the country.

As stressed by the Working Group on discrimination against women and girls in one of its thematic reports to the Human Rights Council (A/HRC/23/50), women human rights defenders are often the target of gender-specific violence, such as intimidation, attacks, and death threats, which are sometimes condoned or perpetrated by State actors. The Working Group has further called upon States to eliminate all forms of violence against women in order to fulfil women's human rights and to facilitate women's participation in political and public life.

Moreover, as the Working Group on discrimination against women and girls expressed in its report on girls' and young women's activism (A/HRC/50/25), girls and young women are mobilizing worldwide to demand and catalyse change on critical global issues. They are at the forefront of initiatives aimed at transforming societies towards social justice, gender equality and sustainability. The realization of girls' and young women's human right to participate in public and political life, including organizing and engaging actively with a variety of State and non-State actors, is essential for the protection of their human rights. The Working Group on discrimination against women and girls has called on States to ensure that mechanisms are in place to solicit the views of girls and young women in all matters of public interest affecting them directly or indirectly and to give due weight to those views.

Furthermore, in its report to the Human Rights Council on women deprived of liberty (A/HRC/41/33), the Working Group on discrimination against women and girls noted that deprivation of liberty is deeply linked to gender. The Working Group underscored that women human rights defenders, perceived as challenging traditional notions of family and gender roles in society (A/HRC/40/60, para. 28), are increasingly at risk of facing criminalization and detention as a result of their legitimate public activism (see A/HRC/16/44 and Corr. 1). This is because stereotypes about a woman's "proper" role dictate not only how she should (not) behave within the home but also in public, and defying those standards in public may put women at risk of deprivation of liberty. Women who seek to participate in political, economic, social or cultural leadership in their communities or nations may be acting in defiance of stereotypes obliging women to stay quiet and invisible and defer to male governance. They may thus be stigmatized, or even criminalized or confined, to prevent them from speaking out or taking action (A/73/301). The Working Group on discrimination against women and girls has recommended States to eliminate any laws or policy measures designed to criminalize the public roles of women.

We would like to draw to the attention of you Excellency's Government the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental

freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We also refer your Excellency's Government to the General Assembly resolution 68/181, adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders; take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses; and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

We remind your Excellency's Government that the "principle of legal certainty" under international law, enshrined in article 11 of the UDHR, requires that criminal laws be sufficiently precise so it is clear what types of behaviour and conduct constitute a criminal offense and what would be the consequence of committing such an offense. This principle recognizes that ill-defined and/or overly broad laws are open to arbitrary application and abuse (A/73/361, para. 34). Moreover, the law must be formulated with sufficient precision so that the individual can regulate his or her conduct accordingly. We respectfully remind your Excellency's Government of the relevant provisions of the United Nations Security Council resolutions 1373 (2001), 1456(2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); as well as Human Rights Council resolution 35/34 and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180. All of these resolutions require that States ensure that any measures taken to combat terrorism or violent extremism, including incitement of and support for terrorist acts, must comply with all of their obligations under international law, in particular international human rights law, refugee law, and humanitarian law. As the General Assembly noted in the United Nations Global Counter-Terrorism Strategy, effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing. We would like to emphasize that any restriction on freedom of expression or information that a government seeks to justify on grounds of national security or counter terrorism, must have the genuine purpose and the demonstrable effect of protecting a legitimate national security interest (general comment No. 34).