



INTERNATIONAL RESEARCH JOURNAL OF HUMANITIES AND INTERDISCIPLINARY STUDIES

(Peer-reviewed, Refereed, Indexed & Open Access Journal)

DOI : 03.2021-11278686

ISSN : 2582-8568

IMPACT FACTOR : 8.031 (SJIF 2025)

Beyond Punishment: Post-Sentence Detention of Indian Expatriates in Saudi Prisons and the Challenge to International Human Rights Norms

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DOI No. **03.2021-11278686** DOI Link :: <https://doi-ds.org/doi/10.2025-45422139/IRJHIS2510015>

ABSTRACT:

This research investigates the systemic causes and human rights implications of prolonged post-sentence detention of Indian expatriates in Saudi Arabian prisons. Drawing on case studies alongside institutional analysis, the study reveals how fragmented agencies, employer-dependent exit systems, and inefficient deportation processes combine to trap detainees in indefinite confinement beyond judicial sentences. Case 1 exemplifies how missing documentation and delayed consular intervention prolong detention despite sentence completion. Case 2 highlights the sponsor-driven exit visa system, where uncooperative employers stall lawful repatriation and consular efforts fall short without formal enforcement mechanisms. Case 3 exposes how administrative bottlenecks and poor detention conditions cause extended confinement even after legal clearance. These findings illustrate a pervasive lack of coordination, accountability, and transparency among Saudi bodies and Indian diplomatic missions, undermining detainees' legal rights and dignity. The research underscores urgent needs for streamlined inter-agency communication, binding bilateral protocols, and enforceable rights-based reforms to safeguard migrant workers. Ultimately, the study calls for systemic changes to end administrative detention, restore rule of law, and uphold international human rights protections for one of the largest expatriate populations affected by this issue globally. This comprehensive analysis contributes critical insights for policymakers and advocates working to reform detention governance and enhance protections for vulnerable migrant communities.

KEYWORDS: Post-Sentence Detention, Indian Expatriates, Saudi Arabia Prisons, Migrant workers' human rights, Deportation, Consular mechanism/ Coordination

INTRODUCTION:

Saudi Arabia hosts one of the world's largest Indian expatriate communities, with over 2.5 million nationals employed across construction, domestic work, health care, and retail sectors. These workers are integral to the Saudi economy while also contributing significantly to India's remittance inflows. Yet their precarious legal position in Saudi Arabia's criminal justice system makes them especially vulnerable. Unlike Saudi nationals, foreign prisoners must undergo multiple layers of

administrative approval and diplomatic coordination before release and repatriation, a process that often results in prolonged detention even after the lawful completion of their sentences.

This phenomenon, known as *post-sentence detention*, is not the outcome of fresh judicial orders or extended punishment but rather of procedural bottlenecks such as delays in issuing exit permits, deportation clearances, and intergovernmental documentation. Reports from human rights organizations and news outlets have repeatedly documented cases where Indian nationals remain imprisoned well beyond their terms due to missing travel documents, slow embassy responses, and sluggish inter-agency coordination. According to the *Hindustan Times*, more than 2,600 Indian nationals are currently detained in Saudi prisons, the highest number from any foreign country.

Despite frameworks such as India's *Repatriation of Prisoners Act, 2003*¹, the mechanisms for timely transfer remain weak. Only 73 Indian prisoners had been repatriated by 2020 out of 205 applications filed. While exceptional diplomatic interventions, such as the 2019 agreement that secured the release of 850 Indian prisoners following high-level negotiations highlight the urgency of the issue, they have not resolved its systemic nature. The result is the emergence of a category of "forgotten prisoners," confined indefinitely in legally ambiguous conditions that raise serious concerns about arbitrary detention, erosion of due process, and violations of basic rights.

Although advocacy organizations, including Human Rights Watch, have highlighted these violations, there remains a striking gap in scholarly analysis of the administrative coordination between Indian diplomatic missions and Saudi authorities in the post-sentence context. This study seeks to address that gap by examining the bureaucratic, legal, and diplomatic dimensions of post-sentence detention among Indian expatriates in Saudi Arabia. It argues that meaningful resolution requires not only reforms within Saudi Arabia's enforcement systems but also stronger, more responsive Indian consular mechanisms. Ultimately, bilateral cooperation, streamlined documentation, and timely diplomatic intervention are essential to prevent unlawful detention and to uphold the rights of expatriate prisoners.

This paper adopts a qualitative secondary data research approach, systematically analyzing published reports, legal documents, international conventions, and credible organizational assessments relevant to post-sentence detention of Indian expatriates in Saudi Arabia. By relying exclusively on existing

¹ Parliament, *THE REPATRIATION OF PRISONERS ACT, 2003*, *THE REPATRIATION OF PRISONERS ACT*, 2003, 2003, https://www.indiacode.nic.in/bitstream/123456789/15418/1/the_repatriation_of_prisoners_act,_2003.pdf.

qualitative sources, the study synthesizes diverse perspectives and empirical accounts while avoiding the limitations and ethical constraints of primary data collection in sensitive carceral contexts. This methodology enables an in-depth, comparative, and critical analysis of legal frameworks, institutional practices, and human rights outcomes as documented across multiple authoritative secondary sources

RESEARCH GAP:

While several studies examine migrant labor issues, the Kafala system, and the general detention of expatriates in the Gulf, limited academic research specifically focuses on post sentence detention of Indian nationals in Saudi prisons. The key gaps in this study addresses limited focus on bureaucratic delays as most studies discuss migrant labor exploitation but do not examine how administrative inefficiencies result in indefinite detention even after sentences are completed. Existing research covers legal aspects of detention but lacks insights into India's diplomatic efforts, policy shortcomings, and embassy interventions. Moreover, most human rights and NGO reports focus on pre-trial and labor- related detentions, with little discussions on prisoners awaiting deportation due to documentation issues. By addressing these gaps, this study provides a new perspective on convergence of law, bureaucracy, and diplomacy, offering policy relevant insights into resolving prolonged detention cases.

LITERATURE REVIEW:

1. Normative Frameworks on Incarceration and Human Rights:

The United Nations System Common Position on Incarceration (2021)¹ provides a rights-based framework for understanding global detention practices, emphasizing that imprisonment should remain a measure of last resort. Aligned with the Tokyo Rules (1990)² and the Nelson Mandela Rules, it highlights the dangers of excessive use of pretrial detention as a leading cause of overcrowding and rights violations. It further identifies socioeconomic inequality, structural discrimination, and inadequate access to legal aid as factors sustaining excessive incarceration. Administrative failures such as delayed documentation and consular coordination are identified as particularly grave human rights concerns.

The OHCHR's *Human Rights in the Administration of Justice Manual*³ reinforces this rights-based approach. Article 9 of the ICCPR affirms that liberty is the rule and detention the exception,

¹ United Nations System, "Common Position on Incarceration," March 2021, https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelrules-GoF/UN_System_Common_Position_on_Incarceration.pdf.

² United Nations, "United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)," *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*, 1992, https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_Non-custodial_Measures_Tokyo_Rules.pdf.

³ OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS and INTERNATIONAL BAR

rendering any confinement without fresh legal grounds arbitrary under international law. In *Mukong v. Cameroon*, the Human Rights Committee clarified that arbitrariness includes procedural unpredictability and bureaucratic delay. Furthermore, judicial oversight requirements in Article 9(4) of the ICCPR and Article 5(4) of the European Convention on Human Rights strengthen the position that Saudi Arabia's practice of detaining prisoners after sentence completion, without judicial review, is incompatible with international norms.

The Tokyo Rules expand these principles by offering practical mechanisms. Rules 1.5 and 9.4 urge member states to expedite early release through parole and conditional release, while Rule 3 guarantees transparency, due process, and remedies when non-custodial measures are abused. Rules 2.3, 2.4⁴ emphasize innovative alternatives to custody. Yet, Saudi Arabia's rigid penal system rarely applies such measures to foreign nationals. The failure to operationalize these norms has left expatriates in prolonged administrative custody, despite the availability of global standards mandating alternatives.

2. Penal Policy, Overcrowding, and the Politics of Incarceration:

Literature on penal policy demonstrates that overcrowding is not a product of rising crime but of policy choices that privilege incarceration. Roberts (2005) critiques the politicization of sentencing, particularly in the United States, where mandatory minimums and "tough-on-crime" guidelines fuel custodial sentences for non-violent offenses. Public misconceptions such as overestimating crime rates and underestimating the cost of incarceration reinforce these punitive cycles. Garland's (2001) concept of a "culture of control" further explains how imprisonment becomes a default social response to deviance.

By contrast, Scandinavian models emphasize proportionality and use sentencing councils and population controls to ensure that imprisonment remains a measured, resource-aligned response. Roberts identifies these as best practices in reducing unnecessary incarceration. In Saudi Arabia, however, persistent overcrowding reflects over-reliance on custodial punishment, inflexibility in sentencing, and absence of robust parole mechanisms. Administrative bottlenecks including those delaying release and repatriation of foreign nationals compound these pressures, directly connecting Saudi practices to the global critique of penal excess.

3. Migrant Justice and Systemic Barriers:

The *Justice for Migrants* report by Migrant Forum in Asia (MFA) reconceptualizes access to justice for migrants as the ability to *assert* rights within systems designed to exclude them. It outlines six interdependent pillars namely normative protection, awareness, legal aid, adjudication,

ASSOCIATION, "HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE: A Manual on Human Rights for Judges, Prosecutors and Lawyers," UNITED NATIONS, 2003.

⁴ United Nations, "United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)."

enforcement, and civil society oversight as the basis for meaningful justice. Yet Indian expatriates in Saudi Arabia often encounter systemic exclusion at each level. Their documents may be confiscated; embassy verification is slow; legal aid is unaffordable; and barriers of wage theft, family disconnection, and language illiteracy prevent engagement with legal processes.

The MFA also highlights gendered vulnerabilities, particularly for female domestic workers, whose lack of recognition and identity protection undermines their ability to seek redress. This intersectional dimension resonates with the plight of Indian domestic workers detained post-sentence, who often lack visibility in both host and home country institutions. The systemic exclusion MFA describes mirrors the reality of expatriates in Saudi Arabia whose detention continues not because of judicial decisions but because of administrative failure and weak diplomatic responsiveness.

4. Institutional and Administrative Failures in Transnational Contexts:

Scholars and advocacy organizations agree that the persistence of post-sentence detention is less a reflection of judicial rulings than of institutional fragmentation. Flynn's *The Hidden Costs of Human Rights* (2013) introduces the concept of "adaptive adherence," whereby states appear to comply with international norms while simultaneously sustaining restrictive detention regimes. He notes how governments construct "humane" facilities that symbolically satisfy human rights standards, while substantive violations continue. Flynn explicitly critiques the role of international bodies such as UNHCR, which by endorsing "humane" confinement models can inadvertently legitimize ongoing rights abuses. Saudi Arabia's detention regime exemplifies this pattern, where administrative necessity is invoked to justify prolonged custody. India's restrained diplomatic engagement reinforces this fragmentation of accountability.

The Commonwealth Human Rights Initiative (CHRI) and Institute of Correctional Administration's joint report (2017) identifies parallel institutional weaknesses on the Indian side. Despite the *Repatriation of Prisoners Act (2003)*, implementation has been hindered by lack of Standard Operating Procedures (SOPs), delays in nationality verification, and absence of inter-agency coordination between the Ministry of External Affairs, Ministry of Home Affairs, Indian missions, and state authorities. The report highlights the problem of "false pendency," where cases remain indefinitely pending for minor procedural reasons. While some missions (e.g., Sri Lanka) actively expedite repatriation, the Saudi missions are constrained by limited training and institutional clarity. Tools such as the Indian Community Welfare Fund (ICWF) and MADAD portal remain underutilized, while fragmented digital systems aggravate delays.

These failures have real consequences: as of 2020, only 73 Indian prisoners had been repatriated out of 205 applications, demonstrating the limited capacity of India's mechanisms to provide timely relief. When combined with Saudi Arabia's opaque detention practices, these

weaknesses trap expatriates in extended confinement, not because of law, but because of bureaucracy.

5. Critical Perspectives on Saudi Arabia's Penal System:

Critiques of Saudi Arabia's penal system emphasize its structural opacity and divergence from international standards. Millhouse's (2024) comparative study highlights the system's foundation in Hanbali jurisprudence, where judges (qadis) rely on *ijtihad* (discretionary interpretation) rather than codified statutes. This creates inconsistency, absence of procedural safeguards, and a weak appellate system that prioritizes doctrinal compliance over fairness. For expatriates, such uncertainty magnifies the risk of prolonged detention, particularly when repatriation depends on judicial conclusiveness.

The ALQST (2021) report corroborates these findings, noting the absence of a codified penal code, reliance on discretionary royal decrees, and failure of oversight institutions such as the Human Rights Commission (HRC) and the National Society for Human Rights (NSHR). It documents systemic violations including medical neglect, denial of legal aid, torture, and indefinite detention of women without male guardian retrieval. The report also points to breaches of Saudi Arabia's obligations under the *Convention Against Torture* (CAT) and the Mandela Rules.

Broader human rights analyses highlight further entrenched flaws: overreliance on coerced confessions, secretive trials, vague legal provisions (e.g., "corruption on earth"), and executive influence over supposedly independent judges. The Law of Imprisonment and Detention (1978) and the Law of Criminal Procedure (2001) provide limited protections, undermined by weak implementation and lack of transparency. Appeals are rarely granted, and verdicts are seldom documented, leaving expatriates with little recourse. These structural features reveal that post-sentence detention is not an aberration but a systemic outcome of Saudi Arabia's penal philosophy and practice.

Taken together, this body of literature presents a layered understanding of post-sentence detention. Normative frameworks establish that imprisonment beyond a completed sentence constitutes arbitrary detention under international law. Penal policy scholarship explains how systemic overreliance on incarceration creates overcrowding and bottlenecks. Migrant justice frameworks highlight the exclusionary barriers that render expatriates unable to access rights. Institutional critiques expose the failures of bilateral mechanisms and adaptive adherence that entrench bureaucratic limbo. Critical perspectives on Saudi Arabia reveal how structural deficiencies in the penal system make such detentions likely and recurrent.

Despite this extensive body of scholarship, a crucial gap remains: little attention has been devoted to the transnational administrative coordination between Indian diplomatic missions and Saudi authorities as a determinant of prolonged detention. Addressing this gap is central to

understanding why Indian expatriates remain confined despite having served their sentences and to identifying pathways for reform that integrate global standards, bilateral agreements, and consular mechanisms.

RESEARCH QUESTION:

What institutional and procedural factors lead to the continued detention of Indian nationals in Saudi Arabian prisons after serving their sentences?

HYPOTHESIS:

Post- Sentence Detention of Indian Expatriates in Saudi Arabia is caused by systemic failures in legal, administrative, and penal frameworks. These interconnected deficiencies result in detention practices that violate international human rights standards, including right to liberty and due process.

Case Illustrations- Experience of Indian expatriates in Prolonged Detention

Case 1: Detained Beyond Sentence Due to Missing Passport and Delayed Consular Coordination:

An Indian national from Kerala, employed as a driver in the Capital city-Riyadh, was sentenced to six months' imprisonment in 2020 for a minor traffic-related offense. Despite completing the sentence within that year, he remained in detention for an additional four months. According to reports by Migrant-Rights.org and The Hindu, the delay stemmed from the absence of his passport, which had been withheld by his employer, who had returned to India during the COVID-19 lockdown. The lack of identification documents prevented immediate deportation. Efforts to issue an Emergency Travel Certificate (ETC) by the Indian Consulate were delayed due to a lack of notification from Saudi prison authorities regarding his sentence completion. The consulate only became involved after being alerted by a local community welfare group. The case illustrates how procedural silence between agencies compounded by document loss can lead to prolonged confinement even when no legal grounds for further detention exist.⁶

Case Learnings:

The experience of the Indian national from Kerala, detained four months beyond his sentence due to a missing passport and delayed consular coordination, highlights how fragmented institutional responsibility and poor documentation practices can turn what should be a straightforward administrative process into a prolonged human rights violation. The case demonstrates that, in the absence of a centralized notification mechanism and timely inter-agency communication, vulnerable individuals can become trapped between agencies, especially when employers withhold critical identification documents.

⁶ Press Trust of India, "Indian in Saudi to Return Home After Year-long Detention," *The Indian Express*, June 22, 2014, <https://indianexpress.com/article/world/indians-abroad/indian-in-saudi-to-return-home-after-year-long-detention/>.

This highlights the urgent need for effective procedural safeguards, mandatory notification systems for consular officials, and strict enforcement against employer misconduct to prevent unnecessary, extended detention after legal sentences are served

Case 2: Extended Detention Following Employer Non-Cooperation and Exit Permit Delays:

A construction worker from Northern part of India was detained for overstaying his visa after being abandoned by his sponsor. Though sentenced to four months in prison and scheduled for deportation upon release, he remained in an immigration detention facility for nearly three additional months. His employer, who had control over the exit permit process, refused to cooperate, citing unresolved financial claims. With no sponsor-initiated *Khurooj Nihayi* (final exit visa), the deportation process stalled. Indian consular officials attempted to mediate but were limited by the absence of any bilateral mechanism that would compel sponsor compliance. As a result, the individual was left in administrative limbo who are no longer under judicial detention, yet not free to leave. The case showcases how the sponsor-dependent exit system can obstruct post-sentence release, especially when employer cooperation is withheld or used as leverage.⁵

Case Learning:

This case highlights how the sponsor-dependent exit visa system in Saudi Arabia leaves Indian workers vulnerable to prolonged post-sentence detention whenever employers refuse to cooperate, often using exit clearance as leverage in private disputes. In this scenario, the lack of a formal mechanism compelling sponsor compliance and the deference of Saudi authorities to employer interests results in administrative uncertainty for the detainee, despite their release being legally warranted. The Indian consulate's limited ability to intervene affirms the urgent need for systemic reforms to prevent employers from obstructing lawful repatriation, demonstrating that procedural reliance on private actors creates a mechanism for extended, arbitrary detention and undermines the fundamental rights such as due process, right to liberty of migrant workers.

Case 3: Prolonged Detention Due to Incomplete Deportation Processing and Poor Facility Conditions:

In a case documented by The Wire in 2021, a group of Indian nationals detained for petty theft remained confined in a deportation center in Jeddah despite having completed their sentences. Although all administrative clearances were reportedly in place, delays in scheduling their deportation flights, with limited communication between Saudi immigration authorities and the Indian embassy, resulted in continued detention. Interviews with family members indicated that the detainees were unaware of their legal status and lacked access to legal assistance or consular updates. The group reported inadequate food, overcrowded conditions, and irregular access to phones. This

⁵ “Indian Workers Stranded in Saudi Arabia Without Salaries for 8 Months - Business & Human Rights Resource Centre,” Business & Human Rights Resource Centre, n.d., <https://www.business-humanrights.org/en/latest-news/indian-workers-stranded-in-saudi-arabia-without-salariesfor-8-months/>.

case reveals how even when formal legal processes are completed, logistical disorganization and resource shortages can perpetuate unjust confinement.

While legal and administrative frameworks reveal the structural dimensions of post-sentence detention, case-specific accounts highlight the human consequences of these systemic failures. This above mentioned section presents select, anonymized case illustrations drawn from publicly documented reports by NGOs, media outlets, and migrant rights groups. These examples highlight how the convergence of missing documentation, sponsor-related barriers, and bureaucratic stagnation can result in prolonged detention long after judicial sentences have been served.⁶

Case Learning:

This case illustrates how, even after judicial sentences have been completed, systemic inefficiencies in deportation processing and poor detention conditions continue to impose undue hardship on Indian expatriates. The delays stem from a lack of digitized record-keeping, fragmented communication between Saudi immigration authorities and Indian consular officials, and inadequate resource allocation in deportation centers. These administrative impediments lead to extended periods of detention in overcrowded, under-resourced facilities with limited consular access, aggravating the physical and psychological toll on detainees. This case calls for streamlined, transparent deportation protocols, better inter-agency coordination, and consistent consular engagement to uphold detainees' fundamental rights and dignity post-sentence

Post- Sentence Detention and Human Rights Violations of Indian Prisoners in Saudi Arabia: A Critical Perspective:

The challenge of sustained detention beyond court mandated sentences raises a critical concern that goes beyond administrative inefficiencies. It involves a breach of fundamental rights and has far reaching legal, psychological, social and economic consequences for detainees and their families. This study looks at the broader implications of post-sentence detention from an international human rights law perspective. This way, it will examine the obligation of both Saudi Arabia and India to prevent arbitrary detention and timely repatriation. It also takes into account the psychological toll it has on the detainees including the stigmatization of their families and subsequent economic disruptions.

Indefinite incarceration beyond court mandated sentence raises the question of significant human rights concerns under domestic and international law. Time and again these detentions are framed as logistical and administrative challenges, which further contributes to a de facto violation of personal liberty, due process of law and protection against arbitrary detention which are the core principles of international human rights laws.

One of the most direct violations resulting from post-sentence detention is the breach of

⁶ Wire Staff, "India Raises Concern Over Treatment of Deportees, Foreign Secretary Says - the Wire," *The Wire*, February 7, 2025, <https://thewire.in/diplomacy/india-raises-concern-over-deportees-treatment-us-misri>.

liberty. As postulated under Article 9 of UDHR and Article 9 of ICCPR, arbitrary confinement is strictly prohibited. Although Saudi Arabia is not a party to the ICCPR, the prohibition of arbitrary detention is identified as a principle of customary international law. Continued confinement after the sentence lacks judicial order or legal basis constituting a clear breach of this principle.

Furthermore, General Comment No. 35 of the UN Human Rights Committee interprets arbitrary detention to include not only unlawful detention but also detention that is “inappropriate, unjust, or unpredictable” in its application.⁹ The lack of transparency, absence of review mechanisms, and discretionary nature of post-sentence detention procedures in Saudi Arabia aligns with these criteria, rendering such practices to be legally and morally indefensible under international norms.

Extended detention also raises significant due process concerns. International standards such as the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation (2005) emphasize that individuals must have access to legal remedies and be informed of the basis and duration of their detention¹⁰. In cases involving Indian expatriates, however, detainees often do not receive formal notice of the reasons for their continued confinement, nor are they granted access to legal counsel or timely consular assistance during this phase.

Lack of judicial review after the execution of sentence further complicates the legal certainty. Unlike the jurisdictions that provide for Habeas Corpus or post-sentence administrative hearings, Saudi Arabia does not propose a standardized mechanism to encounter continued detention. As a result, this procedural gap makes the detainees vulnerable to indefinite confinement relying on informal administrative decisions, a consequence that fails to meet minimal standards of fairness. The Vienna Convention on Consular Relations (1963)¹¹ assures foreign citizens the right to communicate and obtain assistance from their respective consular authorities. Article 36 of the convention mandates the host state to inform the consulates swiftly upon detaining a foreign individual. While a party to this convention, Saudi Arabia’s implementation is inconsistent particularly in cases involving minimum wage migrant workers. Indian diplomatic missions are promptly not informed if the detainee has completed the sentence, and more often they lack access to detainees being held in deportation centers like those in Al Sumaishi Jail.

⁹ Article 9 (*Liberty and Security of Person*). (2014). In the *International Covenant on Civil and Political Rights* (CCPR/C/GC/35). United Nations. <https://docs.un.org/en/CCPR/C/GC/35>

¹⁰ General Assembly resolution 60/147. (2005). *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*. In *United Nations Human Rights: Office of the High Commissioner*. United Nations. <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>

Although rooted in domestic administrative practices, India's obligation to protect its citizens abroad raises ethical and procedural processes and questions if it is delayed or absent. Even though the consular assistance may not be a codified right under international law, it is significantly viewed as a quintessential component of state's responsibility in protecting migrant workers' rights under frameworks like the UN Convention on the protection of the Rights of All Migrant Workers and Members of their families (1990), to which India is signatory and Saudi Arabia is not.

The most immediate consequences are faced by the individuals detained and their families as a result of indefinite confinement. It is not merely a legal anomaly, but an experience that leaves a lasting psychological distress, plunders financial stability and further contributes to a broader pattern of social marginalization. Indefinite detention, even when not formally punitive, can have profound psychological effects. Detainees often report heightened levels of anxiety, depression, helplessness, restlessness and disorientation when their sentence has legally been ended but their release remains ambiguous. The lack of clear communication, along with poor living conditions and minimum legal support, contributes to a dilemma of powerlessness and isolation. In the case of low wage workers with limited education and no social safety net in Saudi Arabia, these conditions can intensify their mental health risks.

Studies on the psychological effects of immigration detention globally, including those by the International Detention Coalition and Human Rights Watch, have consistently documented the correlation between extended confinement and deteriorating mental health. Although Saudi Arabia does not publicly report on the mental health of detainees, anecdotal evidence from community organizations indicates that post-sentence detainees often experience trauma-related symptoms, especially when held in overcrowded or poorly maintained deportation centers.

The financial repercussions of prolonged detention are equally severe. Many Indian expatriates detained in Saudi Arabia are the primary or sole earners for their families back home. Even during incarceration, their families may rely on the hope of repatriation and resumption of remittances. When that expectation is disrupted by months of administrative delay, families are plunged into economic insecurity.

In rural areas of India, particularly in states like Uttar Pradesh, Bihar, and Kerala, where overseas employment is a critical source of household income, the sudden and unexplained absence of remittances can lead to missed loan payments, school dropouts, and food insecurity. Family members may also be forced to incur additional debt to cover legal expenses, bribes, or travel associated with securing the detainee's return. In some cases, misinformation or lack of communication from consular offices aggravate these challenges, as families are left uncertain about the status and

¹¹ "UNTC," n.d., https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtmsg_no=iii-6&chapter=3.

location of their detained relatives. Moreover, the stigma associated with detention, regardless of whether the sentence has been completed, can result in long-term reputational harm. Families may face social exclusion or be subject to rumors and judgment within their communities, which further isolates them during periods of emotional and financial vulnerability.

Reputational and Diplomatic Implications for the Sending and Host States:

Beyond the direct harm suffered by detainees and their families, the prolonged post-sentence detention of Indian expatriates in Saudi Arabia also carries significant reputational and diplomatic consequences for both states involved. Such cases, especially when publicized, risk undermining Saudi Arabia's global image as a reforming legal system and simultaneously expose the limitations of India's capacity to protect its citizens abroad. The absence of timely intervention or effective resolution mechanisms not only erodes bilateral trust but also diminishes public confidence in both governments' commitment to justice and migrant rights.

Saudi Arabia has undertaken a series of legal and institutional reforms in recent years, including revisions to the Law of Criminal Procedure, public statements on judicial modernization, and reforms intended to ease dependency on the Kafala system. However, the reality of prolonged administrative detention, particularly when it affects foreign nationals who have already completed their sentences, contradicts the narrative of a rights-respecting legal system. Continued international scrutiny of such practices risks undermining Saudi Arabia's efforts to attract foreign investment, host international events, and rebrand its governance model as efficient, lawful, and globally engaged. Moreover, reputational harm may extend to multilateral forums. While Saudi Arabia is not party to several key human rights treaties (e.g., the ICCPR), its participation in the UNHRC and periodic UPR¹² subjects it to increasing normative pressure. Documented patterns of post-sentence detention may attract criticism from human rights watchdogs, civil society groups, and even state actors, thereby complicating Saudi Arabia's soft power strategy in the region and beyond.

India, as a major labour-sending country with a diaspora of over 2 million in Saudi Arabia alone, has consistently emphasized the welfare of its overseas citizens. However, persistent reports of Indian nationals being detained beyond their sentences without adequate legal support or timely consular intervention challenge the credibility of this claim. The inability to track detainee status, secure timely releases, or negotiate institutional solutions contributes to a perception of diplomatic passivity, especially among Indian migrant communities and their families.

This reputational risk is particularly significant in domestic political discourse. High-profile detention cases often gain media attention in India, triggering public criticism of the Ministry of External Affairs and calls for greater accountability. Politically, such incidents can uproot the trust

¹² "Universal Periodic Review," n.d., <https://unsdg.un.org/2030-agenda/strengthening-international-human-rights/universal-periodic-review>.

in the state's capacity to uphold the rights of its most vulnerable citizens abroad, particularly low-income workers who rely heavily on consular institutions for protection. In international forums, India has positioned itself as a proponent of safe and orderly migration, including its participation in the Global Compact for Safe, Orderly and Regular Migration (GCM). Failure to advocate effectively for post-sentence detainees risks undermining this international image and weakens India's normative leadership on migrant rights.

CONCLUSION:

A decade's worth of legislative data and human rights documentation illustrates a harsh reality that Post-Sentence Detention of Indian expatriates in Saudi Arabia is both persistent and deeply troubling, with more than 2,630 Indian nationals, by far the most in any foreign country currently behind bars, often well beyond their legal sentences. What began as an issue of due process has grown into a systemic problem, fed by rigid sentencing frameworks, absence of non-custodial options, and insufficient judicial oversight in the Saudi penal system.

At an institutional level, administrative delays particularly in consular coordination and repatriation logistics, escalate the ordeal. The Indian government's stated commitment to the safety of its nationals, while repeatedly reaffirmed, does not consistently translate into timely legal interventions, adequate documentation, or seamless bureaucratic process. These gaps expose detainees to prolonged confinement, leave families in extended ambiguity, and produce distress that extends well beyond the prison gates.

From a human rights perspective, these realities violate fundamental international commitments most notably, the ICCPR and UN conventions that Saudi Arabia and India have pledged to uphold. Both states pay a reputational price for their failures, as each unaddressed case risks eroding confidence in diplomatic engagement and the very legitimacy of rule-of-law institutions. The ripple effects reach India's diplomatic posture and Saudi Arabia's global image, making this more than a bilateral grievance, it's an issue that shapes the soft power and values narrative of both countries.

This research lays bare the original argument that rectifying the post-sentence detention crisis demands far more than isolated technical reforms. It calls for a reform grounded in transparency, enforceable rights-based mechanisms, and active bilateral cooperation. If both governments wish to restore credibility and protect the dignity of their citizens, structured consular reform, standardized protocols for detainee management, and public-facing legal transparency must become central to detention governance. Only then can the cycle of procedural injustice and reputational harm be meaningfully broken. The issue of post-sentence detention for Indian expatriates in Saudi Arabia is not merely a reflection of isolated errors but the manifestation of compounded structural failures that span penal policy, legal procedure, and administrative coordination. Data shows that over 2,600

Indian nationals remain imprisoned in Saudi Arabia alone, many past their lawful terms despite stated diplomatic priorities and the existence of transfer treaties. This research brings to light how rigid sentencing rules, limited judicial oversight, and lack of rehabilitative alternatives produce a carceral system where migrants are uniquely vulnerable to indefinite detention.

Critical inquiry reveals that even when states pledge support through consular visits, legal aid and repatriation programs, bureaucratic delays and inconsistent engagement often leave families without closure. These failures inflict damage that stretches beyond courtroom and cell, they erode public trust, harm the standing of authorities at home and abroad, and reflect a gap between official commitments and lived realities.

The argument advanced here is that effective solutions do not rest with partial technical fixes, they demand coordinated, rights-centred reforms in policy and diplomacy. Fast-tracking documentation, streamlining legal aid, and establishing transparent bilateral protocols stand out as urgent needs. Until systemic change transforms both Saudi and Indian approaches, unjust detention will persist and both nations will continue to pay a reputational price that no diplomatic rhetoric can conceal. By putting liberty, dignity, and rule of law at the centre of reform, these perennial loose ends can finally be addressed for good.

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