

**SECURITY WITH
HUMAN RIGHTS**



**SAUDI ARABIA
REPRESSION
IN THE NAME
OF SECURITY**

**AMNESTY
INTERNATIONAL**



Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

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AMNESTY
INTERNATIONAL



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Cover photo: Anti-riot police in a stand-off with protesters in Awwamiya, a town in the Eastern Province of Saudi Arabia, March 2011. The protesters were demanding the release of Shi'a prisoners being held without charge or trial since the 1990s. © REUTERS/Zaki Ghawas

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1. INTRODUCTION

“I am here to say we need democracy. We need freedom. We need to speak freely. We need no one to stop us from expressing our opinions.”

Khaled al-Johani speaking to reporters at a protest where no one but he turned up on 11 March 2011 and was arrested shortly after.

Since March 2011 the Saudi Arabian authorities have launched a new wave of repression in the name of security. They have cracked down on demonstrators protesting over human rights violations in the context of calls for reform at home and the uprisings and mass protests in the region. At the same time, they are in the process of creating a new anti-terror law which threatens to exacerbate an already dire situation for freedom of expression, in which any real or perceived dissent is almost instantly suppressed. It would also legalize a number of abusive practices including arbitrary detention, thus consolidating draconian and abusive counter-terrorism measures imposed since 2001 against the backdrop of an extremely weak institutional framework for the protection of human rights.

State power in Saudi Arabia rests almost entirely with the King and the ruling Al Saud family. The Constitution¹ gives the King absolute power over government institutions and the affairs of the state,² and severely curtails political dissent and freedom of expression.³ The country's 27 million⁴ residents have no political institutions independent of government, and political parties and trade unions are not tolerated. The media is severely constrained and those who express dissent face arrest and imprisonment, whether political critics, bloggers or academics. King Abdullah announced on 25 September 2011 that women will have the right to vote and run in municipal elections, the kingdom's only public poll, from 2015 and be appointed to the Shura Council, a body that advises the monarchy. However, women remain subject to severe discrimination in both law and practice. Women are unable to travel, engage in paid work or higher education, or marry without the permission of a male guardian.⁵

It is against this background that some Saudi Arabians have been insisting publicly that it is time for change and for their human rights to be respected. Many have tried to assert their right to peaceful protest on the streets. Some have demanded political and social reforms; others have called for the release of relatives detained without charge or trial on terrorism-related grounds. In response, the security forces have arrested hundreds of people for protesting or voicing their opposition to government policies this year. Most have been released without charge; others remain in detention without charge or trial; and others still have been charged with vague security-related and other offences. Amnesty International considers many of those detained to be prisoners of conscience, held solely for peacefully expressing their rights to freedom of expression and assembly.

The formulation of a new anti-terror law is another apparent sign of the authorities' to use the law to silence discontent in the Kingdom. A copy of the draft law was leaked to Amnesty International in late June 2011. Among other things, it would provide for the prosecution of acts of peaceful dissent as a "terrorist crime" such as "harming the reputation of the state or its position". Questioning the integrity of the King or the Crown Prince would be punishable by a minimum of 10 years in prison. The law would also give the authorities carte blanche to detain security suspects indefinitely without charge or trial. The draft law has been criticized by members of civil society in Saudi Arabia who see it as an attempt to justify the arrest, detention and punishment of pro-reform activists. Adapting the mantra repeated throughout the region during mass protests this year - "the people want to overthrow the regime" - one activist in Saudi Arabia said in reference to the draft law that "the regime wants to arrest the people".

Thousands of people have been detained in the past decade on security grounds, many of whom remain behind bars. Among them are clerics and people suspected of belonging to or supporting armed Islamist groups such as al-Qa'ida or other groups opposed to the Saudi Arabian government or its links with the West. Typically, they have been detained for months in conditions of virtual secrecy, held without charge or trial for years and without any means of challenging their detention. Most have been held initially in prolonged incommunicado detention for interrogation for varying periods and have subsequently at times been denied access to lawyers, medical assistance and family visits. Some, it appears, have been tried in secret and sentenced to prison terms. Some have been held for "re-education".

Torture and other ill-treatment facilitated by incommunicado detention remain rife because interrogators know that they can commit their crimes without fear of punishment. The abuse is also encouraged by the ready acceptance by courts of "confessions" forced out of detainees using beatings, electric shocks and other forms of torture and other ill-treatment.

Those who have been charged with security-related offences and brought to trial have faced grossly unfair and in many instances secret proceedings. Since its establishment in October 2008 such trials have generally been heard by the Specialized Criminal Court.

Caught up in the sweeping repression are an unknown number of human rights defenders, peaceful advocates of political reform, members of religious minorities and many others who have committed no internationally recognized offence. At least some of them are prisoners of conscience.

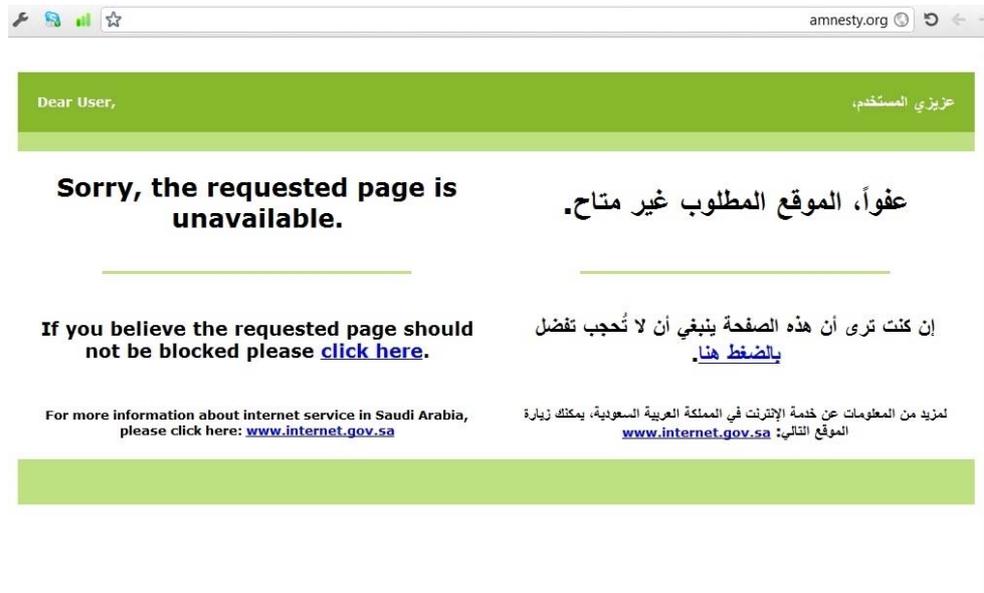
Saudi Arabia has witnessed sporadic incidents of political violence over the years, with state institutions, oil installations and Western nationals the most common targets. Amnesty International has repeatedly and unreservedly condemned killings and other abuses by armed groups and individuals in Saudi Arabia, and called for the perpetrators to be brought to justice in accordance with international standards and without recourse to the death penalty. It has also appealed to armed groups to respect the humanity of all individuals, and urged them to respect international law and standards that prohibit abuses such as the targeting of civilians and hostage-taking.

Amnesty International fully recognizes the duty and responsibility of the Saudi Arabian authorities to protect the public from violent attacks, including by bringing to justice people

involved in such attacks. However, the Saudi Arabian authorities must at all times comply with their obligations under international human rights law and never violate the rights of suspects. Combating terrorism and other threats against public safety must not be used as a pretext or justification for violations of human rights or for allowing officials to commit such violations with impunity.

AMNESTY INTERNATIONAL'S WORK

Researching human rights in Saudi Arabia is extremely difficult. The government does not allow Amnesty International to visit the country to research human rights issues; many other international observers have similar access problems. The state and its justice system operate largely in secret, and the media is severely censored and otherwise constrained. Independent human rights organizations and other NGOs are not permitted to operate freely,⁶ and civil society remains weak because of government repression. As a result, little information is recorded or published about human rights. Websites of organizations critical of the Saudi Arabian authorities have been blocked at times inside the country. After Amnesty International published a copy of the draft anti-terror law along with its concerns about it, its website www.amnesty.org was reportedly blocked within Saudi Arabia for around a week.⁷ The block appeared to be lifted after the blocking was widely reported in the international media and social media sites.



Screenshot of web page that appeared when internet users attempted to access Amnesty International's website www.amnesty.org inside Saudi Arabia after the organization published the draft anti-terror law on it © Private

This report is based on information divulged to Amnesty International by people in Saudi Arabia and Saudi Arabians or foreign nationals, including former prisoners, who have left the country. It is also based on government statements, where they exist, local and international media reports and other research carried out despite the obstacles.

The report follows up on issues covered in Amnesty International's 2009 publication, *Saudi Arabia: Assaulting human rights in the name of counter-terrorism*.⁸ It updates cases and trials covered in that report, and includes information on new cases that have emerged since 2009 and others from previous years that have been brought to the organization's attention since 2009. It also covers the crackdown on protests since early 2011.

Amnesty International regularly writes to the Saudi Arabian authorities about its concerns and to seek permission to visit the country, including to observe trials of security detainees, but generally does not receive substantive responses. On 26 August 2011 Amnesty International submitted a memorandum to the Saudi Arabian government to seek clarifications on the concerns and cases raised in this report. The government replied with a letter dated 20 September 2011 focusing on its concerns about Amnesty International's publication of a leaked copy of the draft anti-terror law and clarifying some aspects of the legislative process with respect to the law (see Chapter 2: Draft anti-terror law for further details on communication between Amnesty International and the Saudi Arabian government on this issue). The letter did not, however, provide any response to the memorandum's request for information and comments on the issues and cases in this report. Amnesty International sent another letter to the Saudi Arabian government on 20 November, reminding it of the outstanding request and providing additional time for a response, but had not received any further reply as of writing.

Amnesty International is publishing the information in this report to puncture the wall of secrecy around the gross and widespread human rights violations being committed in Saudi Arabia, and to help stop these violations. To this end, Amnesty International is calling on the Saudi Arabian authorities to take urgent action, including to:

- immediately release all prisoners of conscience, such as those held solely for the peaceful exercise of their rights to freedom of opinion, expression, assembly or association;
- end all arbitrary arrests and detentions;
- provide prompt and public trials meeting international standards of fairness without recourse to the death penalty to all detainees charged or held, including on suspicion of terrorism-related offences, or else release them;
- investigate thoroughly and independently all allegations of torture and other ill-treatment and bring those found responsible to justice;
- considerably amend the draft Penal Law for Terrorism Crimes and Financing of Terrorism and bring all of Saudi Arabia's terrorism-related laws and practices into line with international human rights law and standards.

2. DRAFT ANTI-TERROR LAW

LAW IN PREPARATION

The draft Penal Law for Terrorism Crimes and Financing of Terrorism, as the new draft anti-terror law is formally known, was prepared initially by the Ministry of Interior and then reviewed by the Shura Council, which can recommend amendments to draft laws but has no binding legislative powers. Although the text of the law has been kept confidential, as usually happens with draft legislation in Saudi Arabia, in late June 2011 sources within Saudi Arabia leaked a copy of what was believed to be the then latest version of the draft to Amnesty International. They also leaked a report on the draft law prepared by the Committee on Security Affairs of the Shura Council.⁹



First page of draft anti-terror law
© Amnesty International

The preparation of the draft law comes against the backdrop of a number of other security-related laws issued by royal decree in recent years. They include laws governing offences related to explosives,¹⁰ and arms and ammunitions,¹¹ as well as two on money laundering and IT offences in which “terrorism” is mentioned but not defined.¹² Saudi Arabia’s legal system contains no written criminal code, but is rather largely based on an uncodified form of Shari’a, as interpreted by the country’s judges.

The sources who leaked the draft law said they did so because, despite the risks to themselves of taking such action, they believed that the law went far beyond the framework of legitimate measures to combat terrorism and so needed to be exposed to public debate. Amnesty International analysed the draft in detail and came to the conclusion that the law risked entrenching existing patterns of human rights violations in the context of countering terrorism and providing a further tool to suppress peaceful political dissent at a time when people were taking to the streets across the Middle East and North Africa to demand greater freedoms.

Amnesty International was also concerned that the virtual secrecy surrounding the preparation of the law was denying people in Saudi Arabia the opportunity to debate an important development that was a matter of genuine and wide public interest. In this connection, it is relevant to note the view of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, who wrote in 2010 that the implications of counter-terrorism legislation were so “potentially profound” that governments should “seek to ensure the broadest possible political and popular support for counter-terrorism laws through an open and transparent process.”¹³

Amnesty International published the draft law, along with a summary of its concerns (detailed later in this chapter) and the report of the Shura Council's Committee on Security Affairs, on 22 July 2011, writing to the Saudi Arabian government the day before to request information on the status of the law.¹⁴ Its aim was to try and ensure that these concerns were made known and considered in the context of a public debate in Saudi Arabia. The report of the Shura Council's Committee on Security Affairs reveals that some Saudi Arabian authorities, including the Ministry of Justice, the Human Rights Commission and the Public Prosecution, had raised concerns themselves about, for instance, the detention procedures provided for in the draft.

The authorities replied in a letter dated 24 July in which they described the concerns as "baseless, mere supposition and without foundation", but neither addressed the substance of the concerns nor provided further details on the process or timeline which would lead to the law being brought into force.¹⁵ Similar messages were given at a meeting between Amnesty International and the Saudi Arabian embassy in London on 29 July. Amnesty International published the letter of 24 July at the authorities' request, along with its response to it.¹⁶

On 26 August Amnesty International submitted a memorandum to the government in which, as well as raising other human rights issues, it asked again for clarification on the status of the law and whether concerns raised about the draft were being taken into consideration. The government sent a response dated 20 September 2011 in which it provided a number of details related to the progress of the draft law:

- 1. The draft law was submitted to the Shura Council in 72 articles and referred to the Committee on Security Affairs for review. The committee held a series of meetings to discuss the draft, interviewed government agencies, experts and subject specialists, and submitted a detailed report to the Council.*
- 2. During a further series of discussions, 85 interventions to the law was raised.*
- 3. Among the changes made were the deletion of 15 draft articles relating to penal law for crimes of terrorism and terrorist financing. Amendments were also made to 31 articles, including those relating to investigations, the issue of contact with the family of accused persons, and a reduction in the duration of initial detention.*
- 4. The Council highlighted in its amendments the difference between crimes of terrorism, state crimes, and other crimes.*
- 5. The final draft approved by the Board comprises 58 articles. The Kingdom would like to point out that the threat of terrorism is a global issue and remains a serious challenge for all governments. We will continue to tackle this threat to the security of our country in every way necessary.¹⁷*

The letter repeated its view that Amnesty International had behaved improperly, saying that it had "published an unfair analysis" of the draft law which had generated "inflammatory, baseless remarks about the content of the document". The letter did not, however, provide the latest draft text of the law, making it impossible to assess the amendments that had been made. Neither did it clarify whether the law had been finalized or remained in draft form and,

if so, what the process still to be followed was. Amnesty International's understanding is that, once a final draft is completed, it would have to be approved by the King as the head of the Council of Ministers and head of state before the law comes into effect. This could happen imminently.

THREAT TO HUMAN RIGHTS

The Saudi Arabian government has told Amnesty International that the “fight against terrorism requires appropriate legislation” and has justified the draft law and its provisions by referring to the need to ensure security and pointing to the challenges faced by Saudi Arabia in relation to terrorism.¹⁸

Amnesty International fully recognizes that Saudi Arabia has suffered serious attacks by armed groups in recent years and continues to face security concerns and that the government has a responsibility to ensure public safety in the face of threats of such acts occurring in the future. It condemns all violent attacks targeting civilians unreservedly and calls for those responsible to be brought to justice. Amnesty International acknowledges that the authorities can and should take measures to counter such attacks, but contends that when doing so they must adhere to their obligations under international law, including the international human rights treaties to which Saudi Arabia is party, such as the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In setting out its counter-terrorism strategy, the UN General Assembly has adopted a similar approach:

*The promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing...*¹⁹

Amnesty International considers that the version of the draft law that it has seen is seriously deficient in a number of respects. Below are some of the key concerns that the organization has identified about the text of this version.

A) VAGUE AND BROAD DEFINITION OF TERRORISM OFFENCES

The definition of terrorism offences in the draft law is so vague and broad that it lends itself to abuse. Article 1 defines “the crime of terrorism”:

a) The crime of terrorism:

All crimes referred to in this law and all actions taken by the accused through words or action in the pursuance of a personal or collective enterprise aimed at undermining the public policy of the state; destabilizing society or the security of the state; endangering its national unity; revoking the Basic Law of Governance or some of its articles; harming the reputation of the state or its standing; damaging its infrastructure or natural resources; or threatening to carry out actions that lead to the above mentioned aims.

The crime of terrorism includes takfeer of the state [deeming the state an infidel state] and adopting the approach of takfeer [deeming others as infidels] that leads to committing a terrorist crime or inciting it, as well as anything that is likely to produce intellectual or doctrinal bases to justify these crimes or to promote these ideas or to incite them or to publish material or information that incites or leads to the implementation of a terrorist activity.²⁰

Under international law, the definition of crimes has to be clear and narrowly defined. In the context of national security laws, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has explained that the principle of legality (the requirement that crimes must be enshrined in laws that are clear, ascertainable and predictable²¹) means that legal provisions “must be framed in such a way that: the law is adequately accessible so that the individual has a proper indication of how the law limits his or her conduct; and the law is formulated with sufficient precision so that the individual can regulate his or her conduct.”²²

Analogously, the UN Working Group on Arbitrary Detention has expressed particular concern about “extremely vague and broad definitions of terrorism in national legislation”, stating, “[i]n the absence of a definition of the offence or when the description of the acts or omissions with which someone is charged is inadequate... the requirement of a precise definition of the crimes - the key to the whole modern penal system – is not fulfilled and that the principle of lawfulness is thus violated, with the attendant risk to the legitimate exercise of fundamental freedoms.”²³

In contrast, the draft law, while it criminalizes some well-defined acts such as hostage taking,²⁴ provides a general definition of terrorist crimes which is extremely vague and broad and not restricted for example to acts of violence against members of the general public. The vague acts criminalized by the definition in Article 1 include “destabilizing society”, “endangering... national unity”, “revoking the Basic Law of Governance” and “harming the reputation of the state”.

B) UNLAWFUL RESTRICTIONS ON FREEDOM OF EXPRESSION

The draft law contains numerous provisions that either restrict the legitimate exercise of freedom of expression or may be used as a convenient vehicle to criminalize dissent or criticism of the authorities or even calls for reform, and could be used to punish the peaceful expression of opinions under the pretext of protecting security.

For example, under Article 1 an action which is deemed by the authorities as “harming the reputation of the state” may be considered as “terrorism”. Since under the same article it is also considered “terrorism” to “publish material or information that incites or leads to the implementation of a terrorist activity”, it appears to follow that publication of criticism of the authorities may be deemed to be an act of “terrorism”.

Under Article 29 “anyone who describes the King – or the Crown Prince – as an infidel, questions his integrity or defames his trustworthiness, or revokes his allegiance [to the King] or incites this” shall be “punished with a prison term of no less than 10 years”.

Under Article 45 “anyone who intentionally broadcasts – for the purpose of committing a terrorist crime by any means – a news item, a statement or a false or tendentious rumour likely to stir up people or spread panic among them or shake the confidence of citizens in the state or the King or the Crown Prince” shall be “punished with a prison term of no less than three years”.

Under Article 51 “anyone who publicly transgresses on any of the established principles of Shari’a or the established principles of the legitimacy of the state, if this was likely to upset stability or lead to a terrorist crime” shall be “punished with a prison term of no less than 10 years”.

These articles explicitly provide for restrictions on peaceful dissent and other limitations on freedom of speech which are not allowed under international human rights law and standards. Those provide only for narrowly defined restrictions for considerations of respect of the rights or reputations of others, the protection of national security, public order, public health or morals and the prevention of incitement to discrimination, hostility, violence and war propaganda.²⁵

Other articles of the draft law refer to terrorist offences which by their nature are too broad and vague and as such may also have the impact of restricting freedom of expression. For example, under Article 44 “anyone who openly praises a terrorist crime” shall be “punished with a prison term of no less than two years”. Likewise, “anyone who promotes – orally or in writing by any means – a terrorist crime or any matter contrary to the Kingdom’s political approaches or any idea that affects national unity or calls for sedition or shakes national unity” shall be “punished with a prison term of no less than five years”. Article 52 criminalizes the holding of meetings “to plan a terrorist act”. Since “the crime of terrorism” under the draft law includes peaceful expressions of dissent, holding peaceful political meetings could be deemed to come within the definition of a “terrorist crime”.

One of the articles that the Committee for Security Affairs of the Shura Council proposed removing when it reviewed the draft law is Article 47, under which “anyone who organizes a demonstration, participates in its organization, assists it, calls for it, or incites it” shall be “punished with a prison term of no less than three years” and “anyone who raises a slogan or image likely to infringe upon the country’s unity or its safety or to call for sedition and division and disunity among individuals in society, or incites such acts” shall be “punished with a prison term of no less than seven years”. It is not clear, however, if the proposed removal of the article has been or will be accepted or rejected.

The proposed restrictions in the draft law come in a context of increasing constraints on freedom of expression in Saudi Arabia. On 29 April 2011, the authorities amended the Printing and Publications Law of 2000.²⁶ The amendments include new restrictions prohibiting the publication of anything that “contradicts rulings of the Shari’a or regulations in force”, “calls for disturbing the country’s security, or its public order, or serves foreign interests that contradict national interests”, “causes sectarianism or that spreads divisions between citizens” or “damages public affairs in the country”. They also include a prohibition on violating the “reputation or dignity” of the Grand Mufti, members of the Council of Senior Ulema (Religious Scholars), or any other government official or government institution, as well as on slandering or libelling them, and on publishing without official consent

proceedings from any investigations or court trials.²⁷ A decree issued three months earlier had already extended provisions of the Printing and Publications Law to online communications.²⁸

C) LACK OF DEFINITIONS FOR KEY TERMS

While instances of “the crime of terrorism” are defined, albeit in broad and excessive terms, as described above, the draft law contains key terms that have not been defined at all, leaving room for abusive application, in particular against groups engaged in peaceful dissent.

For example, the draft law fails to define what constitutes a “terrorist group”, “a terrorist organization”, “a terrorist gang” and “a terrorist entity” despite the fact that it contains several provisions to which these terms are central. Article 43 criminalizes the setting up of websites to “facilitate communication with the leaderships of terrorist organizations or any of their members or to promote their ideas”. The offence carries a prison term of at least 15 years. Under Article 44, anyone who praises or promotes a terrorist crime “or any matter contrary to the Kingdom’s political approaches” is to be sentenced to no less than 10 years’ imprisonment “if he is connected to a terrorist group or organization” – otherwise the punishment is five years. Article 52 similarly criminalizes holding “a meeting with members of any terrorist organization, group or gang or any other terrorist entity – of whatever kind... to pursue a terrorist purpose, to harm the country and its security, to shake its stability or religious standing, or to damage its international relations”.

This opaqueness could be exploited to charge peaceful meetings of a group of people who make political demands or even engage in academic discussions with a “terrorist crime” under this draft law.

Another term for which no definition is provided for in the draft law is *takfeer* (deeming others as infidels). While it is true that stating that someone is an infidel can have serious repercussions for the person regarded as an infidel, the draft law does not define what would amount to *takfeer*.

D) VIOLATIONS OF RIGHTS OF DETAINEES

The draft anti-terror law provides for measures constituting serious violations of the rights of detainees.

The draft law explicitly provides for prolonged, indeed indefinite, incommunicado detention. Under Article 9 the “investigating authority” may “prohibit contact with the suspect for a period not exceeding 120 days if the interest of the investigation requires it”. The matter must be raised with the Specialized Criminal Court if the investigating authority requests “a longer period”, at which point the Court “decides as it deems appropriate”. No restrictions on the length of such an extension is provided for.

The Saudi Arabian government has explained to Amnesty International why the draft law “gives judges discretion over the reporting of the detention of a suspected terrorist and the circumstances in which such a suspect can be held in prison prior to trial”:

For those who work in counter-terrorism, the reasons for this are clear. There are

*cases in which revealing that a suspect has been apprehended could undermine an ongoing operation against a larger terrorist cell and thus seriously damage counter-terrorism efforts.*²⁹

There can, however, be no justification for provisions which would allow for incommunicado detention for periods up to 120 days, let alone for an indefinite period. The UN General Assembly has stated that “prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment,”³⁰ the UN Human Rights Committee has stated that provisions should be made against the use of incommunicado detention,³¹ and the UN Committee against Torture has consistently called for its elimination.³² The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, recognizing that “torture is most frequently practised during incommunicado detention”, has also called for such detention to be made illegal.³³

In the words of the Inter-American Court of Human Rights:

*The mere subjection of an individual to prolonged isolation and deprivation of communication is in itself cruel and inhuman treatment which harms the psychological and moral integrity of the person, and violates the right of every detainee under Article 5(1) and 5(2) to treatment respectful of his dignity.*³⁴

In 2001, referring to allegations of torture by Israeli security forces, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment stated the following:

*The Special Rapporteur accepts that not all allegations [of torture] will be well founded. Nevertheless, as long as the Government continues to detain persons incommunicado for exorbitant periods, itself a practice constituting cruel, inhuman or degrading treatment (as repeatedly confirmed by the [UN Human Rights] Commission), the burden will be on the Government to prove that the allegations are untrue. This is a burden that it will not generally be able to discharge convincingly.*³⁵ [emphasis added]

Saudi Arabia’s Law on Criminal Procedures of 2001 introduced safeguards prohibiting torture or degrading treatment and “bodily or moral harm” of those arrested or detained (Articles 2 and 35) and requiring interrogators “not to affect the will of the accused” in making a statement (Article 102).³⁶ However, these safeguards do not appear to be enforced in practice and have not curbed the use of torture or other ill-treatment against detainees.³⁷ Also, even though Saudi Arabia is a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which places an obligation on states to take effective legislative, administrative, judicial or other measures to prevent torture as defined in Article 1 of that treaty, including by making it a criminal offence punishable by penalties which take into account their grave nature, the Law on Criminal Procedures does not define torture in terms consistent with the definition in the treaty, nor does it make it a criminal offence.³⁸

The UN Committee against Torture in its report on Saudi Arabia in 2002 stated that Saudi

Arabia's domestic law did not expressly reflect the prohibition on torture as laid out in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and nor did it impose criminal sanctions.³⁹

The draft law also permits prolonged detention without charge or trial, effectively legalizing arbitrary detention. Under Article 8, the "investigating authority" may detain a suspect for a period of up to six months without charge or trial and may extend the detention for another six months "if the investigation procedures require that". It may apply for a "longer period" of detention with the Specialized Criminal Court, which "decides as it deems appropriate". Here too, no restrictions are imposed on the maximum period, raising concerns that such arbitrary detention may be imposed indefinitely. This extends beyond the current limit on detention without trial under the Law on Criminal Procedures, which has a maximum limit of six months.⁴⁰

The draft law's provisions restrict detainees' right to access legal counsel during the period of investigation. Under Article 13, a suspect may appoint a lawyer to defend himself within "adequate time" prior to the case being transferred to the court. The investigating authority determines what amounts to "adequate time".

Article 15 sanctions secret evidence; under this article the testimony of "experts" and "witnesses" may be heard "without the presence of the suspect and his lawyer". The accused is to be "informed of the content of the expert report without the identity of the expert being revealed". The provision does not extend to entitling an accused person or their lawyer to cross-examine such an expert or witness, leaving the accused without access to the details of evidence against them.

Article 11(1) of the Universal Declaration of Human Rights states:

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.

Article 14 of the International Covenant on Civil and Political Rights (ICCPR), which lists the components of the right to a fair trial, stipulates, among other things:

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality... 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 witnesses against him.⁴¹

Saudi Arabia is not a state party to the ICCPR. However, the principle known as "equality of arms", that is, the right of both sides in a court case to be treated without discrimination, including having equal access to documents and equal ability to question witnesses, has been recognized as a general principle of law, that is, a procedural principle so widely accepted and deeply ingrained in judicial tradition and practice that it is binding on all states, irrespective of whether or not they are parties to a treaty that provides for this principle.⁴² This principle is clearly breached by these provisions in the draft law.

E) BROAD INTERIOR MINISTRY POWERS WITHOUT JUDICIAL SUPERVISION

The Ministry of Interior, the instigator of this draft law, is set to enjoy very wide powers, some of them usually reserved for the judiciary or the public prosecution, if the law is passed.

These wide powers range from authorizing the Minister of Interior “to take the necessary measures to protect internal security from any terrorist threat”, under Article 4, to

having the sole say in determining if a suspect may be released temporarily,

that is on bail, under Article 10. Moreover, there are no provisions in the draft law subjecting these powers to judicial supervision or oversight.



Saudi Arabian Ministry of Interior building in Riyadh © Jon Rawlinson

Articles 5 and 6 further undermine the role of the judiciary. For example, under Article 5 the Ministry of Interior is entrusted with investigating “terrorist crimes and their financing”, and the Minister of Interior has the role of issuing “a decision to co-ordinate and organize the work between the investigating authority and the public prosecution”. Article 6 provides for the creation of a Security Cases Division within the Bureau of Investigation and Public Prosecution. Its members are to be appointed by the Minister of Interior, to bring cases before the Specialized Criminal Court and “to monitor and inspect prisons and places of detention dedicated to the detention of those convicted of and those suspected of crimes of terrorism or its financing, and to oversee the implementation of the punishments in this law”.

The draft law gives the Minister of Interior the right to issue orders for the arrest of a “terrorism” suspect or for entering a building to search it, including without a warrant (Articles 7 and 22). The Minister of Interior may delegate these powers to anyone he sees fit. The Minister may order the monitoring of communications (Article 23). These provisions do not state that the order should provide an opportunity to challenge it. Such provisions go beyond what is provided for in the Law on Criminal Procedures.⁴³

Under Article 17, a decision to drop charges is not valid unless approved by the Minister of Interior or anyone he delegates.

One of the most far-reaching powers which might be conferred on the Ministry of Interior is contained in an article that the Shura Council’s Committee for Security Affairs opposed, arguing that it undermined the independence of the judiciary. Article 65 stipulates that a committee headed by a judge and comprising two other members, one of them a “religious advisor”, will be set up in the Ministry of Interior to look into the case of prisoners whose forthcoming release is “considered dangerous to the security and safety of the state”. The committee could decide to take “any appropriate procedures and measures to avert the threat from him”, including to prolong his detention. An affected prisoner would have the right to appeal the committee’s decision before the Specialized Criminal Court.

An accused person or a sentenced prisoner who has suffered harm as a result of their detention or imprisonment being unduly prolonged has no recourse to the judiciary to bring a criminal or civil case but may apply to a committee to be set up by the Ministry of Interior for compensation (Article 61). This effectively means that the Ministry could act with impunity. The Minister of Interior also has the authority to release detainees or anyone sentenced for terrorist crimes while they are serving their sentences (Article 59).

Articles 62 and 63 stipulate that special centres will be set up to “educate detainees and those convicted of terrorist crimes” in order to “rectify their ideas and deepen their sense of national belonging”. The draft law does not, however, provide clarity as to whether a detainee’s attendance of these centres is voluntary or not or whether refusal to attend such centres invites any sanction or punishment. As an exception to the rules on banking secrecy, under Article 18, the Minister of the Interior – “in exceptional cases which he determines” – may allow the investigating authority, through the Saudi Arabian Monetary Agency, to access or obtain information relating to funds held in financial institutions. It is of concern that no judicial oversight is provided for.

F) WIDE SCOPE FOR THE DEATH PENALTY

The draft anti-terror law contains 27 instances where the death penalty can be applied. Amnesty International opposes the death penalty in all circumstances and so is concerned at the wide scope which the draft law gives to capital punishment. In addition, it notes that the draft law would lead to several specific violations of international standards:

- i) Under international human rights law, people charged with crimes punishable by death are entitled to the strictest observance of all fair trial guarantees and to certain additional safeguards. Such guarantees and safeguards are absent.
- ii) Under international human rights law, death sentences may be imposed only for the most serious crimes. According to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions “the death penalty can only be imposed in such a way that it complies with the stricture that it must be limited to the most serious crimes, in cases where it can be shown that there was an intention to kill which resulted in the loss of life.”⁴⁴ Given the vague definitions in the draft law, discussed above, the death penalty could be imposed in relation to offences which do not fall in the “most serious crimes” category, contrary to international law.
- iii) The draft law does not prohibit the imposition of the death penalty on juvenile offenders (those aged under 18 at the time of the alleged crime), as provided in the UN Convention on the Rights of the Child, to which Saudi Arabia is a state party,⁴⁵ or on the mentally ill.⁴⁶

These concerns are exacerbated when the shortcomings in Saudi Arabia’s justice system are considered. Amnesty International has documented the use of the death penalty and the fair trial concerns surrounding it.⁴⁷

CONCLUSION

The draft law currently available to the organization contains serious flaws as set out above that contravene Saudi Arabia’s international obligations to ensure that security legislation does not come at the expense of human rights. Instead it authorizes the violation of the rights

of detainees, threatens the legitimate exercise of freedom of expression, including peaceful political dissent, undermines the independence of the judiciary, and gives the Ministry of Interior wide-ranging powers without judicial oversight.

If passed, the draft law would consolidate anti-terrorism measures that breach international human rights standards by sanctioning them in law. Such measures have been and continue to be documented by Amnesty International and include arbitrary detention, incommunicado detention, detention without charge or trial, and unfair trials (see Chapter 3: Detentions and trials in the name of counter-terrorism).

3. DETENTIONS AND TRIALS IN THE NAME OF COUNTER-TERRORISM

“For about 7 months we did not know if he was alive or dead.”

Wife of detainee Hamad al-Neyl Abu Kassawy speaking to Amnesty International.

OFFICIAL FIGURES

Despite maintaining secrecy about many aspects of their workings, the Saudi Arabian authorities have, through statements issued in recent years, given some sense of the number of detainees they have arrested, detained and put on trial for what they consider security-related reasons.

In July 2007 the Minister of Interior announced that 9,000 people had been arrested during counter-terrorism operations between 2003 and 2007 and that 3,106 of them remained held.⁴⁸ In October 2008 the Interior Ministry announced that it would refer to court the cases of 991 people accused of being part of the “deviant organization... named al-Qa’ida”.⁴⁹ In the same month a new special court called the Specialized Criminal Court was established to try detainees held on terrorism-related charges.⁵⁰ In mid-March 2009, the Minister of Interior was reported to have stated that the trials had started and that the full responsibility for them had been passed on to the Ministry of Justice.⁵¹

In early July 2009 the government announced that the trials of 330 people charged with “terrorism offences” that had begun in March that year had concluded.⁵² Virtually all of the defendants were convicted before the Specialized Criminal Court in trials closed to observers and members of the public, with sentences ranging from fines to the death penalty. The authorities did not disclose their names or details of the charges. However, it was reported that one defendant had been sentenced to death and 323 others had received prison terms ranging from a few months to 30 years. Some of the 323 received additional punishments of fines or forced residence; others were told they would be released only after “repenting”. Of the remaining six defendants, three were sentenced to travel bans and three were acquitted. No further information was given.⁵³

On 24 March 2010, the Interior Ministry announced the detention of 113 suspected members of al-Qa’ida in the previous five months – 58 Saudi Arabians, 52 Yemenis, one Somali, one Bangladeshi and one Eritrean. Among them was a woman who has since been tried and sentenced (see below Unfair trials). The statement said the detainees were suspected of planning to carry out attacks on oil installations and other targets in Saudi

Arabia.⁵⁴ On 26 November 2010, the Interior Ministry announced the arrest of 149 suspected members of al-Qa'ida in the previous eight months – 124 Saudi Arabians and 25 foreign nationals who, it said, included Arabs, Africans and South Asians. The statement added that a woman online activist who had been arrested was released after investigation.⁵⁵

In January 2011, the Justice Ministry announced that the Specialized Criminal Court in Riyadh had issued by early December 2010 preliminary verdicts in 442 cases involving individuals who were accused of belonging to al-Qa'ida or "plotting against national security". It said that the cases involved 765 detainees and that the detainees had lodged appeals against verdicts in 325 cases.⁵⁶ The preliminary verdicts ranged from fines, travel bans and house arrest to terms of imprisonment and the death penalty. The Ministry said that the accused had been tried on charges that included "joining al-Qa'ida", "embracing the al-Qa'ida methodology and supporting its crimes" and "financing and communicating with its [al-Qa'ida] leaders".

On 2 April 2011, the security spokesperson for the Ministry of Interior, General Mansour al-Turki, gave an update to the Ministry's 2008 statement on the referral to court of 991 accused relating to the crimes of al-Qa'ida. He stated that 5,831 detainees had been released "in recent years", including 184 earlier in 2011; that of 5,696 detainees, 5,080 had been questioned and referred for trials; 616 detainees were still being questioned; and that 1,931 others had been questioned with a view to referring them to the Specialized Criminal Court. In addition, according to the statement, 486 convicted persons had been compensated for periods of detention exceeding the term to which they had been sentenced.⁵⁷ An official from the Bureau of Investigation and Public Prosecution stated the same day that 2,215 people had been referred to the Specialized Criminal Court in cases involving "terrorist offences" and that, of these, 612 detainees had received verdicts and 603 were still undergoing trials.⁵⁸

In late April 2011, *Arab News*, a Saudi Arabian English-language daily newspaper, reported that an Interior Ministry spokesperson told them that 1,325 foreign nationals were being tried for their direct or indirect involvement in "terror plots or for conspiracy to participate in terror-group activities".⁵⁹ He also said that 1,612 people had been convicted of "terrorism charges" and that some women, albeit "very few" in number, were among those who have been detained.⁶⁰

While these government statements provide some indication of the scale of the detentions and trials of people held for what the authorities consider security-related reasons, Amnesty International has been unable to obtain further information from the authorities on the details of the persons and cases concerned, such as their names, the reasons for their arrest, the legal basis and conditions of their detention, including their access to family and lawyers, the details of their charges and conviction, where applicable, and the dates when they were arrested and, where relevant, charged, brought to trial and convicted. The information appears not to be available on the Saudi Arabian government's websites and when Amnesty International has written to the authorities to request further details, as it did following the announcement of the trials of 330 people by the Ministry of Justice in July 2009, the announcement of the arrests of 113 people by the Interior Ministry in March 2010 and the announcement of the arrests of 149 people by the Interior Ministry in November 2010,⁶¹ it has received no response.⁶² To obtain such details, the organization has therefore had to rely

on the limited information available in the Saudi Arabian media about trials where the presence of some state media has been authorized and on testimonies of former detainees, their families and lawyers, and human rights activists in the country.

PROLONGED DETENTION WITHOUT CHARGE OR TRIAL

Amnesty International fully recognizes that the Saudi Arabian authorities have a duty to ensure public safety and, in particular, to bring to justice those responsible for carrying out or planning violent attacks. However, it is seriously concerned about what appears to be a pattern of people being detained for months or years on the stated grounds of security without being convicted of any crime. In some cases, the authorities may have evidence of the detainees' involvement in internationally recognized criminal activities, but are failing to use due legal process against them. In many others, the detainees appear to be held on a vague suspicion that they pose a threat to Saudi Arabia's security or because of their real or perceived opposition or criticism of the authorities. In all cases, their detention appears to be arbitrary.

PROHIBITION OF ARBITRARY DETENTION

International human rights law and standards clearly prohibit the arbitrary arrests and detentions seen in Saudi Arabia. Article 9 of the Universal Declaration of Human Rights provides that: "No one shall be subjected to arbitrary arrest, detention or exile." The UN Working Group on Arbitrary Detention considers that detention becomes arbitrary when it falls into one or more of the following categories:

A) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him) (Category I);

B) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 10 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (Category II);

C) When the total or partial non-observance of the international norms relating to the right to a fair trial, spelled out in the Universal Declaration of Human Rights and relevant international instruments accepted by the states concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (Category III).⁶³

Many detainees held for stated security reasons have been held for prolonged periods without being brought to trial, or even charged, despite the six-month limit on detention without trial introduced under the 2001 Law on Criminal Procedures.⁶⁴ They rarely have any idea of what is going to happen to them. They are invariably held incommunicado following arrest and during the period of interrogation, which can last for months, before they are allowed family visits. They are often detained for months or years without access to a lawyer, information about the progress of legal proceedings against them or any opportunity to challenge the legality of their detention. Many remain held until the authorities decide they are not a security threat or, in some cases, until they promise not to engage in opposition activities. Some have been rearrested immediately or shortly after release. Others have been repeatedly arrested without charge.

In the instances when individuals are charged and brought to trial, the proceedings invariably fail to meet the most elementary standards of fairness (see below Unfair trials).

“Please put him on trial and sentence him to a hundred years in prison even. At least we know a hundred years will end. But you can’t keep us like this.”

Relative of a detainee held without charge or trial for years

The Interior Ministry’s General Directorate of Investigation (GDI)⁶⁵ is the main internal security force responsible for arresting and detaining people in the name of security.⁶⁶ It has used fear and repression to counter critics of the state and monitors without accountability those it sees as political opponents and imprisons those it sees as a threat.⁶⁷

Amnesty International has received information that many of those detained have been tortured or otherwise ill-treated, particularly during incommunicado detention to extract confessions or undertakings. Methods of torture and other ill-treatment reported include: beatings with sticks, punching, suspension from the ceiling or cell doors by the ankles or wrists, the application of electric shocks to the body, prolonged sleep deprivation and being placed in cold cells. Many are held in solitary confinement for long periods of time.

Some of the cases cited below have come to Amnesty International’s attention since its last report of 2009; others include updates on cases that the organization included in that report.⁶⁸

Among the Saudi Arabian nationals who have been detained without charge or trial for years is **Muhammad bin Abdul Rahman al-Sulaiman**, a 34-year-old teacher in Islamic studies who has two children. He has apparently been detained without charge or trial, or access to a lawyer, since September 2004. He was arrested by members of the GDI at the school where he worked, apparently accused of being in contact with a “deviant group”. He was apparently held for seven months in solitary confinement. He is said not to be in good health, having suffered from blood clotting and complications with his eyes, apparently exacerbated by the constant lights in prison. He is said not to be allowed glasses for his eyes. The family are said to have reported the case to the National Human Rights Commission but to have been informed that it could not do anything regarding the case.

Former university professor **Dr Sa’id bin Zu’air**,⁶⁹ a 62-year-old cleric and critic of the government, was arrested in Riyadh on 6 June 2007.⁷⁰ He was held incommunicado at an unconfirmed location and denied required medication at times. He was arrested by the GDI at a police checkpoint on the road into Riyadh on his way home from Mecca with his 30-year-old son **Sa’ad bin Zu’air**. The authorities reportedly said that Dr Sa’id bin Zu’air was arrested for collecting money to “help terrorism”. Other sources believe that he was detained to prevent him from taking part in broadcasts on Al Jazeera television as he had criticized the government, including its approach to tackling terrorism, in previous broadcasts. He is currently on trial. Some Saudi



Dr Sa'id bin Zu'air © Private



Sa'ad bin Zu'air © Private

Arabian media have reported on the trial, referring to an academic but without naming him. The trial began in late October 2011.⁷¹ He has been charged with 19 offences, one report cited charges including “inciting against the ruler and stirring sedition”, “harming the national cohesion”, “undermining the prestige of the state and its security and judicial institutions” and “publishing through the internet what will stir sedition”.⁷² Other reports stated that he had “adopted the Kharijite⁷³ methodology in jihad” and had engaged in “financing terrorism and terrorist acts”.⁷⁴ He is reported to have denied all charges in a session on 23 November which some members of his family were

allowed to attend.⁷⁵ His son Sa'ad bin Zu'air, however, continues to be held without charge. Both Dr Sa'id and his son Sa'ad bin Zu'air have been held in solitary confinement since their arrest and are currently detained in al-Ha'ir prison in Riyadh. On 21 November 2008 the UN Working Group on Arbitrary Detention concluded that Dr Sa'id bin Zu'air was a victim of arbitrary detention.⁷⁶ In 2011, another of Dr Sa'id bin Zu'air's sons, 38-year-old **Mubarak bin Zu'air**, was arrested after he staged a protest calling for the release of them and other political prisoners (see Chapter 4: Crackdown on freedom of expression).⁷⁷

Khaled Abdul Rahman Hamad al-Tuwaijari, a 32-year-old father of two from Buraydah in Qasim Province, who served as a vice sergeant in the Saudi Arabian air force, has been held in al-Ha'ir prison in Riyadh for almost three years without charge or trial. He was initially arrested in Jordan in September 2008 and held there for about four months. In January 2009 he was extradited to Saudi Arabia and taken immediately to al-Ha'ir prison. His family was not told of his arrest or extradition until some five months after his arrest in Jordan, and only found out then after a family member of a former inmate at al-Ha'ir prison visited Khaled's family and told them that Khaled was there. When the family contacted the Ministry of Interior to enquire about him, they denied that they were holding him. However, a month later the family was contacted by officials and told that they could visit Khaled. When they finally did, some two years had reportedly passed since his arrest. According to information received by Amnesty International, he was held in solitary confinement for a year and a half, during which time he was alleged to have been subjected to beatings on five consecutive days as a punishment for having olive oil in his possession. He is said to suffer from health problems in his back as a result of such treatment, and his health is said to be deteriorating. Khaled is allowed to call his wife once every 15 days and receive a one-hour visit from his family every 35 days. However, there have been occasions where their visits have been cancelled at the last minute despite the fact that the family have to make a 350km journey from Buraydah to Riyadh. He is said to have been accused of “breaking allegiance to the King” and of making trips to Afghanistan and Pakistan.

Some have been held without charge of trial for even longer. Nine people from the Shi'a community in the Eastern Province believed to have been arrested in 1998 in connection with the bombing of the Khobar Towers Complex, a US military housing complex, in June 1996 in the city of al-Khobar which killed 19 US servicemen are reported to be still held without charge or trial. The nine were interrogated and allegedly tortured following their arrests and appear to have been denied access to lawyers and the opportunity to challenge in

court the legality of their detention. They are said to be held at Dammam Prison. Among them is **Hani al-Sayegh**, who had sought asylum in the USA but was forcibly returned to Saudi Arabia on 11 October 1999.⁷⁸ The other eight are: **Abdullah Ahmad al-Jarrash, Hussain Abdullah Al Maghiss, Abdulkareem Hussain al-Nimr, al-Sayyed Mustafa al-Qassab, al-Sayyed Fadhel al-Alawi, Mustafa Ja'far al-Mu'allam, Ali Ahmad al-Marhoun** and **Salah Mahdi Ramadan**. A 10th man, **Muhammad Hassan al-Hayek**, was said to have been arrested in connection with the al-Khobar attack in July 1996 and transferred to al-Ha'ir prison in Riyadh. About two years after his arrest, his brother was said to have been summoned by the Saudi Arabian authorities to go to Riyadh, where he was told that Muhammad had died and been buried in Riyadh.



Poster of the nine men held since 1998 in connection with the 1996 al-Khobar bombing © Rasid News Network

Among the foreign nationals detained in recent years on suspicion of threatening Saudi Arabia's security is **Khaled Hussein al-Jubeihi**,⁷⁹ a Jordanian national aged 41, who graduated in computer science in the USA in 2002, was arrested on 17 June 2003 at his workplace in Dammam during a wave of mass arrests following bomb attacks in May 2003. He is said to have been held incommunicado during the first three months of his detention before he was allowed visits by his parents. He was reportedly kept in solitary confinement for almost a year. He was also said to have been beaten. He has been held in Dammam prison for the last six months. In 2006 Amnesty International wrote to the National Human Rights Commission seeking clarification of his legal status, the reasons for his arrest and his place of detention.⁸⁰ The Commission undertook to seek such a clarification, but no further information has been provided to Amnesty International.⁸¹ In May 2007, the UN Working Group on Arbitrary Detention considered his detention to be arbitrary.⁸² He is apparently due to be taken to trial soon, but Amnesty International is not aware on which charges. He is reported to have been provided with a state-appointed lawyer.

His wife, who is a foreign national, has had difficulties in obtaining a visa to visit her husband, partly because she does not have a *mahram* (male guardian). She was able to visit him one time as she was able to travel for *Umrah* and visit him when he was detained in Jeddah in 2010. However, an *Umrah* visa would not allow her to travel to Dammam, where he is currently held. Their eight-year-old son has only seen his father once. She told Amnesty International that the Saudi Arabian authorities do not respond to her visa applications. She said: "I cannot go by car, or plane. I feel like my legs and arms are cut off. Without a visa I cannot do anything. It's not fair. I behave... I have not done anything wrong."



Hamad al-Neyl Abu Kassawy, a 36-year-old Sudanese national, was arrested by members of the GDI in June 2004 when he arrived at Medina airport from Syria on his way to carry out *Umrah*. He then disappeared for eight months. His family believe he came under suspicion because of his frequent journeys as a trader. He had made a living as a "suitcase trader," travelling between Sudan, Syria

Hamad al-Neyl Abu Kassawy © Private

and the United Arab Emirates buying and selling household goods and clothes. He has been held without charge or trial since his arrest. He is reported to have attempted to commit suicide a number of times and on one occasion he was reported to have gone on hunger strike for 21 days. He is believed to be suffering from stomach problems.



Family of Hamad al-Neyl Abu Kassawy © Amnesty International

WIFE OF HAMAD AL-NEYL ABU KASSAWY SPEAKING TO AMNESTY INTERNATIONAL

For about seven months we did not know if he was alive or dead. We lived in unbearable anxiety. We went to the Sudanese Ministry of Foreign Affairs and asked them to look for my husband as we did not know his whereabouts, but they couldn't help me; we could not get any information from them regarding my husband's location, or maybe they couldn't figure out what was going on themselves... After seven months or approximately eight months a Saudi Arabian man called us and told us that he was visiting his relative in Medina prison where my husband, Hamad al-Neyl, gave him our home telephone number and asked him to contact us and tell us that he'd been detained in Saudi Arabia.

Then we knew that he was detained in Saudi Arabia, so we went back to the Sudanese Ministry of Foreign Affairs asking them to do anything that could help us; but we didn't get any help. So we contacted our relative who was residing in Saudi Arabia and informed him that my husband was detained in Medina Prison, and asked him to look for him and try to find out what was happening. He looked for him, and found him in Medina Prison and started to visit him immediately to get his news and tell him our news and reassure both of us. Then after two years he was transferred to Jeddah.

My husband used to call us sometimes and the contact would be cut off at other times; the contact between us was completely cut off for two whole years. He only called us again around a year or so ago, at Eid al-Adha

last year to be precise. We asked him about his conditions and his news. He said he was fine and that he had been transferred to the city of Abha, where he is detained currently; so we contacted several organizations, human rights and other organizations. He has been allowed to call us for 10 minutes every month so far.

This was for mere suspicion of his belonging to al-Qa'ida. He has said that there is absolutely no evidence or proof of this suspicion; nothing is proved until now. Some periods of time pass without any investigations or interrogations with him, and other times he is interrogated, and until now he was not brought to trial, and no charge was proved.

The situation is very hard of course, very difficult and very terrible, especially as he is the only man in the family and the only provider for the family. In addition to me and three children he also provides for his parents and his sick elder brother; his parents are very old and he is the only person who provides for them. Also he is the only provider for some of his relatives such as his widowed aunts and some of his elderly relatives.

Our situation is very bad, for a man who has responsibility towards a family and children. I am unemployed so I came back to live with my big extended family. Our life continues, but it continues with great hardship.

My demands to the Saudi authorities are to prosecute my husband; otherwise to release him and let him go because we really need him. Things cannot continue the way they are because at the end this is a family with an uncertain future...

I ask the international community to help us, support us and remove this injustice, and return my husband to us by God's will.

Ali Hiial al-Hussain, a 40-year-old Syrian national with three children, appears to have been held without charge or trial for nearly three years. He was arrested by members of the GDI in March 2006, when he was working as a carpenter in Saudi Arabia. He was held initially in 'Ulaysha prison for 22 days, during which time he said he was interrogated every day and tortured. He told Amnesty International that he was beaten with a metal stick and plastic cables on his back. He was interrogated about a trip he had made to Iraq and about money he had given to an Islamic organization. He responded that he had gone to Iraq from Syria when US-led forces invaded in 2003 with the intention of offering his help to the Iraqi people, but returned to Syria after a week and, that at another point he had sent money to an organization that was teaching people to memorize the Qu'ran in rural areas of Syria.

He told Amnesty International that he was denied contact with his family for over two years and during different periods spent months in solitary confinement. During interrogations he said he was made to fingerprint "confessions". He said he was taken in front of a court over a year after his arrest and asked to confirm his confessions by fingerprinting them. He said he did so because he was threatened by interrogators that he would be beaten until he agreed to do so. He was brought before the Specialized Criminal Court in Riyadh to be charged and tried in January 2009. He described being asked by a judge if he had gone to Iraq and if he had sent money to an organization, replying yes to both questions, and then being sentenced to six months' imprisonment. He said he was later brought back to the Specialized Criminal Court on two separate occasions and informed that an appeal court had raised his sentence, firstly, in October 2010, to one year's imprisonment and then in early 2011 to two years. He said he did not have a lawyer at any time during the legal process. In May 2011 he was

deported to Syria after signing a pledge whose content he claimed not to know. He told Amnesty International: "Saudi Arabia has destroyed me and my family completely. My children haven't seen me in five years and now they don't know me," but added: "My case is nothing compared to others".

Ahmed Muhammad Abdulle, a 26-year-old Danish national of Somali origin, was arrested on 14 March 2009 by members of the GDI at the Islamic University of Madinah where he was studying. He is still held without charge or trial in Jeddah without access to lawyers.

UNFAIR TRIALS

"This is to report that prisoners in KSA [Kingdom of Saudi Arabia] are being taken by the dozens to fake courts and arbitrarily receiving 30 to 40 year sentences. They cannot speak while their sentence is read to them; they are forced to sign it and then are sent back to jail. This is the 'fair' trial of Saudi Arabia."

Message received at the end of March 2009. Name of person withheld for fear of reprisal against the detainee.

Trials of political and security detainees fall woefully short of international standards of fairness in Saudi Arabia. Court hearings are often held in secret. Defendants are rarely permitted the help of a lawyer, and foreign detainees are often denied consular assistance or any translation services during interrogation and trial. Detainees, defendants in trials, former prisoners and relatives of prisoners routinely say that confessions were extracted using torture or other ill-treatment. These statements are sometimes the sole evidence used to convict people. In many cases, defendants and their families are not even aware of the progress of legal proceedings against them. The range of offences punishable by death is extremely wide, and confessions obtained by torture are accepted as evidence even in cases of capital offences.

PRINCIPLES OF FAIR TRIAL

Under international law, everyone has the right to a fair trial by a competent, independent and impartial tribunal established by law, as reflected in Article 10 of the Universal Declaration of Human Rights. All trials of those charged with a recognizably criminal offence must conform to the minimum procedural guarantees. The fairness of proceedings before a court depends on several factors including: whether the defendants were assisted by a lawyer of their own choosing and the right to appeal against their conviction and sentence to a higher court; whether the trial proceedings were public; whether the court's jurisdiction complies with the principles of non-discrimination and equality before the law; and whether the judges are impartial and independent from the executive. Further, any information obtained under torture or other ill-treatment must be excluded from use in the judicial proceedings and may not be used as evidence to obtain conviction.

The UN Basic Principles on the Independence of the Judiciary emphasize the absolute indispensability of judicial independence. Principle 5 states:

Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals.

The Universal Declaration of Human Rights also states: "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.” It further stipulates that trials must in principle be held in public.

Saudi Arabia’s Law on Criminal Procedures, Lawyers Code⁸³ and Law of the Judiciary⁸⁴ do contain provisions guaranteeing a number of fair trial rights, such as the right to legal assistance and representation, the right to a public hearing and the right of appeal. However, the provisions are vague and are routinely ignored.

Prior to the establishment of the Specialized Criminal Court in October 2008, very little is known about the trial proceedings to which detainees held on terrorism-related charges were subjected.⁸⁵ Those accused are said to have been taken before a three-member panel which, in a few short sessions, questioned them about their “confession” or other statements made in pre-trial detention under interrogation by GDI officials. Most defendants were reported to have been sentenced to prison terms and floggings.

The Specialized Criminal Court was established to try detainees held on terrorism-related charges, reportedly after the Supreme Judicial Council decided to convert the security division of the General Court in Riyadh into a separate court.⁸⁶ Amnesty International first received information in April 2009 giving details about trials before the court. Information emerged that those referred for trial there⁸⁷ were being denied defence lawyers and any right of appeal, and that the process consisted of nothing more than defendants’ confessions being read out unsupported by the presentation of other evidence or witnesses. One person described how defendants who did not agree with the accusation against them were taken away and given a “hard time” until they agreed to sign a “confession”.⁸⁸

A number of human rights activists in Saudi Arabia have criticized the lack of independence of the court, arguing that it is effectively under the control of the Ministry of Interior and that, in particular, the Ministry chooses the judges for particular cases. It appears that defendants are generally denied the right to appoint a lawyer of their own choosing. In some cases, a state-appointed lawyer is offered, but defendants sometimes refuse their services out of concern that they are not able to act independently and request lawyers of their own choosing. In some cases, this is denied; in other cases, defendants have been allowed to choose their lawyers, but the court has refused them entry to certain court sessions.

Trials before the Specialized Criminal Court have generally appeared to take place behind closed doors. More recently selected journalists working for state media organs and family members have been allowed to attend some trials, particularly those of high-profile cases, but members of the general public are barred. It is unclear how decisions are taken on the extent to which court sessions are open or closed.

Abdullah Zayd Zuhair, 40-year-old with a six-year-old son, arrested on 27 February 2006, is believed to be among the 330 people charged with security-related offences whose trials began in March 2009.⁸⁹ He was sentenced to 30 years’ imprisonment by the Specialized Criminal Court in Riyadh on 17 June 2009 for charges including contact with Sa’ad al-Faqih, founder and head of the Movement for Islamic Reform in Arabia, otherwise known as the Islah (Reform) Movement, a UK-based opposition group. He had no lawyer during his interrogations or legal representation during his trials. A court of appeal later ruled that the Specialized Criminal Court should reduce his sentence, which it did in March 2011, lowering it to 23 years’ imprisonment. In July 2011 the court of appeal approved this sentence.

Abdul Aziz al-Wuhaibi was among seven Saudi Arabian men who submitted a request for recognition of what would be Saudi Arabia's first political party, the Islamic Umma Party (Hizb al-Umma al-Islami). He and a number of others were arrested on 16 February 2011 by the members of the GDI⁹⁰ (see Chapter 4: Crackdown on freedom of expression). According to information received by Amnesty International, two days after his arrest he was allowed a short phone call to his family and told them that he was being detained in al-Ha'ir prison in Riyadh. However, he was reportedly then not allowed any access to the outside world and held in solitary confinement for three months. He wrote to the authorities asking for a lawyer and family visits, in accordance with the Law on Criminal Procedures, but did not receive a response. Subsequently, the family received news that he had been transferred to Dhahban Prison in Jeddah, where they were able to visit him. A number of human rights activists sent letters to the Bureau of Investigation and Public Prosecution calling on them to allow him a lawyer but these calls were apparently ignored. On 16 May 2011 he was presented to the Specialized Criminal Court where he was accused of creating a political party. On 3 October 2011 he was reported to have called his family and informed them that he had been sentenced and had not been allowed access to a lawyer throughout his interrogations and trial. He was convicted of several charges including attempting to "overthrow the regime", "disobeying the ruler", "money laundering", "talking to foreign media" and "encroaching on power". He was sentenced to seven years' imprisonment in September 2011 and has apparently not been allowed to appeal this decision, in contravention of the Saudi Arabian Law on Criminal Procedures. His health is reported to have deteriorated in November 2011. Amnesty International is concerned that he may be a prisoner of conscience imprisoned solely for peacefully exercising his right to freedom of association.



Mohammed Saleh al-Bajady © Private

Mohammed Saleh al-Bajady, a 30-year-old businessman who co-founded the Saudi Civil and Political Rights Association (ACPRA), a human rights NGO established in October 2009, was arrested the day after attending a protest outside the Interior Ministry in Riyadh on 20 March 2011 and is currently facing trial at the Specialized Criminal Court without a lawyer.⁹¹ He has not been allowed family visits since his arrest. He was taken away by uniformed security force agents and men in civilian clothes believed to be members of the GDI, who also reportedly confiscated books, documents and a laptop from his home. They then escorted him to his office where they are said to have confiscated more

books, documents and another computer and to have filmed the inside of his office. On 5 April he called his wife and told her that he was detained in al-Ha'ir prison in Riyadh. His wife was told on 12 July that she could visit him on 16 July but when she arrived she was told that he had been transferred to a prison in Jeddah on 14 July. On 26 July he called her to tell her that he was due to meet officials in the Ministry of Interior on 6 August about his case. However, on 8 August he called her to say that he had not met the officials and was instead put on trial, and that the next court session would be on 15 August. He was apparently charged with forming the ACPRA, harming the reputation of the state and having banned books in his possession. His legal defence team have reportedly not been allowed

access to him or his trial. They have been informed that their power of attorney was not recognized by the court. Amnesty International regards Mohammed Saleh al-Bajady as a prisoner of conscience detained solely for his human rights activism (see Chapter 4: Crackdown on freedom of expression).

The trial before the Specialized Criminal Court in Riyadh of **85 defendants** charged in connection with bombings and other attacks, including an attack in 2003 targeting three compounds in Riyadh, continues.⁹² The compound attacks in Riyadh were reported to have killed at least 31 people from 10 countries and injured 160 others.⁹³ The government stated that the accused had formed a “terror cell” named after Turki al-Dandani, who was killed in a gun battle with security forces in al-Jawf in July 2003.⁹⁴ On 26 June 2011, the Public Prosecutor read out the charges and called for the death sentence to be imposed on the 10 defendants appearing in court that day.⁹⁵ The prosecution said the charges were based on the defendants’ confessions. The judge told the defendants that they had the right to lawyers, but it appears that they had no access to legal counsel until the trial. During the following day’s session, media attending the trial reported that the Public Prosecutor had accused Turki al-Dandani of having sex with one of the defendants.⁹⁶ In a hearing on 3 July 2011, one of the defendants claimed he was tortured during questioning and that he was admitted to hospital four times. Another claimed investigators threatened to harm his family.⁹⁷

In another ongoing trial, **11 men** are being tried in a court in Riyadh for their alleged involvement in a 2004 attack against a petrochemical plant in the industrial city of Yanbu. The attack killed six foreign workers and one Saudi Arabian National Guard officer, and injured dozens of others.⁹⁸ All 11 are reported to be members of the same family and related to four men who were killed by security forces following the attack.⁹⁹ During the trial, according to a media report,¹⁰⁰ nine of the defendants have said the investigators made them confess using physical and psychological torture.

The trial of **Haila al-Qaseer**, a Saudi Arabian woman dubbed “Lady al-Qa’ida”, was reported to have begun on 31 July 2011.¹⁰¹ She was reported to be the woman whose arrest was announced as part of the arrests of 113 suspected members of al-Qa’ida by the Interior Ministry on 24 March 2010 (see above Official figures). She is the first woman known to have been tried on terrorism-related charges. The charges against her were reported to include, among others, “membership of al-Qa’ida”, “providing safe havens to terrorists and funding terrorist operations”, “extending various services to the organization”, “adopting deviant thoughts”, “extending logistical support to al-Qa’ida and recruiting young girls”.¹⁰² She was said to have been represented by two male relatives in court. She was sentenced to 15 years’ imprisonment on 29 October by the Specialized Criminal Court in Riyadh and a travel ban of 15 years after her release.¹⁰³ During her trial she was reported to have retracted an earlier statement in which she confessed to various terrorist charges against her at a special summary court, claiming they were extracted from her under duress.¹⁰⁴

CASE STUDY I: REFORMISTS

The detention and trial of 16 men sentenced in November 2011, among them prominent advocates of reform, illustrates some of the patterns of serious allegations of human rights violations experienced by those accused of security-related offences and brought to trial before the Specialized Criminal Court.

Nine of the men – among them political activists, lawyers and academics – were detained in February 2007 after they had met to discuss setting up a human rights association and circulated a petition calling for political reform. They included **Dr Saud al-Hashimi, Dr Suliaman al-Rushudi, Abdul Rahman Khan, Abdul Aziz al-Khariji, Dr Musa al-Qirni, Abdul Rahman al-Shumayri, Essam Basrawi, Saif al-Din al-Sharif**, all aged over 40, and **Fahd al-Qurshi**, who is in his twenties. The Interior Ministry said the men had been arrested for collecting money to support terrorism, an accusation they deny. It appears that the men were arrested solely for advocating peaceful political change and respect of human rights. Lawyer **Essam Basrawi** was released on bail in September 2007 on grounds of ill health. **Abdul Aziz al-Khariji** was released on bail in January 2009, but Amnesty International is not aware for what reason. **Fahd al-Qurshi** was released on bail in 2010, apparently on medical grounds.

Seven others were detained in the months and years following the arrest of the nine in February 2007 because of their alleged links with Dr Saud al-Hashimi. Their names, which only became known in 2010, are **Waleed al-Amri, Abdullah al-Rifa'i, Ridat al-Majayshi, Ali al-Qirni, Mu'tassem Mukhtar, Khaled al-Abassi** and **Saleh al-Rashidi**. They are all aged in their twenties to thirties except for Saleh al-Rashidi, who is in his fifties.

In November 2007, the UN Working Group on Arbitrary Detention considered the detention of nine of the men to be arbitrary on the basis that it was “proven that the cause of the arrest of these nine persons falls within the scope of the right to freedom of opinion and expression and assembly as guaranteed by Articles 19 and 20 of the Universal Declaration of Human Rights”¹⁰⁵ Many of the men have been held in prolonged solitary confinement, at times in incommunicado detention. They were apparently interrogated without their lawyers being present. One lawyer was later reported to have said, “Interrogations were done in secret. Lawyers were not allowed in. This is in violation of Saudi criminal procedures”.¹⁰⁶ They have been held most of the time in Dhahban prison in Jeddah. A letter sent to Amnesty International in 2007 by the relatives of one of the men, **Dr Saud al-Hashimi**, a 48-year-old medical doctor, summed up the desperation they felt. It described how the prisoners were being held without any access to lawyers or a court, and that one was in solitary confinement and “not even allowed to read”. It described how the family had contacted various authorities without success, and ended: “You are our last hope, we are counting on you.”

At least two of the men were alleged to have been tortured in detention. There are concerns that others have suffered similar treatment. One of the detainees, whose name has been withheld for fear of reprisal, was allegedly beaten on at least seven occasions, including by what was described as a “special unit”. During the sessions, he would apparently be blindfolded, with his hands cuffed behind his back and feet tied. Despite this he was apparently able to make out through the blindfold that those beating him were dressed in black and varied in number between six and 12. He was reportedly beaten all over his body including his face and genitals, with implements including an electro-shock baton and metal sticks, causing him to bruise and bleed. It was also alleged that he was threatened with rape. Amnesty International has received other reports of such a “special unit” involving men dressed in black and with their faces covered being brought into prisons to intimidate and search prisoners or to carry out specific punishments.

Human rights activists brought a case against the Ministry of Interior before the Board of Grievances, an administrative court with jurisdiction to consider complaints against the state and its public services,¹⁰⁷ for the unlawful detention of one of the 16 men, **Dr Suliaman al-Rushudi**, a 74-year-old former judge and activist; they planned to use the case as a precedent for the other cases if it succeeded. In August 2009, however, the case was dismissed by the Board of Grievances arguing that it had no jurisdiction to look into it on the grounds that the men had been charged. This was the first time, as far as Amnesty International is aware, that the authorities had indicated that charges were being brought against the men. The account was open to question, however, as the Ministry of Interior was said not to have provided the Board of Grievances with a charge sheet.

In August 2010, the 16 men were formally charged. They were reported to have been brought before a judge who read out the charges to them and told them to respond to the charges at the next court session but did not provide the charge sheet in writing. Their lawyers and families were not given a copy of the charge sheet despite repeated requests. Two days later the 16 men were provided with the charge sheet in order to consider how to respond to it, but were not allowed to provide it to their lawyers.

The 16 men were charged with numerous charges including forming a secret organization called *Tawasso'*, attempting to seize power, incitement against the King, financing terrorism and money laundering among other offences. Some of the charges appeared to relate simply to peaceful acts of freedom of expression and assembly. The lawyer of 15 of the men explained that *Tawasso'* was the human rights association the nine reformists had wanted to set up and that the name was an acronym of the Arabic words meaning "Public Peaceful National Gathering". Other charges related to alleged criminal activities such as "belonging to and promoting al-Qa'ida". They denied all the charges against them.

In late 2010 one of the 16, **Dr Saud al-Hashimi**, went on hunger strike in Dhahban Prison for over a week. As punishment for his protest, he was reported to have been tortured; he was stripped of all his clothes, except his underwear, shackled and dragged from his cell, placed in a severely cold cell for about five hours, and forced to sign a "confession".¹⁰⁸ In January 2011, he was brought before a judge. When he tried to explain that he had signed the document under duress, the judge reportedly neither responded nor took any action. The statement he signed listed several acts to which he supposedly confessed, including contacting Al Jazeera television station, instigating young people to disobey Saudi Arabia's ruler, contacting Sa'ad al-Faqih (founder and head of the Movement for Islamic Reform in Arabia, otherwise known as the Islah (Reform) Movement, a UK-based opposition group), collecting money without the permission of the ruler, forming a secret organization to



Dr Suliaman al-Rushudi being greeted outside the Specialized Criminal Court in Riyadh on 22 November 2011 © Private

overthrow the ruling regime, and money laundering.

Dr Saud al-Hashimi was later accused of “belonging to al-Qa’ida inside the country, promoting and calling for it and for other terrorist organizations and activities targeting this country”. His lawyer argued that Dr Saud al-Hashimi had been on record expressing anti-al-Qai’da views and played a role in seeking to convince others not to go to Iraq to fight. As for allegations around financing terrorism in Iraq, the lawyer noted that Dr Saud had helped to raise money on TV channels that were free to operate in Saudi Arabia and were meant to help the Iraqi people not terrorists, and that this was done with official permission and in collaboration with a UK charity, Help the Needy.¹⁰⁹

Six of the seven men who were arrested in connection with Dr Saud al-Hashimi were released in May 2011 and were believed to have signed a pledge not to discuss their imprisonment. The seventh, **Waleed al-Amri**, remained detained. Of the nine arrested in February 2007, three had been released on bail in previous years, as mentioned above. Another, **Dr Suliaman al-Rushudi**, was released on bail on 23 June 2011 but was not allowed to leave the city of Jeddah. Five remained in detention: **Dr Saud al-Hashimi, Abdul Rahman Khan, Dr Musa al-Qirni, Abdul Rahman al-Shumayri and Saif al-Din al-Sharif**.

The trial of the 16 men was said to have begun in early May 2011. It was heard before the Specialized Criminal Court, which reportedly convened at a villa near Jeddah, where the accused were detained, until the final session which was held in its usual location in Riyadh. In the beginning the trial was closed to even family members of the defendants as well as the media. However, some family members of detainees have been allowed to attend the court sessions in the last few months, as have some state media.¹¹⁰ Lawyers have also complained of facing obstacles in accessing the court. One of them, Dr Bassem Alim, who represented 15 of the defendants, said that he was made to wait for a response to a request by the judge to the Ministry of Interior to allow him to attend the trial, and that he waited at the door of the court for three sessions unable to enter despite having power of attorney.

At one point Dr Bassem Alim withdrew from the proceedings in protest at the way the court was handling the case.¹¹¹ He said that court officials had refused to process his complaints about errors in the legal proceedings. He also complained that the judge shouted at him and insulted him, accusing him of not being “brought up properly”. He had also raised concerns about the treatment of the defendants in the courtroom, saying that they were kept blindfolded and handcuffed for eight hours during one court session.

On 22 November 2011, all 16 men were sentenced to terms of imprisonment ranging from five to 30 years.¹¹² A number of activists and a lawyer with power of attorney for four of the men were reportedly refused entry to the court session. They stood outside while the session took place while some state media observers and some relatives were allowed entry. All imprisonment sentences are to start from the time of their arrest thus accounting for time already spent in detention. Fourteen of the men are also sentenced to travel bans after the completion of their sentences, while **Saleh al-Rashidi**, a Yemeni national and **Abdullah al-Rifa’i**, a Syrian national, will be deported upon their release. The men were expected to receive their written verdicts within a week or two of the final court session, at which point they would have 30 days to appeal. One man, **Abdullah al-Rifa’i**, who was out on bail at the time, was said to have been detained on the day of the verdict for laughing in court.¹¹³ The

other nine on bail were to remain released pending an appeal, while the six in detention were to remain there.

Given that the trial proceedings in this case were grossly unfair and many of the accusations against the men related only to the peaceful exercise of their rights to freedom of expression and association, it is likely that at least some of those sentenced are prisoners of conscience.

CHARGES

State media reported the charges on which the 16 men were convicted, although it is not clear if they included the full list of charges.¹¹⁴ By way of example, the following are the charges of which **Dr Saud al-Hashimi**, who received the most severe sentence, was convicted, according to the media reports:

1. Breaking allegiance to the ruler, disobeying him, toppling the ruler's mandate, challenging the pledge of allegiance to him, undermining the rulers' integrity, forming an organization opposing the state and its orientations in order to spread chaos to seize power, which is called Tawasso', with the participation of other defendants under the cover of advice, freedom, reform and democracy.

2. Challenging the doctrine of the country's respected ulema [religious scholars] and their integrity, undermining them and trying to divert the public [from their doctrine] towards those inciting to break allegiance to the ruler.

3. Questioning the independence of the judiciary and challenging the integrity of the judges.

4. Misinforming the public in order to incite public opinion to clash with the ruler's legitimate policy with the view of reform.

5. Joining and promoting the thinking and methodology of al-Qa'ida's terrorist organization, which opposes the state and is contrary to the Sunnis' and the majority's view, and which works on stirring sedition and deviating Muslims and branding arms at the ruler and Muslim community in this country, wasting their resources, bombing residential compounds and government facilities and deeming the killing of innocent people lawful through attempting to communicate with one of the leaders of this organization inside the Kingdom (the deceased Abdul Aziz al-Muqrin) under the pretext of consultation, and knowing that foreign terrorist elements entered the Kingdom smuggling weapons and chemicals to corrupt and breach security taking advantage of the Hajj [Muslim pilgrimage] season to achieve their goals.

6. Confessing to money laundering by collecting individual donations without the ruler's authorization.

7. Supporting terrorism.

Dr Suliaman al-Rushudi, another of the prominent advocates of reform in Saudi Arabia, was convicted of the following charges, according to media reports:

1. Breaking allegiance to the ruler, disobeying him and challenging the pledge of allegiance to listen and obey the ruler by participating in forming an organization called Tawasso' in order to spread chaos under the cover of advice and reform, attending this organization's meetings, insisting on this doctrine by calling for advice and use of foreigner's help in [achieving] this, holding secret meetings, demeaning the

position of this country's ulema, degrading their status and their fatwas [religious opinions] in this regard and challenging the policy of the ruler regarding the judiciary and the judges.

2. Supporting the deviant thinking of the ideologues of takfeer [deeming others as infidels] by defending them and adopting Kharijite thinking in dealing with the ruler and challenging him and his legitimate policy.

SENTENCES

State media reported the sentences against the 16 men as follows:

The nine arrested in February 2007:

Dr Saud al-Hashimi (Defendant No.1) - 30 years' imprisonment (including 10 years for money laundering) and 30 years' travel ban following his release as well as a fine of 2 million Saudi Arabian riyals (approximately US\$534,000)

Abdul Aziz al-Khariji (Defendant No. 4) - 22 years' imprisonment (including seven years for money laundering) and 20 years' travel ban following his release and a fine of 1 million riyals (approximately US\$267,000)

Abdul Rahman Khan (Defendant No. 3) - 20 years' imprisonment and 20 years' travel ban following his release

Dr Musa al-Qirni (Defendant No. 5) - 20 years' imprisonment (including five years for money laundering) and 20 years' travel ban following his release

Dr Suliaman al-Rushudi (Defendant No. 2) - 15 years' imprisonment and 15 years' travel ban following his release

Abdul Rahman al-Shumayri (Defendant No. 6) - 10 years' imprisonment (including a year and a half for money laundering and a year and a half for possessing a weapon without a license) and 10 years' travel ban following his release

Essam Basrawi (Defendant No. 7) - 10 years' imprisonment and 10 years' travel ban following his release

Saif al-Din al-Sharif (Defendant No. 8) - 10 years' imprisonment (including a year and a half for possessing a weapon without a license) and 10 years' travel ban following his release

Fahd al-Qurshi (Defendant No. 9) - 10 years' imprisonment (including three years for money laundering) and 10 years' travel ban following his release

The other seven:

Waleed al-Amri (Defendant No. 10) - 25 years' imprisonment (10 years for possessing a machine gun and five years for money laundering) and 25 years' travel ban following his release

Abdullah al-Rifa'i (Defendant No. 11) Syrian national - 15 years' imprisonment (five years for money laundering and four years' for IT crimes) and deportation following his release

Ali al-Qirni (Defendant No. 13) - 10 years' imprisonment (three years for money laundering and three years for IT crimes) and 10 years' travel ban following his release

Mu'tassem Mukhtar (Defendant No. 14) - 10 years' imprisonment (three years for money laundering and four years for IT crimes) and 10 years' travel ban following his release

Ridat al-Majayshi (Defendant No. 12) - eight years' imprisonment (including three years for money laundering) and eight years' travel ban following his release

Khaled al-Abassi (Defendant No. 15) - eight years' imprisonment (two years for money laundering and two years for IT crimes) and eight years' travel ban following his release

Saleh al-Rashidi (Defendant No. 16) Yemeni national – five years' imprisonment and deportation following his release

CASE STUDY II: ABDULLAH ABU BAKIR HASSAN AND ABDEL HAKIM GELLANI

“They did torture me, I was tortured badly. I was tortured so badly I vomited blood 13 times. I nearly died under torture.”

Abdullah Abu Bakir Hassan describing the alleged torture he faced during his first imprisonment to Amnesty International.

Another compelling case illustrating gross alleged violations during pre-trial and trial proceedings is that of two foreign nationals arrested and tried in the same case.

Abdullah Abu Bakir Hassan, a Libyan man now aged 43 with three children, was arrested in November 2005 while on a trip to Saudi Arabia, and detained for nine months without charge or trial at a prison in Mecca. He used to live in Ireland, where he ran a company that arranged for Muslim pilgrims to travel to Mecca, mainly from Europe. He was allegedly beaten repeatedly, and denied access to legal counsel. The security forces apparently accused him of opening a business without informing the authorities and meeting with suspicious people, which he denied.

Abdel Hakim Gellani,¹¹⁵ a UK national now aged 46 with four children, was arrested at his hotel in Mecca by members of the GDI on the same night in November 2005 as Abdullah Abu Bakir Hassan. Abdel Hakim Gellani owned a travel agency that arranged for Muslim pilgrims to travel to Mecca. He said he had only known Abdullah Abu Bakir Hassan since meeting him a week or two before their arrest.

He was reportedly taken to the GDI offices in Mecca and held in solitary confinement for two months. He was interrogated many times about his contacts, including Abdullah Abu Bakir Hassan, his taxi driver and others.

Despite repeated requests, he said he was denied contact with a consular official for around six weeks and with his family for about six months. Abdel Hakim Gellani said he was handcuffed and



Abdel Hakim Gellani © Private

shackled around the clock with shackles that cut into his skin, as well as being beaten, suspended from his metal cell door and subjected to sleep deprivation. He told Amnesty International that on one occasion he was hit on the nose and later found out that it had been broken. "I bled that day, I remember," he said. In the end he told his interrogators that he would "say anything you want me to say". They told him that if he admitted to financing terrorism, they would not implicate him in bombings and other cases. He then signed a "confession".

Abdel Hakim Gellani said he was transferred to a prison in Mecca two months after his arrest and held in solitary confinement there for a week and a half in an underground cell where he was made to sleep on a dirty floor with no pillow. He was then moved to an ordinary cell with other prisoners. He later shared a cell with Abdullah Abu Bakir Hassan where he found out that Abdullah had been able to contact his family because he had gone on hunger strike in protest. Abdel Hakim Gellani subsequently went on hunger strike and was allowed to call his family a week later.

In July 2006 Abdel Hakim Gellani was told he would be released if he signed another "confession". He refused and went on hunger strike for 17 days. He stopped the protest, according to him, "on the brink of death", and then signed a statement in which, according to him, he acknowledged knowing someone called "Abu Saleh" and giving him money. The same month both he and Abdullah Abu Bakir Hassan were released without charge following conversations with Saudi Arabian officials. Abdel Hakim Gellani said he was offered compensation in return for signing an undertaking that he would not sue the Saudi Arabian authorities for torture and would not publicise his treatment when he returned to the UK. He asked for a large amount, but this was refused and countered with a lower offer. Abdel Hakim Gellani insisted on his original request. He was told that he would not receive his passport until he accepted their offer and signed the undertaking. Abdullah Abu Bakir Hassan apparently signed a pledge in front of a judge that he would neither file a case against the Ministry of Interior nor demand compensation. Both men were then released but had their passports withheld.

Subsequently, the two men contacted the authorities to complain that they were being arbitrarily prevented from leaving the country and in March and April 2007 raised such concerns publicly in interviews with Al Jazeera. Abdel Hakim Gellani told Amnesty International that an official later said to him: "You are like a goat and our government is like a mountain. You are trying to break the mountain with your horns."

Abdullah Abu Bakir Hassan was rearrested on 17 May 2007; he called his family in Ireland later that day and told them that he had been detained and would no longer be able to contact them. He has only one arm, and had suffered a stroke prior to his rearrest.¹¹⁶ During his time in detention he was reported to have been beaten, insulted and threatened with being taken to al-Rub' al-Khali (a stretch of desert in southern Saudi Arabia). He said that he signed everything they placed in front of him as he knew that he would not be able to escape the torture. He was interrogated about his links and relations to suspected people in Ireland and the UK and, according to him, replied, saying: "I don't know who they are... Go ask Britain and Ireland! I don't know them."

In early August 2007 Abdel Hakim Gellani was rearrested.¹¹⁷ He said he was held for two

months in the GDI prison in Mecca and then transferred to Dhahban prison. He told Amnesty International that he was held in solitary confinement for nine months and not allowed to contact his family for eight months. He was allegedly subjected to torture in Dhahban prison. He said he was suspended from his metal cell door and forced to stand for up to three days at a time thereby depriving him of sleep. At times, according to him, he would collapse and have cold water thrown on him and the air conditioning turned up to make the room cold. He said that an electro-shock baton was also applied to his forehead, temples and genitals.

I cannot forget. Either you are being tortured and, if not, you hear other people being tortured - their screams - after midnight. You could hear the footsteps of the "torture team" especially around wing no. 9, which is famous for torture in Dhahban prison.

He said he was interrogated about whether he knew named individuals in the UK who he later understood to be people accused of being members of the Libyan Islamic Fighting Group.

Abdullah Abu Bakir Hassan told Amnesty International that he was unable to walk during his time in detention and was transferred from al-Ha'ir Prison to a hospital for 17 months until July 2011. During his stay in the hospital he was told that he needed an operation, but he refused to undergo it saying he would seek treatment in Ireland or the UK after he was released. Following this, he said "they got upset" and placed him alone in a room in the hospital where he was unable to call anyone for around four months and received "bad food".

In April 2010 Abdullah Abu Bakir Hassan and Abdel Hakim Gellani, as well as a Mauritanian taxi driver and another Libyan national, were brought before the Specialized Criminal Court where they were charged and tried. The four men had apparently had no access to a lawyer and were brought to the court handcuffed and blindfolded. Abdullah Abu Bakir Hassan described the four sessions of the trial that he attended to Amnesty International:

We did not know what our charges were until we went to court... The trial was a mockery... Each hearing lasted for 30 minutes, during which the judge would speak for around 25 minutes and I would be given only a minute or two to speak.

Abdel Hakim Gellani said that he told the judge that his "confessions" were made as a result of torture and that, when the judge asked him if he could prove this, replied saying there was a medical report which showed he had been beaten during his first period of detention. He also asked to be represented by a lawyer of his own choosing. The judge apparently dismissed the allegations of torture without further action, but said he would communicate with other officials about the request for a lawyer. It was not until December 2010 that a lawyer appointed by his family in September 2010 was able to meet him in prison. The lawyer requested the case documentation and charge sheet, but was apparently never given access to them.

In April 2011 they were brought to court to hear the verdict against them. A fifth person was present and sentenced as part of the case but did not appear to have been tried with them before. Abdullah Abu Bakir Hassan was sentenced to five years' imprisonment, having been convicted of charges relating, among other things, to belonging to the Libyan Islamic Fighting

Group and unauthorized money transfers, which he denied. Abdel Hakim Gellani was sentenced to four years' imprisonment on charges relating to, among other things, belonging to al-Qa'ida and espousing a *takfeer* approach, and a separate six months' prison term for transferring £10,000 to his family and then receiving it in cash in Saudi Arabia without official permission. The judge apparently told both men that the charges against them were not proven but they had been sentenced for the sake of the security of the state. Abdel Hakim Gellani told Amnesty International that neither he nor his lawyer was provided with the written verdict.

In May 2011 the UN Working Group on Arbitrary Detention confirmed the arbitrary nature of Abdel Hakim Gellani's detention and urged the Saudi Arabian authorities to ensure that his right to compensation was respected.¹¹⁸

In July 2011, Abdullah Abu Bakir Hassan was moved to the hospital wing of Dhahban Prison where he was kept for two days before being transferred to a prison in Mecca where he shared a cell with Abdel Hakim Gellani and the other Libyan national. Abdel Hakim Gellani went on hunger strike in August 2011 to protest at his continued imprisonment, arguing that, counting the total time he had spent in detention since 2005, he had served his sentence. In the end he was released on 12 September 2011 whereupon he was placed on a plane bound for the UK. His wife told Amnesty International: "He called me when he was on the plane saying he would arrive around six in the morning to the UK. He used someone else's phone to call me... I thought I was dreaming." Abdullah Abu Bakir Hassan was released on 31 October 2011 after signing a pledge that he would not speak to anyone about anyone he had met in prison, or about his case, or anything that would harm the security of the state and that he would not undertake terrorist activities. He was deported to Libya on 1 November.

"COUNSELLING" PROGRAMME

"We do positive brainwash"

Psychologist at the Muhammad bin Naif Centre for Counselling and Care, reported by AFP.¹¹⁹

The Saudi Arabian authorities have in recent years developed a programme known as *al-munasaha* (counselling), in which individuals suspected of holding extremist Islamic views are exposed to a process of "reform" or "re-education". The programme is said to be run by an advisory committee under the Ministry of Interior.¹²⁰

The programme has attracted wide and often favourable attention from media and policy-makers outside Saudi Arabia, even being described by some as a flagship attempt to defuse Islamist militancy and extremism. Some journalists have been allowed by the authorities to visit the Muhammad bin Naif Centre for Counselling and Care on tours organized by the authorities. One journalist who visited the centre in 2009 described it as a compound located behind three-metre-high walls in a suburban Riyadh neighbourhood which was made up of separate "resorts" and included a swimming pool and gym, a billiards table, computer game consoles and a volleyball court. The centre's main psychologist was reported to have said "we do not do negative brainwash. We do positive brainwash".¹²¹ Senior foreign government ministers have also been taken round on organized visits.¹²²

More than 3,000 people are reported to have attended the programme.¹²³ Amnesty International understands that they include people detained without charge or trial and

prisoners serving sentences imposed after unfair trials. They are also said to have included Saudi Arabian nationals formerly detained by the US authorities and returned from Guantánamo Bay, Cuba, to Saudi Arabia, as well as former detainees, people imprisoned after they surrendered under the terms of government amnesties, and young people who had returned from countries such as Iraq and Pakistan, or were arrested because they were suspected of planning to go to those countries. Some of those who were judged to have been successfully “counselled” are reported to have been rewarded with a salary and money to pay for marriage and cars; others are said not to have left despite being considered “successful” graduates of the programme.

Amnesty International continues to seek more information about the programme and the extent to which it is voluntary to join and to leave, and to what extent it is offered as an alternative to imprisonment. It is unclear what criteria are used to determine whether a particular individual should be included in the programme, and what criteria are applied to decide when a person has been persuaded successfully to amend their views and is considered fit to leave the programme and return to normal life.

If the programme is imposed without their voluntary agreement on individuals who have not been charged with offences or faced fair trial, it would represent simply another form of arbitrary detention – even if the conditions of detention for those experiencing “counselling” are significantly better than those pertaining in other Saudi Arabian detention facilities, and might open up the prospect of earlier release for those who are deemed to have completed their “counselling” successfully.

In one case, it was reported in March 2010 that suspended prison sentences of up to 13 years, foreign travel bans and fines had been imposed on 10 Saudi Arabian nationals formerly detained by the US authorities in Guantánamo Bay.¹²⁴ The 10 – named as **Ziyadh al-Bahuth, Mish'al al-Rashid, Jamil al-Ka'bi, Khaled al-Qahtani, Naif al-Utaybi, Abdullah al-Matrafi, Abdullah al-Utaybi, Bandar al-Rumayhi, Abdul Rahman al-Utaybi** and **Abdul Hakim al-Musa** – were reported to have been summoned to the Muhammad bin Naif Centre for Counselling and Care on 8 March 2010 and then to have appeared before a member or members of the judiciary, who examined their cases and imposed the sentences. The 10 were said to have been released after undergoing a period of “rehabilitation”. Amnesty International requested clarification about the charges brought against the men; the legal process, if any, that was followed in their cases; and the “counselling programme” attended by the 10 men, but has received no response to date.¹²⁵

4. CRACKDOWN ON FREEDOM OF EXPRESSION

“Freedom... there is no freedom. Dignity... there is no dignity. Justice... there is no justice.”

Khaled al-Johani speaking to reporters at a protest where no one but he turned up on 11 March 2011 and was arrested shortly after.

Against the background of the mass demonstrations and uprisings across North Africa and the Middle East during 2011, some Saudi Arabians have felt emboldened to defy the permanent ban on protests in their country. The royal family initially responded by handing out benefits to citizens worth billions of dollars, including the creation of 300 jobs in the Ministry of Interior's Bureau of Investigation and Public Prosecution.¹²⁶ But then the authorities toughened their stance.

On 5 March 2011, the government reissued the long-standing ban on all demonstrations in the country. Protests have continued on a sporadic basis, spurred in some cases by grievances about the prolonged detention without charge or trial of relatives or about discrimination against the Shi'a minority, particularly in the east of the country, and in others by a desire for political reform. In most cases, they have been repressed quickly and those arrested have often been pressured into pledging not to come out onto the streets again before being released or held incommunicado for prolonged periods of time; in some cases they are alleged to have been subjected to torture or other ill-treatment. The repression of protesters comes against a backdrop of current and continuing repression of human rights activists, and political dissidents and critics of the authorities, some of whom have been detained and sentenced to jail terms.

RIGHT TO FREEDOM OF EXPRESSION AND ASSEMBLY

Article 19 of the Universal Declaration of Human Rights guarantees “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.” The Working Group on Arbitrary Detention has recently stressed, in the context of deprivation of liberty linked to or resulting from use of the internet, that:

... the peaceful, non-violent expression or manifestation of one's opinion, or dissemination or reception of information, even via the Internet, if it does not constitute incitement to national, racial or religious hatred or violence, remains within the boundaries of the freedom of expression. Hence, deprivation of liberty applied on the sole ground of having committed such actions is arbitrary.¹²⁷

The other strand of the crackdown was the suppression of protests including mass arrests of Shi'a Muslims, as well as arrests of those calling for reform and activists including political dissidents seen as a threat to the ruling order.

REPRESSION OF PROTESTS

A) PROTESTS BY MEMBERS OF THE SHI'A MINORITY

The vast majority of Saudi Arabian citizens are Sunni Muslims and Wahhabism, an interpretation of Islam inspired by the teachings of the 18th century Saudi Arabian theologian Muhammad ibn Abdul Wahhab, is the official version followed by the state. The public practice of faiths other than Sunni Islam is not tolerated in Saudi Arabia. Even when practising their faiths in private, members of other faiths are at risk of persecution. In general, Shi'a Islam is deemed incompatible with the Wahhabi interpretation of Islam and the state has imposed restrictions on its practice. Members of the Shi'a Muslim community may face arbitrary arrest and detention, and fear of prosecution prevents them from practising their faith freely. Protests that have taken place in the past have been subject to arrests.¹²⁸

From February 2011 onwards, protests by the minority Shi'a Muslim community have been regularly reported in the oil-rich Eastern Province, including in the city of al-Qatif and the nearby town of Awwamiya and area of al-Ahsa, most of them calling for the release of people held without charge or trial. At least 300 Shi'a Muslims have been arrested, mostly in the al-Qatif area, according to reports. Most have been released but several are said to be facing travel bans and a number of people are said to have been dismissed from their jobs as a result of their arrests. The majority of those released were believed to have signed pledges not to take part in further protests. Amnesty International regards those detained solely for peacefully taking part in protests as prisoners of conscience.

On 17 February, a small peaceful protest in Awwamiya called for the release of three people who had been held without charge. The three men were released three days later.¹²⁹ **Munir Baqir al-Jessas**, a Shi'a rights activist, was one of the men released. He had been detained without charge or trial since November 2009, reportedly for writing articles that he published online advocating greater respect for human rights in Saudi Arabia, particularly the rights of the minority Shi'a community.¹³⁰

On 21 February, another peaceful protest was held in Awwamiya calling for the release of people held without trial since 1996 on suspicion of the bombing of US barracks in al-Khobar in June 1996 (see above Chapter 3: Detentions and trials in the name of counter-terrorism).¹³¹ On 3 and 4 March, around 24 people were detained following protests in al-Qatif and Awwamiya calling for the release of the same detainees and, in some cases, an end to discrimination against Shi'a Muslims and for better access to jobs.¹³² Police reportedly kicked and beat with batons at least three of the protesters. The 24 people detained were released on 8 March without charge reportedly only after they signed a pledge not to protest again.¹³³

Hussain al-Yousef, who has written for the Shi'a website *Rasid News Network*, was also among those arrested on 3 and 4 March at the protests and released on 8 March. He was later arrested for a second time on 27 March, apparently for taking part in a protest in the



Hussain al-Yousef © Private

city of Safwa. He was summoned to a police station in Safwa and arrested on arrival. He was then transferred to a police station in al-Khobar. At some point between 9 and 11 April, he was transferred to al-Khobar prison. Hussain al-Yousef has back problems and his condition reportedly deteriorated after his arrest, partly because of the way he was transported in a truck, and partly because of overcrowding in the prison. Prisoners there were reportedly forced to take turns to sleep because of the lack of space. He was accused of inciting a protest and taking part in one. He was released on 18 July, but his legal status is unclear. Reports suggest that he continues to suffer from health problems as a result of his detention conditions.

Following the 5 March announcement of the long-standing ban on protests, there were reports of police using live ammunition to disperse protesters. On 10 March, police reportedly fired into a demonstration in al-Qatif calling for the release of prisoners, injuring three protesters.¹³⁴

Hassan Naji Zawad, aged 20, and his brother **Ahmed Naji Zawad**, aged 18, were reportedly stopped on 18 March by police as they were returning from a *diwaniya* (a traditional social gathering) in al-Qatif. The police accused them of attending a protest. The brothers were reportedly put in a police car and beaten, before being taken to al-Qatif and questioned. The following day they were transferred to a police station in Dammam where they were held for two weeks. They were transferred to the General Prison in Dammam where they were held until their release in mid-May without charge.

In April, at least 20 peaceful protesters were reported to have been arrested.¹³⁵

Mufeed al-Farraj, aged 37, was arrested at his shop in Awwamiya on 18 April. He had reportedly not taken part in protests but to have been suspected by the authorities of doing so. A week before his arrest he had been asked to report to a police station in Awwamiya but did not do so. After his arrest, he was held for two weeks in a number of different places and then transferred to Dammam prison. He was accused of inciting and taking part in protests. He was released without charge on 30 July 2011, but found out later that a travel ban had been imposed on him without his knowledge when he attempted to travel to Turkey for his work. He was informed by the border authorities that he had been banned from travelling by order of the Governor of the Eastern Province.

Adnan al-Zaher, aged 40, was arrested around 24 April. He was held in al-Qatif police station and then transferred to Dhahran prison and then a week later to the General Prison in Dammam. Two weeks before his arrest security forces told him to report to the authorities and he was questioned about organizing and participating in protests. During the investigation he was interrogated about this, but responded that he was in China at the time they had occurred. He was released without charge in July.

On 2 October, two elderly men in their sixties were reported to have been arrested in Awwamiya in order to pressure their sons to hand themselves over to the police for their participation in protests. Their arrests sparked local people to gather around the police station and several were reported to have thrown stones at police cars. This sparked further disturbances the following day which, according to the Ministry of Interior, led to 14 people including 11 policemen, being injured. On 4 October, the Ministry of Interior stated that a group of instigators were causing “strife and discord” with some of them on motorcycles having thrown Molotov bombs at the police and that this had been done at “the behest of a foreign country seeking to undermine the security of the homeland”. The Ministry stated that they would “strike with an iron fist” anyone who dared to compromise the security and stability of the country.¹³⁶

On 21 November, two “citizens” were killed and six others injured, including a woman and two security men, according to the Ministry of Interior. Other reports indicated that one of those killed was **Ali al-Filfil**, aged 24, and that the incidents occurred during a protest in commemoration of a 19-year-old Shi’a man, **Nasser al-Muhaishi**, who was killed in unclear circumstances at a checkpoint in al-Qatif a day earlier.¹³⁷ Sources told Amnesty International that riot police opened fire on the protesters while acknowledging that some of the protesters were also carrying firearms.

On 23 November, following the funerals of Ali al-Filfil and Nasser al-Muhaishi, a march took place in al-Qatif, in which violent incidents led to two men, **Munib Othman al-Adnan**, aged 21, and **Abdullah Iqiris**, aged 26, being killed.¹³⁸ Three others were injured, according to the Ministry of Interior, which claimed that security forces had come under fire from “aggressors” and promised an investigation would be conducted into the incident.¹³⁹ A committee was subsequently reported to have been formed to carry out the investigation.¹⁴⁰ Other sources have reported that the protesters were largely unarmed and peaceful, but acknowledged that there were several armed individuals who did shoot at riot police. Those killed in the protests were reported to have been unarmed.

Amnesty International does not have enough details about these recent incidents to conclude whether the security forces used excessive force in response to what appeared to be violent acts on the part of some of the protesters.

B) OTHER PROTESTS

Individuals who have organized or taken part in protests in other parts of Saudi Arabia have also been subjected to arrest and detention.

In Riyadh after Friday prayer on 4 March, a rally was held apparently to prepare for a “Day of Rage” on 11 March.¹⁴¹ An unknown group of Saudi Arabian activists had created a page on Facebook called “the people want to overthrow the regime”. The group called for an elected Shura Council (the present one is a consultative body appointed by the King), a fully independent judiciary, the release of all political prisoners, the exercise of freedom of expression and assembly, the abolition of all duties and taxes, and a minimum wage. A video posted on YouTube showed a man carrying a banner saying “Youth of 4 March” and calling for the overthrow of the monarchy. The man, **Muhammad al-Wad’ani**, a 25-year-old teacher, was arrested and remains held incommunicado, probably in al-Ha’ir prison.¹⁴² It is believed that he may have been tortured or otherwise ill-treated.



Screenshot of Facebook page entitled, in Arabic, "We are all Muhammad al-Wad'ani" © Private

and some media reports suggested that some 10,000 soldiers were to be deployed to stop the protests.¹⁴⁵

The threats by the authorities seemed to work. On 11 March the only person to turn up for the protest was **Khaled al-Johani**, a 40-year-old teacher. Surrounded by the media, he told television cameras that he was frustrated by the lack of freedom of expression in Saudi Arabia. He was then arrested by police and taken into detention. He is believed to have been held at first in 'Ulaysha prison and placed in solitary confinement there for two months. He was then transferred to al-Ha'ir prison, where he was allowed access to his family. He is said to have been offered a state-appointed lawyer but refused this asking for a lawyer of his own choosing, a request he has been denied. He has apparently been charged with supporting a protest and communicating with foreign media, but is yet to be tried. Amnesty International considers him to be a prisoner of conscience, held solely for peacefully exercising his rights to freedom of expression and assembly.



Screenshot of BBC Arabic interview with Khaled al-Johani on 11 March 2011 © BBC Arabic

In response to this and other signs of unrest, the Interior Ministry confirmed on television on 5 March that all protests were banned,¹⁴³ a ban backed the following day by the Council of Senior Ulema (Saudi Arabia's highest religious authority), the religious police and the Shura Council.¹⁴⁴ The Interior Ministry warned people that security forces would take "all necessary measures" against those who attempted to "disrupt order". The country's religious leaders, the Shura Council and religious police instructed people not to join the "Day of Rage",

EXCERPTS OF TV INTERVIEW WITH KHALED AL-JOHANI

The following are excerpts from an interview conducted by the BBC with Khaled al-Johani when he appeared as the sole protester in Riyadh on 11 March: ¹⁴⁶

Khaled: "I am here to say we need democracy. We need freedom. We need to speak freely. We need no one to stop us from expressing our opinions. Why are all these policemen here? Why? To prevent us from making our voices heard to people? No we will reach out to all; the government does not own us. We are free and want to live freely. We want to live freely that is all.

"I passed by here twice, they told me if we will see you a third time we will put you in prison. Why? Is there a curfew? They did not announce a curfew. I am here because I am a free human being and I express my opinions.

"You see all the policemen around us? Why are they here? Why? To decorate the area? To make the area look better?

"I came here alone, I came here alone because I heard that people are gathering here, but people will gather after *Asr* [afternoon] prayer... but I don't think that anyone will gather under this security presence. Those that you see here - with uniform or without uniform they are all police, police or secret police.

"The media is not free, the media is not free. In a monarchist state the media is not free. The media cannot say what they want. People cannot say what they want, even the media has an agenda. They report statements from the Ministry of Interior, nothing else. They don't expect that anyone will stop and talk to the media. They don't expect that anyone has the courage in Saudi Arabia to talk to the media because they will be sent to prison."

"Me, I want to go to prison! People want to go into prisons. I was afraid, and afraid and afraid and afraid and afraid and kept silent and kept silent until I exploded... that is it, it ended, what should I be afraid from? I will be afraid from what?

"Freedom... there is no freedom. Dignity... there is no dignity. Justice... there is no justice."

BBC Reporter: "Khaled but they say that their doors are open, why protest?"

Khaled: "The doors to the authorities are not open, I swear sister, the doors are not open. If you have a demand or anything and came on Saturday, they will tell you 'the prince did not come in today, he is not here... come in a thousand years'.

"I am a citizen of this country I need everything to come to me without begging. Whatever you need you have to go to the Prince, everything you need. I have an autistic child, there is nothing; the government does not provide anything for him. We are tired, no schools or anything else.

"The whole world is free except us in this country.

"Can you walk me to my car?

"If the youth see that there is no security presence and that they are free to talk they will come."

BBC Reporter: "What will happen to you now?"

Khaled: "I am going to prison, happily. That is it. There is nothing to lose!

"There are policemen here and there... There is no way I can reach home. But thank God I expressed my opinions.

"Come to al-Ha'ir or 'Ulaysha or in the numerous prisons of the regime. "

BBC Reporter: "Hopefully we will come and visit you at your place."

Khaled: "Hopefully. I wish but I doubt it, in Saudi Arabia I doubt it."

Despite the crackdown, sporadic protests have continued. On 13 March, dozens of people gathered outside the Ministry of Interior to demand the release of relatives detained without charge or trial for prolonged periods and to request a meeting with Ministry officials to discuss the situation.¹⁴⁷ A week later, on 20 March, a similar protest was held.¹⁴⁸ One newspaper reported that at least 50 police cars surrounded the Interior Ministry and that three men were seen being arrested and put into police cars.¹⁴⁹ The protest, which was said to have lasted for a few hours, was reported to have been attended by scores of men and women. A number of those who attended the protest were arrested, including some of the women. The women were said to have been released after they were made to fingerprint statements confirming that they had attended the protest.¹⁵⁰



Mubarak bin Zu'air © Private

Mubarak bin Zu'air, a 38-year-old lawyer, was among those arrested on 20 March. He had been campaigning for the release of his father, **Dr Sa'id bin Zu'air**, and brother **Sa'ad bin Zu'air**, both held without charge or trial for years (see Chapter 3: Detentions and trials in the name of counter-terrorism). He had also attended the protest on 13 March and was reported to have been called later that evening that he could have a meeting. The crowd was said to have dispersed after he informed them that a meeting was to take place. He was reported to have met with the Deputy Minister of Interior on 19 March, the day before the 20 March protest, and discussed the situation of people held without charge or trial. He was reported to have gone to the protest the following day to inform the protesters about the outcome of the meeting only to be arrested when he arrived. Mubarak bin Zu'air has been charged in connection with taking part in

gatherings and continues to be held in al-Malaz prison. He is said to have existing problems with his knees, which appear to have been exacerbated while in prison, possibly because he has been forced to sleep on the floor. On 14 November he was reported to have been transferred to hospital due to a swollen knee, where he was told that he would need an operation.

On 3 July, two women, **Rima bint Abdul Rahman al-Jareesh** and **Sharifa al-Saqa'abi**, were reportedly arrested at a protest outside the Ministry of Interior in Riyadh¹⁵¹ and held for two

days in Qasim prison in Buraydah, north of Riyadh. They were among a group of around 25 women, 15 men and six children calling for the fair and public trial or release of their male relatives, who had been detained without charge or trial for, in some cases, up to 10 years. The protest, which was said to have begun at 4pm on 3 July, lasted for around an hour and a half until Ministry officials convinced the protesters that their message had been heard and told them to leave. Rima bint Abdul Rahman al-Jareesh and Sharifa al-Saqa'abi were arrested as they were leaving. Some 13 other women and five children were also arrested but were released shortly after reportedly signing pledges not to protest again. Rima was believed to have refused to sign the pledge or to have her *mahram* (male guardian) act as her guarantor to secure her release. However, she and Sharifa were subsequently released on 5 July. She is a member of the ACPRA and was previously arrested on 19 July 2007 after a similar protest and held for three days. Both Rima bint Abdul Rahman al-Jareesh and Sharifa al-Saqa'abi had previously signed petitions calling for reform in the country.

Protests that took place around the country in previous years, while apparently fewer in number, were similarly repressed. For example several people were arrested in connection with protests against the killing of Palestinians in Gaza during Israel's military offensive there in 2008-9. Among them were **Khaled al-Omair** and **Muhammad al-Utaybi**. According to a relative, the two men were arrested on 1 January 2009 by security forces in Riyadh as they arrived at the protest, and taken to al-Malaz police station. Khaled managed to telephone someone and said that he was being charged with inciting protest and was being transferred to 'Ulaysha prison. Two days later relatives found out that he was in al-Ha'ir prison, that he had been detained in solitary confinement and had been allegedly tortured, and that Muhammad al-Utaybi was in a similar situation. The men were said to have been charged with taking part in a protest and sentenced to eight years' and three years' imprisonment respectively. Khaled al-Omair had reportedly signed petitions calling for reform in Saudi Arabia in the past.

ARRESTS OF ADVOCATES OF REFORM

The current crackdown on protesters comes against a backdrop of continuing repression of human rights activists, political dissidents and critics of the authorities. A number have been detained and, in some cases, tried and sentenced to imprisonment. While they are often accused, and convicted, of security-related offences, the acts which they are alleged to have committed generally appear to involve merely the peaceful exercise of their rights to freedom of expression, association and assembly.¹⁵² Were this the case, Amnesty International would consider them to be prisoners of conscience and call for their immediate and unconditional release.

Some of those detained were arrested this year. Several had tried to form a political party. Others had advocated political reforms or been involved in human rights work in Saudi Arabia.

Seven Saudi Arabian men – **Dr Ahmad bin Sa'ad al-Ghamdi**, **Abdul Aziz al-Wuhaibi**, **Muhammad bin Hussain al-Qahtani** and **Muhammad bin Nasser al-Ghamdi**, along with three others – were arrested on 16 February 2011, apparently by members of the GDI, a week after they and two others had submitted a request for recognition of what would be Saudi Arabia's first political party, the Islamic Umma Party (Hizb al-Umma al-Islami).¹⁵³ They were held in virtual incommunicado detention in al-Ha'ir prison in Riyadh and were asked to sign an

undertaking that they would renounce their activities on behalf of the prospective party.¹⁵⁴ Some refused initially, but all seemed later to agree to do so and were released weeks later. **Abdul Aziz al-Wuhaibi** appears to have insisted on not signing the undertaking and was sentenced to seven years in prison by the Specialized Criminal Court in Riyadh (see Chapter 3: Detentions and trials in the name of counter-terrorism).



Sheikh Tawfiq Jaber Ibrahim al-Amer © Private

Sheikh Tawfiq Jaber Ibrahim al-Amer, a Shi'a cleric in his forties and father of seven children, was detained by GDI on 27 February 2011, two days after he had advocated political reforms in his Friday sermon.¹⁵⁵ He was released on 6 March after a week detained incommunicado.¹⁵⁶ He had been arrested twice previously in 2008 and 2009. He was rearrested on 3 August in connection with his calls for reform while on his way home from a mosque in the city of al-Hufuf, al-Ahsa governorate. His family did not know where he was until 8 August, when they found out he was detained in a police station in the west of the city of Dammam and were allowed to visit him. He had been detained incommunicado and in solitary confinement until then.¹⁵⁷ He was transferred on 22 August to al-Ha'ir prison. He has been charged with "inciting public opinion".

Mohammed Saleh al-Bajady, a 30-year-old businessman who co-founded the Saudi Civil and Political Rights Association (ACPRA), a human rights NGO established in October 2009, was arrested the day after attending the 20 March 2011 protest outside the Interior Ministry in Riyadh.¹⁵⁸ He has not been allowed family visits ever since and is currently on trial before the Specialized Criminal Court (see Chapter 3: Detentions and trials in the name of counter-terrorism).



Fadhel Maki al-Manasif © Private

Fadhel Maki al-Manasif, a 26-year-old human rights activist and writer, was arrested on 1 May 2011. He is well known for opposing discrimination against Shi'a Muslims and had documented the arrests of Shi'a Muslims during protests in the east of the country in February. He was told on 30 April to report to the criminal investigation department at the police station in Awwamiya. He went there the next day and was arrested. He was transferred the same day first to a police station in the al-Qatif city and then to a police station in the nearby district of al-Thuqbah, where he was detained for at least three days. He was then moved to al-Khobar prison, where he was allowed visits. On 18 May, he was transferred to the GDI prison in the city of Dammam, where he was held incommunicado until his release on 22 August.¹⁵⁹ He was dismissed from his job following this initial arrest. He was arrested again on 2 October at a police checkpoint between the towns of Awwamiya and Safwa in the Eastern

Province, and taken to Safwa police station. He had earlier that day tried to negotiate with the police regarding the detention of two elderly men who were reported to have been held in order to pressure their sons to surrender themselves to the authorities. A crowd had gathered outside the police station and he was reported to have tried to calm them down. He was transferred to Dhahran police station and detained in solitary confinement and without access to the outside world until 10 October, when he was transferred again to the GDI prison in the Dammam. Since his arrest Fadhel Maki al-Manasif has been allowed to call his family only once - on 10 October – to inform them of his place of detention. He has not been allowed visits from his family or lawyer and, as such, is believed to be virtually held incommunicado, putting him at risk of torture and other ill-treatment.¹⁶⁰ He may be a prisoner of conscience detained solely for peacefully exercising his right to freedom of expression.

These cases from 2011 add to a pattern of repression of human rights activists, political dissidents and critics of the authorities in recent years. Such cases include those of **16 men**, among them nine prominent advocates of reform, who were sentenced on 23 November and of **Dr Sa'id bin Zu'air** and his son **Sa'ad bin Zu'air** (see Chapter 3: Detentions and trials in the name of counter-terrorism).

Thamer Abdulkareem al-Khoder¹⁶¹, a 20-year-old student, was arrested on 3 March 2010 by members of the GDI, in the province of Qasim.¹⁶² He has since been detained at the GDI prison in Qasim without charge or trial. He appears to have been arrested for his peaceful activities in calling for constitutional reform. ACPRA believes that his detention may be connected in particular with his involvement in circulating petitions, including one issued in May 2009 by 77 activists, some of whom would later set up ACPRA, who condemned trials of terrorism-related suspects before secret tribunals, and called for fair, public trials. He also circulated an ACPRA petition in January 2010 which called on the government to set up a fact-finding committee to investigate human rights abuses by the Ministry of Interior.

It is also believed that one intention of the arrest was to intimidate his father, **Dr Abdulkareem Yousef al-Khoder**, a member of ACPRA and a professor of comparative jurisprudence at the Faculty of Islamic Jurisprudence at Qassim University. A week before Thamer's arrest, both he and his father were followed by unmarked cars, believed to belong to the security forces; at times these cars were parked outside their house and in their private parking spots. Thamer's brother was also stopped at gunpoint and searched a day before his arrest.

A day after Thamer was arrested by GDI agents brought him to his house and demanded to search it. When his father asked to see a search warrant, they refused to produce one but said they had official authorization. The agents searched the house and confiscated his computer and other personal belongings. He continues to be detained despite a reported ruling in June 2011 by the Board of Grievances in Riyadh that his detention is arbitrary. This ruling is said to have been appealed by the Ministry of Interior, but the appeal is apparently yet to be heard.

Mikhlif bin Daham al-Shammari, a 56-year-old human rights activist, is currently said to be on trial before the Specialized Criminal Court in Riyadh on the vague charge of "annoying others" through acts including, among others, "stirring up public opinion domestically and



Mikhlif bin Daham al-Shammari © Private

international”, “inciting the Shi’a to demand their rights”, “appearing on foreign channels”, and “visiting the detainee Abdullah al-Muhanna¹⁶³ in al-Khobar police station”.¹⁶⁴ He was reportedly arrested on 15 June 2010 in al-Khobar after he had published an article criticizing what he said was prejudice by Sunni religious scholars against members of the Shi’a community and their beliefs. He is a Sunni Muslim who has been vocal in defending the rights of women, children, migrant workers, members of the Shi’a minority and others. He is held at the General Prison in

Dammam. He wrote an article denouncing prison conditions and the treatment of migrant workers in January 2011, following which he was put in solitary confinement for 22 days and was said to have been tortured and otherwise ill-treated. He was alleged to have been suspended from the walls by his arms with his feet barely touching the floor for an hour each day. In July he was allegedly beaten unconscious after an incident in which guards apparently insulted him and to which he responded; when he woke up they were apparently making him drink a cleaning product. He was taken to hospital where the administration was apparently informed that he had attempted to commit suicide and when he was discharged he was placed in solitary confinement for around 15 days. He challenged the lawfulness of his detention in a submission to the Board of Grievances, but this was dismissed on 13 November 2011 on the basis that the Board did not have jurisdiction to hear his case since it was security-related and had been transferred to the Specialized Criminal Court. He is reported to be suffering from kidney and chest problems but to have been denied requests to be treated in hospital for these conditions.

Dr Muhammad Abdullah al-Abdulkareem, a 40-year-old law professor who is married with three children, was arrested on 5 December 2010 in the afternoon, at his home, by four men in civilian clothes believed to be members of the GDI as well as several police officers in uniform. A few minutes after his arrest he called his wife and told her that he was being taken to the GDI prison but would return that night. He was arrested in relation to an article he wrote and posted on his Facebook page on 23 November 2010. The article, written in Arabic, is entitled “The crisis of political conflict among the ruling factions in Saudi Arabia”. It asks the question “Is the continuation of the Kingdom as united in one entity conditional on the existence of the [ruling] family?” and answers it by reviewing the uncertainty around succession in the royal family and other institutional processes affecting the future of Saudi Arabia. The article does not make reference to or advocate violence in any way. He was interrogated about the article during his time in detention. He was released on 15 February 2011 but was told that his case file was being kept open and as such could be brought to trial at any time.¹⁶⁵

5. RECOMMENDATIONS

TO THE SAUDI ARABIAN GOVERNMENT

- Amend the draft anti-terror law radically before it is enacted to bring it into line with international human rights law and standards. In particular:
 - ensure a narrow and clear definition of internationally recognizable offences and remove all provisions which could criminalize peaceful dissent, authorizing incommunicado detention, facilitating impunity for perpetrators of human rights violations, denying judicial oversight and providing for the imposition of the death penalty;
 - consult relevant UN experts to obtain their comments on the draft law, in particular the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.
- Immediately and unconditionally release all prisoners of conscience, including detainees and prisoners held solely because of the peaceful exercise of their right to freedom of opinion and expression and freedom of peaceful assembly and association.
- Ensure that no one is arbitrarily arrested or detained, including by ensuring that all individuals:
 - are detained only on the basis of clearly defined, internationally recognizable offences in laws that are themselves consistent with international human rights law and standards,
 - are promptly brought, in person, before a regular, independent court; and
 - have the right to challenge the lawfulness of their detention before a regular, independent court, authorized to order their release if the detention is found to be unlawful.
- Ensure that all persons deprived of liberty, including on grounds of suspected involvement in acts of violence, promptly and in full equality receive a fair and public hearing by a regular, independent and impartial court in accordance with international human rights standards, with an effective opportunity to exercise their rights of defence and appeal.
- Ensure that all allegations of torture and ill-treatment are thoroughly, independently and impartially investigated and that those found responsible for all such abuses are brought to justice.
- Root out the causes of torture by taking effective legislative, administrative, judicial or other measures to prevent torture, including ending the practice of prolonged incommunicado detention, secret detention, renditions, and impunity.

- Ensure in law and practice that no statements which is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.
- Commute immediately death sentences imposed on persons under 18 at the time of the crime of which they were convicted; establish an immediate moratorium on executions, and commute all death sentences as a first step towards the total abolition of the death penalty.
- Issue all security forces with orders with immediate effect not to use live ammunition against protesters who are not posing a risk to their lives or the lives of others.
- Ensure that all killings by government forces as well as armed groups are thoroughly, independently and impartially investigated; that arbitrary deprivations of life are effectively prevented; and that perpetrators of extrajudicial executions are brought to justice in accordance with international standards and without the use of the death penalty.
- Ensure that all victims of human rights violations, including torture and other ill-treatment, are provided with reparations in accordance with international law and standards.
- Ratify without reservations key international human rights treaties, in particular the International Covenant on Civil and Political Rights and its protocols and the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman Or Degrading Treatment Or Punishment.
- Ratify the Rome Statute of the International Criminal Court.

TO THE UN AND INTERNATIONAL COMMUNITY

- Urge the Saudi Arabian government to fully respect and observe international human rights law and standards in general, and in its strategy, law and practice in combating terrorism in particular.
- Ensure that Saudi Arabia's reporting to the UN Counter-Terrorism Committee gives urgent attention to the human rights situation in the country by providing details of conditions of detention, procedures followed to ensure the fairness of trial proceedings; how the government ensures that none are subject to torture or other ill-treatment; and what steps the government has taken to investigate allegations of human rights violations which occur in this context.

ENDNOTES

¹ The 1992 Basic Law of Government (hereafter referred to as the Basic Law).

² Article 44 of the Basic Law of Government (1992) states that:

The powers of the State shall comprise: The Judicial Power; The Executive Power; The Organizational Power. All these powers shall co-operate in performing their duties according to this Law and other regulations. The King is the ultimate source of all these authorities.

³ The Basic Law offers little specific protection to human rights beyond the vague undertaking: "The state shall protect human rights in accordance with Islamic Shari'a" (Article 26). Article 39 bans mass media, publication facilities and other means of expression that "may give rise to mischief and discord, or may compromise the security of the State and its public image, or may offend against man's dignity and rights".

⁴ Population in Saudi Arabia in 2010 was estimated at 27,136,977 according to Saudi Arabia's Central Department of Statistics and Information, at <http://www.cdsi.gov.sa/english> accessed on 25 November 2011.

⁵ Amnesty International news story, *Vote for Saudi women no guarantee of rights*, 26 September 2011, at <http://www.amnesty.org/en/news-and-updates/vote-saudi-women-no-guarantee-rights-2011-09-26>

⁶ Some of the organizations that have not been allowed to register themselves include the Human Rights First Society, which was set up in 2001, and the Saudi Civil and Political Rights Association (ACPRA), founded in 2009.

⁷ Amnesty International news story, *Amnesty International website 'blocked in Saudi Arabia'*, 25 July 2011, at <http://www.amnesty.org/en/news-and-updates/amnesty-international-website-%E2%80%98blocked-saudi-arabia%E2%80%99-2011-07-25>

⁸ Amnesty International report, *Saudi Arabia: Assaulting Human Rights in the Name of Counter-Terrorism* (Index: MDE 23/009/2009), July 2009, at <http://www.amnesty.org/en/library/asset/MDE23/009/2009/en/692d9e42-b009-462a-8a16-7336ea4dfc3c/mde230092009en.pdf>

⁹ A full text of the Draft Penal Law for Terrorism Crimes and Financing of Terrorism, along with the report prepared by the Committee on Security Affairs of the Shura Council, are available at, <http://www.amnesty.org/sites/impact.amnesty.org/files/PUBLIC/Saudi%20anti-terror.pdf>

¹⁰ Explosives Law issued by Royal Decree No. M/38, on 16 May 2007.

¹¹ Arms and Ammunitions Law issued by Royal Decree No. M/45, on 20 August 2005.

¹² This list is not exhaustive. See 2003 Law to Combat Money Laundering, issued by Royal Decree No. M/39 and 2007 IT Act issued by Royal decree No. M/18. See for more information Amnesty International report, *Saudi Arabia: Assaulting Human Rights in the name of Counter-Terrorism* (Index: MDE 23/009/2009), July 2009.

¹³ Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, UN Doc A/HRC/16/51, 22 December 2010, para 13.

¹⁴ Amnesty International news story, *Proposed Saudi Arabian anti-terror law would strangle peaceful protest*, 22 July 2011, at <http://www.amnesty.org/en/news-and-updates/proposed-saudi-arabian-anti-terror-law-would-strangle-peaceful-protest-2011-07-22>

¹⁵ Letter dated 24 July 2011 and addressed to Salil Shetty, Amnesty International's Secretary General, from Prince Mohammed bin Nawaf Al Saud, Saudi Arabian Ambassador to the UK, at http://www.amnesty.org/sites/impact.amnesty.org/files/saudi_terror_0.pdf

¹⁶ Amnesty International news story, *Response to Saudi Arabia over draft anti-terrorism law*, 5 August 2011, at <http://www.amnesty.org/en/news-and-updates/response-saudi-arabia-over-draft-anti-terrorism-law-2011-08-05>

¹⁷ Letter dated 20 September 2011 and addressed to Salil Shetty, Amnesty International's Secretary General, by Prince Mohammed bin Nawaf Al Saud, Saudi Arabian Ambassador to the UK.

¹⁸ Letter dated 24 July 2011 and addressed to Salil Shetty, Amnesty International's Secretary General, from Prince Mohammed bin Nawaf Al Saud, Saudi Arabian Ambassador to the UK. See Amnesty International news story, *Response to Saudi Arabia over draft anti-terrorism law*, 5 August 2011.

¹⁹ Resolution 60/288, the United Nations Global Counter-Terrorism Strategy, adopted by the General Assembly on 8 September 2006, UN Doc.A/RES/60/288, 20 September 2006, at <http://www.un.org/terrorism/strategy-counter-terrorism.shtml#poa4> accessed on 25 November 2011.

²⁰ The translation of this and other excerpts of the draft law from the original Arabic are by Amnesty International.

²¹ For instance Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR) provides that "[n]o one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." Saudi Arabia is one of the few states that has not ratified the ICCPR but the rights it sets out, arguably, are reflective of international legal norms and the practice of prohibiting their violation is well established and accepted within the international community.

²² Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Report to the Commission on Human Rights, UN Doc E/CN.4/2006/98, 28 December 2005, para. 46.

²³ Working Group on Arbitrary Detention, Report to the Commission on Human Rights, UN Doc E/CN.4/2004/3, 15 December 2003, paras. 64-65.

²⁴ Article 39 of the draft Penal Law for Terrorism Crimes and Financing of Terrorism.

²⁵ See for instance Articles 19, 20 and 21 of the ICCPR.

²⁶ Issued by Royal decree No. M/32 of 3/9/1421 Hijri corresponding to 29/11/2000.

²⁷ "Royal Decrees amend Press Law", *Saudi Gazette*, an English-language daily newspaper, 5 May 2011, at <http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentID=2011050199562> accessed on 25 November 2011.

²⁸ See statement by the official spokesman of the Ministry of Culture and Information (in Arabic), Ministry of Culture and Information website, 1 January 2011, , at <http://www.info.gov.sa/Details.aspx?id=1561> and a further statement on 2 January 2011, at <http://www.info.gov.sa/Details.aspx?id=1562> accessed on 25 November 2011.

²⁹ Letter dated 24 July 2011 and addressed to Salil Shetty, Amnesty International's Secretary General,

from Prince Mohammed bin Nawaf Al Saud, Saudi Arabian Ambassador to the UK. See Amnesty International, *Response to Saudi Arabia over draft anti-terrorism law*, 5 August 2011.

³⁰ UN General Assembly resolution 62/148, 17 December 2007, para. 15; UN General Assembly resolution 63/166, 12 December 2008, para. 20.

³¹ Human Rights Committee, General Comment 20, Article 7 (Forty-fourth session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1/Rev.1 at 30 (1994), para. 11.

³² See for instance Report of the Committee against Torture, UN Doc. A/52/44 (1997), paras. 121(d) (re Georgia); 146 (re Ukraine); UN Doc. 44(A/55/44) (2000), para. 61(b) (re Peru); UN Doc. A/58/44 (2003), para. 42(h) (re Egypt); UN Doc. A/59/44 (2004), para. 146(d) (re Yemen).

³³ UN Doc. E/CN.4/2002/76, 27 December 2001, Annex 1.

³⁴ *Velasquez Rodriguez Case*, Judgment of July 29, 1988, Inter-Am.Ct.H.R. (Ser. C) No. 4 (1988), para. 187; repeated in *Godínez Cruz Case*, Judgment of January 20, 1989, Inter-Am.Ct.H.R. (Ser. C) No. 5 (1989), para. 197.

³⁵ Report of the UN Special Rapporteur on Torture, UN Doc. E/CN.4/2001/66, 25 January 2001, para. 665.

³⁶ Issued by Royal Decree No. M/39 of 16 October 2001. The Law on Criminal Procedures replaced the 1983 Statute of Principles of Arrest, Temporary Confinement, and Preventive Detention. See Amnesty International report, *Saudi Arabia: Assaulting Human Rights in the Name of Counter-Terrorism*, July 2009.

³⁷ One of the main incentives for torture in ordinary criminal cases is the primacy of confession as evidence in court. Thus of grave concern is the emphasis in Saudi Arabia's criminal procedures on confession, as evident in Article 162 of the Law on Criminal Procedures (2001) which states:

If the accused at any time confesses to the offence of which he is charged, the court shall hear his statement in detail and examine him. If the court is satisfied that it is a true confession and sees no need for further evidence, it shall take no further action and decide the case. However, the court shall complete the investigation if necessary.

The Law contains no provision rendering void statements obtained by torture and coercion as required by Article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Saudi Arabia is a state party. For more information see Amnesty International reports, *Saudi Arabia: Assaulting Human Rights in the name of Counter-Terrorism* (Index: MDE 23/009/2009), July 2009, and *Affront to Justice: Death Penalty in Saudi Arabia* (Index: MDE 23/027/2008), October 2008, at <http://www.amnesty.org/en/library/asset/MDE23/027/2008/en/dc425c41-8bb9-11dd-8e5e-43ea85d15a69/mde230272008en.pdf>

³⁸ Amnesty International report, *Saudi Arabia remains a fertile ground for torture with impunity* (Index: MDE 23/004/2002), May 2002, at <http://www.amnesty.org/en/library/asset/MDE23/004/2002/en/8206cfe8-d85f-11dd-9df8-936c90684588/mde230042002en.pdf>

³⁹ *Conclusions and recommendations of the Committee against Torture: Saudi Arabia, 06/12/2002*, (Index: CAT/C/CR/28/5), 12 June 2002, at

[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CAT.C.CR.28.5.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CAT.C.CR.28.5.En?Opendocument) accessed on 25 November 2011.

⁴⁰ See Article 114 of the Law on Criminal Procedures.

⁴¹ See the General Comment of the Human Rights Committee on this Article, and note its reference to “equality of arms” as part of the right to a fair trial, Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, UN Doc. CCPR/C/GC/32, 23 August 2007, para. 8.

⁴² See for instance Robert Cryer, Hakan Friman, Darryl Robinson, Elizabeth Wilmschurs, *An Introduction to International Criminal Law and Procedure* (2nd edn., Cambridge: CUP, 2010), p. 435, and sources provided there; Rowland James Victor Cole, *Equality of Arms and Aspects of the Right to A Fair Criminal Trial in Botswana*, PhD Thesis, Stellenbosch University (2010), p. 369, at <http://scholar.sun.ac.za/bitstream/handle/10019.1/3995/Cole,%20R.J.V.pdf?sequence=1> accessed on 25 November 2011.

⁴³ See Articles 40-54 of the 2001 Law on Criminal Procedures regarding the search of persons and dwellings as well as Articles 55-61 regarding the monitoring of communications.

⁴⁴ For the full report, see A/HRC/4/20.

⁴⁵ See Article 37(a) of the UN Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of 20 November 1989, entered into force 2 September 1990.

⁴⁶ See Safeguards guaranteeing protection of the rights of those facing the death penalty. Approved by Economic and Social Council resolution 1984/50 of 25 May 1984, Safeguard 3.

⁴⁷ See Amnesty International, *Affront to Justice: Death Penalty in Saudi Arabia* (Index: MDE 23/027/2008), October 2008.

⁴⁸ “Saudi Arabia foils 180 ‘terror’ attacks since 2003”, *Agence France Press (AFP)*, 2 July 2007.

⁴⁹ Announcement by the Minister of Interior (in Arabic), Saudi Press Agency (SPA), 20 October 2008, at http://www.spa.gov.sa/readsinglenews.php?id=599731&content_id= and also “991 terror suspects are to stand trial”, *Arab News*, an English-language newspaper, 22 October 2008, at <http://archive.arabnews.com/?page=1§ion=0&article=115705&d=22&m=10&y=2008> accessed on 25 November 2011.

⁵⁰ The security section of the General Court in Riyadh was to be transformed into a special criminal court to try security suspects in terrorism-related cases. See “Judicial Council finally approves the decision to convert the security division [of the General Court in Riyadh] to an independent court” (in Arabic), *al-Watan*, an Arabic daily newspaper, 29 October 2008, at <http://www.alwatan.com.sa/news/newsdetail.asp?issueno=2952&id=75538> accessed on 25 November 2011.

⁵¹ “Interview with the Minister of Interior”, *Okaz*, an Arabic daily newspaper, 14 March 2009, at <http://www.okaz.com.sa/okaz/osf/20090314/Con20090314264170.htm> accessed on 25 November 2011.

⁵² See statement by the official spokesman of the Ministry of Justice (in Arabic), SPA, 8 July 2009, at http://www.spa.gov.sa/readsinglenews.php?id=682589&content_id= and “Preliminary verdicts on 330 people accused of belonging to al-Qa’ida in Saudi Arabia” (in Arabic), *al-Arabiya*, 8 July 2009, at http://www.alarabiya.net/save_pdf.php?cont_id=78204 accessed on 25 November 2011.

⁵³ See statement by the official spokesman of the Ministry of Justice (in Arabic), SPA, 8 July 2009, and statement by the official spokesman of the Bureau of Investigation and Public Prosecution (in Arabic), SPA, 8 July 2011 at http://www.spa.gov.sa/readsinglenews.php?id=682545&content_id= accessed on 25 November 2011, see also “Preliminary verdicts on 330 people accused of belonging to al-Qa’ida in Saudi Arabia”, (in Arabic), *al-Arabiya*, 8 July 2009.

⁵⁴ “Saudi dismantles 101-strong Qaeda cell: Ministry”, AFP, 24 March 2011. See also “An anticipated blow by security [forces] foils plans for destruction” (in Arabic), *Okaz*, 25 March 2011, at <http://www.okaz.com.sa/new/issues/20100325/Con20100325340443.htm> accessed on 25 November 2011.

⁵⁵ See statement by the official spokesman of the Ministry of Interior (in Arabic), SPA, 26 November 2010, at http://www.spa.gov.sa/readsinglenews.php?id=839567&content_id= and http://www.spa.gov.sa/readsinglenews.php?id=839568&content_id= accessed on 25 November 2011.

⁵⁶ See statement by the official spokesman of the Ministry of Justice (in Arabic), SPA, 8 January 2011, at http://www.spa.gov.sa/readsinglenews.php?id=853536&content_id= See also “Suspected terrorists appeal 325 verdicts”, *Arab News*, 8 January 2011, at <http://arabnews.com/saudiarabia/article231382.ece> accessed on 25 November 2011.

⁵⁷ See statement by General Mansour al-Turki, security spokesperson of the Ministry on Interior (in Arabic), SPA, 2 April 2011, at http://www.spa.gov.sa/readsinglenews.php?id=879765&content_id= and http://www.spa.gov.sa/readsinglenews.php?id=879766&content_id= accessed on 25 November 2011.

⁵⁸ See statement of the official spokesman of the Bureau of Investigation and Public Prosecution (in Arabic), SPA, 2 April 2011, at http://www.spa.gov.sa/readsinglenews.php?id=879736&content_id= accessed on 25 November 2011.

⁵⁹ See statement by General Mansour al-Turki, security spokesperson of the Ministry of Interior (in Arabic), SPA, 2 April 2011, at http://www.spa.gov.sa/readsinglenews.php?id=879765&content_id= and http://www.spa.gov.sa/readsinglenews.php?id=879766&content_id= See also “Hundreds of foreigners behind bars for terrorism”, *Arab News*, 23 April 2011, at <http://arabnews.com/saudiarabia/article371120.ece> accessed on 25 November 2011.

⁶⁰ See “Hundreds of foreigners behind bars for terrorism”, *Arab News*, 23 April 2011.

⁶¹ Letter sent from Amnesty International to the Minister of Justice dated 10 July 2009 regarding announcement of trials of 330 people; letter sent by Amnesty International to the Minister of Interior dated 29 March 2010 regarding announcement of arrests of 113 people; letter sent by Amnesty International to the Minister of Interior dated 7 December 2010 regarding announcement of arrests of 149 people.

⁶² See also “Detainees disappear into black hole of Saudi jails”, Reuters, 25 August 2011 at <http://www.reuters.com/article/2011/08/25/us-saudi-detainees-idUSTRE77034020110825> accessed on 25 November 2011.

⁶³ Fact Sheet No. 26, The Working Group on Arbitrary Detention, at <http://www.ohchr.org/Documents/Publications/FactSheet26en.pdf> accessed on 25 November 2011.

⁶⁴ See Article 114 of the Law on Criminal Procedures.

⁶⁵ Also referred to in English as Mabahith or al-Mabahith al-'Amma, the abbreviated form of its official title in Arabic, al-Mudiriya al-'Amma lil-Mabahith.

⁶⁶ According to its website (<http://www.moi.gov.sa>), the GDI's mission is to "to boost security and stability of the Kingdom in co-ordination with other sectors, to ensure continuity of the national development in different fields, guided by the instructions of the holy Quran and the Sunnah (Traditions) of the Prophet (PBUH)" and its objectives consist of:

Protecting the national security and the political stability

Aborting terrorist attacks and destructive activities, making the best use of the available advanced equipment and well trained teams

Confronting extremist religious groups and protecting the society from their harm

Exposing spies and aborting their activities

Exposing administrative corruption

Monitoring various activities all over the kingdom including the political, economic, social, informative, and religious ones

Watching social organizations, their demands, inspirations, and reactions

Safeguarding the national security, including the political, economic, religious, and social aspects

⁶⁷ The Interior Ministry controls most arresting authorities as well as the Bureau of Investigation and Public Prosecution. These authorities decide whether to carry out an arrest; determine the conditions of detention, such as access to family; decide the length of detention and whether or not to release or rearrest a suspect; and determine which cases should proceed to trial. For more information about Saudi Arabian security forces see Amnesty International, *Saudi Arabia: Assaulting Human Rights in the Name of Counter-Terrorism* (Index: MDE 23/009/2009), July 2009.

⁶⁸ Amnesty International, *Saudi Arabia: Assaulting Human Rights in the Name of Counter-Terrorism* (Index: MDE 23/009/2009), July 2009.

⁶⁹ Dr Sa'id bin Zu'air was previously arrested in 1995 and 2004. In 1995 he was held without charge or trial for about eight years for his criticism of the government, before being released in March 2003. His now 30-year-old son, Sa'ad bin Zu'air, was arrested in 2002 while he was apparently on his way to Al Jazeera's studios in Qatar to raise awareness of his father's detention and held for almost three years incommunicado until his release in July 2005. In April 2004 Dr Sa'id bin Zu'air was arrested again in connection with criticisms of the government's approach to tackling terrorism in Saudi Arabia he made during a debate on Al Jazeera, and was later convicted on vague charges that included "disobeying the country's ruler", and sentenced to five years in prison. A second son, Mubarak bin Zu'air, now 38, was arrested later in 2004 after mounting another campaign for his release and sentenced to 10 months in prison on similar charges to those against his father, before being released at the beginning of 2005. Dr Sa'id bin Zu'air was released in August 2005 following a pardon by the newly enthroned King Abdullah bin Abdul Aziz Al Saud. See Amnesty International urgent action, UA 52/05, *Medical Concern/Possible prisoner of conscience* (Index: MDE 23/004/2005), 3 March 2005, at <http://www.amnesty.org/en/library/asset/MDE23/004/2005/en/9c5f4a20-fa24-11dd-999c-47605d4edc46/mde230042005en.pdf> and Amnesty International urgent action, *Further Information on UA 52/05* (Index: MDE 23/011/2005), 9 August 2005, at <http://www.amnesty.org/en/library/asset/MDE23/011/2005/en/55ff650a-fa19-11dd-999c-47605d4edc46/mde230112005en.pdf>

⁷⁰ Amnesty International urgent action, *Incommunicado detention/fear of torture or ill-treatment/medical concern*, UA 147/07 (Index: MDE 23/022/2007), 13 June 2007, at <http://www.amnesty.org/en/library/asset/MDE23/022/2007/en/2ee136d8-d387-11dd-a329-2f46302a8cc6/mde230222007en.pdf>

⁷¹ “Start of the trial of an academic accused of stirring sedition”, *al-Watan*, (in Arabic), 30 October 2011, at http://www.alwatan.com.sa/Nation/News_Detail.aspx?ArticleID=74423&CategoryID=3 and “Lady Al-Qaeda’ sentenced to 15 years in prison”, *Arab News*, 30 October 2011, at <http://arabnews.com/saudi Arabia/article526193.ece> accessed on 25 November 2011.

⁷² “Saudi academic with Al-Qaeda links may appear in court today”, *Arab News*, 25 October 2011, at <http://arabnews.com/saudi Arabia/article524268.ece> accessed on 25 November 2011.

⁷³ Kharijites (from the Arabic *khawarji*, meaning literally “those who went out”) are a sect of Muslims generally considered distinct from both Shi’a and Sunni Muslims. Early Kharijites were accused by some of adopting a radical approach to *takfeer* (deeming others as infidels), by which they considered other Muslims unbelievers and deserving of death. Saudi Arabian authorities use the term Kharijite to refer to people they consider to be following ‘deviant’ forms of Islam.

⁷⁴ “Specialized Criminal Court continues to consider lawsuit by the prosecution against the accused backed by al-Qa’ida terrorist”, SPA, 23 November 2011, at http://www.spa.gov.sa/readsinglenews.php?id=946147&content_id=

⁷⁵ “Specialized Criminal Court continues to consider lawsuit filed by the General Prosecution against one Saudi defendant accused of backing al-Qa’ida terrorist organization”, SPA, 23 November 2011, at http://www.spa.gov.sa/readsinglenews.php?id=946147&content_id= accessed on 25 November 2011.

⁷⁶ Working Group on Arbitrary Detention, Opinion No. 36/2008 (Saudi Arabia), at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-30-Add1.pdf> accessed on 25 November 2011.

⁷⁷ Amnesty International urgent action, *Human rights activist detained after protest*, UA 91/11 (Index: MDE 23/009/2011), 25 March 2011, at <http://www.amnesty.org/en/library/asset/MDE23/009/2011/en/1cce6dd5-c952-49b8-af1d-554c889900ee/mde230092011en.pdf>

⁷⁸ See Amnesty International Urgent Action, *Fear of refoulement/Fear for Safety*, EXTRA 86/97 (Index: AMR 20/02/97), 11 June 1997, at <http://www.amnesty.org/en/library/asset/AMR20/002/1997/en/33a65253-ea64-11dd-a38b-354637a2eef8/amr200021997en.pdf> See also Further Information on EXTRA 86/97 (Index: AMR 20/03/97), 20 June 1997, at <http://www.amnesty.org/en/library/asset/AMR20/003/1997/en/a8b17d72-ea45-11dd-8810-c1f7ccd3559e/amr200031997en.pdf> and Further Information on EXTRA 86/97 (Index: AMR 51/39/97), 7 July 1997, at <http://www.amnesty.org/en/library/asset/AMR51/039/1997/en/f5b0e562-f886-11dd-b378-7142bfbe1838/amr510391997en.pdf> See also Amnesty International report, *Saudi Arabia: A Secret State of Suffering* (Index: MDE 23/01/00), 28 March 2000, pp3-4, at <http://www.amnesty.org/en/library/asset/MDE23/001/2000/en/a1077752-dfd2-11dd-8e17-69926d493233/mde230012000en.pdf>

⁷⁹ Previously referred to as Khaled Hussein Albuluwiy.

⁸⁰ Letter by Amnesty International addressed to President of Human Rights Commission in Saudi Arabia

dated 6 December 2006.

⁸¹ Reply from President of Human Rights Commission in Saudi Arabia to Amnesty International dated 17 December 2006.

⁸² UN Working Group on Arbitrary Detention, Opinion No. 9/2007 (Saudi Arabia), at http://ap.ohchr.org/documents/E/HRC/report/A_HCR_7_4_Add_1.pdf accessed on 25 November 2011.

⁸³ Issued by Royal Decree No. M/38 of 15 October 2001. It provides safeguards against lawyers being penalized simply for defending their clients and requires courts and criminal investigation bodies and other official authorities to co-operate with defence lawyers. Although it does not embody all international standards for the protection of lawyers, it represents a first step towards the institutionalization of the legal profession as an integral part of the criminal justice system and consolidation of the principle of equality in arms.

⁸⁴ The Law of the Judiciary, which replaced the Judicial Law of July 1975, was introduced by Royal Decree No. M/78, dated 19/9/1428 Hijra (1 October 2007). For more details on this and other laws see Amnesty International report, *Affront to Justice: Death Penalty in Saudi Arabia* (Index: MDE 23/027/2008), October 2008, pp5-6 and Amnesty International report, *Saudi Arabia: Assaulting Human Rights in the Name of Counter-Terrorism* (Index: MDE 23/009/2009), July 2009.

⁸⁵ "Saudi Arabia starts militant trials", Reuters, 5 October 2006.

⁸⁶ "Judicial Council finally approves the decision to convert the security division [of the General Court in Riyadh] to an independent court" (in Arabic), *al-Watan*, 29 October 2008, at <http://www.alwatan.com.sa/news/newsdetail.asp?issueno=2952&id=75538>

⁸⁷ See announcement by the Minister of Interior, SPA, 20 October 2008.

⁸⁸ These details were provided by the relative of a detainee (whose name has been withheld for fear of reprisal):

(1) *The court is in Riyadh;*

(2) *It is not a regular court, it is especially for them;*

(3) *They have the judge, people from ministry (interrogators, the word he used for these people) and one that reads the "confession". No defence lawyers, no right to appeal (if they refuse, they keep coming back until they accept);*

(4) *They go inside one by one;*

(5) *Hundreds have been taken, indiscriminately. They are taken in groups ("like sheep", he said) and stay for some weeks and then come back to the same place;*

(6) *The inmate sits while the "confession" or "case" is read;*

(7) *There are no evidences, witnesses whatsoever, the case is not presented but a paper is read with "exaggerated", "fabricated", "magnified" descriptions of what they claim the inmate did (these are the words he used);*

(8) *After they finish reading pages and pages, they ask the inmate "Is this your case? Do you agree?", if the person says yes, they sign and send the inmate back to the same prison with the verdict. If the person denies, they take him and give him a "hard time like before - I will not describe the hard times we went through" (his words), and bring the inmate the next day*

and ask the same question and increase the sentence until the person says "yes" and signs it.

(9) He said this is a "new" style, these short "trials", he said they started doing this not long ago. He says he feels he will be taken soon;

(10) The sentences being given are 30 to 40 years, with a minimum of "60%" of 40 years (his words).

See mention of this in the Amnesty International report, *Saudi Arabia: Assaulting Human Rights in the Name of Counter-Terrorism* (Index: MDE 23/009/2009), July 2009.

⁸⁹ See statement of the official spokesman of the Ministry of Justice, SPA, 8 July 2009, and statement of the official spokesman of the Bureau of Investigation and Public Prosecution, SPA, 8 July 2011 and "Preliminary verdicts on 330 people accused of belonging to al-Qa'ida in Saudi Arabia", *al-Arabiya*, 8 July 2009.

⁹⁰ Amnesty International urgent action, *Men detained for founding political party*, UA 42/11 (Index: MDE 23/002/2011), 23 February 2011, at <http://www.amnesty.org/en/library/asset/MDE23/002/2011/en/f657fcf1-c748-4939-8159-f958b01d0010/mde230022011en.pdf>

⁹¹ Amnesty International urgent action, *Human rights activist detained after protest*, UA 91/11 (Index: MDE 23/009/2011), 25 March 2011.

⁹² "Case files offer a glimpse into Al-Dandani terrorist syndicate", *Arab News*, 29 June 2011, at <http://arabnews.com/saudi Arabia/article479971.ece> accessed 25 November 2011.

⁹³ "Riyadh trial gives a glimpse of methods terror suspects used", *Arab News*, 6 July 2011, at <http://arabnews.com/saudi Arabia/article467369.ece> accessed on 25 November 2011.

⁹⁴ "Saudi bomb suspect dies in gunfight", BBC, 3 July 2003, at http://news.bbc.co.uk/1/hi/world/middle_east/3041994.stm accessed on 25 November 2011.

⁹⁵ "Death for Riyadh killers sought", *Arab News*, 26 June 2011, at <http://arabnews.com/saudi Arabia/article462250.ece> accessed on 25 November 2011.

⁹⁶ "Leader of terror cell accused of sodomizing aide", *Arab News*, 27 June 2011, at <http://arabnews.com/saudi Arabia/article462812.ece> accessed on 25 November 2011.

⁹⁷ "Riyadh terror trial: How the court drama unfolded", *Arab News*, 3 July 2011, at <http://arabnews.com/saudi Arabia/article466280.ece> accessed on 25 November 2011.

⁹⁸ "Westerners killed in Saudi Arabia", BBC, 2 May 2004, at <http://news.bbc.co.uk/1/hi/3675891.stm> and "Injured Yanbu Oil Worker Dies of His Wounds", *Arab News*, 16 May 2004, at <http://archive.arabnews.com/?page=1§ion=0&article=45060&d=16&m=5&y=2004> accessed on 25 November 2011.

⁹⁹ "All suspects in the Yanbu terrorist attacks were from the same family", *Arab News*, 13 June 2011, at <http://arabnews.com/saudi Arabia/article454197.ece> and "Riyadh trial at a glance", *Arab News*, 12 June 2011, at <http://arabnews.com/saudi Arabia/article453508.ece> accessed on 25 November 2011.

¹⁰⁰ "Some Yanbu defendants retract their statements", *Arab News*, 15 June 2011, at <http://arabnews.com/saudi Arabia/article455565.ece> accessed on 25 November 2011.

¹⁰¹ "Two relatives to defend 'Madam Al-Qaeda' in court", *Arab News*, 31 July 2011, at

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¹⁰² “Lady Al-Qaeda’ retracts confession”, *Arab News*, 12 September 2011, at <http://arabnews.com/saudiarabia/article500872.ece> accessed on 25 November 2011.

¹⁰³ “‘Lady Al-Qaeda’ sentenced to 15 years in prison”, *Arab News*, 30 October 2011, at <http://arabnews.com/saudiarabia/article526193.ece> See also “Verdict on woman involved in terrorism sentenced to 15 years imprisonment and banned from travelling for the same time after release” (in Arabic), *Okaz*, 30 October 2011, at <http://www.okaz.com.sa/new/Issues/20111030/Con20111030453983.htm> accessed on 25 November 2011.

¹⁰⁴ See “Lady Al-Qaeda’ retracts confession”, *Arab News*, 12 September 2011.

¹⁰⁵ UN Working Group on Arbitrary Detention, Opinion No. 27/2007 (Saudi Arabia).

¹⁰⁶ “Saudi reformers face trial after 4-year detention”, Reuters, 7 May 2011, at <http://uk.reuters.com/article/2011/05/07/uk-saudi-trials-idUKTRE7461SD20110507> accessed on 25 November 2011.

¹⁰⁷ For more information about the reform of the Board of Grievances see Amnesty International report, *Saudi Arabia: Assaulting Human Rights in the Name of Counter-Terrorism*, (Index: MDE 23/009/2009), July 2009.

¹⁰⁸ Amnesty International urgent action, *Further Information: Prisoner of conscience alleges torture*, UA 312/08 (Index: MDE 23/001/2011), 14 January 2011, at <http://www.amnesty.org/en/library/asset/MDE23/001/2011/en/75f64477-abba-4975-9f38-8b00e848dccc/mde230012011en.pdf>

¹⁰⁹ See interview with Dr Bassam Ali in “Lawyer of the “rest-house detainees reveals the reasons preventing him to attend court sessions” (in Arabic), *Sabq*, Arabic news website, 22 July 2011, at <http://sabq.org/sabq/user/news.do?section=5&id=27428> accessed on 25 November 2011.

¹¹⁰ “Saudi reformers face trial after 4-year detention”, Reuters, 7 May 2011, at <http://uk.reuters.com/article/2011/05/07/uk-saudi-trials-idUKTRE7461SD20110507> accessed on 25 November 2011.

¹¹¹ “Lawyer for Saudi reformers quits trial over “errors””, Reuters, 9 May 2011.

¹¹² “228 years in prison for members of a cell (*Tawasso*) involved in breaking the pledge of allegiance and supporting al-Qa’ida and terrorism” (in Arabic), *Okaz*, 23 November 2011, at <http://www.okaz.com.sa/new/Issues/20111123/Con20111123458369.htm> and also “30 years’ imprisonment for the main accused and 15 for the former lawyer”, *al-Riyadh* Arabic daily newspaper, 23 November 2011, at <http://www.alriyadh.com/net/article/685183> accessed on 25 November 2011.

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http://www.spa.gov.sa/readsinglenews.php?id=945864&content_id=
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http://www.spa.gov.sa/readsinglenews.php?id=945868&content_id= accessed on 25 November 2011.

¹¹⁵ In previous Amnesty International documents Abdel Hakim Gellani's name was spelt "Abdel Hakim Jellani".

¹¹⁶ Amnesty International urgent action , *Fear of Torture/Medical Concern/Incommunicado Detention*, UA 159/07 (Index: MDE 23/023/2007), 21 June 2007, at <http://www.amnesty.org/en/library/asset/MDE23/023/2007/en/f86d3a78-d382-11dd-a329-2f46302a8cc6/mde230232007en.pdf>

¹¹⁷ See Amnesty International urgent action, *Fear of torture/medical concern/incommunicado detention*, UA 159/07 (Index: MDE 23/023/2007), 21 June 2007.

¹¹⁸ See Working Group on Arbitrary Detention, Opinion No. 2/2011 (Saudi Arabia).

¹¹⁹ "Saudis use soft touch to 'save' former militants", AFP, 27 April 2009.

¹²⁰ "Extremist Reeducation and Rehabilitation in Saudi Arabia", James Town Foundation, 16 August 2007, at http://www.jamestown.org/single?no_cache=1&tx_ttnews%5Btt_news%5D=4321 accessed on 25 November 2011.

¹²¹ "Saudis use soft touch to 'save' former militants", AFP, 27 April 2009.

¹²² "Gordon Brown shakes hands with Muslim extremists during Saudi visit", *The Telegraph*, 2 Nov 2008, at <http://www.telegraph.co.uk/news/worldnews/middleeast/saudi-arabia/3367084/Gordon-Brown-shakes-hands-with-Muslim-extremists-during-Saudi-visit.html> See also blog post by former UK Foreign Secretary David Miliband, "Face to face with a suicide bomber", 23 April 2008, at <http://webarchive.nationalarchives.gov.uk/20110107155849/blogs.fc.gov.uk/roller/miliband/entry/face-to-face-with-a> accessed on 25 November 2011.

¹²³ "10 militants freed after counselling", *Arab News*, 7 February 2011, at <http://arabnews.com/saudi-arabia/article252787.ece> accessed on 25 November 2011.

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¹²⁵ Letter sent by Amnesty International to the Minister of Interior dated 18 March 2010.

¹²⁶ "King Abdullah issues a number of royal decrees", SPA, 23 February 2011, and "Saudi king back home, orders \$37 billion in handouts", Reuters, 23 February 2011, at <http://www.reuters.com/article/2011/02/23/us-saudi-king-idUSTRE71M22V20110223> accessed on 25 November 2011.

¹²⁷ Working Group on Arbitrary Detention, Report to the Commission on Human Rights, UN Doc.E/CN.4/2006/7, 12 December 2005, para 48.

¹²⁸ For example in February 2009 members of the Committee for the Prevention of Vice and Promotion of Virtue (CPVPV), also known as the religious police, took video footage of Shi'a women who were visiting the tomb of the Prophet Muhammad in Medina. This angered a wider group of Shi'a men and women visiting the tomb and led to them protesting outside the offices of the CPVPV in Medina to request the handover of the footage. The situation escalated into a series of clashes when members of

the CPVPV attacked the protesters; a number of the protesters were injured and at least nine were arrested but released after about one week in detention.

The incident sparked demonstrations in the Eastern Province, following which at least 10 members of the Shi'a community, including six boys aged 14-16, were arrested and detained. On 14 March 2009, reporting on the arrests of members of the Shi'a community, the Minister of the Interior stated:

Citizens have both rights and duties; their activities should not contradict the doctrine followed by the Ummah [Muslim community]. It is the doctrine of Sunnis and our righteous forefathers. There are citizens who follow other schools of thought and the intelligent among them must respect this doctrine.

¹²⁹ "Three Saudi Shi'ites released after rare protest", Reuters, 20 February 2011, at <http://af.reuters.com/article/egyptNews/idAFLDE71JONZ20110220?pageNumber=1&virtualBrandChannel=0> and "Saudi authorities release three Shi'a detainees" (in Arabic), *Rasid News Network*, news website, 20 February 2011, at <http://rasid.com/artc.php?id=42965&hl=%C7%E1%C7DD%D1%C7%CC> accessed on 25 November 2011.

¹³⁰ For more information see Amnesty International web action, *Saudi Arabia must release or charge activist critical of the authorities*, 18 June 2010, at <http://www.amnesty.org/en/appeals-for-action/saudi-arabia-must-release-or-charge-activist-critical-authorities>

¹³¹ "A march in al-Qatif calling for the release of the forgotten prisoners" (in Arabic), *Rasid News Network*, 24 February 2011, at <http://www.rasid.com/artc.php?id=43054> accessed on 25 November 2011, see also "Saudi Shi'ites stage another protest in oil province", Reuters, 26 February 2011.

¹³² "Update 2- Shi'ites stage protests in Saudi oil province, Reuters, 3 March 2011, at <http://af.reuters.com/article/worldNews/idAFTRE72259V20110303> accessed on 25 November.

¹³³ Amnesty International urgent action, *Protesters arrested in Saudi Arabia*, UA 61/11 (Index: MDE 23/005/2011), 7 March 2011, at <http://www.amnesty.org/en/library/asset/MDE23/005/2011/en/c46d3c2c-49dc-4be4-a012-8c1fccca75a9/mde230052011en.pdf> and Further information on UA 61/11, *Protesters released in Saudi Arabia* (Index: MDE 23/008/2011), 14 March 2011, at <http://www.amnesty.org/en/library/asset/MDE23/008/2011/en/7fe5053a-5e19-4216-b8d6-e27f3a59bbb7/mde230082011en.pdf>

¹³⁴ "Three injured after Saudi police fired to disperse a protest", (in Arabic), BBC, 10 March 2011, at http://www.bbc.co.uk/arabic/middleeast/2011/03/110310_saudi_demo.shtml See also "Update 2- Saudi protest dispersed by police – Shots heard", Reuters, 10 March 2011, at <http://af.reuters.com/article/energyOilNews/idAFLDE7292NY20110310> accessed on 25 November 2011

¹³⁵ "Saudi police detain 30 Shi'ites activists", AFP, 28 April 2011 and "Campaign of arrests affecting 25 young men following demonstrations in al-Qatif" (in Arabic), *Rasid News Network* 28 April 2011, at <http://rasid.com/artc.php?id=44128&hl=%C7%E1%C7DA%CA%DE%C7%E1> accessed on 25 November 2011.

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¹³⁷ See statement by an official source in the Ministry of Interior (in Arabic), SPA, 24 November 2011, at http://www.spa.gov.sa/readsinglenews.php?id=946283&content_id= accessed on 25 November 2011.

¹³⁸ "Two other martyrs killed from security fire in al-Qatif" (in Arabic), *Rasid News Agency*, 24 November 2011, at <http://www.rasid.com/artc.php?id=46924> accessed on 25 November 2011.

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¹⁴¹ "Protests build across Saudi Arabia", *Financial Times*, 4 March 2011, at <http://cache.ft.com/cms/s/0/63652c86-46a7-11e0-967a-00144feab49a.html#axzz1ezVjay7k> accessed on 25 November 2011.

¹⁴² Relevant videos can be watched at: <http://www.youtube.com/watch?v=vqQERxSaKEA> and <http://www.youtube.com/watch?v=8FzHHdkVO70>

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¹⁴⁶ Khaled al-Jahani's interview with *BBC Arabic* on 11 March 2011 can be viewed on Youtube, at <http://www.youtube.com/watch?v=mxinAxWxXo8> accessed on 25 November 2011.

¹⁴⁷ "Dozens of Saudis gather in Riyadh", Reuters, 13 March 2011, at <http://www.reuters.com/article/2011/03/13/us-saudi-protest-idUSLDE72COAM20110313> accessed on 25 November 2011.

¹⁴⁸ "Saudis gather to demand release of prisoners", Reuters, 20 March 2011, at <http://www.reuters.com/article/2011/03/20/us-saudi-protests-idUSTRE72J12Y20110320> accessed on 25 November 2011.

¹⁴⁹ "Saudi protesters demand release of jailed relatives", *Gulf News* English-language newspaper, 21 March 2011, at <http://gulfnews.com/news/gulf/saudi-arabia/saudi-protesters-demand-release-of-jailed-relatives-1.780010> accessed on 25 November 2011.

¹⁵⁰ Amnesty International urgent action, *Human rights activist detained after protest*, UA 91/11 (Index: MDE 23/009/2011), 25 March 2011.

¹⁵¹ Amnesty International urgent action ,*Two Saudi Arabian women protesters detained*, UA 201/11 (Index: MDE 23/014/2011), 5 July 2011, at <http://www.amnesty.org/en/library/info/MDE23/014/2011/en>

¹⁵² The following is not an exhaustive list but provide examples of such cases.

¹⁵³ The Islamic Umma Party was founded by nine men, including intellectuals, writers and lawyers, on 9 February. They have stated that their values stem from Islamic teachings and the principles of justice, freedom and charity and that their goals include greater political freedoms in Saudi Arabia, such as people having the right to choose who they are governed by, the separation of executive, legislative and judicial powers, the independence of the judiciary, social justice and equal opportunities for all without discrimination.

¹⁵⁴ Amnesty International urgent action, *Men detained for founding political party*, UA 42/11 (Index: MDE 23/002/2011), 23 February 2011.

¹⁵⁵ Amnesty International urgent action, *Shi'a cleric at risk of torture*, UA 58/10 (Index: MDE 23/004/2011), 4 March 2011, at <http://www.amnesty.org/en/library/asset/MDE23/004/2011/en/7f9c8ed6-b6ff-4c61-b085-e254d76ac8c5/mde230042011en.pdf>

¹⁵⁶ Amnesty International urgent action, *Further information on UA 58/10: Shi'a cleric released* (Index: MDE 23/006/2011), 7 March 2011, at <http://www.amnesty.org/en/library/asset/MDE23/006/2011/en/21f91c9e-dbec-4a91-964c-41084bcd5d9/mde230062011en.pdf>

¹⁵⁷ Amnesty International urgent action, *Saudi Shi'a cleric arrested* , UA 242/11 (Index: MDE 23/020/2011), 11 August 2011, at <http://www.amnesty.org/en/library/asset/MDE23/020/2011/en/2987b5c4-39ca-44d9-b249-944d3b2c3efb/mde230202011en.pdf>

¹⁵⁸ Amnesty International urgent action, *Human rights activist detained after protest*, UA 91/11 (Index: MDE 23/009/2011), 25 March 2011.

¹⁵⁹ Amnesty International urgent action, *Human right activist held incommunicado*, UA 180/11 (Index: 23/012/2011), 15 June 2011, at <http://www.amnesty.org/en/library/asset/MDE23/012/2011/en/ef48e0d4-3139-41e8-849e-99591adc2bd1/mde230122011en.pdf>

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¹⁶¹ In previous Amnesty International documents Thamer Abdulkareem al-Khoder's name was spelt "Thamer Abdulkareem al-Kather".

¹⁶² Amnesty International urgent action, *Student activist held, risks torture*, UA 60/10 (Index: MDE 23/004/2010), 12 March 2010, at <http://www.amnesty.org/en/library/asset/MDE23/004/2010/en/146f1053-9e3d-416f-925e-dc823e120103/mde230042010en.pdf>

¹⁶³ Abdullah Saleh al-Muhanna is a retired Shi'a mayor from the Eastern Province who was detained in

2009. See Amnesty International urgent action, *Medical concern/prisoner of conscience*, UA 145/09 (Index: MDE 23/018/2009), 10 June 2009, at <http://www.amnesty.org/en/library/asset/MDE23/018/2009/en/5b720a4e-de0f-4836-ac5f-d740ba2a4a12/mde230182009eng.pdf> and Amnesty International Further Information on UA 145/09, *Cleric released*, (Index: MDE 23/022/2009), 3 July 2009, at <http://www.amnesty.org/en/library/asset/MDE23/018/2009/en/5b720a4e-de0f-4836-ac5f-d740ba2a4a12/mde230182009eng.pdf>

¹⁶⁴ See statement made by ACPRA on 16 November 2011, at <http://www.acprahr.org/news.php?action=view&id=146> accessed on 25 November 2011.

¹⁶⁵ Amnesty International urgent action *Saudi Professor detained incommunicado*, UA 249/10 (Index: MDE 23/015/2010), 8 December 2010, at <http://www.amnesty.org/en/library/asset/MDE23/015/2010/en/4dfd5781-3477-40ec-8852-2801ebd92d1a/mde230152010en.pdf> and Further Information on UA 249/10, *Professor released, no further action needed* (Index: MDE 23/003/2011), 23 February 2011, at <http://www.amnesty.org/en/library/asset/MDE23/003/2011/en/222ef331-6bd9-48eb-bbf6-a3416b7e43e3/mde230032011en.pdf>



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SAUDI ARABIA

REPRESSION IN THE NAME OF SECURITY

The Saudi Arabian authorities launched a new wave of repression in early 2011 in the context of protests sparked by long-standing grievances over detentions without charge or trial and following the mass protests in the region. A further threat to human rights in Saudi Arabia is a draft law on terrorism that promises to criminalize even the smallest act of dissent.

The crackdown comes against a background of draconian counter-terrorism measures imposed since 2001. Thousands of people have been detained in the past decade on security grounds. Among them are human rights defenders, peaceful advocates of political reform and members of religious minorities. Many of them have been detained without charge or trial for years and denied access to lawyers and family visits for long periods. Many are reported to have been tortured. Hundreds have been tried in mostly secret trials, some of them sentenced to death. Some have been held for “re-education”.

This report calls on the Saudi Arabian authorities to ensure that human rights are respected in law and in practice at all times, whatever the threats to security and whatever the challenges to their authority.

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