

**Submission to the Working Group on Enforced Disappearance**

**Contexts of Short-Term Enforced Disappearance:**

Saudi Arabia practices enforced disappearance on a large scale, especially against political prisoners and opinion-makers. Most of the victims' families are unaware of the fate of their relatives after they were arrested from the street or their places of work, as a result of depriving them of their right to communicate with them, and not enabling them to seek the assistance of a lawyer.

In many cases, after an enforced disappearance that lasts for hours or days, officials in the General Intelligence prisons allow the disappeared person to make a short call to inform his family of his whereabouts, to return and disappear for periods that may extend for a year or more, during which he is subjected to torture, and his right to communicate with the outside world is denied or to obtain a lawyer.

In other cases, enforced disappearance extends without any information about the whereabouts of the victim or the reason for the arrest for months or years.

The European Saudi Organization for Human Rights documented the Saudi government's use of enforced disappearance as a prelude to torture and extract confessions, and in many cases, these confessions were used to issue sentences, including death sentences.

**In law:**

According to the Code of Criminal Procedure, the detainee has the right to contact any person of his choice to inform him of his

arrest, while the Law on Combating the Financing of Terrorism asserts in its 20th article: Without prejudice to the right of the accused to inform his family of his arrest, the public prosecution may issue an order barring contact with the accused for a period not exceeding ninety days if the investigation so warrants.

These articles do not specify the period between arrest and the right to inform the family, which legally allows for a period of enforced disappearance. In addition, it is possible to calculate the period during which the detainee is prevented from communicating with enforced disappearance, as the family does not know his whereabouts or his fate.

In addition, the law does not specify the responsibility of the official authorities that carry out the arrest process for reporting the arrest and its reasons, which may result in enforced disappearance, due to the victim’s inability to communicate

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**Key procedural questions:**

The Working Group on Enforced or Involuntary Disappearances of the Human Rights Council testifies to Saudi Arabia’s violations in this regard, as it sent to Saudi Arabia, from 2011 to August 2022, 12 cases in which Saudi Arabia was questioned about the fate of individuals who were subjected to enforced disappearance, in addition to questions about the use of the Anti-Terrorism Law to justify enforced disappearances. Among the individuals who were subjected to enforced disappearance were those who were subsequently executed.

**Among the questions to be asked about enforced disappearance are**:

• What is the responsibility of the authorities that arrest the accused for reporting the arrest?

• How to ensure that the law of terrorism is not used to justify enforced disappearance?

• How is the right to know the whereabouts and fate of the detainee guaranteed at all judicial stages, considering the lack of news of him for a long time and no responding to the family's request to know his whereabouts as an enforced disappearance?

• Are the names of the detainees and their places of detention publicly announced at all stages?