

Input for project of joint statement on enforced disappearances in the context of transnational repression

I. Introduction

This submission is presented in response to the call by the Working Group on Enforced or Involuntary Disappearances and the Committee on Enforced Disappearances for contributions concerning cases of enforced disappearance in the context of transnational repression. It aims to shed light on the patterns and practices employed by **Saudi Arabia** beyond its territorial borders that result in the deprivation of liberty of individuals, followed by the denial of their fate or whereabouts, or their isolation from the outside world, amounting to enforced disappearance as defined under international human rights law.

This submission is made by the **European Saudi Organization for Human Rights (ESOHR)**, an independent human rights organisation based in Berlin, founded by a group of Saudi activists in exile. The organisation documents and monitors human rights violations in Saudi Arabia.

It should be noted that the cases and examples referenced in this submission are documented and may be publicly disclosed and cited for the purposes of reporting, advocacy, and UN documentation, unless otherwise explicitly stated.

II. Enforced Disappearance in the Context of Transnational Repression in the Saudi Case

Enforced disappearances in the context of transnational repression occur when states use legal, security, or diplomatic tools beyond their borders to target individuals perceived as opponents, critics, or “politically undesirable.” In the case of Saudi Arabia, this pattern manifests through the extradition or deportation of individuals from third countries, or their entrapment through security cooperation or diplomatic channels, followed by their detention upon or shortly after arrival in Saudi Arabia in conditions of incommunicado detention, accompanied by the denial or concealment of basic information regarding their whereabouts or legal status.

These practices do not target individuals for genuine criminal conduct, but rather for their peaceful activities, political or religious views, or familial ties to individuals sought by the authorities, within a broader policy of political repression and collective punishment.

Documented cases demonstrate that these practices do not occur in isolation, but rather through an institutional and legal framework involving bilateral agreements, regional cooperation mechanisms, and the use of policing and diplomatic tools. These practices are

carried out in the absence of effective safeguards to uphold the principle of non-refoulement and without independent judicial oversight, leading to serious and systematic human rights violations.

III. Legal and Institutional Tools Facilitating Transnational Repression

1. Bilateral Security Agreements and Extradition Treaties

Saudi Arabia has concluded numerous bilateral agreements on security cooperation and extradition with various states. While these agreements are formally presented as tools to combat crime or terrorism, their practical application reveals structural deficiencies that facilitate transnational repression¹.

Such agreements are often drafted in broad and vague terms and lack binding safeguards prohibiting extradition where there is a real risk of torture or enforced disappearance. They also fail to require an independent, individualised human rights risk assessment prior to extradition. This deficiency is exacerbated by the absence of independent and effective judicial oversight, as extradition decisions are frequently taken within administrative or security frameworks, with limited—if any—access to effective judicial review.

This approach directly contradicts international obligations, particularly Article 3 of the UN Convention against Torture and Article 16 of the International Convention for the Protection of All Persons from Enforced Disappearance. Nevertheless, in practice, bilateral agreements are applied in isolation from—or even in precedence over—these binding obligations, resulting in the transfer of individuals who are subsequently subjected to secret detention or denied contact with their families and lawyers.

2. Regional Cooperation Frameworks

Saudi Arabia also relies on regional cooperation mechanisms to facilitate the transfer of wanted individuals, most notably the Gulf Cooperation Council² and the Council of Arab Interior Ministers³ of the League of Arab States. Through shared databases and security notices, these frameworks effectively enable the arrest and transfer of individuals across member states.

Although extradition for “political offences” is explicitly prohibited under Article 41 of the Arab Convention on Judicial Cooperation (Riyadh Convention),⁴ this prohibition is routinely

¹ <https://europe.ohchr.org/resources/speeches/transnational-repression-mapping-trends-and-improving>

² <https://www.gcc-sg.org/ar/Pages/default.aspx>

³ <https://www.aim-council.org/about/council-devices/>

⁴ <https://www.moi.gov.sa/wps/wcm/connect/a9d26710-6009-421d-a020-8ed7a2fb2e89/%D8%A7%D8%AA%D9%81%D9%80%D8%A7%D9%82%D9%8A%D8%A9%D8%A7%D9%84%D8%B1%>

disregarded in practice. Moreover, these frameworks do not incorporate international human rights standards, nor do they reference the principle of non-refoulement, creating a legal vacuum that is exploited to circumvent binding international obligations.

IV. Operational Patterns Leading to Enforced Disappearance

Documented cases show that enforced disappearance in this context is not incidental but results from recurring patterns, including:

- arrest in a third country at the request of Saudi authorities;
- deportation or extradition without an individualised human rights risk assessment;
- detention immediately upon arrival, with denial of access to family or legal counsel;
- concealment or delayed disclosure of the place of detention; and
- the use of secret or solitary detention as an initial stage prior to trial.

V. Documented Cases of Enforced Disappearance in the Context of Transnational Repression

Hassan Al-Rabeea – Extradition from Morocco (2023)

On 1 February 2023, the Moroccan Court of Cassation decided to extradite Saudi national Hassan Al-Rabeea to Saudi Arabia after a single hearing⁵. He had been arrested on 14 January 2023 while attempting to travel to Türkiye. Ten days after his arrest, a high-level Saudi security delegation visited Morocco and a security and counter-terrorism cooperation agreement was signed. Following his extradition, Hassan Al-Rabeea was subjected to enforced disappearance for several months, during which family visits were denied and his place of detention concealed. He remains on trial, amid broader reprisals against his family, including the risk of execution faced by his brother.

Osama Abbas Talal al-Mahrouqi (also known as Osama Al-Hasani)– Extradition from Morocco despite interim measures (2021)

In February 2021, Osama Al-Hasani was violently arrested in Morocco on the basis of an Interpol

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⁵ <https://www.esohr.org/en/%d8%a7%d9%84%d9%85%d8%ba%d8%b1%d8%a8-%d9%8a%d8%a3%d8%aa%d9%85%d8%b1-%d9%84%d9%84%d8%b3%d8%b9%d9%88%d8%af%d9%8a%d8%a9-%d9%88%d9%8a%d9%86%d8%aa%d9%87%d9%83-%d8%a7%d9%84%d9%82%d9%88%d8%a7%d9%86%d9%8a/>

Red Notice requested by Saudi Arabia⁶. Despite the **UN Committee against Torture** requesting interim measures on 12 March 2021 to prevent his extradition, he was transferred to Saudi Arabia on the same day without notifying his lawyer, family, or the Australian consulate. He remained forcibly disappeared for several months following his transfer.

On 12 March, the UN Committee Against Torture sent a communication to the Moroccan government requesting that Osama should not be extradited to Saudi Arabia until the Committee had examined the case, due to the real risk of torture under Article 3 of the In March Convention against Torture. Despite this request, he was nevertheless extradited. 2021, UN Special Rapporteurs expressed serious concern over Morocco's extradition of Osama Abbas Talal al-Mahrouqi to Saudi Arabia in defiance of the interim measures ordered by the UN Committee Against Torture. The UN experts stated that his extradition, and the risk of him being subjected to torture, constituted a violation of international law, including the Convention against Torture and the Declaration on the Protection of All Persons from Enforced Disappearance.⁷

Amjad Tareq Al-Faraj – Forcible return from Oman (2019)

On 5 March 2019, Omani authorities forcibly returned Saudi national Amjad Tareq Al-Faraj (born 1999) to Saudi Arabia. He had been residing in Oman since January 2018 after fleeing Saudi Arabia amid a security campaign targeting residents of Al-Awamiyah and members of his family. He was arrested at Muscat Airport on 2 March 2019 and transferred without any legal safeguards. His family home had previously been violently raided in November 2017 and January 2018. Following his return, information regarding his fate and whereabouts was cut off for extended periods⁸.

Jamal Khashoggi – Enforced disappearance inside the Saudi Consulate in Istanbul (2018)

On 2 October 2018, journalist Jamal Khashoggi entered the Saudi Consulate in Istanbul and never emerged. He was subjected to enforced disappearance before it was established that he had been tortured and extrajudicially killed. International investigations concluded that the

⁶ <https://www.esohr.org/en/%d8%aa%d8%b9%d8%a7%d9%88%d9%86-%d9%82%d9%85%d8%b9%d9%8a-%d8%a8%d9%8a%d9%86-%d8%a7%d9%84%d9%85%d8%ba%d8%b1%d8%a8-%d9%88%d8%a7%d9%84%d8%b3%d8%b9%d9%88%d8%af%d9%8a%d8%a9-%d9%8a%d9%87%d8%af%d8%af-%d8%ad/>

⁷ <https://europe.ohchr.org/resources/speeches/transnational-repression-mapping-trends-and-improving>

⁸ <https://www.esohr.org/en/%d8%b3%d9%84%d8%b7%d9%86%d8%a9-%d8%b9%d9%85%d8%a7%d9%86-%d8%aa%d8%b9%d9%8a%d8%af-%d9%82%d8%b3%d8%b1%d8%a7%d9%8b-%d8%a7%d9%84%d8%b4%d8%a7%d8%a8-%d8%a3%d9%85%d8%ac%d8%af-%d8%a7%d9%84%d9%81%d8%b1%d8%ac/>

operation was carried out on the orders of senior Saudi state officials, representing an extreme example of the use of diplomatic premises as tools of transnational repression.

This case represents the most extreme manifestation of transnational repression. In her report on the investigation of, accountability for, and prevention of intentional State killings of human rights defenders, journalists, and prominent dissidents, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated that *“the killing of Jamal Khashoggi also constitutes, to this date, an enforced disappearance, since the location of his remains has not been established.”*⁹

Nawaf Talal Al-Rashid – Extradition from Kuwait (2018)

On 12 May 2018, Kuwaiti authorities extradited poet Nawaf Talal Al-Rashid to Saudi Arabia under what they described as “mutual security arrangements.” He was forcibly disappeared for ten months following his transfer before being released without charge, confirming the arbitrary nature of his detention.

In May 2018, the **Office of the High Commissioner for Human Rights**, through its spokesperson **Liz Throssell**, referred to the case of **Abdullah al-Rashid**, who was transferred to Saudi Arabia on 12 May 2018, noting that his case fell within a broader pattern of arbitrary arrests and enforced disappearances carried out without explanation or respect for due legal process.¹⁰

Mohammed Al-Otaibi – Forcible deportation from Qatar (2017)

In March 2017, human rights defender Mohammed Al-Otaibi was arrested at Doha Airport while attempting to travel to Norway to seek asylum and was forcibly deported to Saudi Arabia.¹¹ Upon arrival, he was held incommunicado for two weeks, followed by three months in solitary confinement, and was not brought before a judicial authority until fifty days later. He was later sentenced to 14 years’ imprisonment.¹²

Dina Ali Al-Saloom Al-Yami – Forcible return from the Philippines (2017)

In April 2017, Saudi national Dina Ali Al-Saloom Al-Yami was forcibly returned from the Philippines to Saudi Arabia after being detained at the request of the Saudi Embassy while in

⁹ <https://documents.un.org/doc/undoc/gen/g19/296/91/pdf/g1929691.pdf>

¹⁰ <https://www.esohr.org/ar/%d8%a7%d9%84%d9%85%d9%81%d9%88%d8%b6%d9%8a%d8%a9-%d8%a7%d9%84%d8%b3%d8%a7%d9%85%d9%8a%d8%a9-%d9%84%d8%ad%d9%82%d9%88%d9%82-%d8%a7%d9%84%d8%a5%d9%86%d8%b3%d8%a7%d9%86-%d8%b9%d9%84%d9%89-%d8%a7%d9%84/>

¹¹ <https://www.esohr.org/ar/%d8%b9%d9%84%d9%89-%d8%a7%d9%84%d8%ad%d9%83%d9%88%d9%85%d8%a9-%d8%a7%d9%84%d9%82%d8%b7%d8%b1%d9%8a%d8%a9-%d8%a5%d8%b7%d9%84%d8%a7%d9%82-%d8%b3%d8%b1%d8%a7%d8%ad-%d9%85%d8%ad%d9%85%d8%af-%d8%a7%d9%84/>

¹² <https://documents.un.org/doc/undoc/gen/g19/096/10/pdf/g1909610.pdf?OpenElement>

transit. Since her return, her fate and whereabouts have remained unknown, with reports suggesting she was forcibly disappeared or placed in a state-run detention facility for women.¹³

VI. Individuals Most at Risk

The documented cases demonstrate that those most at risk of enforced disappearance in the context of transnational repression include political opponents abroad, human rights defenders, journalists and writers, social media activists, individuals from marginalised regions or minorities, and relatives of dissidents or persons sought by security authorities.

VII. Existing — or Lacking — Accountability Mechanisms

Despite clear international legal obligations, accountability mechanisms remain largely ineffective. Investigations are absent or inadequate, prosecutions are rare, and universal jurisdiction has not been meaningfully exercised, contributing to entrenched impunity.

All UN Member States are obliged to refrain from extraditing, deporting, or otherwise transferring any person to Saudi Arabia where there are substantial grounds for believing they would face a real risk of torture or enforced disappearance, pursuant to Article 3 of the Convention against Torture¹⁴, Articles 2 and 16 of the Convention on Enforced Disappearance, Article 7 of the ICCPR¹⁵, and customary international law. States that violate these obligations incur shared international responsibility. The failure of States to exercise available accountability mechanisms has a chilling effect and contributes to the repetition of these violations.

VIII. Conclusion

The Saudi case demonstrates that enforced disappearance in the context of transnational repression constitutes a systematic pattern facilitated by bilateral agreements, regional cooperation frameworks, and policing and diplomatic mechanisms, in the absence of binding human rights safeguards and independent judicial oversight. This reality requires robust intervention by UN mechanisms, strict compliance by states with their non-refoulement obligations, and concrete measures to ensure truth, justice, and reparations for victims and their families.

¹³ <https://www.hrw.org/news/2017/04/14/fleeing-woman-returned-saudi-arabia-against-her-will>

¹⁴ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

¹⁵ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced>