



Universal Periodic Review:

Saudi Arabia

Second Cycle

Submission to the Stakeholders' Summary

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1 Background

1. During the Universal Periodic Review of Saudi Arabia on 6 February 2009, the Kingdom committed itself to improving the human rights situation in the country by accepting numerous recommendations.
2. The increase in social and political demands in the countries of the region over the last two years, the increased use of new forms of communications and the persistence of human rights violations on a large scale, has fostered the emergence of Saudi civil society which grows more active every day, including by peacefully protesting in demand of its fundamental rights.
3. The new phenomenon of social media has created a space for expression that was previously non-existent in the country, allowing citizens to express and share their aspirations and opinions. Protests organised by the families of arbitrarily-held detainees to call for their release, the Shi'ite minority in the Eastern Province demanding an end to discrimination against them, or women asking for their rights, have become commonplace.
4. This awakening of civil society has been met by the authorities with systematic repression – despite their statements to the contrary – as with all questioning of the established order. Several fundamental rights guaranteed by the Universal Declaration of Human Rights have been violated (leading to torture, arbitrary detention, unfair trials, lack of freedom of expression, association, and peaceful assembly), often under the pretext of counter-terrorism measures. In the past four years the security services have arrested numerous individuals who peacefully expressed criticism of the government's policies or called for institutional reform.
5. The geostrategic position of the country, and economic and financial interests of certain powers cannot lead to ignorance over the concerning human rights situation in the Kingdom, as it may lead to the feeling that there are double standards at play in the treatment of serious violations of human rights throughout the world.

2 Arbitrary Arrests and Detentions

6. The Saudi monarchy, unlike other Muslim countries, has never passed a penal code that clearly defines punishable offenses and their corresponding punishments. The definition of legal infractions rest on the judge's interpretation of Shari'a law and the determination and severity of punishments can vary with the interpretation of a given judge, leading to a great deal of legal uncertainty.
7. Royal Decree No. M/39 of 3 November 2001 related to the code of criminal procedure gives the Prosecutor General under the Ministry of the Interior extensive rights of arrest, investigation and detention. It provides certain guarantees such as a prohibition of torture, a limit of six months of preventive detention, and access to a lawyer, but in general, these are not respected.
8. In practice, arrests without a warrant or notification of the legal reasons for prosecution, excessive lengths of detention beyond the legal limit, and the inability to challenge the lawfulness of detention remain common, especially in cases regarded as political in nature. This encourages, in law and in fact, arbitrary detention and the use of torture, which is clearly contrary to international law.
9. Despite Saudi Arabia's acceptance of recommendations relative to "the codification of discretionary penalties" (Rec. 27, Azerbaijan) and a commitment to "continue its efforts to reform the legal and judicial systems" (Rec. 26, Egypt), Alkarama has not identified any positive developments in this regard in the past few years. Saudi Arabia also committed to "fulfill all its international obligations in the field of human rights by, inter alia, taking all the measures needed to protect rights in regard to freedom of opinion and expression" in its acceptance of Rec. 5 by Mexico. Nonetheless, our organization has continued to note thousands of cases of arbitrary detention in the past few years, including of individuals who expressed criticisms of government policy in a peaceful manner or who denounced human rights violations. The use of special courts under the Minister of the Interior also continues to concern us gravely.
10. Alkarama has been mandated to send more than a hundred cases to the Working Group on Arbitrary Detention by victims and their families. The Working Group has rendered 33 opinions concerning 60 people in Saudi Arabia in the past few years and in every case the detention was judged to be arbitrary in nature.

11. As an example of this type of violation, **Mohammed Salih Al-Bjady** was arrested in Buraydah on 21 March 2011 following a peaceful protest organized against detention of thousands of individuals without legal basis for political reasons. Detained for several months in secret, he was brought before the Special Court responsible for treating terrorism cases, accused of being a member of the non-governmental organization (NGO) ACPRA (Saudi Civil and Political Rights Association), of having denigrated the reputation of the state, of having called for the families of detainees to protest, of placing doubt on the independence of the judiciary, and for possession of banned books. Mr. Al-Bjady was sentenced to four years in prison followed by a travel ban for five years in an unfair trial during the course of which he had no access to a lawyer. The Special Court did not allow lawyers to defend him.

12. **Abdelaziz Mohamed Al Wohaibi**, a lawyer and human rights defender, was arrested on 16 February 2011 with six other people in different cities of the country: Ahmed b. Saad Al Gharam Al Ghamidi, university professor, Saoud b. Ahmed Al Dughiter, human rights activist, Abdulkareem b. Yussef Al Khodr, university professor, Mohamed b. Nasser Al Ghamidi, human rights activist, Walid Mohamed Abdullah Al Majed, lawyer and Mohamed b. Hussein b. Ghanem Al Qahtani, human rights activist. These men had sent an application for approval to the Royal Cabinet (Al Diwan al Malaki) of a political party "Hizb Al umma Al Islami" and requested its official registration under No. EHSA00466836. The request for approval was accompanied by the statutes of the new party, and the publication of a press release in which they announced that "the constitution of this party is in response to the political development in the region and the evolution of political action in Saudi Arabia; it is time to affirm public liberties and political rights, especially the right of the people to elect the Majlis Ashura (Consultative Council) and to pass legislation that organizes these political rights."

13. **Fadhel Maki Al-Manasif** was arrested in October 2011 and placed in detention in Dammam prison in the east of the country. Accused of having participated in protests in the Eastern Province, the scene of numerous movements protesting against discrimination against the Shi'ite minority, Mr Al-Manasif had served as a mediator between the authorities and protestors. He notably met the Emir of the province, Mohammad Bin Fahd Bin Abdulaziz on 8 March 2011 as well as the Governor of the province Qatif M. Abdallah Al-Othman on 26 April 2011. He is still in detention and has not received any information on a potential future trial for his case. The reasons for his detention are clearly tied to his involvement in human rights activism in the Kingdom.

14. Imprisonment for political reasons constitutes a veritable scourge in Saudi Arabia and leaves no part of society untouched: university professors, clerics, human rights defenders, bloggers, lawyers, judges, poets, regular citizens, and even supporters of the monarchy who express criticism of the management of the country or who propose reforms are systematically arrested and imprisoned without formal charges, often without access to an effective defence. These people are often detained for long periods, sometimes in excess of ten years, without legal proceedings or any prospect of judgment.

3 Death Penalty

15. Several legal infractions are punishable by death, and death sentences are pronounced without the minimum conditions and guarantees of a free trial being met. In many cases documented by Alkarama, the accused are tried without a lawyer and did not have the possibility to defend themselves to their judges. The hearings are not public and death sentences are pronounced on the sole basis of confessions extracted under torture or duress.

16. Sarhane Almashaikh and six other Saudis, 21-24 years old at the time of their arrests, were arrested for several robberies in 2006 and sentenced to death. One of the young men was sentenced to be beheaded and then crucified for three days by the court of Abha on 6 August 2009.

17. The seven condemned, whose execution is scheduled on 5 March 2013, report having been tortured and brought before the judge in an expedited trial without lawyers. They report not having the possibility of defending themselves and airing their version of the facts.

4 Torture and Other Cruel, Inhuman and Degrading Treatment

18. The legal system continues to place undue importance on confessions extracted under torture as sole evidence in prosecution, despite numerous cases of torture reported in the Kingdom.

Alkarama has received many testimonies describing the methods used to extract confessions from victims: extreme beatings, baton beatings on every part of the body and especially on the soles of the feet, sleep deprivation, prolonged solitary confinement, refrigerated cells, prolonged hanging by the feet or wrists, electric shocks, and more. In addition, sick inmates do not have access to proper medical care. The use of these practices is contrary to article 2 of the Code of Criminal Procedure that prohibits an arrested person from being tortured, as well as the international obligations of Saudi Arabia since its October 1997 adherence to the Convention against Torture.

19. Despite the number of cases and testimonies identified by our organization, Saudi Arabia still uses torture in its places of detention. The response of the Kingdom to the recommendation to “cease application of torture, other cruel, inhuman or degrading treatment or punishment, and corporal punishment of prisoners” (Rec. 24, Canada) was to state that it “reject[ed] the ... recommendation the subject matter of which does not constitute a current practice [in the Kingdom].”

20. **Hanane Abdurrahman Samkari** took part in a 2010 peaceful demonstration before the Ministry of the Interior to protest the detention of her husband. On Saturday, 25 December 2010 in the middle of the night, men in plainclothes broke into her house and arrested her with her three children (Abdulrahman, Jana and Namur, 4, 8, and 13 years old respectively). She was detained with them in Mecca and then brought to a “high security” facility called Dhabhan in Jeddah where her conditions of detention with her three children were particularly inhumane: insults, a permanently-lit cell, psychological harm of her children and more. This situation constitutes a flagrant violation of the Convention on the Rights of the Child ratified by Saudi Arabia. Brought for the first time before a court on 13 May 2012, 18 months after her initial arrest, she was released with her children on 29 June 2012.

21. **Dr Saud Mukhtar Al-Hashimi**, a doctor and prominent personality in the constitutional reform movement, was arrested by the intelligence services (Mabahith) in Jeddah on 2 February 2007 with eight other political figures under the pretext of illicit collection of funds. These people in fact formed a Committee for the Defence of Civil and Political Freedoms and were meeting at one of their homes. Dr. Al Hashimi was held in isolation for long periods, beaten and electrocuted several times, and deprived of medical care. He was forced to sign the minutes of his interrogation without reading them. The Special Criminal Court of Riyadh sentenced him to 30 years in prison following an unfair trial in November 2011, four years after his arrest. His detention as well as the detentions of the eight other people he was arrested with was declared arbitrary by the Working Group on Arbitrary Detention in their opinion 27/2007.

22. **Suleiman Ayed Abdallah Al Ayed**, a 29-year-old Saudi currently detained in Al Hayer prison, was arrested on 14 October 2003 in Yemen and extradited to Saudi Arabia on 19 May 2004. He was held in total isolation without legal procedures for five years before being brought before a judge for the first time on 26 January 2009. He was denied access to medical care and continues to bear the marks of his ill-treatment today.

5 The Right to Freedom of Association, Assembly, and Expression

23. The rights to peaceful assembly and association are not recognized in the Kingdom. Political parties and unions are banned and the sole act of signing a petition or making a request for registration of an organisation can be considered a subversive act likely to result in arrest and prosecution (see for example the case of Abdelaziz Mohamed Al Wohaibi above).

24. The press and the media are not free and legal provisions regulating information were strengthened in 2011: cybercafés were placed under strict surveillance and censorship affected a large number of sites that pose political questions or speak about human rights.

25. Saudi Arabia accepted the recommendation to “guarantee the right of representatives of civil society and human rights defenders organizations to set themselves up and exercise their right to freedom of expression” (Rec. 34, Switzerland) in its initial review. The government also added that it “encourages the establishment of institutions that promote human rights and, a few years ago, permitted the establishment of the National Society for Human Rights as a non-governmental organization enjoying full independence and unrestricted freedom to engage in its activities. None of its members have been subjected to any form of harassment or curtailment of their freedom of expression.”

26. In fact, all public assembly remain illegal and the religious authorities have rendered a legal opinion (fatwa) prohibiting all demonstrations, at the request of the Ministry of the Interior.

27. Several peaceful demonstrations occurred in 2012 despite these difficulties. Families of the arbitrarily detained (particularly women) protested in front of different prisons and institutions of the Kingdom to demand justice or the release of their relatives. Large protests were held in Qatif Province in the east throughout the year, to which the police responded with excessive use of force and live ammunition, causing the deaths of several protestors.

28. Alkarama is regularly enlisted by relatives of those detained arbitrarily to seize the United Nations Special Procedures to call upon the Saudi authorities to put an end to the often violent repression of which they are victims, and to respect their right to peacefully protest against injustices committed against them.

29. On 5 January 2013, twenty women and their children gathered peacefully in front of the royal administration responsible for appeals (Diwan Al Madhalim) in Alburayda to demand news of their detained relatives. After a half-hour, all woman and her children present were arrested. Several were released after five days of detention and eight of the women were presented to the prosecutor, who threatened them with jail time and whipping.

30. Protests by families of the detained are becoming more and more frequent and well-organized. Photos and information are aired in real time on social media networks, and videos of repressed demonstrations are available online¹.

6 Recommendations

31. Alkarama recommends:

1. The immediate, unconditional release of every person detained for exercising their rights to peaceful assembly, association and expression.
2. The right to a fair trial by an independent and impartial court be guaranteed for all those who are prosecuted for a criminal offense of any nature whatsoever and to ensure the review of death sentences issued following unfair trials.
3. The effective establishment by the Kingdom of all provisions of the Convention against Torture without exceptions.
4. The right to peaceful assembly, association, and expression be guaranteed without exception.
5. The International Covenant on Civil and Political Rights be ratified, and that the definition of the crime of torture as set out in article 1 of the Convention against Torture be integrated into domestic law.

¹ Numerous videos of peaceful protests are up online at the YouTube channel e3tegal <https://www.youtube.com/user/e3tegal/videos?flow=grid&view=0> .