

SAUDI ARABIA

UNFULFILLED PROMISES

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INTRODUCTION

In this submission, originally prepared for the 17th session of the Universal Periodic Review (UPR) of Saudi Arabia in October-November 2013,¹ Amnesty International notes that Saudi Arabia appears to have implemented none of the central recommendations made to it in its previous review in 2009, including to ratify key human rights treaties and implement recommendations by the Committee of the Elimination of Discrimination Against Women (CEDAW) to guarantee the rights of women and girls to education, employment, freedom of movement, and protection from violence, and to abolish practices that discriminate against women. Amnesty International also regrets that Saudi Arabia continues to have prohibitive reservations to international conventions and the criminal justice system continues to fall short of international standards.

With regard to the human rights situation on the ground, violations have continued and in some cases worsened. A growing human rights movement and calls for reforms since 2009 have been met with harsh repressive measures such as arbitrary arrests, detentions without charge or trial, unfair trials and travel bans. Torture and other cruel, inhuman or degrading punishment are practised with impunity during arrest and in detention centres and prisons. Women demonstrators have increasingly found themselves exposed to such treatment as they have taken to the streets to protest the incommunicado detention of male family members. Despite limited developments in women's rights over the last two years, Saudi Arabian women are systematically discriminated against both in law and practice. Migrant workers remain one of the most vulnerable groups in the country as they suffer both discrimination at the hands of the authorities and abuse by their employers. Minority groups such as the Shi'a Muslims in the Eastern Province continue to face discrimination, and many of those who have demonstrated in protest or criticized the authorities have been subjected to arbitrary arrest and incommunicado detention, as well as excessive use of force that has in some cases resulted in killings; none of these abuses appear to have been investigated. Many of these violations - whether against human rights defenders, protesters or Shi'a citizens, whether against men or women - have taken place in the name of security or counter-terrorism. Saudi Arabia continues to persistently rank as one of the top five executioners in the world, with executions taking place based on summary trials and "confessions" extracted under torture.

In this submission Amnesty International raises concerns with regard to some of the most prominent violations including arbitrary detention, unfair trials and travel bans; the death penalty; torture and ill-treatment; and discrimination against women, migrant workers and minorities.

FOLLOW-UP TO THE PREVIOUS REVIEW

During its first UPR in 2009, Saudi Arabia accepted 50 recommendations,² rejected 18, and gave no clear position on a further two.³

Amnesty International regrets that Saudi Arabia rejected recommendations to become a party to the Rome Statute of the International Criminal Court;⁴ to abolish corporal punishment and the application of torture and other cruel, inhuman or degrading treatment, such as flogging, amputations and eye-gouging in accordance with international human rights treaties to which it is a party;⁵ to withdraw its two reservations to CEDAW;⁶ to establish a moratorium on the death penalty or to

restrict its scope in line with international minimum standards;⁷ and to end the practice of incarcerating, mistreating, and applying travel bans against individuals on the basis of their political or religious beliefs.⁸

Amnesty International further regrets that Saudi Arabia appears to have implemented none of the central recommendations that it accepted, including to consider becoming a party to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR), and to modify its domestic legislation accordingly;⁹ to consider ratification of the International Convention for the Protection of All Persons From Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, conventions related to refugees and statelessness and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).¹⁰ It has also failed to act on recommendations to implement the 2008 recommendations by the CEDAW Committee, in particular to guarantee women and girls their rights to education, employment, freedom of movement, marriage with their free and full consent, and health; to protection from and redress for family violence, to abolish the system of male guardianship over women and to enact comprehensive and effective legislation to abolish all practices that discriminate against women, including the prohibition on women driving and restrictions on access by women to public places and commercial facilities.¹¹ The only reforms in this area that Amnesty International is aware of are the removal of a limited number of restrictions on women's access to particular jobs and roles.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

As an absolute monarchy, Saudi Arabia enjoys no clear separation of powers. All powers of the state are concentrated in the hands of the King. The absolute powers of the King are further delineated in the Basic Law of Government issued in 1992. There is no freely elected legislative body in the Kingdom. The Shura Council, which was also initially formalized in 1992, is an advisory body with no real power, and its 160 members are appointed by the King. Together with the Council of Ministers they can initiate legislation, recommend ratifying international treaties or lodging reservations to specific articles, but ultimately the King has to ratify any new laws.

Saudi Arabia has lodged prohibitive reservations to those international conventions that it has ratified, stating that it is not under obligation to observe those terms that it finds contradictory with Islamic law. Such reservations do not clearly define the extent to which Saudi Arabia accepts its international obligations and render them vulnerable to systematic violation.

The national human rights framework is further threatened by a flawed criminal justice system which falls far short of international standards governing procedures for arrest, detention and trials, as well as prisoners' rights. Despite the issuing of some statutory laws in areas such as criminal procedure, labour, and human trafficking in the past two decades, the justice system still lacks a criminal code. The Shari'a-based criminal justice system gives judges wide powers of interpretation, leading, on the one hand, to vast discrepancies in the charges and sentences imposed on defendants in similar cases and, on the one other, to the conviction of activists and others on charges that have no basis either in a statutory

law or the Shari'a.

Textual reforms of legal procedures in 2001 and 2007 have brought no discernible improvement as systematic violations by the security forces, prison authorities and courts have continued with impunity, as set out below. The authorities created a Specialized Criminal Court in 2008 to deal with security and terrorism cases, but have since used it to persecute human rights activists.

No human rights organizations are tolerated in Saudi Arabia other than the Saudi Human Rights Commission, a governmental body, and the National Society for Human Rights, which, while having a less formal role, was also formed by a governmental decree. Some local human rights NGOs have attempted to register themselves, but have not been permitted to do so and are forced to operate without a licence. Several have seen their members arrested and detained under different pretexts; one example is the Saudi Civil and Political Rights Association (ACPRA), whose founders are either on trial or have been tried and sentenced for disobeying the ruler, among other charges. A long-standing ban on demonstrations has practically suppressed legitimate forms of public expression.

In early 2013, the Saudi Arabian Communications and Information Technology Commission attempted to ensure that all encrypted social networking applications such as Skype, WhatsApp, Viber and Line are either fully monitored or, in the absence of the technical capacity to do so, banned outright.

Amnesty International welcomes the memorandum of understanding that was signed between Saudi Arabia and the Office of the High Commissioner for Human Rights in June 2012; it is concerned, however, that the authorities have not allowed any UN bodies or international human rights organizations to visit Saudi Arabia to conduct human rights research during the past four years. Amnesty International has not been allowed access to Saudi Arabia for human rights research on the country despite repeated requests over decades.

HUMAN RIGHTS SITUATION ON THE GROUND

DETENTION AND HARASSMENT OF HUMAN RIGHTS ACTIVISTS

Security forces continue to practise with impunity the arbitrary and incommunicado detention of Saudi Arabian and foreign nationals, many of whom are detained solely for peacefully exercising their rights to freedom of expression, association and assembly, including for criticizing the government and its policies. Such activists are often held incommunicado without charge, sometimes in solitary confinement, and denied access to lawyers or the courts to challenge the lawfulness of their detention. Torture and other ill-treatment is frequently used to extract “confessions” from detainees, to punish them for refusing to “repent”, or to force them to make undertakings not to criticize the government. Incommunicado detention often lasts until a “confession” is obtained, which can take months and occasionally years.

If a person is charged, it is sometimes with vague security-related offences such as “disobeying the ruler”. Legal proceedings fall far short of international standards for fair trial. Defendants are generally denied legal counsel and, in many cases, they and their families are not informed of the progress of legal proceedings against them. Court hearings are often held behind closed doors.

The Saudi Arabian authorities have tried and imprisoned a number of activists and critics for peacefully exercising their rights to freedom of expression or association. In some cases, the authorities have also imposed judicial travel bans to be served after the completion of the prison sentences.

In April 2012, Mohammed Saleh al-Bajady, a co-founder of the Arabian Civil and Political Rights Association (ACPRA), was sentenced by the Specialized Criminal Court to four years' imprisonment followed by a five-year travel ban. He was reportedly convicted on charges relating to involvement in the establishment of an unlicensed organization, harming the image of the state through the media, calling on the families of political detainees to protest and hold sit-ins, contesting the independence of the judiciary and having banned books in his possession.¹² Al-Bajady went on hunger strike in prison in September 2012 and has not been heard from since. On 24 March 2013, his lawyer and also the current vice-president of ACPRA, Fawzan al-Harbi, submitted a written request to visit his client to the director of the al-Ha'ir prison, where al-Bajady is reportedly held. He has neither been granted such a visit nor received a reply to his request to visit. Fawzan al-Harbi has instead been called for questioning and is currently under investigation.

On 9 March 2013, two other prominent human rights activists and co-founders of ACPRA - Mohammad bin Fahad bin Muflih al-Qahtani, aged 47, and Dr Abdullah bin Hamid bin Ali al-Hamid, aged 66 - were sentenced by a criminal court in Riyadh to 10 and 11 years' imprisonment respectively, to be followed by travel bans of equal duration. They were charged with a list of offences, including disobeying the ruler, questioning the integrity of officials, calling for demonstrations, disseminating false information to foreign groups, and forming an unlicensed organization.¹³

On 24 April 2013, a criminal court in Buraydah – 350km north of the capital Riyadh – ordered the detention of Dr Abdulkareem Yousef al-Khoder. The 48-year-old is another founding member of ACPRA and a professor of comparative jurisprudence at the Faculty of Islamic Jurisprudence at Qassim University. No reasons were given for the detention order against al-Khoder, which came after a judge arbitrarily blocked a group of around 10 women from accessing the court to observe a hearing of a trial in which he is being prosecuted on charges including disobeying the ruler, inciting disorder by calling for demonstrations, disseminating false information to foreign groups, and taking part in founding an unlicensed organization. The trial, which began in January 2013, is ongoing. Following his ruling, the judge refused to meet with al-Khoder or his lawyer, and the professor has since been held in Buraydah prison.

Another case illustrating such violations is that of Dr Sulieman al-Rashudi and eight other men who were detained in February 2007 in the cities of Jeddah and Medina after they circulated a petition calling for political reform and discussed a proposal to establish an independent human rights organization in Saudi Arabia.¹⁴ Seven other men connected to one of the reformists, Dr Saud al-Hashimi, were arrested subsequently. All 16 were held without charge until August 2010 when they were formally charged. Dr al-Rashudi was released on bail on 23 June 2011 after two people provided personal guarantees. On 22 November 2011, the 16 men were sentenced to lengthy prison sentences ranging from five to 30 years followed by travel bans equivalent to their prison terms by the Specialized Criminal Court. On 12 December 2012, Dr al-Rashudi, who had been sentenced to 15 years' imprisonment and a 15-year travel ban, but was at liberty pending appeal, was rearrested two days after giving a lecture at an informal social gathering on the

legality of holding demonstrations in Shari'a.¹⁵ In January 2013, the 16 men were offered a royal "pardon" if they signed a pledge not to repeat their offences or engage in public activism and thanked the King. Ten of them, several of whom were already out on bail, are now released under such a "pardon". However, Dr al-Rashudi and five others, namely Dr Saud al-Hashimi, Dr Musa al-Qirni, Abdul Rahman al-Shumayri, Abdul Rahman Khan and Abdullah al-Rifa'i, continue to be detained. At least two of these men are understood to have been offered the same conditional release, however they have rejected it.¹⁶

Amnesty International considers all six men in this case, as well as Mohammed Saleh al-Bajady, Mohammad bin Fahad bin Muflih al-Qahtani, Dr Abdullah bin Hamid bin Ali al-Hamid and Dr Abdulkareem Yousef al-Khoder, to be prisoners of conscience imprisoned solely on account of the peaceful exercise of their rights to freedom of expression and association, including in relation to their human rights activities, and has called for their immediate and unconditional release.

Travel bans are also imposed on critics and human rights activists without any judicial procedures. In January 2013, Waleed Abu al-Khair, head of the non-governmental Saudi Arabian Human Rights Monitor, was unable to travel to Sweden to receive the Olof Palme Prize for his human rights activism due to a travel ban imposed on him since March 2012, just days before he scheduled to attend a six-week democracy course in the USA. He was summoned to the Ministry of Interior's Bureau of Investigation and Prosecution in his home city of Jeddah and told that he was banned from travelling due to "security considerations".¹⁷

On 29 March 2013, Sadek al-Ramadan, one of the co-founders of the non-governmental Adala Center for Human Rights and its current secretary-general, discovered that he was banned from travelling on his way to a family vacation. The only information he was given was by a customs officer at the airport, who told him that their computer system simply showed that he was banned from travelling. Despite his repeated inquiries to the authorities, Sadek al-Ramadan is yet to find out why he is banned from travelling, on whose authority, and for how long.¹⁸

REPRESSION OF PROTESTERS AND SHI'A ACTIVISTS

The repression by the Saudi Arabian authorities of protests organized by women whose male relatives have been held without charge or trial, some in incommunicado detention for several years, has become increasingly frequent in 2012 and early 2013.¹⁹ During some demonstrations, women were beaten at the time of arrest and in almost all cases taken in for interrogation and only released after they or their male guardians signed pledges that they would not demonstrate again. In one case, four women were imprisoned for a month, from 27 February to 27 March 2013, most of which they spent in solitary confinement, and only released after two of them went on a hunger strike. At least one of them was allegedly ill-treated, including by being beaten, and required medical attention.

Since February 2011, hundreds of members of the minority Shi'a community have been arrested and detained on suspicion of taking part in or supporting demonstrations in the Eastern Province or of expressing views critical of the state. The protests have focused on long-standing concerns about discrimination against the Shi'a. Most have been held without charge or trial, although a few were brought to trial; several of them were reportedly sentenced to flogging and others banned from travelling abroad. There have also been allegations of excessive use of force by the security forces; at least a dozen protesters were reportedly shot dead and others injured.²⁰ Amnesty International is not aware of any investigations being undertaken

by the authorities into those killings.

A large number of those arrested and detained for various lengths of time have not been charged. Many of them seem to have been arrested solely for participating in peaceful protests, taking part in religious celebrations, or practising their religious rituals during religious occasions. However, Amnesty International is aware of at least 50 Shi'a Muslims who have been brought to trial since 2012; many of them have been charged with participating in demonstrations.

Fadhel Maki al-Manasif, a human right activist and advocate of the rights of the Shi'a Muslim minority, is currently being tried by the Specialized Criminal Court in Riyadh on charges which include "breaking allegiance to the ruler", "stirring sedition and disorder", "inciting public opinion against the state", "disrupting order by participating in marches" and "supporting a person who is wanted by the State". The charges relate to events that took place in March 2009. However, his arrests in 2011 and his trial may be in relation to his human rights activism.

Fadhel Maki al-Manasif was arrested in March 2009 apparently for being at a gathering in the Eastern Province and was released after he signed a pledge not to take part in such gatherings. On 1 May 2011, he was arrested in connection with protests in the Eastern Province. He was presented with the charges in relation to the gathering in 2009 and was detained incommunicado until his release on 22 August 2011 after allegedly signing a pledge that he would not participate in protests again. On 2 October 2011, he was rearrested when he intervened as police arrested two elderly men. He was taken to the Specialized Criminal Court in Riyadh on 28 February 2012 where the same charges were levelled against him. Amnesty International is concerned that he may be targeted because of his activism to raise human rights concerns about the treatment of members of the Shi'a minority in Saudi Arabia.²¹

Some of the ongoing demonstrations in the predominantly Shi'a Muslim Eastern Province are also motivated by the ongoing detention of two prominent Shi'a clerics, Sheikh Nimr al-Nimr and Sheikh Tawfiq al-Amer, who have been detained since 8 July 2012 and 3 August 2011 respectively. In March 2013, they were brought before the Specialized Criminal Court and charged with multiple offences, some of which are punishable by death. Both men have previously been arrested and held incommunicado for various periods of time.

The authorities' treatment of the two clerics has seen multiple violations during arrest, detention and trial proceedings. In July 2012, Sheikh al-Nimr was shot and wounded during his arrest and as a result he has been permanently disabled on one leg.²² He has had only irregular access to his family and lawyer. When his case was brought to the Specialized Criminal Court in March 2013, his lawyer was not informed of the initial trial session, but has subsequently allowed to consult with his client and to attend the second session. The charges against Sheikh al-Nimr relate to inciting sectarian strife and riots, assisting people wanted by the state, confrontations between him and security forces, and inciting sectarian strife in a neighbouring country, believed to be Bahrain. The prosecution has called for his execution.

Sheikh Tawfiq al-Amer was arrested and detained from August 2011 until December 2012 when he was told that he would be released without charge. On the day of his expected release, on 1 December 2012, he was asked to sign a pledge that, among other things, forbids him from delivering religious sermons, including during the Friday prayers. He refused to sign this and was therefore kept in detention. On 17 December 2012, in the first ever court session in his case, he was taken to the Specialized Criminal Court and sentenced to three years' imprisonment and a five year travel ban on

charges of defaming the country's ruling system, ridiculing the mentality of its religious leaders, and calling for change and disobeying the ruler. Since then, his lawyer has lodged an appeal, as has the prosecutor's office, which is demanding a harsher sentence. In April 2013, the cleric's appeal case moved forward with expectations of a harsher sentence than the one previously imposed.²³

THE DEATH PENALTY

Saudi Arabia has one of the highest execution rates in the world. The average number of executions in Saudi Arabia has increased from at least 68 a year between 1985 and 2007 to at least 72 a year between 2008 and 2012.

Since 2011, Amnesty International has recorded a sharp increase in the rate of executions. In 2011, at least 82 executions took place; more than three times the figure of 27 for 2010. In 2012, Amnesty International recorded the execution of at least 79 people. By the end of April 2013, Amnesty International had recorded at least 35 executions, averaging a rate of around two executions per week.²⁴

Rates of executions are feared to be higher than declared, as reports of secret and unannounced executions have emerged. The authorities apply the death penalty to a wide range of non-lethal crimes that are not accepted as "most serious crimes" under international standards for applying the death penalty. These include adultery, armed robbery, apostasy, drug smuggling, kidnapping, rape, "witchcraft" and "sorcery". Some of these "offences", for example apostasy, should not even be criminalized according to international standards. The increase in executions in the last few years has also included a marked increase in executions for drug-related offences with at least 22 people executed in 2012, compared with three in 2011 and only one (out of 27 executions) in 2010.

Saudi Arabia has also continued to sentence to death and execute individuals for crimes they allegedly committed while under 18, in breach of international law. The death penalty is also used disproportionately against foreign nationals. According to data compiled by Amnesty International, out of at least 1,938 persons executed by Saudi Arabia between 1985 and 2012, at least 954 were foreign nationals, mostly workers from Asia and Africa.

The authorities generally fail to abide by international standards for fair trial and safeguards for defendants in capital cases. Often trials of capital cases are held in secret and their proceedings are summary with no legal assistance or representation through the various stages of detention and trial. Defendants may be convicted solely on the basis of "confessions" obtained under torture or other ill-treatment, duress or deception. Foreign nationals with no knowledge of Arabic -- the language of interrogation and trial hearings -- are often denied adequate interpretation facilities. In some cases families are not notified in advance of the execution of their relative.

Executions are usually carried out by beheading with a sword, often in public. Recent reports have emerged of other methods used, including at least one case of shooting by firing squad (see below). After execution, the bodies are usually transported to be buried in unmarked graves. At least one or two executions a year are followed by what is known in Saudi Arabia as "crucifixion", whereby the body has the severed head sewn back onto it and is hung from a pole in a public place.

Abdul Hamid bin Hussain bin Moustafa al-Fakki, a Sudanese man, was beheaded in Medina on 19 September 2011. He had been arrested in 2005, then charged and

convicted of sorcery after he allegedly agreed to cast a spell at the behest of a man working for the religious police. He is alleged to have been beaten in detention and forced to “confess” to “sorcery”.²⁵ His family were reportedly not notified in advance of his execution and were not allowed to repatriate his body to Sudan.

In January 2013, a Sri Lankan domestic worker, who when she was 17 allegedly killed an infant in her care, was beheaded after seven years in detention. Rizana Nafeek had no access to lawyers either during her pre-trial interrogation or at her trial in 2007. She claimed that she was forced to make a “confession” under duress.²⁶ The man who translated her statement may not have been able to adequately translate between Tamil and Arabic. He left Saudi Arabia soon after.

In the early hours of 13 March 2013, seven men (all in their early 20s, with two of them having been under 18 years old when arrested) were taken to the public square in Abha, a south-western town in Saudi Arabia, and shot. They were not officially informed of their execution, but found out about it through friends and relatives who had sent them photos of a large security presence and seven mounds of earth being erected in the public square. The seven men had been arrested in early 2006. During their interrogation at the Criminal Investigation Department in Abha, they claimed that they were severely beaten, denied food and water, deprived of sleep, forced to remain standing for 24 hours, and then forced to sign “confessions”. They were detained for three and a half years in Abha General Prison before being put on trial. The Abha General Court found all seven guilty of armed robbery in August 2009 and sentenced them to death. Their trial lasted only a few hours and they were denied any legal representation or appeal. They said that security officers present at the trial warned them that if they withdrew their “confessions” they would be tortured again, and members of their families – including their mothers – would be brought to prison and tortured in their presence.²⁷

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Corporal punishment is used extensively in Saudi Arabia. Flogging is mandatory for a number of offences and can also be imposed at the discretion of judges as an alternative or in addition to other punishments. Sentences can range from dozens to tens of thousands of lashes, and are usually carried out in instalments, at intervals ranging from two weeks to one month. The highest number of lashes imposed in a single case recorded by Amnesty International was 40,000 lashes in the case of a defendant convicted in 2009 for the attempted rape and manslaughter of a young woman; she was killed by a truck when she ran into a road to escape from him. He was also sentenced to 15 years’ imprisonment.

Punishment by amputation is also enforced in Saudi Arabia for certain offences, including “theft”, for which the sentence is amputation of the right hand, and “highway robbery”, which is punished by “cross amputation” (amputation of the right hand and left foot). On 21 November 2012, a Nigerian man had his right hand amputated for theft.

In cases of *qisas* (retribution), corporal punishment may be imposed equivalent to the harm or injury inflicted by the defendant on the victim; however, Amnesty International is not aware of such sentences being passed between 2009 and 2012. In such cases, the victim can demand that the punishment be carried out, request financial compensation or grant a conditional or unconditional pardon.

Torture and other ill-treatment during detention and interrogation are common and

carried out with impunity. Some of the commonly practised methods include punching, beating with sticks, suspension from the ceiling or cell doors by the ankles or wrists, application of electric shocks to the body, prolonged sleep deprivation and being placed in cold cells.

The heavy reliance by the courts on “confessions” often extracted under torture, duress or deception has entrenched such abuses.

Amnesty International has also received reports of torture and other ill-treatment in prisons run by the Interior Ministry’s General Directorate of Investigation (GDI), which often detains individuals it suspects of security-related offences, a category that can include political opponents. Sometimes these reports have referred to a unit or group of men dressed in black with their faces covered being brought into prisons to intimidate and search prisoners or to carry out specific punishments. They are referred to in various ways, including “special unit” or “torture team”.

One of the 16 men arrested after seeking to establish a human rights organization (see above) was allegedly beaten on seven occasions, including by what was described as a “special unit”. During these sessions, he would apparently be blindfolded, with his hands cuffed behind his back and his feet tied. He was apparently able to make out through the blindfold that those beating him were dressed in black and varied in numbers between six and 12. He was reportedly beaten all over his body including his face and genitals, with implements including an electric-shock baton and metal sticks, causing him to bruise and bleed.²⁸

Another detainee arrested in 2011, whose identity is being withheld because of fear for his safety, told Amnesty International that he was tortured for 10 days until he agreed to sign a “confession”, including by being made to stand for prolonged periods with his arms raised, beaten with an electric cable, struck in the face, back and stomach, and threatened that he would be raped by other prisoners.²⁹

Hussein Salman Yassin al-Sulaiman, a 35-year-old father of three, was arrested on 21 September 2011 for expressing “compassion” with the Bahraini protesters and calling for the release of detainees in Saudi Arabia on Facebook. He was subjected to torture shortly after his transfer to the GDI detention facility in Dammam. As a child and youth, Hussein al-Sulaiman had suffered from polio, and some 15 years ago he underwent an operation that enabled him to walk without the support of crutches. At the GDI facility in late 2011 or early 2012, an officer allegedly beat Hussein al-Sulaiman while he was shackled by his hands and feet. When he fell to the ground, the officer told Hussein al-Sulaiman to stand up, but he was unable to. He told the officer that his left leg, the leg affected by polio, was broken. The officer replied: “I’m going to break your other leg” The GDI officials took Hussein al-Sulaiman to Dammam Central Hospital where he underwent an operation after it appeared that his upper thigh was broken. Since the operation, he apparently cannot move comfortably or without crutches.³⁰

DISCRIMINATION AGAINST WOMEN

There have been a few limited developments in women’s rights over the past two years. In 2011, the King announced that women would have the right to vote and to stand in the 2015 municipal elections, the Kingdom’s only public poll. In 2012, new public and private posts were promised to women and, for the first time, two Saudi Arabian women were permitted to participate in the Olympic Games with the presence of male guardians. In early 2013, 30 women were assigned seats in the Shura Council, and in April 2013 a government campaign to raise awareness of

domestic violence was launched.

However, women continue to face severe discrimination in law and practice and are inadequately protected against domestic and other gender-based violence. Discriminatory rules relating to marriage and divorce, which are not codified, cause some women to be trapped in violent and abusive relationships. The guardianship system that prevails in Saudi Arabia means women are required to obtain the permission of a male guardian before getting married, travelling, undergoing certain surgical interventions, undertaking paid employment or enrolling in higher education. Partly as a result of this and partly because of the limited number of professions deemed socially suitable for women, many find it difficult to obtain work, despite an increase in the number of women receiving higher education. Saudi Arabian women with foreign spouses, unlike their male counterparts, cannot pass on their nationality to their children.

Women also continue to be prohibited from driving. When an online campaign called “Women2Drive” encouraged women who hold international driving licences to start driving on Saudi Arabian roads from 17 June 2011 onwards,³¹ scores of women took to the roads and some were arrested. Most were released without charge after pledging not to drive again, but several were charged.

Manal al-Sharif, a computer security consultant, was arrested on 22 May 2011, the day after police had stopped her while she was driving, accompanied by her brother, in the city of al-Khobar. She had driven previously as part of the campaign “Women2Drive”, and she had uploaded a video on YouTube of herself driving on 19 May in order to urge other women in Saudi Arabia with international driving licences to drive. She was released 10 days later after she signed a pledge that she would not drive again.

On 27 September 2011, Shaimaa Jastaniyah was sentenced to 10 lashes in Jeddah for driving a car. The sentence was later overturned in April 2012.³²

Such discrimination in law and practice, as well as the absence of a law criminalizing domestic violence, fosters an environment in which domestic violence is rife.

ABUSES AGAINST MIGRANT WORKERS

Migrant workers, who comprise around a third of the population, are inadequately protected by labour laws and are vulnerable to exploitation and abuse by their employers. Domestic workers are not covered by the labour law and as such receive no protection. Women domestic workers are also at particular risk of sexual violence and other abuses. The sponsorship system governing employment of foreign nationals exposes them to exploitation and abuse by private and government employers and allows them little or no redress. Typical abuses include long working hours, non-payment of salaries, refusal of permission to return home after completing contracts, refusal to transfer sponsorship and withholding of passports. Domestic workers who flee their employers can be arrested and charged with absconding.

Some migrant workers experience physical abuse by their employers, but face enormous challenges in seeking legal remedies. Migrant workers who are able to take their employers to court find themselves embroiled in court cases that can last for years and may not provide a positive outcome.

In 2011, L P Ariyawathie, a Sri Lankan employed as a domestic worker, was found to have 24 nails and a needle driven into her hands, leg and forehead when she returned to Sri Lanka. She said that the injuries had been inflicted by her employer when she complained about her heavy workload. It is unclear whether the Saudi Arabian authorities investigated the matter.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

While welcoming some encouraging developments in the last few years, Amnesty International urges the government to follow these up with more courageous steps to foster a better human rights environment by acting on the recommendations below.

Amnesty International calls on the government of Saudi Arabia:

International human rights obligations

- To ratify without reservations the International Convention on Civil and Political Rights, the International Convention on Economic Social and Cultural Rights, and to review all reservations and declarations that limit the enjoyment of rights enshrined in the Convention on the Rights of the Child, the International Convention on the Elimination of all Forms of Racial Discrimination and Convention on the Elimination of Discrimination Against Women, with a view to lifting them, especially those that are contrary to the objects and purposes of the treaties.

Human rights framework

- To implement without delay all the accepted recommendations from the 2009 Universal Periodic Review to reform the judicial system and its practices and to revise weak legal provisions to bring them into line with international human rights standards.

Detainees and prisoners of conscience

- To release all prisoners of conscience immediately and unconditionally;
- To charge all other detainees with a recognizable criminal offence according to international law, to bring them to trial in accordance with international standards, or to release them.

Discrimination against minorities

- To put an end to discrimination, intimidation, harassment and detention without charge or trial of members of the Shi'a community and to uphold their right to peaceful assembly.

The death penalty

- To declare a moratorium on executions;
- To review the cases of all prisoners currently under sentence of death with a view to commuting their sentences or offering them a new and fair trial without resort to the death penalty;
- To bring the law and judicial practices into line with fair trial guarantees in

international standards;

- To stop imposing the death penalty on anyone under the age of 18 at the time of their alleged offence, in accordance with Saudi Arabia's obligations under the Convention on the Rights of the Child.

Torture and other ill-treatment

- To end the practice of incommunicado detention;
- To end the practice of corporal punishment;
- To ensure that all allegations of torture and other ill-treatment are thoroughly and impartially investigated, that all alleged perpetrators are prosecuted, and that any statement that may have been extracted under torture is not used as evidence in criminal proceedings.

Discrimination against women

- To give effect to undertakings made to the CEDAW Committee in January 2008 and in the 2009 UPR to tackle discrimination against women, including to enact and implement laws protecting women from violence;
- To establish equality before the law for all and to provide equal citizenship rights for women and men;
- To provide and protect women's rights to freedom of movement, education, employment, marriage, and redress for family violence.

Discrimination against migrant workers

- To reform national labour laws to ensure that migrant workers have adequate protection against abuses by employers and the state.

ENDNOTES

¹ This report was originally submitted in March 2013 to the 17th session of the UPR to be held in October-November 2012. It has since then undergone a number of changes to provide more details and reflect new updates.

² Report of the Working Group on the Universal Periodic Review, Addendum (A/HRC/11/23Add.1).

³ Ibid, Recommendations 33 (made by Italy, Finland, Belgium) and 37 (South Africa).

⁴ Ibid, Recommendation 4 (made by France and Mexico).

⁵ Including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Convention on the Rights of the Child (CRC). Report of the Working Group on the Universal Periodic Review (A/HRC/11/23), Recommendations 27c (Israel), 44c (Canada), 65a (Switzerland), and 74c (New Zealand).

⁶ Report of the Working Group on the Universal Periodic Review (A/HRC/11/23), Recommendations 65d (Switzerland) and 75b (Republic of Korea).

⁷ Ibid, Recommendations 46a (Italy), 48d (Mexico), 65b (Switzerland), and 71b (Sweden).

⁸ Ibid, Recommendation 74b (New Zealand).

⁹ Ibid, Recommendations 44b (Canada) and 47a (Chile).

¹⁰ Ibid, Recommendations 48b (Mexico).

¹¹ Ibid, Recommendations 44d and 44e (Canada), 49a and 49b (Germany), 54a (Finland), and 74e (New Zealand).

¹² See Amnesty International urgent action, *Saudi Arabian human rights activist sentenced: Mohammed Saleh al-Bajady*, Further information on UA 91/11 (Index: MDE 23/010/2012), 17 April 2012, at <http://www.amnesty.org/en/library/asset/MDE23/010/2012/en/c956d187-feaa-483a-b4f2-0509d5eae316/mde230102012en.html>

¹³ See Amnesty International news story, *Saudi Arabia punishes two activists for voicing opinion*, 11 March 2013, at <http://www.amnesty.org/en/news/saudi-arabia-punishes-two-activists-voicing-opinion-2013-03-11>

¹⁴ See Amnesty International report, *Saudi Arabia: Repression in the name of security* (Index: MDE 23/016/2011), December 2011, at <http://www.amnesty.org/en/library/asset/MDE23/016/2011/en/126dda68-1c2f-4f3e-b986-3efa797d3b9d/mde230162011en.pdf>

¹⁵ See Amnesty International urgent action, *Former judge held incommunicado: Sulieman al-Rashudi*, further information on UA 27/07 (Index: MDE 23/004/2013), 10 January 2013, at <http://www.amnesty.org/en/library/asset/MDE23/004/2013/en/dd24ddc2-8746-449a-805a-9b94ae38475e/mde230042013en.html>; see also Amnesty International news story, *Saudi Arabia: Remove conditions on royal 'pardon' on reformists*, 15 January 2013, at <http://www.amnesty.org/en/news/saudi-arabia-remove-conditions-royal-pardon-reformists-2013-01-15>

¹⁶ See Amnesty International urgent action, *Reformists kept in prison*, UA: 107/13 (Index: MDE 23/014/2013), 24 April 2013, at <http://www.amnesty.org/en/library/asset/MDE23/014/2013/en/d830e170-bd54-45a5-a9eb-3e5f321c2e77/mde230142013en.html>

¹⁷ See Amnesty International news story, *Saudi Arabian human rights lawyer banned from travelling to US, 27 March 2012*, at <http://www.amnesty.org/en/news/saudi-arabian-human-rights-lawyer-banned-travelling-us-2012-03-27>; see also Amnesty International urgent action, *Human Rights group co-founder on trial*, UA 257/12 (Index: MDE 23/018/2012), 5 September 2012, at <http://www.amnesty.org/en/library/asset/MDE23/018/2012/en/1d04419d-ed63-4654-9633-1740f1d024e8/mde230182012en.html>

¹⁸ See Amnesty International public statement, *Saudi Arabia: 2013 promises to be a dark year for freedom of expression and of association*, 10 April 2013, at <http://www.amnesty.org/en/library/asset/MDE23/015/2013/en/0927befd-6d71-4044-99fb-f3d37cafc87d/mde230152013en.html>

¹⁹ See Amnesty International news story, *Saudi Arabia: 11 women still held after protests*, 8 January 2013, at <http://www.amnesty.org/en/news/saudi-arabia-release-11-women-held-after-peaceful-protest-2013-01-08>; see also Amnesty International public statement, *Saudi Arabia: release women protesters*,

12 February 2013, at <http://www.amnesty.org/en/library/asset/MDE23/006/2013/en/d1248857-75a3-402a-9c46-ee6b61894f63/mde230062013en.html>

²⁰ See Amnesty International press release, *Saudi demonstrations highlight a year of failure to investigate protest deaths*, 8 November 2012, at <http://www.amnesty.org/en/for-media/press-releases/saudi-demonstration-highlights-year-failure-investigate-protest-deaths-2012>

²¹ See Amnesty International report, *Saudi Arabia Dissident voices stifled in the Eastern Province*, May 2012.

²² See Amnesty International news story, *Saudi Arabia must charge or release detained dissident cleric*, 9 August 2012, <http://www.amnesty.org/en/news/saudi-arabia-must-charge-or-release-detained-dissident-cleric-2012-08-09>

²³ See Amnesty International urgent action, *Saudi Arabia: Sheikh al-Amer appeal may worsen sentence*, further information on UA 242/11 (Index: MDE 23/017/2013), 29 April 2013, at <http://www.amnesty.org/en/library/asset/MDE23/017/2013/en/6f3f1923-fe55-4e5d-aa08-4d9050c35ca4/mde230172013en.html>

²⁴ See Amnesty International report, *Death sentences and executions 2012*, April 2013, at <http://www.amnesty.org/en/library/asset/ACT50/001/2013/en/bbfea0d6-39b2-4e5f-a1ad-885a8eb5c607/act500012013en.pdf>

²⁵ See Amnesty International urgent action, *Sudanese man executed in Saudi Arabia*, Further information on UA 114/10 (Index: MDE 23/024/2011), 20 September 2011, at <http://www.amnesty.org/en/library/asset/MDE23/024/2011/en/e5ac4cff-86e7-43fa-9ae5-1eacb9dbe9b2/mde230242011en.pdf>

²⁶ See Amnesty International urgent action, *Sri Lankan woman executed in Saudi Arabia: Rizana Nafeek*, further information on UA 175/07 (Index: MDE 23/003/2013), 9 January 2013, at <http://www.amnesty.org/en/library/asset/MDE23/003/2013/en/18020996-3ead-4fd2-b206-ee34cca3f1f7/mde230032013en.html>

²⁷ See Amnesty International urgent action, *Seven men publicly executed in Saudi Arabia*, further information on UA 58/13 (Index: MDE 23/011/2013), 14 March 2013, at <http://www.amnesty.org/en/library/asset/MDE23/011/2013/en/850f07e5-6acb-45e2-b0c0-0c698663e7b9/mde230112013en.html>

²⁸ See Amnesty International report, *Saudi Arabia: Repression in the name of terrorism*, (Index: MDE 23/016/2011), December 2011.

²⁹ See Amnesty International report, *Saudi Arabia: Dissident voices stifled in the Eastern Province*, (Index: MDE 23/011/2012) May 2012, at <http://www.amnesty.org/en/library/asset/MDE23/011/2012/en/35243c61-37c3-461b-9df1-087e825a205a/mde230112012en.pdf>

³⁰ See Amnesty International report, *Saudi Arabia: Dissident voices stifled in the Eastern Province*, (Index: MDE 23/011/2012) May 2012.

³¹ See Amnesty International news story, *Women activists prepare to defy Saudi Arabian driving ban*, 16 June 2011, at <http://www.amnesty.org/en/news-and-updates/women-activists-prepare-defy-saudi-arabian-driving-ban-2011-06-16>

³² See Amnesty International news story, *Flogging sentence for Saudi Arabian woman after driving "beggars beliefs"*, 27 September 2011, at <http://www.amnesty.org/en/news-and-updates/flogging-sentence-saudi-arabian-woman-after-driving-beggars-belief-2011-09-27-0>

ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE¹

Saudi Arabia moves to stamp out new human rights organization, 1 May 2013, (Index: PRE01/210/2013)

Saudi Arabia court orders arbitrary detention of human rights defender, 25 April 2013

Saudi Arabia: 2013 promises to be a dark year for freedom of expression and of association, 10 April 2013, (Index: MDE 23/015/2013)

Saudi Arabia must stop playing "cat and mouse" game with peaceful protesters, 1 March 2013, (Index: PRE01/100/2013)

Saudi Arabia: Release women protesters, 12 February 2013, (Index: MDE 23/006/2013)

Saudi Arabia must charge or release detained dissident cleric, 9 August 2012

Saudi Arabia: Dissident voices stifled in the Eastern Province, 28 May 2012, (Index: MDE 23/011/2012)

Saudi Arabia: Human rights activist sentenced to four years' jail following secret trial (16 April 2012)

Saudi Arabia's 'Day of Rage': One year on, 9 March 2012, (Index: MDE 23/007/2012)

Saudi Arabia urged to investigate Shi'a protester death, 13 January 2012

Saudi Arabia Protesters and reformists targeted in name of security, 1 December 2011

Saudi Arabia: Repression in the name of security (Index: MDE 23/016/2011)

Proposed Saudi Arabian anti-terror law would strangle peaceful protest, 22 July 2011

Saudi Arabia urged to reverse ban on peaceful protest, 10 March 2011

Fresh claims of abuse of Indonesian domestic workers in Saudi Arabia, 19 November 2010

Saudi Arabia: Assaulting human rights in the name of counter-terrorism, 22 July 2009, (Index: MDE 23/009/2009)

¹ All of these documents are available on Amnesty International's website:

<http://www.amnesty.org/en/region/saudi-arabia>

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