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I.INTRODUCTION

In the aftermath of the 1991 Gulf war and the withdrawal of Iraqi forces from occupied Kuwait, thousands of members of the Iraqi armed forces surrendered to the United States, British and other allied forces. They were transferred to Saudi Arabia and held in a makeshift camp in Artawiyya. Over the next five months, many of these prisoners of war were voluntarily repatriated through the International Committee of the Red Cross (ICRC). A deadline of August 1991 had been set by the ICRC for the repatriation of those willing to return to Iraq. All other Iraqi prisoners of war who refused to do so were subsequently deemed to be civilian refugees. These refugees had been joined by thousands of other Iraqi nationals who had fled towards the Saudi Arabian and Kuwaiti borders in late March 1991 to escape gross human rights violations being committed by Iraqi government forces following the crushing of a mass uprising earlier that month. They included whole families from the country's Shi'a Muslim southern provinces. Although many of them were civilians, they claimed to have been in the armed forces for fear of being turned away by the allied forces.

By the end of March/early April 1991, two makeshift camps had been established in the northern Saudi Arabian desert for the estimated 32,000 refugees: Artawiyya camp housed only prisoners of war, while Rafha camp also housed civilians and all the women and children. The Saudi Arabian government granted representatives of both the ICRC and the United Nations High Commissioner for Refugees (UNHCR) access to these camps. The ICRC was principally involved in arranging the repatriation of those who opted to return to Iraq as well as visiting refugees in the camps who were under some form of detention. However, on 31 January 1994 the ICRC's office in Riyadh was shut down, apparently following a disagreement with the Saudi Arabian authorities over the status of the refugees. Although neither the ICRC nor the Saudi Arabian authorities have issued any public statements in this regard, Amnesty International AI Index: MDE 23/01/94Amnesty International 10 May 1994

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understands that the ICRC considers the refugees to be civilian internees to whom the provisions of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention) still apply, while the Saudi Arabian government deems them to be only refugees.

The UNHCR maintains responsibility for the resettlement of the refugees to third countries and the monitoring of their treatment in both camps. In December 1992, Artawiyya camp was closed down and its population was consolidated into Rafha camp. According to figures published by UNHCR, the total population of Rafha camp at the end of March 1993 was estimated to be 28,000. By August 1993, 6,288 of the original 32,000 had been resettled in third countries, including Iran, the United States and Scandinavian countries, while 2,188 reportedly had opted to return to Iraq. By April 1994, the number of refugees who remained in Rafha was estimated at about 23,000.

Whilst Amnesty International welcomed the Saudi Arabian government's decision to grant temporary shelter to the thousands of Iraqi refugees in the aftermath of the Gulf war, it has remained deeply concerned about their treatment at the hands of the camp authorities. Over the past three years, the organization has received numerous reports of the arbitrary detention of refugees, their torture and ill-treatment (in some cases resulting in death in custody), possible extrajudicial executions and the forcible return of others to Iraq. Various forms of collective punishment have been systematically used against the refugees, particularly in response to protests about living conditions and treatment by the camp authorities. These have included depriving them of food and water. Following widespread condemnation by a number of international non-governmental organizations of the living conditions of the refugees and their forcible return and other abuses, the Saudi Arabian authorities made a number of improvements in Rafha camp and provided additional facilities for its population, making much propaganda use of the large amounts of money spent on the camp. The introduction to a brochure published by the government in 1993, entitled "Welcome Guests in Saudi Arabia: The Story of Iraqi Refugees" reads as follows:

"The battle of the liberation of Kuwait has led to the departure of tens of thousands of Iraqi people to neighbouring countries. These include Saudi Arabia which due to bonds of brotherhood and neighbourliness received without undue delay 32,000 Iraqi refugees and provided them promptly with relief supplies to alleviate their plight.....As they entered Saudi territory they received from the authorities every care and were given shelter, sustenance, and all humanitarian services needed for their comfort; and with great urgency the Kingdom established two camps to shelter these refugees who had escaped from the oppression of the Baghdad regime".

This report by Amnesty International provides evidence to show that far from being "welcome guests", these Iraqi refugees have been most unwelcome and have been subjected to treatment

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unacceptable by any international standards for the treatment of refugees.

The government of Saudi Arabia has failed to cooperate with repeated efforts by Amnesty International to send a delegation to the Kingdom to discuss its concerns with the relevant authorities. It has similarly failed to respond to the organization's request for details of the official investigation into the killings of at least nine refugees following the riots at Rafha camp in March 1993, including details of those killed and the circumstances of their death. Amnesty International has already placed some of its concerns regarding the treatment of Iraqi refugees in Saudi Arabia on the public record. Furthermore, it has submitted details of the cases highlighted in this document to the United Nations Special Rapporteur on torture, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions and the United Nations Working Group on arbitrary detention.

II.BACKGROUND AND GENERAL CAMP CONDITIONS

Both Artawiyya and Rafha camps were built in the northern Saudi Arabian desert where temperatures reach 50° Centigrade (122° Fahrenheit) in the summer and can drop to freezing point in winter. Refugees in both camps were initially housed in groups in makeshift canvas tents, and provided with food, water and other essential supplies by the Saudi Arabian government. The Saudi Arabian army maintained military and administrative authority in the camps with up to six army battalions, alternating every three to four months, guarding each camp. In both camps the refugees' freedom of movement was very restricted with barbed wire fences, watch towers and armed soldiers preventing them from leaving the camps, except under strict supervision.

A. Artawiyya Camp

Artawiyya camp, located some 250 kilometres north of the capital, Riyadh, was initially built as a detention centre for Iraqi prisoners of war captured during the Gulf war in 1991. Before its closure in December 1992, Artawiyya camp housed up to 12,000 male refugees, the vast majority of whom were former soldiers and officers in the Iraqi armed forces. The camp was composed of three compounds, two for the refugees and the third for military barracks. The two compounds designated for the refugees were made up of three sections and 23 blocks. Each block contained between 60 and 80 tents and was surrounded by two parallel fences topped with barbed wire (see plan of the camp on page 5). According to the U.S. Committee for Refugees, "in [Artawiyya], the conditions could best be described as prison-like, with the refugees living in locked cages and being subjected to beatings and other forms of abuse."¹ The military barracks also included what was referred to as "the Emergency Unit" (*wihdat al-tawari*), where individuals were held after arrest. The unit was made up of a number of tents, one of which was apparently used to interrogate and torture the detainees.

¹World Refugee Survey 1993, page 109
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Plan of Artawiyya Camp

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Plan of a single block which could contain between 60-80 of the above tents

B.Rafha Camp

Rafha camp is located some 10 kilometres from the town of Rafha and about five kilometres from the Iraqi-Saudi Arabian border. The refugees there, who originally numbered some 20,000, are housed in different compounds, segregated according to their place of birth in Iraq. Within two years, most of the tents initially used by the refugees were replaced by small houses built, in whole or in part, of mud brick or other solid materials. Piped water was provided and communal showers and toilets were constructed (see plan of the camp on page 8). The Saudi Arabian government, in conjunction with the International Islamic Relief Organization (IIRO) (Hay'at al-Ighatha al-Islamiyya al-'Alamiyya) - an officially sanctioned body - set up a school, a technical college and mosques inside the camp. The organization, funded mainly by the Saudi Arabian government, also provides social services for the refugees, including religious education, and the running of a post office. A market managed by Iraqi refugees has also been established in the camp selling general and household goods. The refugees received a monetary allowance of 300 Saudi Arabian Riyals (approximately US\$ 60)² per month as well as subsidies for clothing from the Saudi Arabian government. In March 1993 the Saudi Arabian authorities completed the construction of a detention centre located outside the camp's perimeters, where refugees detained for short periods are believed to be held. Prior to the construction of this centre, those detained were held near the military headquarters compound, also situated outside the camp's perimeters.

²As a form of collective punishment, this allowance has been withheld since the March 1993 riots.
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Plan of Rafha Camp

III.AMNESTY INTERNATIONAL'S CONCERNS

A.TORTURE AND ILL-TREATMENT

A pattern of torture and ill-treatment, particularly of former members of the Iraqi armed forces, emerges from the evidence gathered by Amnesty International, including testimonies provided by scores of former inmates of Artawiyya and Rafha camps. Refugees detained in both camps have described various forms of systematic torture and ill-treatment. Their accounts are consistent with information gathered from independent sources and by other non-governmental organizations such as the Lawyers Committee for Human Rights (LCHR). The victims have described systematic beatings all over the body, being forced to stand for prolonged periods of time, the administration of electric shocks and being dowsed with cold water while naked. In addition some have also endured *ta'liq* (hanging by the wrists from the ceiling or a high window), *falaqa* (beatings on the soles of the feet) and deprivation of sleep for prolonged periods. Such methods of torture are known to have been used against political opponents in the Kingdom. In most cases, the refugees are tortured or ill-treated for a wide variety of perceived offenses, including criticizing the camps' authorities, protesting living conditions, being "disobedient" or in order to extract "confessions".

i.Torture in Artawiyya

On at least two different occasions groups of refugees in Artawiyya camp were physically and psychologically abused after they peacefully protested their living conditions. In August 1991 and again in July 1992 groups of refugees went on hunger strikes demanding improvements in their living conditions and their resettlement in a third country. As a form of protest some of the refugees stitched their lips shut while others buried themselves with only their head above the ground. Many of those involved in these protests were later subjected to torture or ill-treatment.

Ya'rub Hassan Suri al-Khaffaji, a 32-year-old refugee from the city of Diwaniyya, was the representative of Block 11, Compound 3 in Artawiyya camp. He participated in the first hunger strike in the camp in August 1991. He was subsequently arrested with four other refugees (Muhammad Khudhayr Mubarak Tu'ma, Hussein Jawad, As'ad 'Ali Hussein and Hatem 'Usuri) on 13 September and taken to "the Emergency Unit" in Compound 1 (also see *Death in Custody* below). He was handcuffed and accused of sedition and inciting the refugees to strike. The soldiers forced him to take off his clothes and to lie on top of the bonnet of a car, the engine of which had been running for a period of time. The soldiers then rolled him across the bonnet. According to his testimony:

"I felt that my skin [was being] stripped off my body. After that they [took] me down and tied me to the side of the car and they began to beat me [with] their clubs and they lashed me. Lieutenant [...] asked his soldiers to bring some sand [which] he put in my mouth by force. Then he forced me to drink [...] urine."

The following morning at approximately 9:00 hours Ya'rub al-Khaffaji was taken to the clinic in the camp where the doctor said that his injuries were too severe to be treated there and referred him to the Hafr al-Baten Military Hospital where he remained for four days. On 18 September he was transferred to Riyadh Military Hospital where he received further medical treatment. He was discharged from hospital on 29 October

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1991. He still bears scars on his body from the torture inflicted and both his kidneys have reportedly been permanently damaged. In January 1992 Ya'rub al-Khaffaji was reportedly given financial compensation following an investigation by the military authorities. However, no independent judicial inquiry into the case was carried out and none of the perpetrators were known to have been brought to justice.

As'ad 'Ali Hussein, a school teacher born in Basra in 1967 (see photograph), was among those who were arrested with Ya'rub al-Khaffaji and taken to "the Emergency Unit" where he was stripped down to his underpants and handcuffed. He was then beaten with cables on his hands for about half an hour until his skin started peeling off. In the testimony he submitted to Amnesty International, he stated:

"I was then hit on the back with an iron bar, and fell to the ground. [...] kicked me on the nose with his boots while four others kicked other parts of my body. They started to put sand in my mouth and nose. I threw up, spitting out blood."

As'ad 'Ali Hussein was then tied to the back of a truck while naked, and dragged along for three to five minutes, resulting in the dislocation of his left arm. He stated that the officer in charge inserted a shoe in his mouth and took a photograph of him and said he wanted it "as a souvenir".

Zahir Rizqi Saber, a former soldier born in 1960 in Babel province, was also punished as a result of his involvement in the hunger strike of 1991. He recalls that during the first week of August 1991:

"I was arrested by Saudi Arabian soldiers and taken to a location outside the compound where I was stripped down to my underpants and tied to a wire fence for between one to two hours. While tied thus I was beaten by a group of three to four soldiers. The soldiers then cut my hair, mixed it with sand and water and forced me to eat it."

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Bassam Yusuf Ibrahim al-Shamiri (see photograph), born in 1970 in Hilla, Babel province, had also been a soldier in the Iraqi army. He joined the second hunger strike in July 1992 in Artawiyya. Approximately one week after he began the strike, he fell ill and was taken to the Compound's clinic where an intravenous drip was inserted into his arm. According to his testimony to Amnesty International in November 1993:

"While I was still recovering at the clinic an officer came to my room and accused me of seditious acts. He then hit me repeatedly on the back of the head with his club. I still suffer from severe headaches as a result."

'Ali Muhsin Abu-Zahra, a 30-year-old former drama teacher at the Institute of Fine Arts in Basra was tortured for a different reason. Although he had not been a soldier he had claimed that he was for fear of being repatriated to Iraq. In March 1992 he was arrested from his living quarters in Block 6, Compound 3, on charges of writing and producing a play criticizing the Saudi Arabian administration of the camp. He was taken to the "Emergency Unit" where he was interrogated by an army officer with the rank of captain. According to his testimony:

"They made me take off my clothes and then threatened me with rape. They also used other forms of ill-treatment and torture, including *falaqa*, beatings all over the body, and being jolted by an electrified rod. They would do things to us and make us perform acts with the purpose of humiliating us, including kissing the officers' boots and being urinated upon. I eventually signed a statement 'confessing' that I had been a trouble-maker and agreeing that in the event that I committed another offence, I could be sent back to Iraq. I was released in April 1992 after having spent one month in incommunicado detention."

In September 1992 Dhia' Shabeeb, a 21-year-old former soldier from Baghdad, was arrested in Artawiyya camp. The reasons for his arrest are not clear, although, he is said to have disobeyed an order issued by the camp authorities. He was taken outdoors and tied to a pole which had a bright lamp fixed at the top, attracting a large number of mosquitoes and other desert insects at night. Dhia' Shabeeb had no protection against the elements. When he was returned to his block the next day his body was bruised and severely swollen.

ii. Torture in Rafha

Torture, beatings and other forms of cruel, inhuman and degrading treatment have also been reported in Rafha camp.

Jamil Muhammad³, a 21-year-old student from al-Samawa, testified that in the summer of 1992 he was accused of smuggling letters between Rafha and Artawiyya camps. He recounts:

"I was taken by a Saudi Arabian officer whose name was [...]. He beat me with an electric rod. I was then forced to get down on my hands and knees and made to imitate different animals. It was a way of humiliating me. I was also made to sleep outdoors without any protection."

Other former residents of Rafha and Artawiyya have said that they were sometimes forced to creep on their bare stomachs on the hot sand or kneel in the sand for prolonged periods.

Torture or ill-treatment by Saudi Arabian soldiers and officers appears to have been systematically used against detainees arrested after riots in March 1993 in which at least nine Iraqis and four Saudi Arabian nationals died (see Section III B, below for details of this incident). In the days following the incident over 400 refugees were arrested and a 24-hour curfew was imposed. Residence quarters were searched and personal belongings and money were apparently confiscated by soldiers. Other items, such as tent pegs and knives were taken as evidence of the possession of weapons and used as a pretext for arrest. The majority of those detained were released within

³ This is a pseudonym, used at the individual's request, to avoid exposing his identity or placing his family at risk.
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two weeks but some 31 refugees continue to be held without trial in 'Ar'ar prison (see section III D below).

All those interviewed by Amnesty International described some form of torture or ill-treatment at the hands of Saudi Arabian military personnel during the house searches which followed the riots. The camp authorities used hooded informers from among the refugees to identify individuals alleged to have participated in the riots. There is evidence to suggest that some of these informers were coerced to act as such, and some were punished for refusing to do so. One such case was that of 'Ali L'aibi Abu Khanjar, son of a prominent tribal leader from southern Iraq. According to eyewitness accounts, when he had refused to point out any of the detainees who had been brought before him, Saudi Arabian officers began to beat him with cables. At this point, he is said to have removed his hood, identified himself by name and to have said "I will not betray my Iraqi brethren". He was subsequently taken to an unknown destination and his fate and whereabouts have since remained unknown.

'Abdul-Zahra Na'eem Mansur al-Lami (see photograph), a 23-year old barber from Basra, was among the detainees who witnessed this incident. He had been arrested three days previously with scores of others from Block 1. He told Amnesty International:

"We were taken outside while the soldiers destroyed or confiscated our belongings. They immediately started beating us with sticks and cables and forced us onto a bus, where those of us who had long hair had it forcibly cut off. We were then put in a room where we were made to sit in line on the ground. We were forbidden to speak, move or look up for over eight hours."

Another victim was 'Ali⁴, a refugee from Basra who was stripped of his clothing and held down by several soldiers while another inserted a club into his rectum. The eight refugees who lived with 'Ali in the same house shaved off their moustaches as a form of protest and expression of shame at the sexual assault. 'Ali reportedly tried to commit suicide on more than one occasion after the incident and has since opted to return to Iraq. Amnesty International has no further information on his fate or current whereabouts.

Also in the days following the incidents on 9 March 1993, four or five soldiers entered Cell C, Compound 3 and tried to arrest Jasib⁵, a 24-year-old former soldier from Basra. Jasib was ill at the time and tried to resist arrest. He was beaten repeatedly and violently and fell onto the ground. The soldiers continued to kick him, and eventually arrested him and held him for about one week, without charge.

⁴Full name withheld by Amnesty International.

⁵Full name withheld at his friends' request.

Those arrested were taken to a newly-built detention centre, as well as to the older detention centre close to the military headquarters, both of which are located outside the perimeters of the camp. During their interrogation, detainees were asked to give information about refugees who had been involved in the protest. Mustafa Salem⁶, a 26-year-old refugee arrested after the riots, was held by four camp guards while a fifth beat him and kicked him all over his body. He was simultaneously asked about individuals in the camp involved in the protest. Another detainee arrested in March 1993 and who has since been released and resettled as a refugee in the United Kingdom, told Amnesty International that the cook at the detention centre would taunt them by saying "if you speak you have food, if you don't speak you don't have food".

On 18 March 1993, a 20-year-old refugee from Basra whose name Amnesty International is withholding, was arrested by soldiers after midnight and is believed to have been taken to a compound near the military headquarters. He was allegedly repeatedly raped by the soldiers before being returned to the camp.

⁶ This is a pseudonym, used at the individual's request, to avoid exposing his identity or placing his family at risk.
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iii. Death in Custody

Amnesty International has received reports of numerous cases of deaths in custody apparently as a result of torture. The following are two such cases.

In the aftermath of the first hunger strike in Artawiyya in August 1991 five refugees were arrested and accused of sedition and inciting the refugees to go on strike (see Torture in Artawiyya above). Among them was Muhammad Khudhayr Mubarak Tu'ma, aged 31. He was taken outside "the Emergency Unit", stripped of his clothes and beaten all over his body. According to the testimonies of the other refugees held with him, he protested by saying: "Either freedom or death". As punishment for this, his interrogators sewed his lips together. He was then forced to crawl on his stomach with his hands tied behind his back, and was simultaneously beaten with cables for over two hours. As a result, Muhammad Tu'ma was no longer able to move, and was dragged back into a tent by the guards.

One of the five refugees who was held with him told Amnesty International:

"By nightfall, Muhammad kept screaming every five minutes "I want an ambulance". I lost consciousness, and when I came to Muhammad was no longer making any sound. I checked his pulse. His skin felt very cold. I told the others he had died..... Soon after, about 30 soldiers arrived.... Lieutenant [...] who was in charge of our torture kicked Muhammad to see if he was dead. He then picked up an electric rod and electrocuted Muhammad all over his body seven or eight times. He then lit up a cigarette and extinguished it on his stomach".

Another member of this group, Hussein Jawad, was forcibly repatriated to Iraq and his fate and whereabouts have since remained unknown.

On the night of 18 April 1993, Hussein al-Jizani, approximately 35 years old, was in Compound 5 in Rafha camp. He apparently fell ill and went out to seek medical help. He was seen by an army patrol and stopped for breaching the night curfew which had been imposed on the camp since 9 March 1993. Hussein al-Jizani produced his identity card and explained why he was out. However, he is said to have been repeatedly and violently beaten by the soldiers and to have died as a result that same night.

The beating was witnessed by 15 people in Compound 5. The soldiers returned after the incident and arrested all 15 eye-witnesses. The witnesses were allegedly ill-treated to force them to sign a statement to the effect that Hussein al-Jizani had died of a heart attack. Among those who signed this statement was 'Aref Mahmoud al-'Abudi, who has since been resettled in the United States of America.

According to the information available to Amnesty International, none of the reports of torture or deaths in custody have been investigated by an independent judicial authority. Indeed, according to the available evidence, it appears that the government has turned a blind eye to torture and ill-treatment and has allowed it to take place with impunity.

The UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Declaration against Torture) requires every state to "take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment from being practised within its jurisdiction" (Article 4), including conducting prompt and impartial investigations whenever there is reasonable ground to believe that an act of torture has been committed (Article 9) or when a complaint has been made (Article 8), to exclude torture-induced confessions (Article 15), and to provide compensation and rehabilitation of victims of torture (Article 11) and to bring to justice those responsible (Article 10). Any statement established to have been made as a result of torture may not be invoked as evidence against the person concerned (Article 12)

iv.Flogging

The judicial punishment of flogging is widely used in the camp. It is imposed for a wide range of offences including sexual acts between unmarried heterosexual couples and the consumption of alcohol. Refugees in Rafha camp who are charged with offences punishable by flogging are tried by a *Shari'a* court judge, who visits the camp on a regular basis. Individuals are brought before the judge in the absence of any defence counsel and, more often than not, are convicted solely on the basis of a "confession" signed under duress.

Flogging is administered with a long cane or whip and usually takes place in public after noon prayers on Fridays. Amnesty International has received reports that the victims are often forced to take off their shirts before being flogged. 'Imad Hashim (see photograph) who was lashed for an unspecified crime, was flogged on his bare back and the marks left by the lashings show the extent of physical damage flogging can cause. According to testimonies submitted to Amnesty International, those accused of a crime punishable by flogging are often beaten during questioning in order to extract "confessions" from them. Many have apparently opted to sign the "confession" immediately rather than risk being beaten and then flogged.

On 23 July 1992, four refugees from Diwaniyya were arrested in Rafha on charges relating to the consumption of alcohol. 'Abbas 'Ali Mahawi, a teacher, was charged and convicted of being in the company of men drinking alcohol. He was sentenced to 73 days' imprisonment and 80 lashes. 'Ali Sabah Ward, married with two children, was charged and convicted of brewing alcohol. He was sentenced to two years' imprisonment and 400 lashes. He was, however, released in an amnesty in May 1993. Muhammad Masayri' Hassan, a musician, was charged and convicted of alcohol consumption. He was sentenced to six months' imprisonment and 300 lashes. Hadi Nasser Hussein was charged and convicted of drinking and selling alcohol and was sentenced to 300 lashes. The four men are said to have been administered the full number of lashes to which they were sentenced and all, except 'Ali Sabah Ward, are believed to have served their full prison terms.

Amnesty International opposes the judicial punishment of flogging as a form of cruel, inhuman or degrading treatment prohibited by a number of international human rights standards including Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights (ICCPR), both of which state that "[n]o one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment". Moreover, the Human Rights Committee, the body of experts which monitors the implementation of the ICCPR, has stated in General Comment 20 that Article 7 of that treaty, which contains an identical prohibition to that in Article 5 of the Universal Declaration of Human Rights, prohibits corporal punishment.

B. POSSIBLE EXTRAJUDICIAL EXECUTIONS

Amnesty International has received reports of numerous cases of possible extrajudicial executions or other unjustifiable killings of Iraqi refugees resulting from excessive use of force at the hands of the Saudi Arabian armed forces.

The UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions obliges states to conduct "a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including [of] cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances." The failure to conduct any thorough, prompt and impartial investigation of these killings is inconsistent with the requirements of these UN Principles.

Killings in Artawiyya

In August 1991 at least two and possibly as many as five refugees were killed in Artawiyya camp. On the morning of 29 August a refugee from Block 7, Compound 3 who reportedly had a history of heart ailment fell ill after playing football. He consulted a doctor in the compound who allegedly did not give him adequate treatment and an altercation between the two men ensued. The doctor apparently reported the incident to the camp's authorities. In the early evening when the refugees in Block 7 continued to call for medical treatment on his behalf, a First Lieutenant and two soldiers entered the block and demanded that the sick man be handed over for arrest. The refugees in the block refused. At approximately 9pm armed soldiers in tanks and jeeps surrounded the compound while refugees chanted slogans and threw empty plastic bottles and other objects at the soldiers over the fences. According to eye witness accounts received by Amnesty International, Saudi Arabian soldiers first used tear gas but later resorted to live ammunition, killing at least two people, but possibly as many as five, and wounding at least ten others.

Among those killed was Abbas 'Alwan Gutfan al-Badari, born in 1965 in al-Qadisiyya Province, and a former soldier in the Iraqi army. He was in his tent when he was hit by two bullets in the chest. His brother Hussein was wounded in the shooting and was hospitalized for approximately 20 days.

'Abdul-Khaleq 'Abbas 'Ali al-Khaffaji was also killed as a result of the shooting. He was reportedly shot in the back on the same night. According to his death certificate, a copy of which was obtained by Amnesty International, he died in the camp clinic on 1 October 1991 from internal bleeding.

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No judicial investigation is known to have been carried out into the incident and resulting deaths. The available information indicates that the use of force was excessive, and that the killings may amount to extrajudicial executions.

Killings in Rafha

At least seven people were reportedly shot and killed and many more injured in March or April 1991 in al-Salman, one of the holding areas where refugees from Iraq were gathered before being transferred to Rafha camp. At the time, the refugees were under the military jurisdiction of the French army and the administrative jurisdiction of the Saudi Arabian army. One morning in late March or early April 1991 as some of the refugees were queuing for water from a water truck, an argument ensued between Saudi Arabian army personnel and the refugees. The refugees were demanding an increase in their water allowance. Saudi Arabian soldiers reportedly fired into the crowd, killing one man and injuring many others. Following this incident the refugees began a peaceful protest and delegated some of them to negotiate with the Saudi Arabian military authorities. The crowd grew and the protestors reportedly began chanting their demands. Saudi Arabian soldiers are then said to have indiscriminately opened fire at the crowd killing at least six people. Among those killed was Muhammad Ne'mah Salman, a student in his mid-20s from the city of Diwaniyya.

Further killings took place in Rafha camp in December 1991. Two months prior to this incident, the Saudi Arabian authorities had forcibly returned refugees from this camp to Iraq (see Section III C below) and, as a result, tensions were running high. In mid-December 1991 the officer in charge of the camp, a Lieutenant Colonel, reportedly circulated the names of approximately 20 men who were to be sent back to Iraq. The refugees organized a peaceful march in the main street of the camp in protest. Among the slogans they chanted was "Freedom before food". At approximately 9pm, Saudi Arabian army tanks entered the camp and allegedly fired indiscriminately into the crowd. An unknown number of people were killed and injured. Among those known to have been killed was 'Adnan al-Sanbali a 20-year-old refugee from the Shi'a holy city of Najaf.

On 9 March 1993 at least nine refugees may have been extrajudicially executed by Saudi Arabian soldiers. According to eye witnesses, in the early afternoon of 9 March, a group of refugees began to gather at the main entrance of the camp to protest against the Saudi Arabian authorities refusal to grant asylum to an Iraqi family fleeing southern Iraq. Some of the Iraqi refugees were delegated by the protesters to negotiate with the camp authorities.

Later the same afternoon one of the officers in charge of the camp went to speak to the protesters who had been chanting slogans about freedom and justice. Arguments ensued with some of the refugees, following which the officer, and possibly some soldiers, are said to have shot in the air and then at the crowd, injuring four people. The crowd dispersed and most ran back into the camp, away from the main entrance. A group of protesters who had fled the main entrance began to congregate at the camp's educational centre. Among them was Jabbar Muhammad Karim al-Etaym, a taxi driver from the city of Diwaniyya. He had an argument with an armed guard at the entrance of the educational centre and was said to have been shot at point blank range in the back of the head by the guard. He died instantly. His body was carried to a nearby mosque and from there a procession set out carrying the corpse. As the procession approached the area where the fatal shooting had taken place, the protest turned violent and some individuals in the crowd broke window panes of the educational centre before setting it on fire with make-shift fire bombs (Molotov cocktails). Saudi Arabian soldiers approached the centre and reportedly shot indiscriminately into the crowd, killing at least three and wounding at least 17, of whom five subsequently died of their injuries. Four Saudi Arabian nationals were trapped inside the educational centre and were killed by the fire.

Amnesty International is gravely concerned that Jabbar al-Etaym may have been extrajudicially executed and that the other killings resulted from excessive use of lethal force. The Saudi Arabian military and police authorities set up an internal investigation

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into the March incidents and in May 1993, the official news agency stated that nine refugees had been killed during the protest when guards opened fire to clear a path to the educational centre which had been set on fire. However, no independent judicial inquiry has been carried out and none of those responsible for the killings is known to have been sanctioned or brought to justice.

C.FORCIBLE RETURN (*REFOULEMENT*)

Hundreds of Iraqi refugees have been forcibly returned from both Artawiyya and Rafha camps to Iraq where they faced grave human rights violations. According to the US Committee for Refugees at least 3,387 Iraqis were repatriated in 1991 without having had an interview with either the UNHCR or the ICRC and "[a]t least 4,000 Iraqis were returned without international monitoring during the early part of 1992"⁷. The UN High Commissioner for Refugees has reportedly expressed deep concern in this regard to the Saudi Arabian government in January 1992. Moreover the LCHR has stated that "as many as 1,000 - if not more - refugees were forced, perhaps coerced, into signing papers 'consenting' to repatriation and then returned to Iraq. Some of those refugees may have been killed and others were arrested or detained."⁸

Amnesty International has documented tens of individual cases of forcible returns. In most of these cases, Amnesty International's findings indicate that the practice of forcible returns was used to punish individuals accused of criminal offences as well as those deemed by the camp authorities to be "trouble-makers". This practice has also been used to suppress all forms of criticism and protest by the refugees, who live in constant fear of being forcibly returned to Iraq. In other cases, however, forcible repatriation was allegedly the result of connivance between some camp authorities and Iraqi intelligence (see Forcible returns from Artawiyya below).

i.Forcible Returns from Artawiyya

In December 1991 the Saudi Arabian authorities arrested between 10 and 15 refugees from Block 8, Compound 2 who were apparently involved in a dispute among themselves. As a form of collective punishment all remaining residents in Block 8, approximately 283 individuals, were rounded up and forcibly sent back to Iraq. Among them were Hayawi Jabbari, 31-years old, and Kadhim 'Ali Hussein al-Mansuri, both former soldiers from Basra. Their fate and current whereabouts remain unknown. Ibrahim Mahdi al-Fannar, a 35-year-old soldier from Diwaniyya, also believed to have

⁷ World Refugee Survey 1992 and 1993

⁸ "Human Rights Lawyers Concerned about the Protection of Iraqi Refugees and Displaced Persons One Year after the Gulf Conflict", LCHR, 9 April 1992.

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been among the group of 283 forcibly returned, was reportedly executed upon his return to Iraq.

Iraqi refugees have consistently alleged the existence of an agreement between Iraqi intelligence (Mukhabarat) and some Saudi Arabian camp authorities whereby the latter would hand over refugees sought by the Iraqi authorities in exchange for smuggled goods (principally alcohol and pornographic video cassettes) and the provision of female prostitutes. Moreover, some refugees have stated that Iraqi officials had visited Rafha and Artawiyya with the knowledge of the camp's authorities. For example, a number of refugees claimed to that they had seen Muhsin Khidhir al-Khaffayi, the Governor of al-Samawa, in Rafha camp on numerous occasions during 1992.

Forcible returns from Artawiyya camp continued until the camp's closure in December 1992. In January 1992 four refugees from Babel province, all former soldiers in the Iraqi army, were reportedly arrested and forcibly returned to Iraq. Amnesty International has no information on the fate and current whereabouts of these men. In April 1992 at least two other refugees from Babel province aged 17 and 20 were also forcibly returned to Iraq. Again on 3 May 1992 scores of refugees were forcibly returned to Iraq. Among them were Muhammad Ashiya', a 28-year-old former soldier from Basra, and Ginaibis Danbus, a 35-year-old former soldier from al-Majar in al-'Amara province. All were arrested and forcibly returned to Iraq without having had the opportunity to be interviewed by representatives of either the UNHCR or the ICRC.

Forcible Returns from Rafha

Scores of individuals have also been forcibly returned from Rafha camp over the past three years. Between October and December 1991, for example, a wave of forcible returns to Iraq is said to have taken place in the camp. 'Ali Saleh⁹ a former Rafha resident said "they [the Saudi Arabian authorities] would force people to sign a statement to the effect that they voluntarily wished to return to Iraq. When people refused to do so, they were severely beaten, and again asked to sign the statement. Refusal to sign the statement meant more beatings, and people took their chances".

In October 1991, 11 refugees from the city of Diwaniyya aged between 19 and 57 years were forcibly returned to Iraq. Among them were seven former soldiers, a student, a businessman and two labourers.

In December 1991 scores of refugees were rounded up and forced to sign a statement to the effect that they were returning to Iraq of their own free will. Those who refused to

⁹This is a pseudonym, used at the individual's request to avoid placing his family at risk.
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do so were allegedly tortured or threatened with torture. They were taken by truck to the Iraqi-Saudi Arabian border and were told to walk across the border into Iraq. As the group approached the border, Iraqi border guards began to shoot at them, wounding at least two. One of them, Hussein al-Sha'lan, was wounded in the leg. The group turned back and returned to Rafha camp. Among them were Sa'ad Taeh Jawad, a 25-year-old student from Baghdad who has since been resettled in Sweden and Imad Qassim Hussein, a 22-year-old mechanic also from Baghdad, who has been resettled in the USA.

According to the LCHR the Saudi Arabian government had privately admitted to the UNHCR in 1991 that some refugees were forcibly returned, although it had maintained that these actions were unauthorized and were a violation of official government policy. The government had reportedly also promised to carry out an investigation into forcible returns and to punish those found responsible. Amnesty International is not aware of the findings of any such investigation.

Despite assurances from the government, and the involvement of international organizations in the repatriation of Iraqi refugees, forcible returns appear to have continued. In most cases, they have been used as a form of punishment.

In a letter received by Amnesty International dated 26 September 1993, and smuggled out of 'Ar'ar Prison, Karim Muhammad¹⁰, one of the detainees arrested in connection with the events of March 1993 (see Section III D below), stated:

" We have been in this prison since the incidents of 9 March, and we were originally 53 individuals. The Saudi [Arabian authorities] use many different methods with us to force us to return to Iraq. Some of us were sent back forcibly and we are now 37. We were visited by a representative of the United Nations who informed us that the Saudi [Arabian authorities] have decided either to send us back to Iraq or to keep us in prison for an indefinite period. A representative of the Red Cross also visited us and completed the procedures for repatriation (signatures and photographs) and informed us that we would travel via Turkey into Iraqi Kurdistan as agreed with Kurdish authorities there. We are unable to believe these developments - How can you help us?" [signed] Karim Muhammad and his group

The internationally-recognized principle of *non-refoulement* obliges states not to return refugees to a country where they would be at risk of serious human rights violations; this principle is set out in Article 33 of the 1951 Convention relating to the Status of Refugees:

¹⁰This is a pseudonym, used in order to avoid placing him at risk.
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"No Contracting State shall expel or return (*refouler*) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race religion, nationality, membership of a particular social group or political opinion."

This principle is recognized by the international community as a norm of customary international law, binding on all states, irrespective of whether they are party to the 1951 Convention itself.

International standards for the protection of refugees and people at risk of human rights violations require that all asylum-seekers be allowed access to a procedure for examining their asylum claim. This is the only way that those who would be at risk if returned to their country of origin can reliably be identified and afforded the protection they need and which governments are obliged, under the internationally-recognized principle of *non-refoulement*, to provide. No asylum-seeker should be returned against their will to the country where they claim to risk human rights violations unless, in such a fair and adequate procedure, it has been determined that they would not be at such risk.

D. Detention without Trial

Over 400 people were arrested in Rafha camp in March 1993, some 31 of whom are still believed to be held without trial. All were arrested in the aftermath of the riots on 9 March 1993 (see Section III A, above).

Among the 31 men said to be held in 'Ar'ar prison is Farzdaq Wahab 'Abdul-Majeed, a bus driver from the city of Kut. He was arrested after being wounded during the protest. Musa Jasim al-Jimali, a soldier from Diwaniyya, aged between 25 and 30 years, is also said to be among those detained in 'Ar'ar Prison in connection with the March riots.

Amnesty International is concerned that some of those currently held may be prisoners of conscience held solely for the peaceful expression of their conscientiously held beliefs. Based on information received from refugees who were released, Amnesty International is concerned that those individuals who remain in detention may have been tortured to force them to "confess" to having committed various offences relating to the March 1993 incident. A "confession" in Saudi Arabia can be used as the sole basis for a conviction. In Amnesty International's view this creates an incentive for interrogating officials to coerce defendants, including by torture or ill-treatment, to make such "confessions". Furthermore, Amnesty International believes that detainees are rendered vulnerable to torture or ill-treatment when they are denied access to a lawyer, an independent doctor or their families, as these detainees have been. This is borne out by the numerous testimonies received by the organization from former detainees.

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Amnesty International is further concerned that the defendants do not have access to legal counsel and may not receive a fair trial.

The organization is also concerned that, if convicted of murder, they may face the death penalty. Under the *Shari'a* (Islamic law), as interpreted in Saudi Arabia, the death penalty is mandatory for *Hadd* offences (offences against divine will), including certain acts of sabotage and treason or conspiracy against the state. Premeditated murder, and in some cases lesser degrees of murder also constitute capital offences under the principle of *Qisas* (retribution)¹¹ Amnesty International opposes the death penalty unconditionally, believing it to be a violation of the right to life as recognized in the Universal Declaration of Human Rights and other international human rights standards.

There is no bar association in Saudi Arabia and defendants are often denied the most basic rights during pre-trial detention, including the right of access to lawyers and independent medical attention, prompt access to a judge, ability to challenge one's detention before a judge and having adequate time and facilities to prepare their defence. Furthermore, defendants are denied the right to be formally represented by a lawyer during their trial. This is in contravention of the right to a fair trial recognized in Articles 10 and 11 of the Universal Declaration of Human Rights and further defined in Articles 9 and 14 of the ICCPR, the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles), the UN Basic Principles on the Role of Lawyers and other international human rights standards concerned with fair trial.

Amnesty International is also opposed to the detention of asylum-seekers unless they have been charged with a recognizably criminal offence, or unless the authorities can demonstrate in each individual case that the detention is necessary, that it is on grounds prescribed by law, and that it is for one of these reasons recognized as legitimate by international standards. International standards such as the UN Body of Principles, adopted by consensus by the United Nations General Assembly in December 1988 states that the detention of asylum-seekers should normally be avoided and should only be resorted to for certain specific reasons, and that all detained persons should be given a hearing before a judicial or similar authority to determine the legitimacy of their detention.

IV. RECOMMENDATIONS

¹¹ The use of the death penalty in Saudi Arabia has steadily increased over the past two years. In 1993 alone 87 people were either beheaded or shot in the Kingdom after being convicted of a capital offence. For further information on the use of the death penalty, see *Saudi Arabia: An upsurge in public executions*, 15 May 1993, AI Index: MDE 23/04/93.

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TORTURE AND ILL-TREATMENT

Amnesty International is concerned over the pattern of torture and other cruel, inhuman and degrading treatment and punishment in the refugee camps in Saudi Arabia and urges the government of Saudi Arabia to:

1.prohibit explicitly by law all forms of torture and other cruel, inhuman or degrading treatment or punishment; and ensure that all such acts are recognized as criminal offences and are punishable by appropriate penalties which take into account the seriousness of such offences;

2.ensure that all prisoners are brought before a judicial authority promptly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them;

3.ensure that "confessions" or other evidence obtained through torture may never be invoked in legal proceedings, except against a person accused of torture as evidence the statement was made;

4.set up an independent and impartial body to investigate all allegations of torture, including rape, and deaths in custody and make the findings public: such investigations should be consistent with international standards such as the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions;

5.ensure that victims of torture and their dependants are accorded financial compensation;

6.ratify and implement the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights with its Optional Protocol which provides for individual complaints to be lodged.

POSSIBLE EXTRAJUDICIAL EXECUTIONS

Amnesty International is concerned over reports of possible extrajudicial executions and the excessive use of lethal force in refugee camps by the Saudi Arabian army and urges the government to:

- 1.ensure that army officers use force only when strictly necessary and only to the minimum extent required under the circumstances. Lethal force should not be used except when strictly unavoidable in order to protect life;
- 2.ensure that those in charge of the army maintain strict chain-of-command control to ensure that officers under their command do not commit extrajudicial executions;
- 3.ensure that all complaints and reports of extrajudicial executions are investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible and has the necessary powers and resources to carry out the investigation. The methods and findings of the investigation should be made public;
- 4.ensure that those responsible for extrajudicial executions are brought to justice. This principle should apply wherever the people happen to be, wherever the crime was committed and no matter how much time has elapsed since the commission of the crime. Trials should be in civilian courts;
- 5.provide fair and adequate redress, including financial compensation, to the dependants of victims of extrajudicial execution.

FORCIBLE RETURN

Amnesty International is further concerned over past forcible return of refugees and reports of more recent cases of forcible return to Iraq where the refugees may face extrajudicial execution, torture and other grave human rights violations. It calls on the government of Saudi Arabia to:

- 1.ensure that in all cases where refugees opt to return to Iraq, international agencies such as the UNHCR and the ICRC are given effective provision to conduct interviews in private with each of the refugees concerned in advance of their intended return, to ensure that their decision to return is truly voluntary, and that they have not been in any way forced or pressured into taking such a decision;
- 2.set up a full inquiry into each alleged incident of forcible return, in order to establish what measures need to be taken in order to ensure that in future Saudi Arabia full

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abides by its obligations under the international principle of non-refoulement.

DETENTION WITHOUT TRIAL

Finally, Amnesty International is concerned that the 31 individuals arrested after the March 1993 incidents and still held in 'Ar'ar Prison, are held without trial and are denied access to legal counsel and family members. Amnesty International urges the government of Saudi Arabia to:

- 1.ensure that detained refugees have prompt access to legal counsel, their families, independent medical attention and representatives of international organizations, such as the UNHCR and ICRC;
- 2.ensure that all political prisoners charged with a criminal offence receive a prompt and fair trial by a competent, independent and impartial tribunal;
- 3.undertake that if convicted of a criminal offence, the defendants would not be sentenced to death.