

CASE ANALYSIS

Case Summary and Outcome

The United Nations Working Group on Arbitrary Detention (WGAD) found that the imprisonment of Salma al-Shehab and Nourah al-Qahtani by Saudi authorities was arbitrary and in violation of international human rights standards, particularly the right to freedom of expression under Article 19 of the Universal Declaration of Human Rights (UDHR). Both women were prosecuted under Saudi Arabia's Anti-Terrorism Law (Royal Decree No. M/21) and Anti-Cybercrime Law (Royal Decree No. M/17) for their peaceful online activism. Salma was sentenced to 34 years in prison and Nourah to 45 years.

The Working Group found that the detentions lacked any legal basis (Category I), directly resulted from the exercise of protected speech (Category II), were marked by serious violations of fair trial guarantees (Category III), and were motivated in part by discrimination based on gender, political opinion, and, in Salma's case, her Shia religious identity (Category V).

WGAD called for their immediate release, reparations, and for Saudi Arabia to revise its national laws to comply with international human rights standards. The case was referred to UN Special Rapporteurs on freedom of expression, counterterrorism, and torture, reinforcing global concerns about the repression of digital freedoms in the Kingdom.

Facts

This case concerns the detention and prosecution of Salma bint Sami bin Abdulmohsen al-Shehab, a Saudi citizen and PhD student at the University of Leeds, and Nourah bin Saeed al-Qahtani, a Saudi citizen and online commentator. Both women were arrested and sentenced under Saudi Arabia's Anti-Terrorism Law (Royal Decree No. M/21) and Anti-Cybercrime Law (Royal Decree No. M/17) for their peaceful online activities related to human rights and political expression.

Salma al-Shehab was arrested on 15 January 2021 while visiting Saudi Arabia on holiday from the United Kingdom. She had an active presence on Twitter, where she reposted content in support of women's rights, political prisoners, and Palestinian solidarity, and often engaged with posts calling for the release of prominent activists, such as Loujain al-Hathloul. Her Twitter bio included statements such as "Life is belief and struggle" and hashtags including #Quds_is_Arabic, #Stop_Killing_Women, and #Freedom_for_prisoners_of_opinion.

She was summoned to the Presidency of State Security facility in Dammam for questioning regarding her retweets and her viewing of videos by Saudi dissidents. During

interrogation, no arrest warrant was shown, and no charges were provided. She was not allowed to leave after the session and was immediately placed in detention.

Salma was held incommunicado for 13 days, with no access to her family, a lawyer, or the outside world. She remained in solitary confinement for a total of 285 days, during which time she was frequently interrogated without the presence of legal counsel. According to her statements submitted to the court, she was interrogated late at night, often after taking prescribed antidepressants and sleeping medication, and was subjected to psychological pressure. Officers allegedly told her that “no one cares about you” and attempted to coerce her into expressing support for the Muslim Brotherhood, a banned group in Saudi Arabia. She was verbally harassed, including references to her Shia Muslim background, and transferred between Dammam and Riyadh without notice to her family.

Throughout this period, Salma was not granted access to legal counsel. A government-appointed lawyer was later assigned but did not maintain communication with her. Her family hired a private lawyer, but all meetings between them were monitored by security officers, compromising the confidentiality of legal consultation.

In October 2021, nearly 10 months after her arrest, Salma was formally charged under multiple provisions of the Anti-Terrorism and Anti-Cybercrime Laws. Her trial took place before the Specialized Criminal Court, which hears terrorism-related cases. Proceedings were held in closed court, and the evidence presented against her consisted solely of her Twitter activity and statements made during interrogation. Her initial sentence in March 2022 was six years in prison and the permanent closure of her Twitter account. However, upon appeal by the Public Prosecutor, her sentence was increased on 19 August 2022 to 34 years in prison, followed by a 34-year travel ban. The appellate court cited her support for individuals “seeking to disrupt public order” and imposed a discretionary 5-year sentence for charges with no fixed penalties. Her lawyer was barred from attending the final sentencing hearing.

Nourah al-Qahtani was arrested on 4 July 2021, several months after Salma’s detention. She had used two anonymous Twitter accounts to post criticism of Saudi government policies, advocate for the release of political prisoners, and express support for human rights. At the time of arrest, authorities cited her digital activity as a basis for detaining her. She was later charged under the same legal framework as Salma.

On 16 February 2022, the Specialized Criminal Court sentenced Nourah to 13 years in prison, half of which was suspended, along with a 13-year travel ban. The court ordered the confiscation of her phone and SIM card, closure of her Twitter accounts, and seizure of a book authored by Salman al-Odah, a detained Saudi cleric and prisoner of conscience.

Following an appeal by the Public Prosecutor, the sentence was increased on 9 August 2022 to 45 years in prison and a 45-year travel ban, with the appellate court citing various provisions of both laws, including articles 30, 34, 35, 38, 43, 44, and 46 of the Anti-

Terrorism Law, and article 6 of the Anti-Cybercrime Law. An additional one-year discretionary sentence was imposed for allegedly "insulting the symbols of the State" and possessing a banned book. The appellate judgment referenced her posts as attempts to "disturb public order and destabilize the social fabric."

In both cases, the UN Working Group noted that the Saudi authorities used broad and undefined legal provisions to prosecute online expression. The Specialized Criminal Court, where both trials were held, is composed of judges appointed by a council under the authority of the King, raising concerns about judicial independence. Both trials were conducted behind closed doors, with limited access to counsel, and under circumstances that prevented the women from mounting an adequate defense.

The sentences handed to Salma and Nourah—34 years and 45 years, respectively—were unprecedented for social media activity and drew condemnation from the Office of the UN High Commissioner for Human Rights and multiple international NGOs. Both women remain imprisoned as of the last UN communication. Saudi authorities have claimed that the convictions were for terrorism-related offenses and have stated that the cases remain under judicial review by the Supreme Court, which returned the case to the appellate level for reconsideration.

Decision Overview

The United Nations Working Group on Arbitrary Detention (WGAD) examined the cases of Salma al-Shehab and Nourah al-Qahtani and concluded that their arrest, prosecution, and detention by Saudi Arabian authorities constituted a violation of international human rights law. The Working Group found the deprivation of liberty to be arbitrary under Categories I, II, III, and V, as outlined in its Methods of Work (A/HRC/36/38).

Category I – No Legal Basis for Detention

WGAD found that neither woman was presented with a valid arrest warrant at the time of arrest, nor were they promptly informed of the reasons for their detention or the charges against them. Salma al-Shehab, in particular, was detained for 10 months before charges were filed, in direct violation of Articles 3, 8, and 9 of the Universal Declaration of Human Rights (UDHR) and principles 10 and 37 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Moreover, both women were subjected to detention based on vague and overly broad provisions of Saudi Arabia's Anti-Terrorism and Anti-Cybercrime Laws, which the Working Group concluded failed to meet the requirement of legal certainty under Article 11(2) UDHR.

WGAD emphasized that legal certainty is a foundational requirement of the principle of legality in criminal law (*lex certa*), and it referred to previous opinions where overly broad

laws used to criminalize peaceful speech rendered detention arbitrary (see Opinions No. 71/2019, No. 30/2022).

Category II – Violation of Freedom of Expression

Both women were detained solely due to their peaceful expression on social media platforms such as Twitter. The Working Group reaffirmed that expression of political opinions, particularly support for human rights and criticism of state policies, is protected under Article 19 of the UDHR. WGAD applied the three-part test under Article 29(2) UDHR, which permits restrictions on expression only when they:

1. Have a legal basis under national law;
2. Serve a legitimate aim (e.g., national security, public order, rights of others);
3. Are necessary and proportionate to achieve that aim.

The Working Group held that Saudi Arabia failed to meet this test. The women's tweets neither incited violence nor posed any credible threat to national security. For example, Salma's activity consisted of retweets and hashtags in support of imprisoned activists and calls for gender equality, while Nourah's tweets were anonymous and largely focused on government accountability. The prosecution of these acts under counterterrorism laws was thus deemed an abusive application of legislation designed for entirely different contexts.

WGAD further observed that criminalizing peaceful speech, particularly when it relates to public interest matters, cannot be justified in a democratic society. The use of legal tools such as Article 6 of the Anti-Cybercrime Law to penalize digital expression constituted a disproportionate and unnecessary restriction, incompatible with international standards.

Category III – Violation of the Right to a Fair Trial

WGAD found egregious violations of fair trial guarantees. Salma was subjected to 13 days of incommunicado detention, interrogated without access to legal counsel, and denied confidential communication with her lawyer even after private counsel was appointed. The State also monitored lawyer-client meetings, violating the Principles on the Role of Lawyers, particularly principles 8 and 22, and Principles 17 and 18 of the Body of Principles.

Both women were tried by the Specialized Criminal Court, a body criticized by UN treaty bodies and special procedures for its lack of independence and impartiality, given its judges are appointed by the Supreme Judicial Council, a body under executive control. This structural flaw was compounded by the use of closed proceedings, with no

justification provided for the lack of public access. WGAD referred to its prior findings (e.g., Opinions No. 26/2019 and No. 22/2019) that the Specialized Criminal Court had been increasingly used to prosecute peaceful dissidents under terrorism charges.

Additionally, both were sentenced to discretionary prison terms not tied to any specific offense—five years for Salma, and one year for Nourah—in direct contravention of the principle of legality and the requirement that criminal punishment be based on clearly defined offenses.

The Working Group concluded that these cumulative due process violations—denial of timely access to counsel, lack of public hearings, executive interference in the judiciary, use of secret evidence, and disproportionate sentencing—were of such gravity as to render the proceedings fundamentally unfair, in breach of Articles 10 and 11 UDHR.

Category V – Discrimination on the Basis of Gender, Religion, and Political Opinion

The Working Group found that the prosecutions were rooted in discriminatory motives. Salma al-Shehab's Shia Muslim identity, coupled with her public advocacy for women's rights, made her a target of sectarian and gender-based repression. The interrogation records reflected verbal harassment related to her Shia background, and the severity of her sentence far exceeded that of similarly situated Sunni male defendants. WGAD noted a pattern of discrimination against female human rights defenders in Saudi Arabia (see also Opinion No. 33/2020), and concluded that the treatment of both Salma and Nourah violated Articles 2 and 7 UDHR, as well as Principle 5 of the Body of Principles.

The Working Group concluded that the State failed to justify the legal basis, necessity, and proportionality of the restrictions placed on Salma al-Shehab and Nourah al-Qahtani. The use of counterterrorism frameworks to silence peaceful expression, the denial of fair trial rights, and the discriminatory nature of their treatment collectively led to a finding that their imprisonment was arbitrary and in violation of multiple international standards.

The Working Group urged Saudi Arabia to release both women immediately, offer reparations, revise its legal framework, and guarantee non-repetition. It also referred the matter to the Special Rapporteurs on freedom of expression, torture, and counterterrorism, highlighting the urgency and gravity of the violations committed.

DECISION DIRECTION

Expands Expression

The decision expands the protection of freedom of expression by strongly condemning the misuse of anti-terrorism and cybercrime laws to silence peaceful dissent. By finding the imprisonment of Salma al-Shehab and Nourah al-Qahtani to be arbitrary and unlawful, the WGAD reaffirms that digital activism and online solidarity with human rights causes are protected forms of expression under international law.

GLOBAL PERSPECTIVE

Table of Authorities

International Human Rights Treaties & Council Resolutions

- **International Covenant on Civil and Political Rights (ICCPR), Article 19**
- **ICCPR, Article 9**
- **Committee against Torture, general comment No. 4 (2017)**
- **Human Rights Council resolution 51/8, 6 and 9**
- **A/HRC/40/52/Add.2**
- **A/HRC/19/57**
- **A/HRC/30/37**
- **Deliberation No. 9 (A/HRC/22/44)**
- **E/CN.4/2006/7**
- **OHCHR statement on Saudi woman jailed for 34 years (19 August 2022)**

United Nations Working Group Opinions on Arbitrary Detention

- **Opinion No. 22/2019**
- **Opinion No. 26/2019**
- **Opinion No. 56/2019**
- **Opinion No. 71/2019**
- **Opinion No. 49/2019**
- **Opinion No. 58/2019**

- **Opinion No. 60/2019**
- **Opinion No. 5/2021**
- **Opinion No. 30/2017**
- **Opinion No. 85/2021**
- **Opinion No. 79/2022**
- **Opinion No. 88/2017**
- **Opinion No. 3/2018**
- **Opinion No. 30/2018**

United Nations Working Group Opinions on Arbitrary Detention

- **Anti-Terrorism Law (Royal Decree No. M/21)**
- **Anti-Cybercrime Law (Royal Decree No. M/17)**
- **CAT/C/SAU/CO/2, 16 and 17**
- **Communication SAU 12/2020, 6 ([Available here](#))**
- **Documents from the Specialized Criminal Court of Appeal**