

£SAUDI ARABIA

@Religious intolerance: The arrest, detention and torture of Christian worshippers and Shi'a Muslims

1. INTRODUCTION

Hundreds of men, women and children have been arrested and detained in Saudi Arabia since the Gulf Crisis in August 1990, most without charge or trial, solely for the peaceful expression of their religious beliefs. Scores have been subjected to torture, flogging or other cruel, inhuman or degrading treatment while in detention.

In Saudi Arabia, where the vast majority of citizens are Sunni Muslims, both public and private non-Muslim religious worship is, in practice, banned. This ban is not limited to non-Muslims, however, as the public expression of Shi'a Muslim beliefs or the performance of their religious rites is strictly monitored and generally prohibited. In recent years a clear pattern of discrimination against religious minorities, particularly resident Christians and Saudi Arabian Shi'a Muslims, has emerged. Religious intolerance in the country appears to have become particularly acute after the Gulf Crisis of 1990-1991, as evidenced by a marked increase in the number of Christian worshippers being arrested and ill-treated solely for the peaceful expression of their religious beliefs.

Members of the Christian faith in Saudi Arabia are, with very few exceptions, expatriate workers resident in the Kingdom for relatively short periods of time. During their stay in the country some form informal private worship groups. All non-Muslim worship, whether public or private, is banned in practice, and Christians meeting to worship are often the target of arrest, detention and torture or ill-treatment at the hands of Saudi Arabia's security and religious authorities.

Saudi Arabia's Shi'a Muslims who constitute an estimated 7 to 10 per cent of the population, have also been subjected to political, economic, social and cultural discrimination solely on the basis of their religious beliefs. Officially sanctioned discrimination against Shi'a Muslims has resulted in the politicization of the expression of their religious beliefs. In other words, the expression of religious beliefs by Shi'a Muslims in Saudi Arabia has in many instances also been an act of political dissent. Consequently, they have been arrested, detained and tortured for advocating freedom of religion and thought and equal rights for members of their community.

Over the years, Amnesty International has repeatedly raised the cases of detained Christian worshippers and Shi'a Muslims with the relevant authorities in Saudi Arabia, urging that no person be arrested solely for the peaceful expression of his or her religious beliefs. While Amnesty

International has not received any response from the government concerning the continuing pattern of detention and ill-treatment of Christian worshippers, on 28 July Saudi Arabia released at least 21 Shi'a Muslim political prisoners some of whom had been held for the peaceful expression of their religious and political beliefs. These releases came less than two months after six Shi'a Muslim political prisoners were released in an amnesty marking the end of the annual pilgrimage to Mecca. Amnesty International welcomes these recent releases and hopes that they will mark an end to the pattern of arbitrary arrest, detention and torture of Shi'a Muslims in Saudi Arabia.

2. HISTORICAL BACKGROUND

The Kingdom of Saudi Arabia has its origins in a politico-religious alliance forged in the mid-eighteenth century, when Muhammad bin Sa'ud, the ruler of an oasis in the eastern Arabian peninsula, embraced the religious doctrine of Muhammad bin 'Abdul-Wahab, a Sunni Muslim religious scholar. Together they launched a campaign to conquer the Arabian Peninsula. Their territorial expansion was temporarily halted during the nineteenth century by forces loyal to the Ottoman Empire. However, by 1902 'Abdul-'Aziz bin 'Abdul-Rahman Al-Sa'ud, a descendent of Muhammad bin Sa'ud, was able to capture Riyadh with the assistance of the *Ikhwan* (the Brothers), an army of warriors inspired by the ideas of Muhammad bin 'Abdul-Wahab. Three decades later most of the Arabian peninsula had fallen under his control.

At the time of the establishment of the Kingdom of Saudi Arabia in September 1932, the politico-religious alliance forged one and a half centuries earlier had persisted and evolved. The new Kingdom adopted Muhammad bin 'Abdul-Wahab's (henceforth, Wahabi) interpretation of the Hanbali school of jurisprudence, one of the four schools of jurisprudence in Sunni Islam¹, as the official creed of the state, and linked political structures in the Kingdom with the religious establishment (see Figure I on page 5).

The Wahabi doctrine is said to interpret literally every passage in the Qur'an. It stresses the purity of the early Islamic community and enjoins believers to emulate the early Muslims. It also calls for doing away with *bid'a* (literally, novelty or innovation)² in Islam after the Second Century of the Islamic (*Hijri*) calendar (Eighth Century AD)³. Thus the public commemoration of the birth of Prophet Muhammad, observed by all non-Wahabi Muslims (Sunni and Shi'a alike) is banned in Saudi Arabia. The central tenet of Wahabism is considered to be the belief in the oneness of God (*tawhid*) and the strong condemnation of polytheism (*shirk*). In this context the definition of polytheism is quite broad, encompassing all non-Muslim worship and many non-Wahabi Muslim

¹ The other three schools of jurisprudence in Sunni Islam are Shafi'i, Hanafi and Maliki.

² *bid'a* has also been translated to mean an addition in religion or an action at variance with the *Sunna* (Tradition).

³ For example, Ibn Hajar al-Asqalani, commonly quoted by Wahabi scholars, considers *bid'a* in Islam to have started after the year 220 Hijri (about 789AD). See his book, *Fateh al-Bari fi Sharh al-Bukhari* (Commentary on al-Bukhari), Riyadh, Ifta' House, 1986, Vol. VII, page 8.

religious beliefs and rites. For example, it is an act of polytheism to introduce the name of an angel or saint into prayer, as are supplicating for divine assistance, sacrificing, showing humility, fearing, hoping or expressing wishes to anyone but God. For the Christian and Shi'a Muslim communities in the Kingdom, this has meant that the practice of their religion is severely curtailed.

3. THE LEGAL SYSTEM

Saudi Arabia does not have a written penal code. The main source of legislation is the *Shari'a* (Islamic law) as defined by the Wahabi interpretation of the Hanbali school of Sunni Islamic jurisprudence. The principal components of the *Shari'a* are: the Qur'an, the holy book of Islam containing divine communications from God to Man; the *Sunna* (Tradition), based on the sayings and deeds of Prophet Muhammad; the *Ijma'* (Consensus) of Senior *'Ulama* (religious scholars) on a given issue; and the *Qiyas*⁴ (Analogy or Comparison) which is the use of precedent in Islamic history to pass judgement on present day events. Thus, while it is maintained that Saudi Arabia's legal system is based on God-made laws, *Ijma'* and *Qiyas* are clearly Man's interpretation of these laws.

The *Shari'a* is not codified in written statutes and the ultimate authority entrusted with its interpretation in Saudi Arabia is the Council of Senior *'Ulama*, the highest religious body in the country. The Council is composed of 18 *'Ulama*, all appointed by the King. The Head of the Council has ministerial rank, but is not a member of the Council of Ministers which effectively acts as the country's legislative and executive body⁵. It issues Decisions (*Qararat*) which, once sanctioned by the King, become Royal Decrees (*Maraseem Malakiyya*), thus acquiring the force of law. In circumstances where it is not possible for the Council of Ministers to issue such Decisions the King promulgates Royal Ordinances (*Awamir Malakiyya*), which are also legally binding.

The *Shari'a* applies to most spheres of law, including personal status and criminal law. Commercial, administrative and work-related disputes are heard before specialized courts. All *Shari'a* courts fall under the jurisdiction of the Ministry of Justice which was established in 1970. In these courts the judge questions and cross-examines both defendant and witnesses before determining guilt or innocence. The judge has the ultimate authority to pass sentence and there are no trials by jury. However, in cases involving capital offences or amputations, the presence of three judges is required. Contrary to Saudi Arabia's own legislation (Article 33 of *Nidham al-Qadha'* (the Judicial System) promulgated by Royal Decree No. M/64 dated 24 July 1975), trials in political cases are held in camera and without defence counsel, most evidently in the cases of 16 Kuwaiti Shi'a pilgrims who were executed in September 1989 on charges of planting bombs in Mecca. They were tried in

⁴ Shi'a Islam does not use *Qiyas* arguing that past events cannot, by themselves, be used to determine current situations.

⁵ On 11 July 1993, King Fahd bin 'Abdul-'Aziz issued four Royal Decrees aimed at reorganizing religious institutions in the country. The changes included the establishment of a Ministry of Islamic Affairs, Religious Endowment, Islamic Propagation and Guidance. A committee was set up to determine the functions and jurisdictions of the new bodies, but this had not been done at the time of the writing of this report (15 July 1993).

camera, denied access to legal counsel and convicted on the basis of "confessions", reportedly extracted under torture (see Saudi Arabia entries in *Amnesty International Report 1990* and *1991*).

Minor offences punishable by a short period of imprisonment or by small fines are tried before Courts of Expedient Affairs (*Mahakim al-Umur al-Musta'jala*), which are found in every town and most large villages or centres. The rulings of the Courts of Expedient Affairs are final unless they can be shown to be contrary to the *Shari'a*. Major offences are first tried in General Courts (*al-Mahakim al-'Ammah* or *al-Mahakim al-Kubra*). The decisions of these courts may be appealed before the Court of Appeal (*Mahkamat al-Tameez*) which is based in the capital, Riyadh. The rulings of the Court of Appeal are final except in cases involving the death penalty or amputation which must be reviewed by the Supreme Judicial Council (*Majlis al-Qadha' al-'Ala*)⁶. For such punishments to be carried out, they must also be ratified by the King. The Supreme Judicial Council has five permanent members appointed by the King and five non-permanent members. The Head of the Council is appointed by Royal Decree and has ministerial rank.

In addition to the court system, there is a Board of Grievances (*Diwan al-Madhalim*), whose functions include receiving and investigating complaints from citizens against government officials. However, former political prisoners and prisoners of conscience have claimed that the Board has failed to investigate complaints against the security forces without the prior consent of these forces. Since its establishment in 1955, the Board of Grievances is directly accountable to the King who appoints its president by Royal Decree.

The judicial punishments embodied in the Hanbali interpretation of the *Shari'a* are formally enforced in Saudi Arabia. Public flogging, amputation and beheading are prescribed by the Saudi Arabian legal system as punishments for a variety of crimes. These rulings are applicable to both Muslims and non-Muslims resident in the Kingdom. For example, Muslims convicted of apostasy, i.e. those deemed to have renounced Islam, may be sentenced to death (see the case of Sadiq 'Abdul-Karim Malallah, page 16). Other methods used to punish religious minorities in Saudi Arabia include the arrest and detention, often without charge or trial, of prisoners of conscience; the torture or flogging of detainees and, in the case of expatriates, deportation (see pages 8 to 12 and 18 to 21).

⁶ For more details, see The Kingdom of Saudi Arabia, The Ministry of Finance and National Economy, *Nidham al-Qadha'* (The Judicial System), Riyadh, 1981, Government Security Press.

In November 1983 a "Statute of Principles of Arrest, Temporary Confinement and Preventive Detention" was issued by the Minister of the Interior and is believed to be still in force. It appears that this statute applies to cases involving political as well as criminal offences. Its provisions, however, are inconsistent with international standards governing pre-trial detention and fair trial (for Amnesty International's comments on the Statute, see Appendix I, Section 8.2). By failing to provide for systematic access to the outside world and for the judicial supervision of the period of detention, it creates conditions which, in Amnesty International's view, facilitate the use of torture.

On 1 March 1992, King Fahd bin 'Abdul-'Aziz issued three Royal Decrees on the Basic System of Government, the establishment of a Consultative Council and the establishment of Regional Authorities. The Decrees have stressed the right to privacy and made it illegal for the security authorities to arrest, spy on, or violate basic human rights of citizens. The new Decrees do not, however, ban discrimination on the basis of religious beliefs. Restrictions on freedom of assembly, speech and thought remain intact.

4. MAIN SECURITY AUTHORITIES RESPONSIBLE FOR THE ARREST AND TORTURE OF PRISONERS OF CONSCIENCE

Most of the security apparatus with responsibility for internal security and the maintenance of law and order in Saudi Arabia fall under the jurisdiction of the Ministry of the Interior. The primary police agency is the *Shurta* (Public Security Police) which has the authority to investigate offences, arrest suspects and refer cases to the courts. However, the grounds for arrest are generally determined by the arresting officer (see Appendix I, Section 8.1) The arresting authorities must generally obtain permission from the provincial governor before searching a private home, but warrants are not formally required. The March 1992 Royal Decrees do not address this problem sufficiently, and fall short of requiring warrants. Thus arbitrary arrests and detention are a frequent occurrence. Furthermore, there continues to be no formal or automatic procedure for contacting a detainee's family or friends. In some cases, this can mean that detainees are held for weeks before their relatives are informed of their whereabouts, thus creating the conditions for torture and ill-treatment to occur.

Al-Mabahith al'Amma (General Investigations) is the agency which in recent years has been associated with the arrest and detention of political opponents in the Kingdom, particularly Shi'a Muslims. Its members are responsible for monitoring internal political opposition and unrest, and the administration of prisons throughout the country (see Figure II on page 19). They regularly hold detainees incommunicado during the initial phase of an investigation which may be of several months' duration. In addition, officers of *al-Mabahith al'Amma* have frequently been involved in the systematic torture and ill-treatment of political prisoners.

The religious police, known locally as the *mutawa'een*, are the enforcing arm of *Hay'at al-Amr bil Ma'ruf wa Nahi 'an al-Munkar*, the Committee for the Propagation of Virtue and Prevention of Vice (CPVPV). The CPVPV is said to have been formed in 1927 after King 'Abdul-'Aziz al-Saud captured the holy city of Mecca. Following the establishment of the Kingdom of Saudi Arabia in 1932, the CPVPV came under the jurisdiction of the Mufti of Saudi Possessions or Territories (*Mufti al-Diyar*

al-Sa'udiyya). Since the administrative reorganization of the state apparatus during the reign of King Faisal bin 'Abdul-'Aziz (1964-1975), the CPVPV has become directly accountable to the Council of Ministers. Its members are responsible for ensuring strict adherence to established codes of conduct, and in many cases are said to have carried out their duties overzealously. In a statement at a CPVPV conference on 9 November 1992 Prince Salman bin 'Abdul-'Aziz, the Governor of Riyadh and a brother of the King, was reported to have cautioned "those responsible to be patient, wise and lenient...Mistakes are possible, we are all human beings who can be wrong or right and you have a big responsibility to urge good deeds and stop and confront what is forbidden and deal with it wisely."⁷ While members of the CPVPV are required to have a good knowledge of the *Shari'a*, they apparently do not receive formal training as law enforcement officials. In theory, they do not have the legal authority to detain anyone beyond 24 hours, after which time they must hand him over to the public security police for questioning. In practice, however, members of the CPVPV are known to have detained suspects and to have subjected them to torture or ill-treatment during interrogation. One such case was that of Sa'id Farash, a Saudi Arabian national, who was arrested by members of the CPVPV in Mecca in November 1990. He died ten hours later, reportedly as a result of a fractured skull (see Saudi Arabia entry in *Amnesty International Report 1992*). According to information available to Amnesty International, it is members of the CPVPV who monitor non-Muslim worship in the Kingdom.

5. ARREST AND TORTURE OF NON-MUSLIM WORSHIPPERS

5.1 A BACKGROUND OF INTOLERANCE

The vast majority of non-Muslims in Saudi Arabia are Christian expatriate workers. This community began to grow rapidly after the economic boom which came about as a result of the rise in the price of oil in the mid-1970s. This boom required the participation of a labour force that was larger and with more diverse skills than could be provided locally. Saudi Arabia thus began to import a large expatriate labour force, a significant number of whom were Christian. While there are other non-Muslim expatriate workers in Saudi Arabia, including Hindus and Buddhists, it is the relatively large community of Christians which has attempted to organize clandestine fellowships and groups for worship, and as such, has been targeted by the authorities.

The Christian community in the Kingdom is multi-national, including nationals of the Philippines, Sri Lanka, South Korea, India, the United States of America and several European countries. For most of these expatriates, residence in Saudi Arabia is temporary and virtually none settle there permanently. Nationals of developing countries tend to be employed in semi-skilled or unskilled jobs while Europeans and North Americans generally work in skilled or technical jobs. In recent years, however, there appears to have been an increase in the number of jobs available only to

⁷ Reuters, 11 November 1992, Dubai.

Muslim applicants⁸. At the same time, non-Muslim workers are apparently being encouraged to convert to Islam⁹.

There are no public places of worship for non-Muslims in Saudi Arabia, and foreign nationals must practice their religion in private. The Christian community has tended to form private Bible study and prayer groups based on country or region of origin, although there are some racially-mixed groups. The size of these groups ranges from a handful of individuals to several hundred people. Most of these groups are to be found in the major cities, including Riyadh, Jeddah, Jubail and al-Dammam. Since the building of churches in Saudi Arabia is illegal, the groups often meet in private homes or in rooms adjoining private homes which are constructed for the purpose of worship. Others, however, meet in the embassy compounds of their country of origin.

The Christians who participate in these groups or fellowships claim that they must always be on their guard and must be secretive about holding meetings. The possession of non-Islamic religious material, such as rosary beads, crosses, pictures of Jesus Christ and the Bible, have in numerous instances led to arrest. Furthermore, the publication and distribution of literature favourable to religious beliefs which are deemed incompatible with the Wahabi interpretation of Islam, are strictly forbidden.

Since the Gulf Crisis in 1990 the enforcement of these regulations and the ban on the celebration of non-Muslim holidays and observance of rituals have been more strictly enforced. During the Christmas celebrations of 1992, for example, there were reports of the Ministry of the Interior issuing warnings to the Christian community not to celebrate the religious holiday either in public or in private and offering monetary rewards in exchange for information on individuals planning such celebrations.

5.2 CASES OF ARREST AND TORTURE OF CHRISTIAN WORSHIPPERS

The arrest, detention and ill-treatment of Christian worshippers in Saudi Arabia is not a new phenomenon. For example, in February 1987 at least 37 Ethiopian/Eritrean nationals, including eight children, belonging to the Meseret Christos [Mennonite]¹⁰ Church and one Indian Pentecostal¹¹

⁸ For example, in an advertisement for various skilled and unskilled posts in the Egyptian daily *al-Ahram* on 10 October 1992, the Saudi Arabian company Saptco stated that applicants must be Muslims.

⁹ For instance, an advertisement in the official Saudi Arabian daily *Al-Jazeera* on 11 June 1992, calls on those who have non-Muslim employees and who would like to convert them to Islam to contact the *Islamic Call Committee*, which is part of the *International Appeal for Muslim Youth*, an officially sanctioned body.

¹⁰ The Mennonites are the descendants of the Anabaptists of the 16th Century. They follow the teachings of Menno Simons, a Dutch priest who severed his connections with the Roman Catholic church in 1536. Mennonite communities reject church organization and every congregation is independent. Generally the groups are evangelical and conservative in theology.

preacher were arrested while holding a prayer meeting at a private house in Jeddah. Some of the arresting officers were reportedly members of the local *shurta*, while others were believed to have been members of the CPVPV. The officers searched the house and confiscated Bibles, Christian literature and video cassettes. All 38 individuals were reportedly transferred to *al-Mabahith al'Amma* Prison in Jeddah, where the men were separated from the women and children. Abraham Mathew, the Indian national who was preaching to the group, as well as Heriti Mesigina and Yohannes Gebre-Wold, were deemed to be leaders of the fellowship and were allegedly held in solitary cells, beaten and otherwise ill-treated. According to the testimony of one of the detainees: "Every day and night for four weeks in this prison, we were taken out separately, in handcuffs, two and three times daily, for interrogation. There were many different interrogators. All the questions were about our religion, our family background and religious upbringing. [The interrogators] would punch us and become angry when we told them that we believed Christ was the son of God and our personal saviour". By the end of March the 38 individuals were transferred to Ruweis Prison and informed of their imminent deportation. Two weeks later, those among the group who held valid passports were deported. However, six individuals who did not have travel documents, including two women and a two-year-old girl, continued to be held at Ruweis Prison. According to information received by Amnesty International, they had previously fled Ethiopia to Sudan and had then entered Saudi Arabia illegally by boat. They were eventually released in November 1987 and deported to Sudan.

◆ In November 1989, a prayer meeting of the "Christ Liveth In Me Fellowship", a Pentecostal group and one of the larger fellowships in Riyadh with an estimated 300 members, was broken up by the *shurta* and members of the CPVPV. The pastor of the group, Renee Murphy, was arrested and subsequently deported. Three months later, the acting pastor, Morgan Gonzales, was arrested, questioned and allegedly forced to resign his post at the Ministry of Telecommunications. He subsequently left the country.

◆ In January 1990, a house in the Sulaimaniyya district of Riyadh, where members of the "Living Water Fellowship" had gathered, was raided by the *shurta* and Louie Salonga, a dental surgeon and reportedly the pastor of the group, was arrested. Louie Salonga was held at a local police station in Riyadh where he was interrogated and reportedly flogged. He was later deported.

◆ In February 1990, another private house where members of the "Upper Room Fellowship" in al-Dammam met, was raided by the *shurta* and CPVPV members. At least 10 Filipino nationals were arrested, interrogated and subsequently deported to the Philippines.

After the outbreak of the Gulf Crisis in August 1990, a general crackdown on Christian fellowships and groups appears to have taken place, as evidenced by the significant rise in the number of Christian worshippers arrested since then. Furthermore, while Christians of all nationalities are potentially at risk of arrest for practising their religion in the Kingdom, Christians from developing

¹¹ The Pentecostal movement is an international movement which began in the early years of the 20th Century as an offshoot of the Protestant church. Pentecostal Christians teach the inspiration of the Bible, salvation by conversion and revival, instantaneous sanctification, divine healing and claim to be a restoration of original Christianity. The Pentecostal ethos prescribes abstinence from indulgence in worldly pleasures. Worship is informal.

countries, especially those from south and east Asia, appear to be at greater risk of arrest and ill-treatment than North American and European Christians. Of the 329 Christian worshippers known to have been arrested in Saudi Arabia since August 1990, 324 are nationals of Asian countries, one is an Egyptian citizen, two are United Kingdom citizens and two are United States of America citizens.

◆ On 23 September 1990, a prayer meeting of the "Riyadh International Charismatic Fellowship", a Pentecostal assembly, which was being held on the roof of a private villa near the al-Kharj Road in Riyadh, was raided by *shurta* officers. Three of the worshippers, Francis Mariano, Rolando Villegas and Tor Marianas, all Filipino nationals, were arrested and taken to a local police station, questioned and released shortly thereafter. On 8 December, however, the three men were rearrested and charged with building a house without proper authorization. It is not known whether or not the three men denied the charges against them. Rolando Villegas was reportedly sentenced to two months' imprisonment, while Francis Mariano and Tor Marinas were each sentenced to one month's imprisonment. They were first held in the 'Asasir police station in Riyadh before being transferred to Malaz Prison where they served their sentences. The three men were also reportedly flogged.

◆ On 25 December 1990, three other Filipino nationals from the "Riyadh International Charismatic Fellowship", Artemio Desugo, Manny Vivencio and Paulino Bruvibvilla, were arrested at the same villa off the al-Kharj Road in Riyadh. The three men were reportedly interrogated and beaten before their release in early 1991.

◆ On 16 January 1991, the "Riyadh International Charismatic Fellowship" was raided again while meeting at a private villa in Mursallat, Riyadh by two *shurta* officers and five members of the CPVPV. The officers arrested five Filipino men and confiscated Christian literature, artifacts and audio cassettes. Joven Diamonde, Roger Palmer, Ronald Gawad, Fred Malio and Henry Cacanindin were charged with illegally building a church structure. They were reportedly tried and sentenced to one year's imprisonment and 150 lashes each, but were later released under an amnesty in April 1991. At the time of their arrest the pastor of the group, Oswaldo Magdangal, a 42-year-old Filipino national and an employee of the Ministry of Defence and Aviation, was not present at the villa. On hearing of the arrests he is said to have gone into hiding. One and a half years later, on 14 October 1992, he was reportedly arrested at his home in Riyadh by members of the CPVPV without a search warrant and without any *shurta* officers being present. The CPVPV confiscated Christian literature from his home, and allegedly a photocopy of a letter which predicted the eventual demise of Islam. Oswaldo Magdangal was reportedly beaten and ill-treated shortly after his arrest. In an interview he gave to New Network International (NNI) following his release, he said that he was physically abused "almost continually" for three-and-a-half hours on 15 October 1992. He is said to have appeared before a General Court and an Appeal Court in Riyadh later that month. Among the charges brought against him was construction without proper authorization. He denied this charge, but admitted possessing Christian literature and worshipping privately at his home. In mid-December 1992 reports carried by international news agencies claimed that Oswaldo Magdangal and Renato Posedio, another Filipino national, were due to be beheaded on 25 December on charges of blasphemy. However, the two men were released on 23 December and deported to the Philippines.

◆ On 2 August 1991, between 70 and 80 Filipino nationals were arrested at a private house in Riyadh by *shurta* officers and members of the CPVPV. Members of the group, known as the "Mustard Seed Fellowship", were holding a prayer meeting at the time of their arrest. Most were released after questioning, but four of them were detained in Malaz Prison for over one month. Cefar Floref, Ely de Leon, Nick Bukaskas and a man known only as "Wilmur" were accused of being leaders of this group. The first three were released and deported in September, but the fate and whereabouts of "Wilmur" remain unknown.

◆ On 4 October 1991, armed *shurta* officers and CPVPV members raided the place of worship of the Korean church in Wadi Hanifa on the outskirts of Riyadh, and arrested up to 180 Korean nationals. Bibles, Christian literature and audio cassettes as well as office machinery were reportedly confiscated from the building. Many of those arrested were released the same day, but 67 of them, including approximately 53 women and children, were held for up to four days and then released without charge. The pastor of the group, Mr Kang il Yong, and his family were reportedly deported.

◆ On 10 and 12 February 1992, Sebastian Samuel and Abraham Samuel, two Filipino leaders of a Christian fellowship were arrested in Dhahran. The two men had allegedly been leading a Christian fellowship composed of approximately 30 members. The fellowship was said to have been formed in 1989 or 1990 and had been meeting regularly in members' homes to worship. Sebastian and Abraham Samuel were reportedly beaten and tortured during interrogation. Their present whereabouts are unknown and it is unclear whether or not they have been released.

◆ On 28 August 1992, at least 14 Christian worshippers, including United States of America and British nationals, were arrested at a private house in al-Khobar in the Eastern Province by local *shurta* and members of the CPVPV. The detainees were reportedly held for one day at a local police station before being released and deported.

◆ In early September 1992, 29 people, including seven children, were arrested at a meeting in central Riyadh by *shurta* officers and members of the CPVPV. Most of those at the meeting were Indian nationals from Kerala who were attending a sermon by a man known only as Mr Ranjan. All 29 individuals were held in custody for a short period before being released and deported. Mr Ranjan was allegedly ill-treated during interrogation.

◆ On 1 October 1992, Mikhail Cornelius Mikhail (see photograph), a 36-year-old Egyptian member of the Coptic Orthodox Church, was arrested from his place of work at a furniture carpentry shop in Suedi, Riyadh by one *shurta* officer and three members of the CPVPV. He was detained in Suedi and Shubra police stations until his trial on charges of blasphemy. Mikhail Mikhail was reportedly charged with disparaging the Qur'an and the Prophet Muhammad. During the hearings in Riyadh's Court of Expedient Affairs, a witness allegedly testified to hearing Mikhail Mikhail make derogatory remarks about Islam. Mikhail Mikhail denied these charges, and was reportedly told by the judge that he would be released if he converted to Islam. Mikhail Mikhail is believed to have refused and reaffirmed his Christian faith. On 26 October a General Court in Riyadh sentenced him to seven years' imprisonment and 1,000 lashes. He was initially taken to Malaz Prison in Riyadh before being transferred to al-Ha'ir Prison. On 31 January 1993, after four months' detention, he was

released and deported to Egypt. He did, however, receive 500 of the 1,000 lashes to which he was sentenced over a 10-week period.

◆ On 9 October 1992, members of the CPVPV and *shurta* officers raided a compound off the Jeddah road in the suburbs of Riyadh and arrested 18 Christian worshippers. All Christian literature and artifacts were confiscated. Among those arrested were Sun Keon Park, a technician employed by the Ministry of Telecommunications, and C.K. Chung, both South Korean nationals, and Daniel Bidella, an Indian national from Hyderabad. The detainees were first taken to Suedi police station in Riyadh before being transferred around 4 November to Malaz Prison. All 18 individuals were reportedly released in early December and deported shortly thereafter.

◆ In early November 1992, the "Christ the Good Shepherd" fellowship meeting place, located on al-Kharj Road in Riyadh, was raided by members of the CPVPV. At least two Filipino nationals, Florance Madriago and Roque Atilon, were arrested. They were reportedly charged with organizing a church group and sentenced to two years' imprisonment each later that month. They are believed to be currently held in al-Ha'ir Prison near Riyadh.

Mikhail Cornelius Mikhail

(c)NNI

6. ARREST AND TORTURE OF SHI'A MUSLIMS

6.1 A BACKGROUND OF DISCRIMINATION

The institutionalized split of Islam into its two principal Sunni and Shi'a components did not occur until after the death of 'Ali bin Abu-Taleb (the Prophet's cousin and son-in-law) in 661 AD. The central Shi'a Muslim belief which distinguishes it from that of Sunni Islam is that the leadership (*al-Imama*) of the Islamic community (*al-Umma*) is the rightful due of the descendants of the Prophet who are viewed with adulation and veneration.

In contemporary Shi'a Islam¹², believers are called upon to choose one of the senior religious scholars (*Ayatollahs*) who will serve as their guide and point of reference (*marja'*). The pronouncements of the *marja'*, which may relate to issues ranging from the conduct of believers in their daily lives to complex religious and political questions, become binding on his followers. The vast majority of Shi'a Muslims in Saudi Arabia follow one of three *marja's*: the late Grand Ayatollah Abul-Qassem al-Kho'i, who resided in the Shi'a holy city of al-Najaf in Iraq and had called for the separation of religion from politics; Ayatollah Sayyid Muhammad al-Shirazi, an Iraqi national living in exile in Qom in Iran; and the late Ayatollah Khomeini, the spiritual leader of the Iranian revolution.

Shi'a Muslims in Saudi Arabia are generally prevented from constructing *Husseiniyyas*¹³ and publishing or disseminating Shi'a religious books. Furthermore, *fatwas* (religious edicts) that are derogatory to the Shi'a faith have on several occasions been issued by members of the Council of Senior 'Ulama. Textbooks used in public schools also denigrate Shi'a Muslims as *al-Rafidha* (Rejectionists [of the Faith]). In recent years, several cases of attempts at forcibly converting Shi'a Muslims to Wahabi Islam have been reported to Amnesty International. Furthermore, all Shi'a religious and political activities are strictly monitored and generally banned. Shi'a Muslims critical of the government's policy towards their community are regularly arrested, detained and ill-treated.

The Shi'a Muslim minority in Saudi Arabia, like the non-Muslim community, is banned from publicly performing religious rituals particular to its faith. For example, the traditional procession of 'Ashura, (the commemoration of the battle of Karbala in 680 AD where Imam Hussein, the Prophet's grandson, was martyred) has until recently been strictly prohibited. In November 1979, when Shi'a religious leaders in al-Qatif insisted on staging the 'Ashura procession, security authorities tried to suppress it by firing at the crowds, killing at least 17 people. There are unconfirmed reports that since 1990, the procession has been allowed to take place provided that no banners were carried and no self-flagellation was practised, as is customary on the occasion.

¹² There are three main branches of Shi'a Islam; *Zaidiyya*, *Isma'iliyya* and *Ja'ffariyya* (also called *Ithha 'Ashariyya*). The vast majority of Shi'a Muslims today adhere to the *Ja'ffariyya* branch.

¹³ A *Husseiniyya* was originally a place where Shi'a Muslims met and lamented the martyrdom of Imam Hussein, the prophet's grandson and one of Shi'a Islam's most venerated figures. In modern times, a *Husseiniyya* also serves social, cultural and sometimes political functions.

Scores of *Husseiniyyas* have been destroyed, shut down or their construction halted. Saudi Arabian authorities officially require a building permit for the construction of *Husseiniyyas*; however, Shi'a leaders claim that such permits are impossible to acquire. As a result, Shi'a Muslims in the Kingdom have resorted to constructing homes and converting them into *Husseiniyyas*. Even in such cases, however, security authorities may close them down or destroy them. During the week of 18 January 1993, for example, *shurta* and *al-Mabahith al-'Amma* officers raided the home of 'Abdullah al-Marhoun in al-Qatif, alleging that he was using it as a *Husseiniyya*. 'Abdullah al-Marhoun was evicted and the doors of his house were sealed with red wax. The building contractor who was responsible for the construction of the house, Hussein Saleh 'Abdul-Jabbar, was arrested and briefly detained for questioning.

Saudi Arabian authorities also interfere with the manner in which Shi'a Muslims worship. In a letter to all Shi'a *mu'adhins* (callers to prayer) dated 24 February 1984 the President of the CPVPV in al-Qatif warned of "punishment with no leniency" to *mu'adhins* using the Shi'a call to prayer¹⁴ which according to him was "contrary to pure Islam". In February 1993 Sayyid Munir al-Khabbaz, a well-known Shi'a Muslim religious scholar from the Eastern Province, was interrogated by members of *al-Mabahith al-'Amma* and ordered to limit the number of sermons which he had been giving regularly at mosques in the Province. The use of the *turba*¹⁵ during prayers in Saudi Arabia is usually not allowed in public. Individuals seen using the *turba* may be harassed, beaten, and the *turba* confiscated.

Books and other written material relating to non-Wahabi worship, in particular books showing Shi'a Islam in a favourable light, are banned in Saudi Arabia. The Ministry of Information has formal responsibility for censorship of all books, magazines, newspapers and audio and video cassettes. The Press and Publications Code promulgated in 1982 stipulates in Article 7(a) that the publication or distribution of material containing "anything contradicting the origins of Islam and its tolerant *Shari'a*, or harming public morality" is prohibited. In practice, this clause has been interpreted to mean the censorship of all non-Wahabi religious literature. For example, the books of Sheikh Hassan Musa al-Saffar, a prominent Saudi Arabian Shi'a religious scholar, have all been banned although they deal principally with cultural and religious issues. These include his book, *al-Huriyya wal-Ta'adudiyya fil Islam* (Freedom and Pluralism in Islam), which was banned in 1990.

Moreover, several individuals have been arrested, detained and tortured for possession of books and religious material pertaining to Shi'a beliefs. On 11 August 1988 Muhammad Ja'afar Al-Sheikh was reportedly arrested in al-Dammam for printing a Shi'a prayer book at a local printing press. In another case, 'Ali Ahmad al-Shihab was arrested in 1989 while crossing into Saudi Arabia from Bahrain and accused of smuggling 17 copies of two different books, one of them a Shi'a prayer book. The books were all burned before the investigation and trial began. The Court of Expedient

¹⁴ Sunni and Shi'a calls to prayer are identical, except that Shi'a Muslims may add at the end of their call to prayer the phrase "I testify that 'Ali [the Prophet's cousin and son-in-law] is the *Wali* (spokesperson) of God".

¹⁵ The *turba* is usually a round, smooth piece of clay on which Shi'a Muslims place their foreheads during prayer. The stone is traditionally brought from Shi'a holy cities such as al-Najaf, Karbala or Qom and has come to be one of the symbols of Shi'a Muslim religious rites.

Affairs, which heard the case, sentenced 'Ali al-Shihab to eight months' imprisonment and 180 lashes. He is believed to have been administered the lashings and to have been released upon the completion of his sentence.

Zahra' Habib Mansur al-Nasser (see photograph below), a 40-year-old housewife from the village of Awjam in the Eastern Province, died in July 1989 while in custody, reportedly as a result of torture. Zahra' al-Nasser was arrested with her husband, Salih al-Akbari, on 15 July at the Hudaitha check-point on the Saudi Arabian-Jordanian border. They were returning from performing religious rites at the Sayyida Zainab shrine in Syria, a holy Shi'a place of worship. Upon searching them, the police found a photograph of Ayatollah Khomeini and a Shi'a prayer book in Zahra' al-Nasser's possession. She was held at the Hudaitha check-point detention centre with her husband and was reportedly subjected to torture. She died three days later on 18 July and her body, allegedly bearing marks of torture, was handed over to her family. Her husband was subsequently released.

In August 1992 approximately 20 people were arrested by *shurta* officers in the town of al-Qatif in the Eastern Province on suspicion of distributing photographs of the Grand Ayatollah Abul-Qassem al-Kho'i after his death in Iraq. The *shurta* reportedly detained them for one night. Prior to their release, they were reportedly forced to sign a pledge not to further distribute such photographs.

Zahra' Habib Mansur al-Nasser

Textbooks on religion used in public schools in Saudi Arabia contain material which is derogatory to non-Wahabis and in particular to Shi'a Muslims. In a clear reference to Shi'a religious practices, one such textbook, states that "...many people have not abided by [what is] forbidden ... and have thus committed the greatest act of polytheism. They have built mosques and shrines around tombs and have turned them into places they visit and next to which they commit all sorts of polytheistic acts such as sacrificing and supplicating".¹⁶ *Al-Thaqafa al-Islamiyya* (Islamic culture), which is part of the curriculum at King 'Abdul-'Aziz University in Jeddah, is more explicit. In the section entitled "The principal basis of the

¹⁶ The Kingdom of Saudi Arabia, Ministry of Education, *al-Tawhid* (Oneness of God), for Third Level High School, 1992, p.34.

Shi'a Ithna 'Ashariyya", it asserts that "some of them (i.e. the Shi'a) have doubted the validity of the Qur'an and have rejected it".¹⁷ In this context Amnesty International has received numerous reports of school teachers attempting to convert their Shi'a students to Wahabism through intimidation and duress. In one such incident, Muhammad Ahmad al-Rabi'i, a 16 year old secondary school student from al-'Awamiya, was threatened with being failed in his examination after having an argument with his religion teacher. He was then approached by the same teacher who reportedly told him that he would pass his courses if he were to convert to Wahabi Islam. Amnesty International is not aware of any disciplinary actions against such teachers despite numerous complaints by Shi'a Muslim students and their families to the higher educational authorities.

In recent years there have been a number of officially sanctioned *fatwas* issued by Wahabi religious scholars in the Kingdom which have denigrated the Shi'a faith. These *fatwas* are considered by many individual Wahabis to be authoritative and their content has thus caused considerable anxiety within the Shi'a community. On 30 September 1990, in response to a question as to whether it is permissible to eat meat which has been butchered by a Shi'a Muslim, Sheikh 'Abdullah bin 'Abdul-Rahman bin Jabreen, then a member of the Council of Senior 'Ulama, issued the following *fatwa*:

"The slaughtering by a [Shi'a] is unlawful and so is the meat from his slaughter. The Shi'a are mostly polytheists since they always call on 'Ali [the Prophet's cousin and son-in-law] in times of difficulty as well as in times of comfort...This is the greatest act of polytheism and apostasy from Islam for which they deserve to be killed..."

Other *fatwas*, signed by Sheikh 'Abdul-'Aziz bin 'Abdullah bin Baz, the President of the Council of the Senior 'Ulama, have stated that the Shi'a (or *al-Rafidha* as they are commonly referred to in official religious parlance) are polytheists and apostates. *Fatwa* number 2008, for example, says that as the Shi'a are polytheists, it is not permissible to allow them to marry Sunni women. *Fatwa* number 1661 contains a similar provision.

¹⁷ *Al-Thaqafa al-Islamiyya* (Islamic culture), Fourth Level (401), Jeddah, Hafiz publishing and distribution house, 1992, p.56.

On 3 September 1992 Sadiq 'Abdul-Karim Malallah (see photograph p 17) was publicly beheaded in al-Qatif after being convicted of apostasy and blasphemy. Sadiq Malallah, a Shi'a Muslim, was arrested in April 1988 and was initially charged with throwing stones at a police patrol. He was reportedly held in solitary confinement for long periods during his first months in detention and tortured prior to his first appearance before a judge in July 1988. The judge reportedly charged him with smuggling the Bible into Saudi Arabia, a charge he denied. He was then asked to convert to Wahabism, which he refused to do. He was held in *al-Mabahith al'Amma* Prison in al-Dammam until April 1990, when he was transferred to *al-Mabahith al'Amma* Prison in Riyadh where he remained until the date of his execution. Sadiq Malallah is believed to have been involved in efforts to secure improved rights for Saudi Arabia's Shi'a Muslim minority.

Sadiq 'Abdul-Karim Malallah

Religious intolerance on the part of the Saudi Arabian religious authorities and the government for any practice other than Wahabi Islam has led to attempts at converting non-Muslims and Shi'a Muslims alike. In some cases these attempts are carried out by private individuals while most times they are apparently sanctioned and condoned by the government. Such attempts at conversion have reportedly taken place in the Rafha refugee camp in the north of the country. This camp was established at the end of the Gulf War in 1991, and houses an estimated 28,000 Iraqi refugees, predominantly Shi'a Muslims from southern Iraq, who fled to Saudi Arabia after the end of the Gulf War and in the aftermath of the uprising against the Iraqi government. Many of these refugees are women and children. Its inhabitants have been segregated along confessional lines, with Sunni and Shi'a refugees accommodated in separate quarters. In 1992 a document entitled *Hadhihi Nasihati Ila Kul Shi'i* (This is My Advice to Every Shi'a) by Sheikh Abu-Bakr Jaber al-Jaza'iri, which had originally been published in 1985, was reportedly circulated in the camp. The document stated that Shi'a Muslims were apostates and had to be converted to Sunni Islam. A former inhabitant of the Rafha camp testified to Amnesty International on 10 August 1992 that the Saudi Arabian security officers who guarded the camps "swore at us, called us apostates and would kick our *turba*".

Public demonstrations as a means of political expression are prohibited, as is any criticism of Islam, the ruling family or the Government. Political parties are also banned. Consequently, scores of individuals have been arrested for membership or support of clandestine organizations advocating equal rights for members of the Shi'a community. Among those are members of *Munadhamat al-Thawra al-Islamiya fil-Jazira al'Arabiya*, Organization for Islamic Revolution in the Arabian Peninsula (OIRAP), which is said to have been founded in 1975. The organization has defined its goal to be primarily that of "educating and enlightening the masses". There is no evidence in its proclamations or actions of calls to or acts of violence.

On 28 July 1993 Saudi Arabia released 21 Shi'a Muslim political prisoners, some of whom had been held for the peaceful expression of their religious and other conscientiously held beliefs. These releases came less than two months after six Shi'a Muslim political prisoners were released in an amnesty marking the end of the annual pilgrimage to Mecca. Amnesty International welcomed

these releases in a letter to the Minister of the Interior and expressed its hope that they would mark an end to the pattern of arbitrary arrest, detention and torture of Shi'a Muslims in Saudi Arabia.

6.2 CASES OF ARREST AND TORTURE OF SHI'A MUSLIMS

In January 1990 Amnesty International published a report entitled *Saudi Arabia: Detention without Trial of Suspected Political Opponents*, (AI Index: MDE 23/04/89). The report outlined a clear pattern of arrest, detention and ill-treatment of suspected political opponents of the government, most of whom were Shi'a Muslims, among them prisoners

of conscience arrested solely for the peaceful expression of their religious and political beliefs. They included religious scholars, students, merchants and technicians whose ages ranged from 20 to 30 years. Since the publication of that report Amnesty International has continued to document the cases of Shi'a Muslims arrested solely because of their conscientiously held beliefs. Below are some case examples:

◆ Sayyid Taher al-Shimimy, a 33-year-old religious scholar and alleged OIRAP supporter who was released in a royal pardon on 5 April 1990, said he had been repeatedly tortured following his arrest on 15 June 1989, including by having been deprived of sleep and having his face pushed down a lavatory. He spent 130 days in solitary confinement in *al-Mabahith al'Amma* Prison in al-Dammam (see figure II on the next page) and required hospital treatment for spinal injuries following his release.

In 1990 at least 83 critics or opponents of the government were arrested and held as prisoners of conscience. Most were released within a short period of time. Among those arrested was 'Abdullah Jabir Shahin, a 30-year-old OIRAP member from Safwa who was arrested in Kuwait in the last week of January and handed over to the Saudi Arabian authorities on 4 February. He was held in *al-Mabahith al'Amma* Prison in al-Dammam reportedly without charge or trial until his release in April 1990.

◆ In August 1990 Sayyid Muhsin Sayyid Muhammad al-Qallaf, a Shi'a Muslim secondary school student, was arrested at his home in Senabes. Sayyid al-Qallaf, aged about 20 years at the time, is believed to have been arrested on suspicion of being a sympathizer of OIRAP. He was detained without trial at *al-Mabahith al'Amma* Prison in al-Dammam until his release in early 1991. Also in August 1990, Hussein 'Abdullah al-Sinuna, another prisoner of conscience, was arrested at al-Hudaitha checkpoint on the Saudi Arabian-Jordanian border on suspicion of being an OIRAP supporter. Hussein al-Sinuna, who was approximately 21 years old at the time of his arrest, was detained without charge or trial. He was held at *al-Mabahith al'Amma* Prison in al-Dammam until his release in early 1991.

◆ In October 1990, Naji Jasib al-Tuhaifa (see photograph below), a 31-year-old labourer, was arrested in al-'Awamiyya and is currently believed to be held in *al-Mabahith al'Amma* Prison in al-Dammam. He was reportedly detained without charge or trial on suspicion of being a supporter of OIRAP, and was allegedly tortured during interrogation. He was released following an amnesty in June 1993.

◆ In March 1991, over 100 Shi'a Muslims were arrested in al-Qatif after participating in peaceful demonstrations protesting the arrest in Iraq of the Grand Ayatollah Sayyid Abul-Qassem al-Kho'i, but were released uncharged within a few days. At least seven other Shi'a Muslims were arrested during the year, solely for the non-violent expression of their religious and political beliefs. These are: Shaker Muhammad al-Faraj, Mahdi 'Ali al-Faraj, 'Ali Muhammad Ahmad al-Faraj, Sayyid Muhammad al-Sadda, 'Ali Hassan Ma'tuq al-Sa'id, al-Sayyid Hassan Ma'tuq al-'Alawi and 'Ali Hassan al-Amrad. 'Ali al-Amrad, was arrested on 1 July 1991 at the Passport Office in al-Dammam by *al-Mabahith al'Amma* officers, reportedly on suspicion of being a sympathizer or member of OIRAP. He was reportedly detained without charge or trial, initially at *al-Mabahith al'Amma* Prison in al-Qatif and then at *al-Mabahith al'Amma* Prison in al-Dammam, where he remained until his release in March 1992.

Naji Jasib al-Tuhaifa

◆ Between January and October 1992, at least six suspected Shi'a Muslim opponents of the government, including possible prisoners of conscience, were arrested in al-Qatif and other cities in the Eastern Province. They were subsequently released uncharged. Among them were 'Abdul-Khaliq al-Janabi and Turki Ahmad al-Turki. Both were students at King 'Abdul-'Aziz University in Jeddah and were arrested in January 1992 following an argument with a lecturer over texts which they perceived to be derogatory to Shi'a Islam. They were held in *al-Mabahith al'Amma* Prison in al-Dammam until their release in December 1992.

◆ On 20 October 1992 Muhammad Hassan Daoud al-Shabeeb (see photograph below) was arrested by *al-Mabahith al'Amma* apparently on suspicion of being in possession of Shi'a Muslim opposition literature and audio cassettes. He was reportedly subjected to torture while held at *al-Mabahith al'Amma* Prison in al-Dammam. Muhammad al-Shabeeb, who comes from Um al-Hammam village, al-Qatif, is a student at the Institute of Administration (*Ma'had al-Idara*) in al-Dammam. He was reported to have been held incommunicado and in solitary confinement for nearly two months. On 2 February 1993 he was transferred to the intensive care unit at al-

Dammam Central Hospital. Amnesty International does not have the details of the problems which led to his hospitalization, but has expressed grave concern for his well-being to the Saudi Arabia

authorities in the light of other cases of serious injury and death following torture in Saudi Arabia. Amnesty International has since learned of his release following an amnesty in June 1993.

◆ On 6 July 1993, shortly after Muhammad al-Shabeeb's release, a relative of his, also suspected of Shi'a political activity, was reportedly arrested at the Passport and Immigration Office in al-Dammam. Ra'id Shabeeb Kadhim al-Shabeeb is 22 years old and a student at the Department of Agriculture at the King Faisal University in Ahsa'a. He was allegedly released without charge or trial on 18 July.

Muhammad Hassan Daoud al-Shabeeb

7. CONCLUSIONS AND RECOMMENDATIONS

On the basis of information obtained by Amnesty International over the years, and in light of the clear pattern of arrest, detention and torture or ill-treatment of Christian worshippers and Shi'a Muslims, the organization strongly urges the Saudi Arabian government to implement the recommendations set out below.

If implemented, these measures would contribute toward the future protection of human rights in Saudi Arabia. Most of the recommendations are based on the basic principles set forth in international treaties, such as the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and other instruments adopted or approved by the United Nations (UN) General Assembly and which reflect an international consensus of minimum human rights standards. These include the Universal Declaration of Human Rights, the UN Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the UN General Assembly on 25 November 1981, and the Basic Principles on the Role of Lawyers, adopted by the Eighth UN Congress on Prevention of Crime and Treatment of Offenders on 7 September 1990 and welcomed by the UN General Assembly on 14 December 1990.

To ensure that no one is imprisoned, detained or otherwise physically restricted for peacefully exercising his or her rights to freedom of thought, conscience and religion and to demonstrate commitment to international human rights standards guaranteeing these rights, Amnesty International urges the Government to:

- ◆ release immediately all persons who have been detained for the peaceful exercise of their right to freedom of religion as recognized in Article 18 of the Universal Declaration of Human Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and Article 18 of the International Covenant on Civil and Political Rights;
- ◆ enact legislation to combat religious intolerance and protect the right to freedom of religion as recognized in these international instruments and amend or repeal legislation which is inconsistent with the guarantees in these instruments;
- ◆ ratify or accede to the International Covenant on Civil and Political Rights, which has already been signed by 118 states as of 1 April 1993; and

To protect detainees against torture and other ill-treatment, Amnesty International urges the Government, at a minimum, to:

- ◆ ensure that all detainees are allowed to notify their families immediately upon arrest and have prompt access to their families, a lawyer of their choice and independent medical attention while in detention;
- ◆ ensure that all detainees are immediately notified of the reasons for their detention and of any charges against them;
- ◆ ensure that all persons arrested on a criminal charge are brought promptly before a judge;
- ◆ ensure that anyone who is deprived of his or her liberty by arrest or detention is entitled to take proceedings before a court in order that the court may order his or her release if the detention is unlawful;
- ◆ 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 offenses and are punishable by appropriate penalties which take into account the seriousness of such offenses;
- ◆ conduct independent and impartial investigations of all reports of torture, whether or not a complaint was made, bring to justice those responsible for acts of torture and compensate and rehabilitate the victims of such acts;
- ◆ take all necessary steps, including the enactment of legislation, to ensure that statements extracted under torture cannot be admitted as evidence during legal proceedings, except against a person accused of torture as evidence that the statement was made.
- ◆ ratify or accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

8. Appendix I:

LEGISLATION GOVERNING ARREST AND PRETRIAL DETENTION

8.1 Selected Articles from the "Statute of Principles of Arrest, Temporary Confinement and Preventive Detention"¹⁸

In November 1983 this "Statute of Principles" was issued by the Minister of the Interior and is believed to be still in force. In the absence of any other laws regulating arrest and detention procedures, it appears that this statute applies to all cases, including those suspected of political as well as criminal offenses. Amnesty International believes that many of the provisions of the Statute have not been applied in the cases of prisoners of conscience and other political detainees. According to testimonies received from former detainees, political suspects have been arrested and have not been informed of any subsequent charges brought against them. In many cases political detainees are reported to have been held in solitary confinement both before and throughout their interrogation, in some cases for over six months. During such periods many allege that they are tortured or ill-treated, reportedly in order to extract a confession. In several cases, expatriate workers in the Kingdom who are unable to speak or read Arabic have stated that they were forced to sign documents written in Arabic without being informed of their content. In most cases such documents were confessions of guilt.

Article 1:

Patrol forces and other public order officials shall have the right to detain any person in a situation giving rise to suspicion.

Article 3:

The relevant authority must immediately conduct an investigation upon arrival of the person under arrest. In all cases, the person under arrest must be questioned and his defence heard. This must be confirmed within a maximum 24 hours of his arrest by means of an official report.

¹⁸ Translated by Amnesty International from the Arabic original entitled; *La'ihat Usul al-Istiqaf wal Qabth wal Hajz al-Mu'aqat wal Tawqif al-Ihtiyati*, The Official Gazette (*Umm al-Qura*), no. 2988, 11 November 1983

Article 5:

If suspicions in respect of a person under arrest are confirmed, the investigating authority must give a written order that he is to be held in custody for a maximum period of three days as from the time of his arrest in order for investigations to be completed.

Article 7:

In all cases, investigations must be completed within a maximum period of three days following the arrest of the person in custody.

Article 9 IIa:

If at the end of the [three-day] period there is evidence to suggest that a person in custody has committed a specific offence, then in the case of serious offenses, the person under arrest must be charged and a provisional detention warrant issued, whereafter he shall be transferred to the public prison.

Article 10:

Serious offenses are as follows: Murder with intent or quasi-intent - Grievous bodily harm - Offenses where compulsory punishment is prescribed under Islamic law - Breaking and entering - Theft - Rape - Indecent assault - Sodomy - Producing, trafficking, dealing in, consuming or offering alcohol to others - Trafficking, manufacturing, cultivating, possessing, dealing in, taking or offering drugs and the like to others without licence - Trafficking, manufacturing, dealing in, using and possessing arms, ammunition and explosives without licence - Disturbances in which firearms or blanks are used - Collective or tribal disorder - Arson of houses, business premises or wooded areas - Killing the animals of others with intent - Forgery of coins and banknotes - Counterfeiting - Bribery - Impersonating civil intelligence or investigation agents and the like - Opposition or resistance to public order officials - Embezzlement of government funds - Usury - All offenses stipulated by Royal Decrees and directives to require submission prior to action being taken.

Article 12:

Warrants issued by the investigating authority for the provisional detention of a person alleged to have committed a serious offence shall be effective for a maximum of 21 days as from the date of his arrest.

Article 13:

(a) Should it prove impossible to conclude the investigation before expiry of the [21 days] the investigating authority must, at least three days prior to such expiry, submit a summary of the case, the information and evidence which existed prior to arrest of the person concerned and which prompted his provisional detention, the gaps in the investigations, the reasons which precluded completion of the same and the period necessary for such completion as estimated by the investigating authority. This must be accompanied by a request for permission to continue holding the person under arrest during such period provided that it does not exceed 30 days as from the date of expiry of the detention order specified of 21 days.

(b) The submission referred to in the previous Paragraph shall be made to the District Emir or his designated Deputy District Emir.

Article 19:

Without prejudice to the right of the detainee to lodge a complaint whensoever he wishes with the Supreme Authorities, the Ministry and the District Emir, a person held in provisional detention may lodge an objection in respect of a police request to the Emirate for permission to continue holding him in provisional detention upon expiry of the detention warrant issued by the investigating authority as specified in Article 12.

Article 20:

The District Emir or the Emirate designated to examine the application made by the investigating authority for permission to continue provisional imprisonment of the detainee may, if it deems necessary, form a committee, composed of a legal or statutory advisor and a police representative to examine the objection of the person held in provisional detention, hear his defence and submit recommendations.

Article 21:

If the 30 day period referred to in Article 13 expires and the provisional detainee submits an objection to his continued detention, the District Emirate must form a committee as indicated in Article 20 to examine the said objection and submit its recommendations thereupon unless the Emirate decides to commit the detainee for trial or submit the file to the Ministry.

8.2 COMMENTS ON THE "STATUTE OF PRINCIPLES OF ARREST, TEMPORARY CONFINEMENT AND PREVENTATIVE DETENTION"

The Statute of Principles was issued by the Minister of Interior in November 1983 and is believed to be still in force. This Statute appears to be the standard regulating arrest and detention procedures of both political and criminal cases. The Statute falls far short of basic international minimum standards applicable to all countries concerning pretrial detention and fair trial.

Under Article 1 of the Statute the security forces are empowered to arrest and detain "...any person in a situation giving rise to suspicion". They must then question the detainee and his case must be brought before the investigating authority within 24 hours of arrest [Article 3]. Detention beyond this period must be authorized by a written order issued by the investigating authority [Article 5]. After three days of arrest and where "there is evidence against the detainee" of his having committed a "serious offence", he must be formally charged, a warrant for his detention must be issued and his transfer effected to a public prison [Articles 7 and 9 IIa]. Serious offences include violating the *Shari'a*; trafficking in firearms; participating in collective or intertribal disorders and resisting public order officials [Article 10]. The Statute, however, fails to provide for immediate notice to families of the arrest, as required by the Standards Minimum Rules for the Treatment of Prisoners (Rule 92), or to prompt and reasonable access to families as required by the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Principles 15, 16(4) and 19).

Under the Statute, detention should not exceed 21 days from the date of arrest [Article 12]. However, if the investigation has not been concluded within this period, the investigating authorities may request from the Office of the Governor of the province the prolongation of detention for an additional 30 days [Article 13 (a) and (b)]. The detainee may lodge an objection to this request to the Office of the Governor, an executive official [Articles 19 and 20]. Article 18 empowers the Governor of the province, or whomever he delegates among the province's higher officials, to order the continued detention of the suspect beyond the 30 days until a final decision on the case is taken by the executive authority (the Ministry of the Interior). If, at this stage, the detainee is neither released nor committed to trial, he may challenge his continued detention, although the Statute is not explicit about how this may be done. The Office of the Governor must then form a review committee composed of a legal expert, who is a government official, and a representative of the police to examine his case [Article 21]. The Statute does not specify whether the presence of the detainee before the review committee is mandatory. In practice, however, the detainee is generally present but has no legal counsel and must prepare his own defence.

The Statute fails to provide for prompt access to a lawyer as required by the Basic Principles on the Role of Lawyers (Principle 7) and other standards and to prompt and independent medical attention as required by Principle 24 of the Body of Principles and Rule 24 of the Standard Minimum Rules. The Statute also does not require that the detainee be brought promptly before a judge as required by Article 9(3) of the International Covenant on Civil and Political Rights, which states that

"[a]nyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release...."

The Statute also fails to ensure that anyone who is deprived of his or her liberty by arrest or detention is entitled to take proceedings before a court in order that the court may order his or her release if the detention is unlawful, as required by Article 9(4) of the ICCPR and Body of Principles (Principles 32(1) and 37). Although Saudi Arabia is not a party to this treaty, the standards relating to arbitrary detention in Article 9 and fair trial in Article 14 represent an international consensus on the minimum standard of fairness for persons arrested on a criminal charge.

Furthermore, by denying detainees systematic access to the outside world and failing to provide for judicial supervision of the entire period of detention, the Statute also facilitates torture. Torture most often occurs during a detainee's first days in custody. These vulnerable hours are usually spent incommunicado when the security forces maintain total control over the fate of the detainee. The suspension of *habeas corpus* and other legal remedies, trials of political detainees in military courts, the lack of any independent means to examine and record a prisoner's medical condition-such conditions allow the security forces to conceal evidence of torture from lawyers, civilian magistrates, independent doctors and others who would be capable of taking action against their illegal activities. Amnesty International has adopted a 12-point program for the prevention of torture. Among the measures specified are: the official condemnation of torture; limitations on incommunicado detention; the abolition of secret detention; the placing of safeguards during detention and custody; the prohibition of torture in law; the prosecution of alleged torturers and the ratification of international instruments.

Not only does the Statute fail to meet internationally accepted standards, but Amnesty International believes that many of its provisions have been violated in the cases of prisoners of conscience and other political detainees. According to testimonies received from former detainees, political suspects have been arrested and have not been informed of any subsequent charges brought against them. In many cases political detainees are reported to have been held in solitary confinement both before and throughout their interrogation, in some cases for over six months. During such periods many allege that they are tortured or ill-treated, reportedly in order to extract a confession. In several cases, expatriate workers in the Kingdom who are unable to speak or read Arabic have stated that they were forced to sign documents written in Arabic without being informed of their content. In most cases such documents were confessions of guilt. The authorities have also consistently failed to set up independent and impartial investigations into allegations of torture or to bring to justice those responsible for grave human rights violations, or to compensate the victims.