

*A Stain on World Leaders and the G20
Summit in Saudi Arabia:*

*The shameful detention and torture of
Saudi women*



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A. Introduction and summary:

1. In May 2018, just weeks before Saudi Arabia's notorious prohibition on women driving was lifted by Royal Decree, no less than 10 human rights defenders who had successfully campaigned for the change were detained by the Saudi authorities. In June and July 2018, a further nine were arrested. These individuals are hereinafter referred to as the Women's Rights Activists. Most of the Women's Rights Activists are female, though some are male; all are human rights defenders with a longstanding commitment to improving the position of women in Saudi society through the exercise of their democratic rights.
2. The deep irony of the arrests was not lost on international commentators,¹ but to date many of the Women's Right Activists have not been released, and extremely serious allegations have emerged that they have been subjected to torture, inhuman and degrading conditions of detention, solitary confinement, and unfair trial processes.
3. As Saudi Arabia prepares to host the 2020 G20 Summit of world leaders in late November, it is vital that the world stands up for those still languishing in Saudi jails. I have prepared this report to highlight their plight, by examining all of the available information and evidence relating to the ongoing detention of the Women's Rights Activists, and by making clear recommendations for states and the international community as a whole to address the egregious human rights abuses being perpetrated by the Saudi authorities.
4. In particular, world leaders and G20 states should not participate in the G20 Summit in Saudi Arabia in late November unless the detainees are released. Those allegedly responsible for these detentions and gross violations, as named in this report, should be held accountable and sanctions imposed on them including Crown Prince Mohammed bin Salman, Khalid bin Salman and Saud Al-Qahtani.
5. In preparing this report, I have reviewed the following:
 - a. National and international legal instruments;

¹ See for example Amnesty International, 'Saudi Arabia: wider reforms must follow lifting of women's driving ban', 22 June 2018 (https://www.amnesty.org.uk/press-releases/saudi-arabia-wider-reforms-must-follow-lifting-womens-driving-ban?utm_source=google&utm_medium=grant&utm_campaign=BRD_AWA_GEN_dynamic-search-ads&utm_content).

- b. Report, opinions, and statements by organs of the United Nations (UN), in particular the Special Procedures of the UN Human Rights Council such as the UN Working Group on Arbitrary Detention (UNWGAD), and relevant treaty bodies such as the Committee on the Elimination of Discrimination Against Women (ComEDAW);
 - c. Reports by respected Non-Governmental Organisations (NGOs) and human rights organisations, including Human Rights Watch, Amnesty International and ALQST;
 - d. Reports by reputable newspapers; and
 - e. Interviews with a number of persons directly affected by the matters discussed in this report, including women formerly detained in Saudi Arabia and relatives of the Women’s Rights Activists.
6. Where I have reviewed secondary source material, and indeed in interviews with witnesses, I have taken into account the fact that they are largely second or sometimes third-hand. I have satisfied myself so far as possible that the information they contain is reliable, based on the credibility of the witnesses concerned, their proximity to the Women’s Right Activists, and any available corroborating evidence. Inevitably, however, the lack of first-hand evidence from the activists themselves is a limitation with which I have had to contend. The reason for this, of course, is that the Saudi authorities have so far refused international observers access to them; this is addressed in my recommendations below. The lack of direct evidence from the Women’s Rights Activists should therefore not be taken to undermine my conclusions and recommendations; indeed, if anything, they are strengthened by the fact that the dearth of first-hand testimony is solely attributable to the actions of the Saudi government.
7. In summary, I conclude that there is clear and credible evidence that:
- a. The arrest and continued detention of the Women’s Rights Activists is arbitrary and unlawful;
 - b. Many of the Women’s Rights Activists have been subjected to treatment amounting to torture, including by individuals who are closely connected to Crown Prince Mohammed bin Salman, such as Saud Al-Qahtani and Khalid bin Salman;

- c. The ongoing trials of the Women's Rights Activists fail to comply with basic standards of fairness.
8. As such, Saudi Arabia must immediately and unconditionally release the Women's Rights Activists who are the subject of this report (Recommendation 1). Secondly, Saudi Arabia must immediately allow the Women's Rights Activists and other imprisoned human rights defenders unimpeded access to their families and lawyers (Recommendation 2). Third, international observers must immediately be given unfettered access to the Women's Rights Activists and other imprisoned human rights defenders in order to assess their conditions of detention (Recommendation 3).
9. Further, Saudi Arabia must now heed the stream of calls and recommendations that have been made by international actors in respect of the Women's Rights Activists over the past two and a half years. Given its failure to do so to date, the relevant UN Special Procedures should immediately open an investigation into the matters set out in this report, and the UN Human Rights Council should establish a country-specific mandate to address the wider human rights situation in Saudi Arabia (Recommendation 4).
10. Finally, the UK government, along with the governments of all countries that uphold human rights' standards, must publicly condemn Saudi Arabia's treatment of the Women's Rights Activists and call for their immediate release. If Saudi Arabia should fail to do so, the UK government should give serious consideration to the use of targeted sanctions, including the suspension of diplomatic and economic ties, and holding those responsible to account and sanctioning them (Recommendation 5).
11. In addition, as noted above, members of the G20 must decline to attend the (now virtual) 2020 Summit in Riyadh (Recommendation 6). If the UK government and Saudi Arabia's other allies fail to take concerted action of this kind, they risk being seen as diplomatically and economically beholden to Saudi Arabia, and complicit in some of its worst human rights abuses.

B. International legal framework:

12. Saudi Arabia is obliged to apply international law which it has agreed to respect. Its laws, and its application of those laws in practice, must be compatible with international instruments by which it is bound. For example, Saudi Arabia has acceded to the Convention Against Torture (CAT)² (although it has not acceded to the Optional Protocol to that instrument), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)³ (although again, it has not acceded to the Optional Protocol).
13. Further, although Saudi Arabia is not a party to the International Covenant on Civil and Political Rights (ICCPR)⁴ or the International Covenant on Economic, Social and Cultural Rights (ICESCR),⁵ in 2009 it ratified the Arab Charter on Human Rights (the Arab Charter)⁶ as a founding member of the League of Arab States. The Arab Charter in its preamble *“reaffirms the principles of ... the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights”*. Accordingly, Saudi Arabia’s legal framework must cohere not only with the Arab Charter, but also with each of the instruments recognised in its preamble.
14. More broadly, Saudi Arabia is bound to observe fundamental human rights standards by reason of the operation of customary international law. The essence of many of these standards can be found in resolutions and declarations of the General Assembly, which express a consensus among nations as to the matters contained therein. Thus, Saudi Arabia must respect the rights and protections set out in the Universal Declaration on Human Rights (UDHR)⁷ as adopted by the General Assembly.
15. Similarly, Saudi Arabia should act compatibly with following relevant instruments:

² Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly 10 December 1984, Resolution 39/46, acceded to by Saudi Arabia 23 September 1997 with reservations.

³ Convention on the Elimination of All Forms of Discrimination against Women, adopted by UN General Assembly 18 December 1979, Resolution 34/180, acceded to by Saudi Arabia 7 September 2000 with reservations.

⁴ International Covenant on Civil and Political Rights, adopted by UN General Assembly 16 December 1966, Resolution 2200A (XXI).

⁵ International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly 16 December 1966, Resolution 2200A (XXI).

⁶ Arab Charter on Human Rights, adopted by the League of Arab States 22 May 2004.

⁷ Universal Declaration of Human Rights, adopted by the UN General Assembly 10 December 1948, Resolution 217(III)A.

- a. The Declaration of the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders);⁸
 - b. The Body of Principles for the Protection of All Person under Any Form of Detention or Imprisonment (the Body of Principles);⁹
 - c. The UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules);¹⁰ and
 - d. The UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules).¹¹
16. A number of interlocking themes are of particular importance in the context of the arrest and detention of the Women’s Rights Activists, namely: the right of women to equal treatment and non-discrimination; the rights of human rights defenders not to be persecuted or criminalised for their activities; the right not to be arbitrarily arrested; the right not to be tortured or subjected to inhuman or degrading treatment or punishment; the specific rights that female detainees have in order to safeguard their welfare whilst in prison; and the right to fair trial.
17. These rights are enshrined in a wide range of international human rights instruments; what follows is therefore necessarily a summary of the relevant law.

International standards for the treatment of women:

18. The right of women to equal treatment and non-discrimination is a matter of customary international law. It is reflected in the UDHR, which at Art. 2 emphasises that the rights and freedoms contained therein must be afforded to all without distinction or

⁸ Declaration of the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted by the UN General Assembly 9 December 1998, Resolution 53/144.

⁹ Body of Principles for the Protection of All Person under Any Form of Detention or Imprisonment, adopted by the UN General Assembly 9 December 1988, Resolution 43/173.

¹⁰ The UN Standard Minimum Rules for the Treatment of Prisoners, adopted by the UN General Assembly 17 December 2015, Resolution 70/175.

¹¹ The UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, adopted by the UN General Assembly 21 December 2010, Resolution 65/229.

discrimination on grounds of sex. Art. 7, meanwhile, provides for equal protection before the law.

19. These rights are also enshrined in numerous treaties, most notably CEDAW. As noted above, Saudi Arabia is a state party to CEDAW and must comply with its provisions (although it has not acceded to the Optional Protocol, which recognises the competence of CEDAW to entertain complaints by persons alleging breaches of CEDAW). CEDAW requires state parties to take positive steps to eliminate legal, institutional and social discrimination against women, and to act compatibly with their right to parity of treatment and non-discrimination.
20. For present purposes, the provisions of CEDAW which require the state to afford women the same legal status as men – particularly with regards to the right to marry, the right to hold and administer property, the right to work, and the right to travel freely – are of particular significance, inasmuch as Saudi Arabia’s male guardianship system is in conflict with them.¹²
21. Art. 15(4) of CEDAW is also of note, in that it requires state parties to “*accord to men and women the same rights with regard to the law relating to the movement of persons ...*”. Similarly, Art. 13(1) of the UDHR provides that “[*e*]veryone has the right to freedom of movement and residence within the borders of each State”. There can be little doubt that the ban on women driving in Saudi Arabia prior to 24 June 2018 was inconsistent with these provisions.

International standards for the treatment of human rights defenders:

22. Human rights defenders occupy a special place in public life. In all nations and societies, they play a vital role in educating the public about their rights, in exposing and highlighting human rights abuses by governments, and in campaigning for legal, institutional and social reform in order to ensure that human rights are better respected. They are drawn from all walks of life and may for example be journalists, lawyers, academics, employees or members of NGOs and similar organisations, or simply public-spirited individuals.
23. The Declaration on Human Rights Defenders calls attention to, and protects, the wide range of activities that human rights defenders undertake. Art. 1 provides: “*Everyone has*

¹² See for example Arts. 2, 7, 9-13, and 15-16 of CEDAW.

the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels.” Art. 5 recognises that in order to carry out their vital work, human rights defenders must be able to meet and assemble peacefully; to form, join and participate in NGOs; and to communicate freely with such organisations. Art. 6 recognises that they must be allowed, inter alia, to seek and possess information about human rights, to disseminate information and views on human rights to others, and to freely hold opinions on and discuss human rights and related matters. Art. 7, meanwhile, specifically protects the right to study and discuss *new* human rights ideas, and to advocate their acceptance. Art. 13 provides that human rights defenders must be allowed to *“solicit, receive and utilise resources [including funds from abroad] for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means”*.

24. As is apparent from the foregoing, many of the activities of human rights defenders are inherently political and are therefore also protected by the wider right to freedom of opinion and expression. This is enshrined in Art. 19 of the UDHR as follows: *“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”* It is protected by Art. 32(1) of the Arab Charter thus: *“The present Charter shall ensure the right to information, freedom of opinion and freedom of expression, freedom to seek, receive and impart information by all means, regardless of frontiers”*.

25. The right to freedom of opinion and expression is generally understood as a qualified right, that is to say one which can be restricted in certain circumstances. Thus, Art. 32(2) of the Arab Charter provides that the right to freedom of opinion and expression is to be *“exercised in the framework of society’s fundamental principles”* and *“shall only be subjected to restrictions necessary for the respect of the rights or reputation of others and for the protection of national security or of public order, health or morals”*. Art. 29(2) of the UDHR recognises that certain of the rights and freedoms contained therein, including the right to freedom of opinion and expression, may be *“... subject only to such limitations as 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”*. Art. 17 of the Declaration on Human Rights Defenders is expressed in similar terms to Art. 29(2) of the UDHR, and thus also acknowledges that legitimate restriction may sometimes be placed on the right to freedom of opinion and expression.

26. However, as the wording of these qualifications imply, any restrictions on the right to freedom of opinion and expression must be intended to achieve a legitimate aim, and should go no further than is necessary to achieve that aim. Thus, it would never be permissible to impose restrictions on the exercise of the right in order to directly or indirectly undermine the work of human rights defenders. Nor are restrictions which are intended to achieve a legitimate aim be permissible, unless they are strictly necessary in order to achieve that aim. Where restrictions have a chilling effect on the activities of human rights defenders, they should be subject to particularly anxious scrutiny to ensure that they are legitimate in their aim and extent.
27. It is also important to bear in mind that female human rights defenders are subject to special pressures which make them unusually vulnerable to direct and indirect forms of oppression. For example, female human rights defenders who have young children may have particularly strong incentives to cease their human rights work, in case arrest and detention prevents them from fulfilling their caring responsibilities. Similarly, female human rights defenders who are detained may find that their caring responsibilities are weaponised against them, as where they are refused contact with their children unless they comply with the state's demands.

The right not to be arbitrarily arrested and detained:

28. The right not to be arbitrarily arrested and detained is likewise protected by both customary international law and treaties to which Saudi Arabia is party. Art. 9 of the UDHR states that “[n]o one shall be subjected to arbitrary arrest, detention or exile”.¹³ Art. 14 of the Arab Charter provides that everyone “has the right to liberty and security of person and no one shall be arrested, searched or detained without a legal warrant”, and that “[n]o one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law”, as well as providing for a range of rights of arrestees.
29. The UNWGAD has consistently held that arrest and detention will be arbitrary, inter alia, where:
- a. It results from the exercise of the rights or freedoms guaranteed by Arts. 7, 13 and 18-21 of the UDHR (respectively, the right to equality before the law; the

¹³ See also Art. 14 of the Arab Charter.

right to freedom of movement; the right to freedom of thought, freedom of opinion and expression, and freedom of assembly; and the right to participation in government).

- b. It amounts to discrimination on grounds of birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, or disability.
- c. The partial or total non-observation of the international norms relating to the right to a fair trial is *“of such gravity as to give the deprivation of liberty an arbitrary character”*.¹⁴

30. Consequently, the arrest and detention of human rights defenders because of their human rights work will always be arbitrary. Similarly, arrest and detention which amounts to gender discrimination will be arbitrary, as will arrest and detention pursuant to laws which are themselves discriminatory. Further, where individuals are not afforded their due process rights upon arrest, during any investigatory period, and during any trial, any ensuing detention will be in breach of Art. 9 of the UDHR.

The prohibition of torture and cruel, inhuman or degrading treatment:

31. Art. 5 of the UDHR states that *“[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”*.¹⁵ Prisoners are especially vulnerable and require particular protection from violations of the right; accordingly, the Body of Principles makes clear that *“[a]ll persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person”* (principle 1), and that *“... [n]o circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment”* (principle 6). Art. 1 of the Mandela Rules is to the same effect.

32. The prohibition of torture and cruel, inhuman or degrading treatment is thus absolute; it is a peremptory norm of international law from which no derogation is possible.

33. The CAT, to which Saudi Arabia is a state party, defines ‘torture’ as:

¹⁴ ‘Methods of work of the Working Group on Arbitrary Detention’, UN Doc A/HRC/36/38 (13 July 2017), para 8.

¹⁵ See also Art. 8(1) of the Arab Charter.

“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions”.

34. International jurisprudence is clear that particular acts, or types of act, do not automatically count as torture. Rather, torture is the legal qualification of an event or behaviour based on a holistic assessment of the circumstances. Thus, whilst certain types of act are by their very nature likely to amount to torture (see for example para 145 of the ‘Istanbul Protocol’),¹⁶ the classification of other types of conduct as torture may on additional factors such as the identity of the perpetrator, or whether it was done deliberately for a proscribed purpose such as interrogation or discrimination.¹⁷
35. The definition of ‘cruel, inhuman or degrading treatment or punishment’, meanwhile, is rather wider. Footnote 1 to principle 6 of the Body of Principles states that:

“The term ‘cruel, inhuman or degrading treatment or punishment’ should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently, of the use of any of his natural senses ... or of his awareness of place and the passing of time”.

36. Again, whether treatment constitutes cruel, inhuman or degrading treatment or punishment depends on the nature and quality of the conduct at issue; ultimately, the litmus test is whether it attains a certain minimum level of severity. By way of example, the following may amount to cruel, inhuman or degrading treatment or punishment,

¹⁶ ‘Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment’, UN Doc HR/P/PT/8/Rev.1 (9 August 1999). Although not strictly binding upon state actors, the Istanbul Protocol has been repeatedly approved by the UN Human Rights Council, the General Assembly, and other supranational organisations such as the EU. Para 145 gives a non-exhaustive list of methods which inflict suffering on the victim and are ordinarily capable of amounting to torture.

¹⁷ Manfred Nowak and Elizabeth McArthur, *The United Nations Convention Against Torture: A Commentary*, Oxford Commentaries on International Law, pp.75-77.

even if they do not amount to torture in the circumstances: confinement in cramped conditions;¹⁸ poor hygiene and ventilation;¹⁹ inadequate food and drink;²⁰ denial of medical treatment;²¹ denial of exercise or other forms of stimulation;²² prolonged solitary confinement;²³ and refusal of contact with friends, family and lawyers.²⁴

37. International law recognises that detainees are susceptible to be pressured into giving unreliable information or false confessions, particularly under conditions of torture or cruel, inhuman or degrading treatment or punishment. Principle 21 of the Body of Principles gives voice to these concerns as follows:

“1. It shall be prohibited to take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.

2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgment.”

38. Art. 15 of the CAT additionally recognises that it is both specious and normatively wrong to rely on statements made under conditions of torture, making clear that *“... any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made”*. Thus, criminal convictions based on information procured by torture or cruel, inhuman or degrading treatment will always be regarded as unsafe and arbitrary as a matter of international law.

International standards for the treatment of prisoners:

39. Even where particular conduct does not amount to torture or cruel, inhuman or degrading treatment or punishment, it may be in breach of international standards for

¹⁸ See for example r.13 of the Mandela Rules.

¹⁹ See for example rr.13-17 of the Mandela Rules.

²⁰ See for example r.22 of the Mandela Rules.

²¹ See for example rr.24 and 27 of the Mandela Rules.

²² See for example r.23 of the Mandela Rules.

²³ See for example rr.43-45 of the Mandela Rules.

²⁴ See for example rr.58 and 61 of the Mandela Rules.

the treatment of prisoners as expressed in the Body of Principles and the Mandela Rules. These instruments establish a floor, not a ceiling, for the conditions in which prisoners are to be held.

40. In addition, where female prisoners are concerned, the Body of Principles and the Mandela Rules are supplemented by the Bangkok Rules. Inter alia, the Bangkok Rules emphasise the need for female detainees: to be afforded prompt contact with their family and lawyers;²⁵ not to be deprived of contact with their families at any time, including as a disciplinary sanction, especially where they have children;²⁶ to be provided with the facilities and materials required to meet their specific hygiene needs;²⁷ and to be protected from all forms of physical and sexual abuse whilst detained.²⁸

The right to a fair trial:

41. International law provides a range of protections intended to guarantee the right to a fair trial. The UDHR provides, so far as relevant:

“Art. 10: 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.

Art. 11(1): Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.”

42. The Arab Charter provides, so far as relevant:

“Art. 13(1): Everybody has the right to a fair trial in which sufficient guarantees are ensured, conducted by a competent, independent and impartial tribunal established by law, in judging the grounds of criminal charges brought against him or in determining his rights and obligations. State Parties shall ensure financial aid to those without the necessary means to pay for legal assistance to enable them to defend their rights.

²⁵ See for example r.2 of the Bangkok Rules.

²⁶ See for example r.23 of the Bangkok Rules.

²⁷ See for example r.5 of the Bangkok Rules.

²⁸ See for example r.56 of the Bangkok Rules.

Art. 13(2): The hearing shall be public other than (except) in exceptional cases where the interests of justice so require in a democratic society which respects freedom and human rights ...

Art 16: The accused shall be presumed innocent until proven guilty at a lawful trial. During the investigation and the trial, the accused shall be entitled to the following minimum guarantees:

- (1) To be informed promptly and in detail, in a language which he understands, of the nature and cause of the charge against him.*
- (2) To have adequate time and facilities for the preparation of his defence and to contact his relatives.*
- (3) To be tried in his presence in front of a judge and to defend himself or through legal assistance of his own choosing or with the assistance of his lawyer, with whom he can freely and confidentially communicate.*
- (4) To have free assistance of a lawyer to defend himself if he does not have sufficient means to pay for his defence, or if the interests of justice so require. To have the free assistance of an interpreter if he cannot understand or speak the language of the court.*
- (5) To examine, or have examined, the witnesses against him, and to obtain the attendance and examination of witnesses on his behalf under the same conditions as the witnesses against him.*
- (6) Not to be compelled to testify against himself or to confess to guilt ..."*

43. The Body of Principles elaborate upon the above rights. Anyone who is arrested:

- a. *"Shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him"* (principle 10);
- b. Shall be informed of his rights promptly upon arrest and how to avail himself of them (principle 13);

- c. Must be allowed to notify his family or other appropriate persons, and (if he is a foreigner) the relevant consular post, soon after his arrest and in any event within “*a matter of days*” (principles 15 and 16);
 - d. Must be allowed prompt, confidential and unimpeded access to legal assistance (principles 17 and 18); and
 - e. If charged with a criminal offence, the detainee “*shall be presumed innocent and shall be treated as such until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence*” (principle 36).
44. Failure to abide by these protections may confer an arbitrary character on any period of pretrial detention and any sentence ultimately imposed.²⁹

²⁹ See above, para 29(c) and f.n. 15.

C. Relevant domestic law:

45. Saudi Arabia applies Islamic law, under which judges decide many legal matters in light of established principles of Islamic jurisprudence, supplemented in some areas by legislation passed by Royal Decree. The ban on women driving prior to 24 June 2018 was not enshrined in any written law, and many aspects of the male guardianship system were and remain uncodified.
46. As observed above, both the driving ban and the wider male guardianship system were and are incompatible with Saudi Arabia's international law obligations to ensure that women enjoy the same legal status as men. The driving ban was revoked by Royal Decree on 24 June 2018;³⁰ but although certain aspects of the male guardianship system have been relaxed by a series of Royal Decrees in recent years, it remains substantially intact.³¹
47. The basis upon which many human rights defenders and other opponents of the government are convicted and sentenced are to be found in the 2007 Anti-Cybercrime Law (the 2007 law),³² and the 2014 Law on Terrorism and its Financing (the 2014 law)³³ as revised in 2017 (the 2017 law).³⁴
48. Art. 6(1) of the 2007 Law provides:

“Article 6:

Any person who commits one of the following cybercrimes shall be subject to imprisonment for a period not exceeding five years and a fine not exceeding three million riyals or to either punishment:

³⁰ See above, paras 20-21.

³¹ For example, in 2013 Saudi Arabia enacted a law criminalising domestic violence, and removed certain restrictions on women's ability to work. More recently, in August 2019, it announced reforms permitting them to obtain passports without their male guardian's consent. But women still require their male guardian's permission to marry, leave prison, or travel outside the home, for example: see Al Jazeera, 'Loopholes riddle Saudi reforms on 'guardianship' of women: Report', 23 October 2019 (<https://www.aljazeera.com/news/2019/10/23/loopholes-riddle-saudi-reforms-on-guardianship-of-women-report/>).

³² Anti-Cybercrime Law promulgated by Royal Decree No. M/17 on 26 March 2007.

³³ Law on Terrorism and its Financing promulgated by Royal Decree No. M/16 on 27 December 2013.

³⁴ Promulgated by Royal Decree on 1 November 2017.

1. Production, preparation, transmission, or storage of material impinging on public order, religious values, public morals, and privacy, through the information network or computers ...”

49. Meanwhile, the 2014 law created an offence of ‘terrorism’, defined as any act “*directly or indirectly intended to disturb the public order of the state, or to destabilise the security of society, or the stability of the state, or to expose its national unity to danger, or to suspend the basic law of governance or some of its articles, or to insult the reputation of the state or its standing, or to inflict damage upon one of its public utilities or its natural resources*”.³⁵ ‘Terrorism’ also encompassed any attempt to change the system of government in Saudi Arabia or to “[*harm its*] *interests, economy, and national and social security*”.³⁶ An amendment enacted later in 2014³⁷ extended the definition to include calling for atheism, calling into question the fundamentals of Islam,³⁸ and harming the unity and stability of Saudi Arabia by any means, including by contact with hostile elements or by promoting or participating in protests, sit-ins, or meetings.³⁹ The 2017 law further expanded the definition to include describing the King or Crown Prince in any way offensive to religion or justice.⁴⁰
50. Unsurprisingly, the 2007, 2014 and 2017 laws have been widely condemned, including by me in a previous report on Saudi Arabia’s use of the death penalty, as being unacceptably vague and broad. It is reported that they have been invoked in dozens of cases against human rights defenders and other political dissidents, in order to suppress

³⁵ Art. 1 of the 2014 Law; and see *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his mission to Saudi Arabia*, UN Doc A/HRC/40/52/Add.2, para 14.

³⁶ Art. 3 of the 2014 Law; and see *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his mission to Saudi Arabia*, UN Doc A/HRC/40/52/Add.2, para 14.

³⁷ By way of regulations promulgated by the Ministry of Interior on 7 March 2014 (the 2014 regulations).

³⁸ Art. 1 of the 2014 regulations; and see *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his mission to Saudi Arabia*, UN Doc A/HRC/40/52/Add.2, para 15.

³⁹ Art. 6 of the 2014 regulations; and see *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his mission to Saudi Arabia*, UN Doc A/HRC/40/52/Add.2, para 15.

⁴⁰ Art. 30 of the 2017 law; and see *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his mission to Saudi Arabia*, UN Doc A/HRC/40/52/Add.2, para 18.

opposition to the government and to undermine freedom of thought, opinion, expression, and association in Saudi Arabia.⁴¹

51. Pre-trial detention in Saudi Arabia, meanwhile, is principally governed by the 2013 Law of Criminal Procedure (the Criminal Procedure Law).⁴² Art. 2 of that law prohibits the infliction of “torture” and “undignified treatment”, including upon detainees. However, those terms are not defined, no criminal sanctions are provided for, and the Criminal Procedure Law does not state that statements obtained using such methods will be inadmissible. These provisions cannot, therefore, be regarded as in line with Saudi Arabia’s obligations under (inter alia) the CAT, outlined above.
52. Further, the Criminal Procedure Law requires arrestees to be promptly informed of the reasons for their arrest, and to be afforded access to a lawyer during any investigation and trial (Art. 4). Art. 114 stipulates that a person accused of an ordinary criminal offence may be detained by the investigating authority for a maximum of five days (extendable by the public prosecutor to a maximum total period of six months in exceptional circumstances) before he is brought before a court or released. Where a person is accused of an offence under the 2014 law, however, Art. 5 of that law provides that the maximum time an accused person may be detained by the investigating authority is six months, extendable to 12 months, after which he must be produced or released. International observers, however, have found that the protections found in the Criminal Procedure Law are routinely violated, particularly in cases involving allegations under the 2007, 2014 and 2017 laws.⁴³
53. The problems associated with the 2007, 2014 and 2017 laws are compounded by the fact that the Specialised Criminal Court in Riyadh (the SCC) generally has jurisdiction over cases brought under them. The SCC has been repeatedly condemned for conducting

⁴¹ See *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his mission to Saudi Arabia*, UN Doc A/HRC/40/52/Add.2, paras 16-20; Baroness Kennedy of The Shaws QC, ‘A Perverse and Ominous Enterprise: The Death Penalty and Illegal Executions in Saudi Arabia’, July 2019, paras 42-43; *Opinions Adopted by the Working Group on Arbitrary Detention at its Eighty-Sixth Session (18-22 November 2019)*, Op. No. 71/2019 concerning Issa Al-Nukheifi, Abdulaziz Youssef, Mohamed Al-Shubaili and Issa Hamid Al-Hamid (Saudi Arabia), paras 73-75; *Opinions Adopted by the Working Group on Arbitrary Detention at its Eighty-Seventh Session (27 April-1 May 2020)*, Op. No. 33/2020 concerning Loujain Al-Hathloul (Saudi Arabia), para 78.

⁴² Law of Criminal Procedure promulgated by Royal Decree No. M/2 on 25 November 2013.

⁴³ See for example *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his mission to Saudi Arabia*, UN Doc A/HRC/40/52/Add.2.

flagrantly unfair proceedings against human rights defenders and political activists.⁴⁴ Important research conducted by both the American Bar Association (ABA) and Amnesty International has concluded that the SCC: lacks independence and impartiality; tolerates lengthy periods of pre-trial detention without charge, and the denial or frustration of legal assistance; fails to investigate detainees' allegations of torture and ill-treatment, and accepts evidence alleged to have been procured through torture; conducts secret trials in camera; and frequently passes disproportionate sentences for the peaceful exercise of the right to freedom of religion, opinion, and expression.⁴⁵

54. However, even trials which take place before the ordinary criminal courts are frequently marred by serious fair trial violations, including excessive periods of pre-trial detention without charge, denial of contact with family and of prompt and full access to a lawyer, use of tainted evidence, and lack of independence and impartiality.⁴⁶

⁴⁴ See for example UN Committee Against Torture, *Concluding Observations on the second periodic report of Saudi Arabia*, UN Doc CAT/C/SAU/CO/2 (8 June 2016); and *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on his mission to Saudi Arabia*, UN Doc A/HRC/40/52/Add.2.

⁴⁵ American Bar Association, 'Saudi Arabia: Counterterror Court Targets Activists', 24 May 2019; Amnesty International, 'Muzzling Critical Voices: Politicized Trials Before Saudi Arabia's Specialized Criminal Court', December 2019.

⁴⁶ See for example US State Department, '2019 Country Reports on Human Rights Practices: Saudi Arabia'.

D. The available information and evidence concerning the arrest, detention and mistreatment of the Women’s Rights Activists:

March 2018 arrest of Aida Al-Ghamdi:

55. On 26 March 2018, **Aida Al-Ghamdi** (then 62 years old) was arrested in Jeddah by officers of the Ministry of Interior’s General Directorate of Investigations (also known as the Mabathith) along with two of her sons, Adil and Sultan. Although they are not themselves human rights defenders, another of Aida’s sons, Abdullah Al-Ghamdi, is a prominent critic of the Saudi government. He fled Saudi Arabia in 2004 and was subsequently granted political asylum in the UK; he has continued to advocate for reform in Saudi Arabia from the UK. He believes that his activism led to the arrest of his mother and brothers, inter alia because:

- a. At the same time as his mother and brothers were arrested, Mabathith officers entered and searched his house in Dammam.
- b. Shortly after his arrest, Sultan was forced to record a video denouncing Abdullah’s activities. The video was subsequently publicised on social media by accounts affiliated with the Saudi government, and Sultan was released.
- c. On numerous occasions since his mother and brothers were arrested, Abdullah has been warned by the Saudi authorities that contact with his family, or any form of campaigning for his relatives’ release, would result in further reprisals against the family. In addition, Abdullah has been offered their release in exchange for his return to Saudi Arabia and surrender to the Saudi authorities.

56. Although she is not herself a human rights defender, Aida Al-Ghamdi is included in the group of Women’s Rights Activists who are the subject of this report because the foregoing indicates that her arrest and detention is connected with Abdullah Al-Ghamdi’s human rights activism; and because the evidence available to me indicates that she has been detained and tortured alongside the other activists discussed herein.

The May–July 2018 arrests:

57. Between May and July 2018, a number of prominent female human rights defenders were arrested by the Saudi authorities. The evidence is that in most if not all cases, the arrests were carried out by Mabahith officers.
58. Among those arrested in May 2018 were **Loujain Al-Hathloul**, **Eman Al-Nafjan**, **Aziza Al-Youssef** and **Hatoon Al-Fassi**:
- a. Loujain Al-Hathloul, who is now 31 years old, graduated with a degree from the University of British Columbia and thereafter returned to her native Saudi Arabia. She was previously arrested by the Saudi authorities in December 2014 and detained for 73 days after a well-publicised attempt to drive from the United Arab Emirates to Saudi Arabia; and again in June 2017, when she was held for four days. In March 2018, she was living and studying in the United Arab Emirates when, without warrant and without being informed of the grounds, she was arrested by Emirati police and deported to Saudi Arabia. There, she was placed under a travel ban until her arrest on 15 May 2018.
 - b. Eman Al-Nafjan is the author of a popular blog which discusses discrimination against women in Saudi society, and advocates the end of the driving ban and the male guardianship system. In 2013, she was arrested for driving in Riyadh in defiance of the driving ban.
 - c. Aziza Al-Youssef is a retired computer sciences academic (now aged 62), formerly of King Saud University. She has been a prominent advocate for women’s rights in Saudi Arabia since the 1990s, and was arrested along with Eman Al-Nafjan in 2013 for driving in Riyadh in breach of the driving ban.
 - d. Hatoon Al-Fassi is another long-serving academic of King Saud University, now aged 56. She has also been politically active since the 1990s, and has previously been prevented from teaching students in the course of her employment at King Saud University – a restriction which has been ascribed to political influence over the university’s administration.
59. At least three other prominent female human rights campaigners who have been active since the 1990s are reported to have been arrested in May 2018: **Aisha Al-Mana**, **Hessah Al-Sheikh**, and **Madeha Al-Ajrourh**. It appears that they were released without charge

after a few days, but ALQST reports that they have been barred from pursuing their professions or undertaking any human rights work.⁴⁷

60. At the same time, at least three well-known male human rights defenders, whose work has focussed on women's rights, were arrested. They are **Ibrahim Al-Modeimigh**, **Mohammed Saleh Al-Bejadi**, and **Mohammad Al-Rabea**. Ibrahim Al-Modeimigh was released without charge in December 2018, but was also banned from pursuing his career as a lawyer or continuing his human rights work.⁴⁸
61. Subsequently, in June and July 2018, at least four further Women's Rights activists were detained, namely **Nouf Abdulaziz** and **Mayaa Al-Zahrani** (arrested on 6 and 9 June 2018, respectively), and **Samar Badawi** and **Nassima Al-Sadah** (arrested at the end of July 2018):
- a. Nouf Abdulaziz is a journalist who was outspoken in her criticism of the May 2018 arrests.
 - b. Mayaa Al-Zahrani is a well-known blogger who published a letter by Nouf Abdulaziz in the days after her arrest.
 - c. Samar Badawi rose to prominence in 2010 as a result of a lawsuit she filed against her father, seeking to have his status as her male guardian revoked. Since then, she has also taken legal action against obstacles to women's suffrage in Saudi Arabia. In 2012 her brother Raif Badawi was sentenced to 10 years imprisonment, and in 2014 her husband Waleed Abulkhair was sentenced to 15 years imprisonment, both in connection with their human rights activism.⁴⁹ In December 2014 she was issued with a travel ban after travelling to the UN Human Rights Council in Geneva, and to the US, to discuss the human rights situation in Saudi Arabia. She was reportedly briefly arrested in January 2016 and detained along with her infant daughter.

⁴⁷ See ALQST, 'Prisoners of Conscience' (<https://alqst.org/en/prisonersofconscience>).

⁴⁸ See ALQST, 'Prisoners of Conscience' (<https://alqst.org/en/prisonersofconscience>).

⁴⁹ See *Opinions Adopted by the Working Group on Arbitrary Detention at its Seventy-Third Session (31 August-4 September 2015)*, Op. No. 38/2015 concerning, inter alia, Raif Badawi and Waleed Abulkhair (Saudi Arabia); *Opinions Adopted by the Working Group on Arbitrary Detention at its Eighty-First Session (19-23 November 2018)*, Op. No. 10/2018 concerning Waleed Abulkhair (Saudi Arabia).

- d. Nassima Al-Sadah is a member of Saudi Arabia's Shia minority and co-founder of the Al-Adalah Centre for Human Rights. As well as campaigning for women's rights, she has campaigned for the right of the Shia minority to freely practise their religion.
62. Others arrested in the period May-July 2018 appear to have included: **Amal Al-Harbi, Maysaa Al-Manea, Rokaya Mohareb, Abeer Namankani, and Shadan Al-Onezi.**
63. Of those mentioned above, Aida Al-Ghamdi, Loujain Al-Hathloul, Nouf Abdulaziz, Mayaa Al-Zahrani, Samar Badawi, and Nassima Al-Sadah remain in prison. It also appears that Mohammed Saleh Al-Bejadi and Mohammad Al-Rabea remain detained without charge. As noted above, Aisha Al-Mana, Hessah Al-Sheikh, and Madeha Al-Ajrourh were released shortly after their arrest in May 2018, and Ibrahim Al-Modeimigh was released in December 2018. They appear to have avoided charge but have been prohibited from pursuing their professions or undertaking any human rights works. Eman Al-Nafjan, Aziza Al-Youssef, and Rokaya Mohareb were temporarily released pending trial in March 2019; as were Hatoon Al-Fassi, Amal Al-Harbi, Maysaa Al-Manea, Abeer Namankani, and Shadan Al-Onezi in May 2019.
64. However, arrests of human rights defenders working on women's rights were by no means limited to the May-July 2018 crackdown. In April 2019, the Saudi Arabian authorities detained at least 14 journalists, academics and family members of women's rights campaigners.⁵⁰ One of those arrested was Salah Al-Haidar, the son of Aziza Al-Youssef. Most of those arrested remain detained without charge.⁵¹
65. Moreover, the waves of arrests in 2018 and 2019 must be understood not in isolation, but against a background of systemic and egregious human rights violations, in particular the widespread use of arbitrary arrest and detention (especially since late 2017) to target political opponents and silence dissent.⁵² The numbers of people recorded as having been arbitrarily detained in this way are likely to have been underestimated.⁵³

⁵⁰ Amnesty International, 'Saudi Arabia's "year of shame": Crackdown on critics and rights activists continues', 14 May 2019, (<https://www.amnesty.org/en/latest/news/2019/05/saudi-arabias-year-of-shame-crackdown-on-critics-and-rights-activists-continues/>).

⁵¹ ALQST, 'One Year Since The Mass Arrest Of April 2019, More Than A Dozen Writers And Activists Remain Arbitrarily Detained Without Charge', 17 April 2020, (<https://alqst.org/en/one-year-since-mass-april-arrests>).

⁵² See Lord Macdonald of River Glaven Kt QC and Rodney Dixon QC, *Shrouded in Secrecy: The Human Rights situation in Saudi Arabia following arrests in September 2017*, January 2018.

⁵³ Ibid.

Initial period after arrest and reports of torture:

66. According to the information I received from witnesses, as well as news reports and reports by respected NGOs, all the Women’s Rights Activists⁵⁴ were initially held incommunicado. In Loujain Al-Hathloul’s case, for example, at least 35 days passed before she was able to make contact with her family to let them know what had happened and where she was; and even then, her conversation was monitored and she was not permitted to discuss any aspect of her case with them. Aida Al-Ghamdi’s family had no knowledge of her whereabouts until approximately three months after her arrest.
67. In most cases the Women’s Rights Activists were initially held in Dhahban Central Prison, Jeddah, before being transferred to what has been described by several witnesses, NGO reports, and news reports as an unofficial detention facility, or “hotel”.⁵⁵ This accords with what one witness, who was a prisoner in the female wing at Dhahban between May and July 2018, told me.⁵⁶ She reported that several of the activists, including Loujain Al-Hathloul, Eman Al-Nafjan, Aziza Al-Yousef, and Aida Al-Ghamdi⁵⁷ were brought briefly to Dhahban in the first week of Ramadan 2018 (i.e. the week commencing 14 May 2018) before being transferred to what some of the Women’s Right Activists later described to her as a “hotel” or “villa”. The Saudi government reported to the UNWGD in December 2019 that the facility in which they were held was a Mabahith-run prison.⁵⁸

⁵⁴ Aisha Al-Mana, Hessah Al-Sheikh, and Madeha Al-Ajrourh were released without charge shortly after their arrest, Ibrahim Al-Modeimigh was released without charge in December 2018, and as such their cases are not considered in detail herein. Moreover, very little information was available concerning Mohammed Saleh Al-Bejadi and Mohammad Al-Rabea, save that they are still detained without charge. So far as relevant, my conclusions and recommendations apply equally to them.

⁵⁵ See for example The Telegraph, ‘Aide to Mohammed bin Salman ‘supervised torture of female prisoner’, 7 December 2018 (<https://archive.vn/20181210175840/https://www.telegraph.co.uk/news/2018/12/07/aide-mohammed-bin-salman-supervised-torture-female-prisoner/>); The Wall Street Journal, ‘Saudi Arabia Accused of Torturing Women’s-Rights Activists in Widening Crackdown on Dissent’, 20 November 2018 (<https://www.wsj.com/articles/saudi-arabia-accused-of-torturing-women-activists-in-widening-crackdown-on-dissent-1542743107>); *Opinions Adopted by the Working Group on Arbitrary Detention at its Eighty-Seventh Session (27 April-1 May 2020)*, Op. No. 33/2020 concerning Loujain Al-Hathloul (Saudi Arabia).

⁵⁶ This witness was a particularly valuable source, since she was detained alongside several of the Women’s Rights Activists between May and July 2018, and heard first-hand from them what they experienced in the Riyadh facility. Since they were fellow inmates, moreover, it is to be expected that their conversations were relatively uninhibited compared with conversations with (for example) family members, which are monitored by prison staff.

⁵⁷ Who appears to have been held in an undisclosed location between March and May 2018.

⁵⁸ *Opinions Adopted by the Working Group on Arbitrary Detention at its Eighty-Seventh Session (27 April-1 May 2020)*, Op. No. 33/2020 concerning Loujain Al-Hathloul (Saudi Arabia), para 33.

68. The Women's Rights Activists appear to have been held in the unofficial facility for varying periods of time between May and August 2018, before being relocated in ones and twos back to Dhahban. For example, Aziza Al-Youssef is reported by the former female inmate of Dhahban to have been transferred back in the last week of Ramadan 2018 (that is, in the week commencing 11 June 2018); and Aida Al-Ghamdi is said to have reappeared on the female wing shortly afterwards. This accords with Abdullah Al-Ghamdi's account, namely that his mother was able to contact her family for the first time around three months after her arrest.
69. A number of disturbing allegations have emerged concerning the treatment of the Women's Rights Activists during the initial phase of their detention when being held incommunicado. Abdullah Al-Ghamdi told me that after their arrest in March 2018, his mother and brothers were tortured in front of each other, including by being severely beaten and having cigarettes extinguished on their skin.
70. The evidence clearly indicates that the purpose of detaining the Women's Right Activists incommunicado in the unofficial facility between May and August 2018 was for interrogation, and that the methods used by the interrogators amounted to torture. A number of sources, including family members, news and NGO reports, and the testimony of the former female inmate of Dhahban, stated that the mistreatment experienced by the Women's Rights Activists during this period included:
- a. Administering electric shocks, and beating. The beating is said to have typically comprised punching and kicking, particularly in the women's faces and breasts, and beating them on their backs and buttocks with *sjamboks* and *egals*. Frequently, the women were forced to stand and watch each other being tortured in this way. The former female inmate of Dhahban reported that one of the Women's Rights Activists told her that Aida Al-Ghamdi would often be severely beaten in front of her, because she had grown close to Aida and Aida was one of the oldest and most vulnerable of the group.
 - b. Severely beating groups of male prisoners in front of the Women's Rights Activists, stopping only when they gave answers to questions which the interrogators were satisfied with. The male prisoners were apparently brought from a nearby prison for this purpose, and were blindfolded throughout.

- c. Forcing the women to remain in stress positions, such as standing up for several hours at a time. One detainee is reported by Amnesty International to have been suspended from the ceiling.
- d. Making threats of rape, torture, internment and death against the women and members of their families, especially vulnerable members of their families such as elderly or ill relatives, and children. One of the Women's Rights Activists was misinformed that an ill relative had in fact been arrested as a result of her activities and was being tortured by the Saudi authorities; another was misinformed that members of her family had died and was kept under this impression for over a month.
- e. Forcing the Women's Rights Activists to perform sexual acts on the interrogators, and other forms of sexual harassment such as forcing them to watch of pornography. At least one source reported that Aida Al-Ghamdi had been forced to watch pornography; and several sources reported that Loujain Al-Hathloul and Eman Al-Nafjan had been forced to kiss and perform other sexual acts on interrogators.

71. The credibility of the allegations above are enhanced by the clear and consistent descriptions of the women's state of health upon leaving the unofficial facility. Family members, and the female former inmate of Dhahban, describe the Women's Rights Activists as appearing physically and mentally traumatised upon their return to Dhahban. They report physical symptoms such as scarring, bruising, and lasting pain and tenderness; as well as loss of appetite, subdued demeanour, reduced eye contact, and excessive bathing.

72. Significantly, accounts given to Human Rights Watch and ALQST identify Saud Al-Qahtani as overseeing the interrogation and torture of the Women's Rights Activists at the unofficial facility.⁵⁹ For example, ALQST reports that Al-Qahtani told one of the women, *"I'll do whatever I like to you, and then I'll dissolve you and flush you down the toilet."*⁶⁰

⁵⁹ See Human Rights Watch, 'Saudi Arabia: Allow Access to Detained Women Activists', 6 December 2018 (<https://www.hrw.org/news/2018/12/06/saudi-arabia-allow-access-detained-women-activists>); and ALQST, 'ALQST Confirms New Details of Torture Of Saudi Women Activists As British MPs Seek Access To Prisons To Investigate', 3 January 2019 (<https://alqst.org/en/confirm-new-details-of-torture-of-saudi-women-activists-as-british-mps-seek-access-to-prisons-to-investigate>).

⁶⁰ ALQST, 'ALQST Confirms New Details of Torture Of Saudi Women Activists As British MPs Seek Access To Prisons To Investigate', 3 January 2019 (<https://alqst.org/en/confirm-new-details-of-torture-of-saudi-women-activists-as-british-mps-seek-access-to-prisons-to-investigate>).

This is corroborated by Alia Al-Hathloul, Loujain Al-Hathloul's sister, who stated in January 2019 that although Mabath officers carried out much of the torture during interrogations, Al-Qahtani personally tortured Loujain on a number of occasions.⁶¹ Al-Qahtani's involvement is also attested to by the former female inmate of Dhabhan, who stated that one of the Women's Rights Activists had told her that Saud Al-Qahtani was present at the unofficial facility for much of the time she was there, directed a number of both individual and group torture sessions, threatened her with rape, and sexually abused her. She also told the former inmate that she had witnessed Saud Al-Qahtani sexually assaulting several other Women's Rights Activists in their rooms, including Loujain Al-Hathloul and Eman Al-Nafjan.

73. Additionally, the former female inmate of Dhabhan reports that Khalid bin Salman was occasionally present at the unofficial facility, and would sometimes attend interrogations. One of the Women's Rights Activists told her that he would threaten rape and murder when overseeing interrogations, and would boast about his position and power, saying *"do you know who I am? I am Prince Khalid bin Salman, I am the ambassador to the US, and I can do anything I like to you"*, or words to that effect.
74. It should be noted that the Saudi Arabia Human Rights Organisation, which is controlled by the government, was reported to be investigating the allegations in December 2018.⁶² In January 2019, the public prosecutor's office (the Bureau of Investigation and Prosecution, or BIPP, which sits within the executive and reports directly to the King)⁶³ was reported to be investigating the allegations.⁶⁴ It was subsequently reported that both investigations found that there was no evidence to substantiate the allegations, although the independence, sincerity and thoroughness of the investigations have been criticised.⁶⁵

⁶¹ Alia Al-Hathloul in The New York Times, 'My Sister Is in a Saudi Prison. Will Mike Pompeo Stay Silent?' 13 January 2019 (<https://www.nytimes.com/2019/01/13/opinion/saudi-women-rights-activist-prison-pompeo.html>).

⁶² The Wall Street Journal, 'Jailed Women's Rights Activists Tell Saudi Investigators of Torture', 17 December 2018 (<https://www.wsj.com/articles/jailed-womens-rights-activists-tell-saudi-investigators-of-torture-11545074461>).

⁶³ See US State Department, '2019 Country Reports on Human Rights Practices: Saudi Arabia'.

⁶⁴ Bloomberg, 'Saudis to Probe Allegations That Women Activists Tortured', 13 January 2019 (<https://www.bloomberg.com/news/articles/2019-01-13/saudis-said-to-probe-allegations-that-women-activists-tortured>).

⁶⁵ See for example The Wall Street Journal, 'Saudi Prosecutor Denies Women's Rights Activists Were Tortured in Detention', 3 April 2019 (<https://www.wsj.com/articles/saudi-prosecutor-denies-womens-rights-activists-were-tortured-in-detention-11554310249>); *Opinions Adopted by the Working Group on Arbitrary Detention at its Eighty-Seventh Session (27 April-1 May 2020)*, Op. No. 33/2020 concerning Loujain Al-Hathloul (Saudi Arabia).

Conditions of detention:

75. A number of concerns have also been raised concerning the conditions in which the Women's Rights Activists have been held since their transfer from the unofficial facility. As noted above, it appears that in most if not all cases, the women were initially transferred back to Dhahban, but some were subsequently moved to Al-Hair Prison in Riyadh and others to Al-Mabahith Prison in Dammam. Of the Women's Rights Activists who remain in detention, it is understood that Loujain Al-Hathloul and Nouf Abdulaziz are currently being held at Al-Hair; Nassima Al-Sadah and Aida Al-Ghamdi are being held in Dammam; and Samar Badawi remains at Dhahban.
76. It has been reported in multiple news and NGO sources, and I have been informed by witnesses, that the Women's Rights Activists have been repeatedly subjected to poor material conditions, prolonged periods of solitary confinement, denial of contact with family members including young children, and denial of access to lawyers.
77. Abdullah Al-Ghamdi reported that the situation had been made considerably worse by the onset of the COVID-19 pandemic, which has had the effect of lessening scrutiny. An adult child of another of the detainees, who did not wish to be named, confirmed this. They said that their relative had been held in solitary confinement for much of 2019, only being released into the general population shortly before the pandemic struck. They also informed me that she was then prevented from making telephone calls for much of the summer (in contrast to other 'ordinary' prisoners), with calls only resuming in the last couple of weeks.
78. Concerningly, it appears that Loujain Al-Hathloul has begun a hunger strike in recent days, in protest at being prevented from contacting her family for prolonged periods. Her family reports that she previously undertook a six-day hunger strike at the end of August 2020, as a result of being held incommunicado for the preceding four months. Although her parents were then allowed to visit her on 31 August 2020, contact since then has been limited, and she has now begun another hunger strike until the Saudi authorities allow her to resume regular contact.⁶⁶

⁶⁶ Reuters, 'Prominent Saudi women's rights activist on hunger strike in detention, says family', 27 October 2020 (<https://uk.reuters.com/article/uk-saudi-rights/prominent-saudi-womens-rights-activist-on-hunger-strike-in-detention-says-family-idUKKBN27C1TC>).

Charges and trial processes:

79. On 13 March 2019, the trials of Loujain Al-Hathloul, Eman Al-Nafjan, Aziza Al-Youssef, Hatoon Al-Fassi, Nouf Abdulaziz, Mayaa Al-Zahrani, Amal Al-Harbi, Maysaa Al-Manea, Rokaya Mohareb, Abeer Namankani, and Shadan Al-Onezi began before the Central Criminal Court in Riyadh.
80. Subsequently, in July 2019, the trials of Samar Badawi and Nassima Al-Sadah opened before the same court.
81. As noted above, it appears that Mohammed Saleh Al-Bejadi and Mohammad Al-Rabea continue to be detained without charge, although limited information is available regarding their cases.⁶⁷ In addition, Aida Al-Ghamdi has not been brought to trial, seemingly because the Saudi authorities do not intend to charge her but rather to hold her until her son, Abdullah Al-Ghamdi, surrenders himself to them.
82. The evidence is that it was only at the opening of their trials that the Women’s Rights Activists were notified of the charges against them. Moreover, in each case where the charges are known, they are drafted in vague and broad terms, do not tend to invoke any specific laws or Royal Decrees (although appear to be largely based on the 2007, 2014 and 2017 laws), and do not amount to any recognisably criminal offence but rather constitute conduct which is protected by international law. For example, in Loujain Al-Hathloul’s case, it is understood that there are 12 charges, only one of which is expressly grounded on a specific law. The charges include the following:
 - a. *“Inciting and inviting to change the political system in the Kingdom, and abolish the Constitution by cooperating with Khaled Alomair to initiate a campaign on Twitter to request a new Constitution, and designing some brochures for the campaign”;*
 - b. *“Participating in demanding women’s rights that have been guaranteed by sharia law to Muslim women”;*
 - c. *“Receiving financial support from an external organization to visit human rights organizations and to attend conferences and panels to speak about the status of Saudi women”;*

⁶⁷ See above, para 63.

- d. “Participating in a documentary with British journalists to speak about her personal experience in prison”; and
- e. Applying for a job at the UN.⁶⁸

83. The charges against all the Women’s Rights Activists are understood to be broadly similar.⁶⁹

84. Further, it is notable that even though the charges appear to be largely based on the 2007, 2014 and 2017 laws, the trial venue is the Central Criminal Court rather than the SCC (which ordinarily has jurisdiction in such cases). It appears that in each case, the trial was listed before the SCC, but was transferred to the Central Criminal Court at the last moment.⁷⁰ This is not necessarily a positive sign, however: first, as noted above, even trials before the ordinary courts are frequently marred by a lack of independence and other due process violations; and second, according to experts in Saudi criminal procedure, the very fact that the venue could be changed in this way suggests that there is considerable political influence over the course of the trials.⁷¹

85. In addition to the violations of the activists’ fair trial rights already mentioned – namely lengthy periods of detention without charge, repeated and prolonged denial of access to lawyers, and lack of independence on the part of the trial court notwithstanding the change of venue – other serious violations have been reported including: the fact that the prosecutor and court have refused to investigate the women’s claims that they have been tortured;⁷² the fact that all court hearings to date have been conducted in camera with journalists and international observers being refused access; and excessive delays in

⁶⁸ *Opinions Adopted by the Working Group on Arbitrary Detention at its Eighty-Seventh Session (27 April-1 May 2020)*, Op. No. 33/2020 concerning Loujain Al-Hathloul (Saudi Arabia), para 11.

⁶⁹ Human Rights Watch, ‘Saudi Arabia: Abusive Charges Against Women Activists’, 21 March 2019 (<https://www.hrw.org/news/2019/03/21/saudi-arabia-abusive-charges-against-women-activists>).

⁷⁰ Human Rights Watch, ‘Saudi Arabia: Abusive Charges Against Women Activists’, 21 March 2019 (<https://www.hrw.org/news/2019/03/21/saudi-arabia-abusive-charges-against-women-activists>); see also OMCT, ‘Saudi Arabia: Provisional release and ongoing judicial harassment of Mses. Aziza al-Youssef and Eman al-Nafjan along with eight other WHRDs’, 1 April 2019 (<https://www.omct.org/human-rights-defenders/urgent-interventions/saudi-arabia/2019/04/d25296/>).

⁷¹ Human Rights Watch, ‘Saudi Arabia: Abusive Charges Against Women Activists’, 21 March 2019 (<https://www.hrw.org/news/2019/03/21/saudi-arabia-abusive-charges-against-women-activists>).

⁷² See for example The Wall Street Journal, ‘Saudi Prosecutor Denies Women’s Rights Activists Were Tortured in Detention’, 3 April 2019 (<https://www.wsj.com/articles/saudi-prosecutor-denies-womens-rights-activists-were-tortured-in-detention-11554310249>); *Opinions Adopted by the Working Group on Arbitrary Detention at its Eighty-Seventh Session (27 April-1 May 2020)*, Op. No. 33/2020 concerning Loujain Al-Hathloul (Saudi Arabia).

the trial process. For example, in Loujain Al-Hathloul's case, it is reported that there were no hearings between April 2019 and March 2020, a period of some 11 months.⁷³

⁷³ See *Opinions Adopted by the Working Group on Arbitrary Detention at its Eighty-Seventh Session (27 April-1 May 2020)*, Op. No. 33/2020 concerning Loujain Al-Hathloul (Saudi Arabia), para 11; and Amnesty International, 'Saudi Arabia: Women's rights campaigner Loujain al-Hathloul due in court', 9 March 2020 (<https://www.amnesty.org/en/latest/news/2020/03/saudi-arabia-womens-rights-campaigner-loujain-alhathloul-due-in-court/>).

E. Conclusions and recommendations:

Conclusions:

86. On the information and evidence available to me, I conclude that the arrest and detention of the Women's Rights Activists was unlawful and arbitrary:

- a. First, the arrest and detention of the Women's Rights Activists was likely motivated by their peaceful advocacy against laws and policies which were in breach of (inter alia) the UDHR, CEDAW and the Arab Charter – namely, the driving ban and the male guardianship system. In other words, the arrests resulted from the women's exercise of the rights and freedoms guaranteed by Arts. 7, 13(1) and 19 of the UDHR,⁷⁴ and amounted to unlawful discrimination on grounds of gender.
- b. Second, the Women's Rights Activists have been denied their most basic rights upon arrest, including the right not to be held incommunicado, the right to be afforded access to a lawyer, and the right to be able to promptly challenge their detention.
- c. Third, where charges have been brought against the Women's Rights Activists and are known, it is apparent that they do not amount to recognisably criminal conduct, and indeed relate to conduct which is protected by international law including the Declaration on Human Rights Defenders. Moreover, the charges appear to be based on the unacceptably vague and wide provisions of the 2007, 2014 and/or 2017 laws, and accordingly violate basic tenets of the rule of law including the requirements of certainty, accessibility and transparency. Where charges have not yet been brought (as in the case of Aida Al-Ghamdi),⁷⁵ Saudi Arabia is in clear breach of both domestic and international law regarding the maximum length of detention without charge.

87. Further, there is clear and credible evidence that a number of the Women's Rights Activists have been subjected to torture of the most heinous kind – both physical,

⁷⁴ In Aida Al-Ghamdi's case, the arrest resulted not from her own human rights work but from that of her son, and was thus similarly arbitrary.

⁷⁵ And, so far as I can ascertain, as in the cases of Mohammed Saleh Al-Bejadi and Mohammad Al-Rabea; see above, paras 63 and 81, and f.n. 55.

psychological, and sexual – in particular during the period May to August 2018 when being held incommunicado at an unofficial detention facility. There is also clear and credible evidence that much of the torture was carried out at the instigation of, and sometimes directly by, two senior members of the Saudi administration, namely Saud Al-Qahtani and Khalid Bin Salman. Consistent and credible allegations to this effect have been received from a number of sources, including a former prisoner who was held alongside (and had direct, unsupervised access to) several of the Women’s Rights Activists in Dhahban Central Prison during the relevant period.

88. On the evidence available to me, it is implausible that Crown Prince Mohammed bin Salman was unaware of the torture of the Women’s Rights Activists at the unofficial detention facility, for several reasons:

- a. It is by now well-established that the Crown Prince maintains a high level of control over the running of Saudi Arabia’s political, social and economic affairs.⁷⁶ This includes the wider and well-organised effort to clamp down on dissent within Saudi Arabia, especially since late 2017 when the Crown Prince came to power.⁷⁷ As noted above, the arrest and detention of the Women’s Rights Activists cannot be viewed in isolation, but must be seen as part of this effort.
- b. Khalid bin Salman has, and at the material time Saud Al-Qahtani had, and close ties to Crown Prince Mohammed bin Salman. It is highly improbable that he was ignorant of the activities which his brother and (at that time) closest advisor were undertaking.
- c. The operation at the unofficial facility would have been both resource-intensive and long-running, and would have required a significant amount of preparation and coordination. For example, it required a large and apparently valuable property (which, based on to the sources I have reviewed, seems likely to be in state ownership) to be given over for a period of several months, together with considerable funds; and large numbers of Mabahith officers had to be deployed to guard the detainees and carry out interrogations.

⁷⁶ See *Annex to the Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions: Investigation into the unlawful death of Mr Jamal Khashoggi*, UN Docs A/HRC/41/CRP.1 (19 June 2019).

⁷⁷ See Lord Macdonald of River Glaven Kt QC and Rodney Dixon QC, *Shrouded in Secrecy: The Human Rights situation in Saudi Arabia following arrests in September 2017*, January 2018.

89. Quite apart from the allegations of torture, the conditions in which the Women’s Rights Activists have allegedly been held at Dhahban, Al-Hair, and in Dammam, are in breach of the most basic international standards for the treatment of prisoners, including the Mandela Rules and the Bangkok Rules. In particular, there is credible evidence that the material conditions are poor, and that the activists are regularly held in solitary confinement and denied access to their families and lawyers for prolonged periods. The situation has been worsened by the effects of the COVID-19 pandemic, which the Women’s Rights Activists appear to have suffered disproportionately from compared with other prisoners.

90. Finally, for all the above reasons, there has also been a wholesale disregard of the Women’s Rights Activists’ due process rights. This is seriously compounded by the courts’ lack of independence and impartiality, by the failure of the public prosecutor’s office and the court to investigate the Women’s Rights Activists’ complaints of torture, and by the facts that the trials have been conducted in camera. These violations are of such a serious and persistent nature that any conviction resulting from the ongoing trial processes must inevitably be regarded as unsafe and unfair.

91. In light of these findings, my recommendations are set out below.

Recommendation 1: Release:

92. Saudi Arabia must immediately and unconditionally release the Women’s Rights Activists who are the subject of this report. This must include bringing to an end all ongoing legal proceedings against them, and providing them with adequate compensation for the prolonged and egregious violations they have suffered.

Recommendation 2: Contact with family and lawyers:

93. On the supposition that the Women’s Rights Activists are not immediately released in line with Recommendation 1 above, Saudi Arabia must immediately afford them regular access to their families and lawyers. Such contact should not be monitored save as contemplated by international standards for the treatment of prisoners. In this regard, I note that it is of particular concern that Loujain Al-Hathloul is presently undertaking her second hunger strike in recent months, both of which have been precipitated by the Saudi authorities’ refusal to allow her regular contact with her family and lawyers.

Recommendation 3: Monitoring and scrutiny:

94. Independent international observers must immediately be given access to the Women's Rights Activists and other imprisoned human rights defenders, in order to investigate further the matters set out in this report, to assess their conditions of detention, to ensure their safety and welfare, and to report on the same. The access must be unfettered and unsupervised.
95. In addition, Saudi Arabia should immediately sign and ratify the Optional Protocols to the CAT and CEDAW, to enable individual complaints to be entertained by the treaty bodies operating under those instruments. Similarly, Saudi Arabia should immediately sign and ratify the ICCPR together with its Optional Protocols.

Recommendation 4: Investigation and action by intergovernmental actors:

96. A number of international actors have previously called attention to some of the matters set out in this report, and made recommendations. For example, on 12 October 2018 a group of UN Special Rapporteurs condemned the arbitrary arrest and detention of the Women's Rights Activists and called for their immediate release.⁷⁸ On 14 February 2019 the EU Parliament adopted a resolution on women's rights defenders in Saudi Arabia, condemning the detention and torture of the Women's Rights Activists and calling for their immediate release.⁷⁹ And on 25 June 2020, the UNWGAD reviewed the case of Loujain Al-Hathloul and concluded that she had been arbitrarily detained, and recommended that she be immediately released and appropriately compensated for the violated she has suffered.⁸⁰ I endorse all these recommendations and call upon Saudi Arabia to implement them without any further delay.
97. Moreover, given that the abovementioned recommendations have not been actioned by the Saudi authorities thus far, I have provided copies of this report to relevant international actors, including the EU Parliament, and the following Special Procedures of the UN Human Rights Council:

⁷⁸ UN Human Rights Council Press Release, 'Saudi Arabia must immediately release all women's rights defenders, say UN experts', 12 October 2018 (<https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23719&LangID=E>).

⁷⁹ EU Parliament resolution of 14 February 2019 on women's rights defenders in Saudi Arabia (2019/2564(RSP)).

⁸⁰ *Opinions Adopted by the Working Group on Arbitrary Detention at its Eighty-Seventh Session (27 April-1 May 2020)*, Op. No. 33/2020 concerning Loujain Al-Hathloul (Saudi Arabia).

- a. The UNWGAD;
- b. The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;
- c. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;
- d. The UN Special Rapporteur on the situation of human rights defenders; and
- e. The UN Special Rapporteur on discrimination against women and girls.

98. These actors are called upon to investigate the matters set out in this report, and to urgently issue communications demanding that Saudi Arabia remedy all past violations and take steps to prevent all prospective violations. Saudi Arabia is called upon to respond constructively and transparently to such communications.

Recommendation 5: Action by national governments:

99. That two and a half years have passed since the arrest of many of the Women’s Rights Activists without meaningful comment or condemnation by the UK government is a matter of real concern. In July 2019, the UK government released a document entitled ‘UK Support for Human Rights Defenders’, acknowledging the contribution that human rights defenders make *“towards the realisation of human rights, the strengthening of the rule of law, and fostering sustainable development”*, as well as the risks and challenges that they increasingly face worldwide.⁸¹ In that document, the UK government reaffirmed its commitment to human rights defenders irrespective of where they are in the world, and pledged to take action in support of human rights defenders, including by raising cases publicly where necessary. If the UK government takes this pledge seriously, and wishes to be seen to do so, it should now take steps to publicly condemn Saudi Arabia’s widespread and systemic abuses of human rights defenders, and to call for the immediate and unconditional release of the Women’s Rights Activists discussed in this report.

⁸¹ Foreign and Commonwealth Office, ‘UK Support for Human Rights Defenders’, July 2019 (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819299/UK-Support-for-Human-Rights-Defenders.pdf).

100. The UK has longstanding diplomatic and economic ties with Saudi Arabia, particularly in the fields of energy, defence cooperation, and financial investment. But if these ties are consistently used as a reason to avoid taking firm action, or to raise concerns about Saudi Arabia's human rights record only via diplomatic back-channels, the UK risks being seen at best as beholden to Saudi Arabia and at worst as complicit in some of its worst human rights abuses. Indeed, should Saudi Arabia fail or refuse to remedy the violations identified in this report, the UK government should be prepared to positively use its diplomatic and economic leverage, including by suspending aspects of our diplomatic relations and trade with Saudi Arabia.

101. Further, given the severity of the allegations of torture made by the Women's Rights Activists, serious consideration should be given by the Foreign and Commonwealth Office to undertaking its own investigation of the claims, with a view to imposing targeted sanctions under the Sanctions and Anti-Money Laundering Act 2018 if necessary. In this regard, it is welcome that Saud Al-Qahtani is already designated under this regime for his part in the murder of Jamal Khashoggi. But as noted above, Saud Al-Qahtani is by no means the only individual implicated in the torture of the Women's Rights Activists, nor is he the only senior member of the Saudi administration to be implicated. It is vital that all those responsible are named and held to account including Crown Prince Mohammed bin Salman and Khalid bin Salman.

102. For the same reasons, similar steps should be taken by other national governments with ties to Saudi Arabia.

Recommendation 6: the 2020 G20 Summit:

103. Importantly, the UK government and its fellow G20 members must refuse to participate in the upcoming G20 summit (which is to be hosted virtually by Saudi Arabia on 21-22 November 2020).

104. In this vein, I note that on 8 October 2020 the EU Parliament adopted a resolution urging the President of the EU Council, the President of the Commission, and the Member States to *"downgrade EU institutional and diplomatic representation at the upcoming G20 Leaders Summit, in order to avoid legitimising impunity for human rights violations and ongoing illegal and arbitrary detentions in Saudi Arabia"*.⁸² More recently still, 65

⁸² EU Parliament resolution of 8 October 2020 on the situation of Ethiopian migrants in detention centres in Saudi Arabia (2020/2815(RSP)).

MEPs signed a letter calling on the Presidents of the EU Council and the Commission to boycott the G20 summit.⁸³

105. I welcome and echo these calls. The G20 summit represents a unique opportunity for the UK, EU, and other G20 members to together mark their disapproval of Saudi Arabia's treatment of the Women's Rights Activists, and to avoid normalising the wider human rights abuses being perpetrated by the Saudi regime.

Helena Kennedy, The Baroness Kennedy of The Shaws, QC

London

November 2020

⁸³ Letter to Ursula von der Leyen, President of the EU Commission, and Charles Michel, President of the EU Council, 19 October 2020 (https://alqst.org/images/MEPs%20letter%20on%20EUs%20participation%20in%20the%20G20%20summit_1603109444.pdf).

Helena Kennedy, The Baroness Kennedy of The Shaws, QC

Baroness Kennedy is a leading barrister and an expert in human rights law, civil liberties and constitutional issues.

She was elevated to the House of Lords in 1997, and as a life peer she participates in the House of Lords on issues concerned with human rights, civil liberties, social justice and culture. Her opposition to encroachments on the right to jury trial led to *The Spectator* presenting her with the Parliamentary Campaigner of the Year Award in 2000.

She has lectured on human rights, criminal law and many other subjects, both in Britain and internationally. She was the Rose Sheinberg scholar-in-residence at New York University's School of Law in 2003. She delivered the Hamlyn Trust lecture for the Institute of Advanced Legal Studies in 2002.



She is chair of Justice – the British arm of the International Commission of Jurists. She is a bencher of Gray's Inn and President of the School of Oriental and African studies, University of London. Previously, she was the chair of Charter 88 from 1992 to 1997, the Human Genetics Commission from 1998 to 2007, and the British Council from 1998 to 2004. She also chaired the Power Inquiry, which produced the Power Report on the state of British democracy in 2006. She has been honoured for her work on human rights by the French and Italian governments, and has been awarded over thirty honorary doctorates.

In Baroness Kennedy's practice as a barrister at Doughty Street Chambers in London, she has acted in many of the most prominent cases of the last 30 years including the Brighton Bombing, the Michael Bettany espionage trial, the Guildford Four appeal and the bombing of the Israeli embassy. She was the British member of the recent International Bar Association Task Force on Terrorism, and is currently acting in a number of cases connected to the recent wave of terrorism. She recently chaired an inquiry for the Royal College of Pathologists and the Royal College of Paediatrics and Child Health into sudden infant death, in the aftermath of miscarriages of justice where mothers were wrongly convicted of murdering their babies.

Further information on Baroness Kennedy's work can be found at:
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