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Saudi Arabia: Shrouded in secrecy – Justice denied by court system

You are arrested for political activities without a warrant, thrown into a cell for years without a trial, and tortured into signing a “confession”. If you are “lucky” enough to get a trial, it will be held behind closed doors and you won’t see a lawyer. If you are accused of a serious crime, you could be executed at a moment’s notice, be lashed or have your limbs amputated.

“This is the reality faced by many people caught in the web of the Saudi Arabian justice system, where even the most basic right to be presumed innocent until proven guilty does not exist,” Amnesty International said today. “The justice system is blatantly unfair from start to finish -- from the time someone is arrested to the end of their trial.”

In a report released today, *Behind Closed Doors: Unfair Trials in Saudi Arabia*, Amnesty International reports how such a system has encouraged arbitrary arrest and detention of political suspects, and facilitated the widespread use of torture, flogging, amputation and executions.

“When the two British nurses, Deborah Parry and Lucille McLauchlan, were given access to lawyers before their trial began, we hoped that this would set a precedent for defendants throughout Saudi Arabia to have the opportunity of legal defence. This, however, has not been the case,” Amnesty International said. “While the two nurses’ case was being scrutinized by international media for almost a year at least 117 people whose cases were shrouded in secrecy were executed during this same period.”

Most of those executed were foreign workers from developing countries as well as other vulnerable sectors. They included Soleha Anam Kudiran, a 30-year-old Indonesian maid, whose death sentence was secretly ratified in August by a Royal decree. She was secretly executed a month later while the nurses’ case was in the public eye. Along with the other 116 executed she did not have access to lawyers at any stage of her trial.

No one, save the Government of Saudi Arabia, knows how many people are awaiting execution in Saudi Arabian jails, but they include Sarah Dematera, a 24-year old Filipino national, who was convicted of murdering her employer in 1992. They could also include a group of Pakistani nationals who have been held in secret on drug offences, punishable by death. The group includes women and children as young as five.

Former prisoners interviewed by Amnesty International consistently told the organization that they were never given the opportunity to defend themselves nor were they given a clear idea as to how their cases progressed through the stages of the judicial system. As a result, detainees facing capital charges live under constant fear of being called at any moment to be executed.

One prisoner expressing such fear after seven months of detention said: “... *each day that I’m here in prison, I’m always scared, especially Fridays because that’s the day when they execute those who are on death row...I’m always scared thinking I may be executed next...*” Almost five years later the same prisoner remained unaware of having received the death sentence and wrote: “... *they still haven’t summoned me to court yet... My mind is tired from thinking all the time...*”.

The secrecy surrounding detention and court proceedings has provided a fertile environment for gross human rights violations. Torture and deceit are frequently used to obtain a “confession” from detainees.

Nieves, a Filipino married mother of two children, who does not understand Arabic, was arrested together with friends in November 1992 and accused of prostitution. She was deceived into signing a “confession” written in Arabic which was presented to her as a release order. She was subsequently sentenced to 25 days imprisonment and 60 lashes. After she received her punishment of flogging, she stated: “... *I started counting and when it reached 40 I thought I could not make it... I prayed so hard... At last it reached 60... I could not explain the pain experienced...(my) roommates were shocked to (see) my buttocks... so violet in colour and with haematoma. (I) cried all day...*”.

Thousands of political and religious activists have also been deprived of their freedom because the security forces are allowed to arrest and detain suspects as they wish without judicial supervision. Sheikh Salman bin Fahd al-‘Awda, a Sunni religious scholar and critic of the government, was arrested in September 1994, and held incommunicado for months before he was allowed family visits. Now, three years later, he remains held in al-Ha’ir Prison still without trial and still without any opportunity to challenge his continued detention.

“This lack of judicial supervision has enabled the security forces to make torture an institutionalized practice simply because they can get away with it,” Amnesty International said.

Amnesty International welcomed Saudi Arabia’s accession to the UN Convention on the Rights of the Child and the UN Convention Against Torture, but these measures by themselves are nowhere near enough to redress the country’s appalling human rights record.

“The government should take concrete steps to improve the rights of individuals rather than spend its energy concealing its atrocities from public scrutiny,” Amnesty International said. “It should ratify and, more importantly, implement all international fair trial provisions otherwise the situation for all the inhabitants of Saudi Arabia who get caught in the justice system will remain dire.”

For further information, please refer to Amnesty International document, *Behind Close Doors: Unfair Trial in Saudi Arabia*, (AI Index: MDE 23/08/97). To arrange an interview please call the Amnesty International Press Office on +171 413 5566/5808/5810