

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

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(Please use this reference in your reply)

15 December 2025

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 independence of judges and lawyers and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 52/4, 52/9, 53/12 and 58/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the retrial and a new long-term prison sentence imposed against human rights defender Mr. Mohammed Saleh al-Bajadi with serious concerns about the violation of due process.**

Mr. Mohammed Saleh al-Bajadi is a founding member of the now-banned ACPRA, a human rights organization that documented human rights violations, filed lawsuits against the Ministry of Interior and reported violations to the UN Human Rights Council and Special Procedures. He had also founded the "Forum for Cultural Debates", a group that used to meet weekly to discuss the promotion of human rights. Mr. al-Bajadi was the subject of five previous communications since 2014 from various Special Procedures mandate holders dated 20 May 2021 (SAU 6/2021); 14 June 2018 (SAU 7/2018); 22 December 2017 (SAU 12/2017); 1 July 2016 (SAU 4/2016); 3 October 2014 (SAU 11/2014). We thank your Excellency's Government for the response to the communications of SAU 6/2021, SAU 12/2017 and SAU 4/2016. However, we regret that no response has been transmitted to the other communications. Other detained ACPRA human rights defenders were also the subject of numerous communications with your Excellency's government.

Mr. al-Bajadi was the subject of opinion No. 38/2015 adopted by the Working Group on Arbitrary Detention at its seventy-third session (September 2015). In its opinion, the Working Group established that his detention was arbitrary because it was based on the peaceful exercise of his legitimate rights to freedom of expression and peaceful association, and that it formed a part of a continued persecution and crackdown on human rights activists in Saudi Arabia (opinion No. 38/2015 issued on 4 September 2015). According to the Working Group, his detention is arbitrary and falls under categories II and III.

A report by the Special Rapporteur on the situation of human rights defenders presented to the UN General Assembly at its 76th Session on 14 October 2021 cited Saudi Arabia as one of the States where human rights defenders had been sentenced to

10 years or more in prison in connection to their peaceful human rights work.¹

According to the information received:

Background information:

On 21 March 2011, Mr. al-Bajadi was arrested after he attended a peaceful protest outside the Ministry of interior in Riyadh. He was placed in solitary confinement for four months. His trial began in August 2011. It is alleged that his trial was secret as neither the charges against him, nor his sentence were made public. Furthermore, his legal defence team was denied access to him and informed that their right to represent him is not recognized by the court. His lawyers and family were neither informed about the hearings nor allowed to attend them.

On 10 April 2012, the Specialized Criminal Court (SCC) in Riyadh, which tries terrorism-related cases, sentenced him to eight years in prison, with four years suspended, followed by a five-year travel ban. The Court found Mr. al-Bajadi guilty of 1) participating in the establishment of an unlicensed organization; 2) harming the image of the state through the media; 3) calling on the families of political detainees to protest and hold sit-ins; 4) contesting the independence of the judiciary and 5) having banned books in his possession. Mr. al-Bajadi and his legal representative were unaware that the Court of Appeal had rejected the sentence handed down by the SCC and sent the case back to the same court for re-trial.

Mr. al-Bajadi's second trial started on 15 August 2013. On this occasion, Mr. al-Bajadi was not informed of this re-trial until prison security guards asked him to go to court to receive a copy of his first sentence. He refused to do so in protest at the unfairness of his trial and the secrecy surrounding it. Later, he discovered that the court summons was for the re-trial of his first hearing, based on the Court of Appeal's order, not in a new case but on the same five charges, cited above. He was sentenced in 2015 to ten years in prison, with five years suspended, and a four-year travel ban.

On 29 November 2015, Mr. al-Bajadi was transferred, ordered by an administrative decision, to the Mohamed bin-Nayef Centre for Counselling and Care, a rehabilitation centre for those following "devious thoughts" before their release.

On 21 April 2016, he was released, after more than five years in detention including several months in solitary confinement. Before his release, Mr. al-Bajadi was reportedly asked to pledge to stop his activism and refrain from communication with foreign organisations or media. In a tweet on 26 October 2016, he wrote that he would stop participating on all social media accounts for "reasons that are not unknown to you."

¹ States in denial: the long-term detention of human rights defenders <https://docs.un.org/en/A/76/143> , no. 41 and no. 128

Mr. al-Bajadi's current case:

On 24 May 2018, Mr. al-Bajadi was arrested during a security crackdown on campaigners for women's rights. He was arrested from his home by State Security officers and taken to an unknown location. He was not tried and was ordered to serve the five years of suspension of his previous prison sentence, handed down in 2015. He was held in Buraydah Prison.

He was due to be released in May 2023 but was instead kept in detention in Buraydah Prison.

On 27 October 2025, Mt. al-Bajadi was subjected to a trial by the Specialised Criminal Court and sentenced to another 25 years in prison. He had no access to a lawyer and the charges have not been made public. It was not known what he was charged with by the time of writing of this communication. He is currently held in Buraydah Prison.

While we do not wish to prejudge the accuracy of these allegations, we would like to express our utmost concern at the arbitrary detention, judicial harassment and disproportionately harsh sentencing under the guise of national security and counter-terrorism legislation in relation to Mr. al-Bajadi for the legitimate exercise of his rights to freedom of peaceful assembly, association and expression and his right to participate in public affairs. We remind your Excellency's Government that the criminalization of the legitimate defence of the human rights of others is incompatible with international human rights law. We are also concerned by the multiple allegations indicating that fair trial standards may have been breached during the several trial proceedings against Mr. al-Bajadi.

We remind your Excellency's Government that the serious violation of due process to Mr. al-Bajadi contravenes his right not to be arbitrarily detained as well as his right to a fair trial. Mr. al-Bajadi was reportedly not given access to a lawyer of his choosing, tried on the basis of secret evidence and information about his trial was not made public. Furthermore, at the time of his arrest, he was initially denied access to legal counsel, was not informed of the charges against him, and his hearings were held behind closed doors without apparent justification. Allegations also indicate that he was subjected to solitary confinement.

With regard to the Specialized Criminal Court, we recall that the former Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in his country visit to Saudi Arabia,² the Committee against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment³ and the Working Group on Arbitrary Detention⁴ have all expressed concerns that this Court, which was established in 2008 to try cases of terrorism, is insufficiently independent of the Ministry of the Interior. As a court of exception, the Specialized Criminal Court is not composed of independent judges but of a panel appointed by the Ministry of the Interior.

² A/HRC/40/52/Add.2, see para. 47.

³ CAT/C/SAU/CO/2 and Corr. 1, para. 17

⁴ See, inter alia, WGAD opinions Nos. 10/2018, para. 73; 22/2019, para. 74; 26/2019, para. 102; 56/2019, para. 86; and 71/2019, para. 86.

Concerns regarding the 2017 Law on Combatting Crimes of Terrorism and its Financing have been expressed by various Special Procedures mandate holders (see SAU 12/2020, SAU 1/2022, SAU 5/2922, SAU 7/2022, and SAU 1/2023 and SAU 4/2023), as well as by the former Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in his country visit report to Saudi Arabia (A/HRC/40/52/Add.2). On every occasion, it was noted that several provisions of the Law appear to be incompatible with your Excellency's Government's obligations under the Universal Declaration of Human Rights (UDHR), reflecting customary international law. These concerns relate, among others, to the broad and vague definition of terrorism that encompasses non-violent acts, the criminalisation of freedom of expression, violations of fair trial guarantees, and the expanded application of the death penalty.

We express our deep concern regarding the imposition of a travel ban, the requirement to pledge to cease all activism and refrain from any communication with foreign organizations or media, as well as the obligation to remain in a so-called "rehabilitation" center. If such measures are applied outside a clear legal framework and without independent judicial oversight, they raise significant risks of arbitrariness and disproportionate interference with fundamental rights. Even when adopted by a judicial decision, they must comply with international human rights standards, including legality, necessity, proportionality, and effective review. We recall that freedom of movement is protected under article 13 of the UDHR and article 26 of the Arab Charter on Human Rights. In accordance with general comment No. 27—which, while not binding on non-parties to the ICCPR, can serve as an interpretative source of customary human rights law—any restriction on freedom of movement must be lawful, necessary, proportionate, and subject to effective review by an independent authority, taking into account the negative effects it may have on the rights to family life, work, health, and education, as well as the best interests of dependent children (A/80/284). We also recall that the prolonged or indefinite maintenance of restrictive measures, including asset freezes and travel bans, may become disproportionate and quasi-punitive over time (A/80/284). We are further concerned that imposing blanket prohibitions on lawful activism and engagement with media or international actors constitutes a direct violation of the rights to freedom of expression and association, and to participate in public affairs. Finally, as noted by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, placement in rehabilitation centers by non-judicial decision may result in prolonged deprivation of liberty amounting to administrative detention. In the absence of judicial involvement, enrolment must be genuinely voluntary to avoid constituting arbitrary detention under international human rights standards (A/HRC/40/52/Add.2, para. 58; see also A/80/284, paras. 64–70 in annex). We recall the previous concerns about rehabilitation centres in Saudi Arabia expressed by Special Procedures mandate holders (A/HRC/40/52/Add.2, para. 52; and communication SAU 12/2020).

If confirmed, the facts alleged would appear to contravene, among other norms, the right to liberty and personal security, the right not to be subjected to arbitrary arrest, the right to due process and fair trial, the right to freedom of opinion and expression, the right to freedom of peaceful assembly and association, and the right to participate in public affairs, as set forth in articles 3, 9, 10, 11, 19 and 20 of the UDHR, and articles 13, 14, 15, 16, 24 and 32 of the Arab Charter of Human Rights.

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 information regarding the factual and legal basis for the new trial of Mr. al-Bajadi, clarify the charges brought against him and explain whether and how it is compatible with international human rights norms and standards, in particular on the observance of his right to fair trial and his right to legal assistance.
3. Please provide information on why charges related to terrorist acts have been levied against the above-named human rights defender and indicate how this complies with the obligation to pursue counter-terrorism obligations consistent with international law 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 model definition of terrorism provided by the mandate of the Special Rapporteur for the promotion and protection of human rights and fundamental freedoms while countering terrorism.
4. Please indicate the measures taken by your Excellency's Government to review and amend the Law on Combating Crimes of Terrorism and its Financing to ensure full compliance with the principles of legality, necessity, proportionality, and non-discrimination. Please also indicate the manner in which it protects other fundamental rights and freedoms, including the right to freedom of opinion and expression.
5. Please indicate whether Mr. al-Bajadi had the opportunity to seek a review or appeal of the decision imposing a travel ban, restrictions on his freedom of opinion and expression, and the obligation to remain in a "rehabilitation" facility. Please explain the procedures available for such review, and how these measures comply with international human rights standards, including the rights to freedom of movement, freedom of opinion and expression, and to participate in public affairs, as enshrined in articles 13, 19, and 21 of the UDHR and articles 14, 24, and 32 of the Arab Charter on Human Rights.
6. Please provide the details, and where available the outcome of any investigation, and judicial or other inquiries carried out in relation to allegations of incommunicado detention as well as reports of breaches of fair trial standards. If no inquiries have taken place, or if they have been inconclusive, please explain why.

7. Please indicate what measures have been taken to ensure that human rights defenders and civil society organisations in Saudi Arabia are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any kind.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Margaret Satterthwaite

Special Rapporteur on the independence of judges and lawyers

Ben Saul

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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to articles 3 and 9 of the UDHR that stipulate that "no one shall be subject to arbitrary arrest, detention or exile". Article 19 enshrines the right to freedom of opinion and expression.

Your Excellency's Government has further obligations under the Arab Charter on Human Rights (ACHR), acceded to by your Excellency's Government on 15 April 2009. Article 14 provides for "the right to liberty and security of person, and the right not to be subjected to arbitrary arrest or detention". Article 24 provides for "the right to freedom of association and peaceful assembly". Article 32 safeguards the "right to information and to freedom of opinion and expression, as well as the right to seek, receive and impart information and ideas through any medium, regardless of geographical boundaries".

With reference to the jurisprudence of the Working Group on Arbitrary Detention, we wish to recall that the arrest or detention of individuals is considered arbitrary when it constitutes punishment for the legitimate exercise of human rights, such as freedom of opinion and expression, as well as assembly and association and participation in public affairs. We also recall that a deprivation of liberty is considered arbitrary when it constitutes a violation of international law on the grounds of discrimination. In addition, we wish to reiterate that incommunicado detention is inherently arbitrary as it places the person outside the protection of the law, in violation of article 6 of the UDHR.

We would like to bring to the attention of your Excellency's Government article 10 of the UDHR whereby 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. We also wish to recall that the right to legal assistance is one of the key safeguards in preventing the arbitrary deprivation of liberty and must be ensured from the moment of deprivation of liberty and, in the context of the criminal justice setting, prior to questioning by the authorities. We further underline that legal assistance should be available at all stages of criminal proceedings, namely, during pretrial, trial, re-trial and appellate stages, to ensure compliance with fair trial guarantees. In addition, we recall that the presence of legal counsel during interrogations is an essential safeguard in ensuring that any admissions by an individual are given freely, and that confessions made in the absence of legal counsel are not admissible as evidence in criminal proceedings.

Numerous resolutions of the United Nations General Assembly, Security Council and Human Rights Council reaffirm that any measures taken to combat terrorism and violent extremism must comply with the obligations incumbent on States under international law, in particular international human rights law, refugee law and international humanitarian law.⁵ All counter-terrorism measures must strictly comply

⁵ 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); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.

with the requirements of legality, necessity, proportionality and non-discrimination. Failure to comply with these principles can have extremely harmful effects on the protection of fundamental rights, particularly for minorities, historically marginalised communities and civil society. States must ensure that counter-terrorism measures do not impede the work and security of individuals, groups and bodies of society working to promote and defend human rights (A/HRC/RES/22/6, para. 10(a)).

Although there is no universal treaty that broadly defines "terrorism", States must ensure that counter-terrorism legislation is limited to criminalising conduct that is properly and precisely defined on the basis of international instruments, the General Assembly Declaration on Measures to Eliminate International Terrorism (1994) and Security Council Resolution 1566 (2004). Based on these authoritative sources, the standard definition of terrorism proposed by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism provides clear guidance on "best practices" by identifying behaviours that are truly terrorist in nature and precisely defining the constituent elements of terrorism (A/HRC/16/51, para. 28).

The principle of legality, as reflected in article 11(2) of the UDHR, requires that criminal laws be sufficiently precise to clearly indicate what types of behaviour and conduct constitute an offence and what the consequences of committing them would be. This principle recognises and seeks to prevent poorly defined and/or overly broad laws that are susceptible to arbitrary and abusive application, including against civil society for political or other unjustified reasons (A/70/371, para. 46(b)) and repress the exercise of fundamental rights and freedoms (A/HRC/40/52).

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms has emphasized that compulsory interventions must be strictly limited and permitted only where an individual (a) has been convicted of a terrorism offence properly defined according to international standards and is serving a custodial or non-custodial sentence; (b) has completed a prison sentence for such an offence and is assessed as a high risk of recidivism; or (c) is reasonably suspected of posing a risk of participating in a terrorist offence. In all cases, measures must be necessary and proportionate to prevent a criminal terrorist act, and less intrusive means must have proven ineffective. Detention is never justified solely to compel participation in counselling or re-education, and refusal to participate should not constitute a crime. Compulsory measures must be clearly authorized by law, based on transparent and evidence-based criteria, and imposed by a court—criminal or civil—subject to prompt judicial review. Participation in rehabilitation and reintegration programmes should otherwise be voluntary and informed, particularly for individuals acquitted, whose charges were withdrawn, or who did not meet the threshold for prosecution. Such programmes must respect dignity and human rights, prohibit exploitation, forced labour, torture, cruel or degrading treatment, and discrimination, and must never coerce individuals to renounce political, religious, or ideological beliefs or engage in humiliating "self-criticism." Freedom of opinion, thought, and conscience are absolute and cannot be impaired through coercion. Limitations on freedom of expression or religion may only be imposed where necessary and proportionate to protect security, public order, or the rights of others, and never to suppress non-violent or "extreme" views. Interventions must be grounded in empirical evidence and have clear, measurable objectives for disengagement (A/80/284, paras. 64–70). In addition, we

recall that "travel bans must comply with the principles of legality, necessity and proportionality, be limited in time and subject to effective judicial review" (ibid, paras. 62 to 66).

We would like to reiterate that the rights to freedom of expression, as well as freedom of association and peaceful assembly enjoy international legal protection. Under international law, the right to freedom of expression includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend, and it can only be restricted by measures provided by law, necessary, proportionate and that are the least intrusive instrument among those which might achieve their protective function. Countering terrorism should not be used as an excuse to suppress peaceful critics, human rights activists and members of minority groups.

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 (A/RES/53/144, adopted on 9 December 1998), also known as the UN Declaration on Human Rights Defenders provides in its articles 1, 2, and 6 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, as well as right to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms, while each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Article 17 provides that in the exercise of the rights and freedoms referred to in the Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.