

PUBLIC

AI INDEX: MDE 23/36/00

Embargoed until 0001 GMT 10 May 2000

Saudi Arabia: A justice system open to abuse

I still haven't heard anything about my case.... I'm waiting for the judge to summon me. Mum, I really want to go back home I feel helpless." Extracts from letters sent by a woman from prison in Saudi Arabia.

Amnesty International is today launching its second report on Saudi Arabia highlighting the failings in the country's criminal justice system, and putting forward recommendations designed to address these shortcomings.

"An important factor that perpetuates the patterns of human rights violations in Saudi Arabia, is the inherent structural defects in the criminal justice system," Amnesty International's Secretary General Pierre Sané said.

Such defects include lack of safeguards against arbitrary arrest and detention, the absence of the right to prompt access to a lawyer and family upon detention, summary and secret trial proceedings, use of confessions extracted under duress as sole evidence for conviction, denial of defence by lawyers, and the absence of meaningful appeal.

These defects are exacerbated by the lack of independence of the judiciary. The law in Saudi Arabia recognizes the principle of the independence of the judiciary and judges. Yet, at the same time in practice it subordinates the judiciary to the executive authority, in particular the Ministers of Justice and Interior, and regional governors.

With such independence eroded, those caught in the web of the system which is shrouded in secrecy, are denied the most basic rights. In addition, discriminatory practices may occur on the basis of sex, nationality, religious beliefs or social standing, thus increasing the victim's vulnerability to human rights violations.

The law and practice of arrest and detention in Saudi Arabia are arbitrary and fall far short of internationally recognized safeguards against abuse of power by the state."The judiciary is denied any role in supervising these processes", Pierre Sané added.

“ The power given to the detaining and investigative authorities in Saudi Arabia at the expense of the judiciary facilitates the indefinite detention of prisoners, including prisoners of conscience.” . For example:

-Dr Sa'id bin Zu'air, head of the Department of Information at Imam Mohammad ibn Sa'ud University has been detained since 1995 . He has no access to a lawyer, and no formal charges or trial proceedings are known to have been initiated ; he is reported to be held in al-Hair prison.

-Hani Al-Sayegh, a Saudi Arabian was forcibly returned home from the USA on 10 October 1999. He was detained immediately on arrival in connection with the bombing of a US military complex at al-Khobar in 1996, a capital offence. He continues to be held without access to lawyers and his current legal status remains unknown.

International standards require that the detainees are kept informed of their legal rights and any development throughout the legal process from the moment of arrest to the final appeal. Yet, all these standards are routinely violated in Saudi Arabia. Detainees as a rule are kept in the dark about their cases and if presented to court, they face a secret, summary trial even in cases which might result in capital punishment.

Arbitrary arrest and indefinite detention are facilitated by vaguely worded criminal laws. Among such laws is Fatwa No. 148 covering "corruption on earth" issued by the Council of Senior Ulama (Clerics) in August 1988, introducing mandatory death penalty for such offences.

Since the launch of Amnesty International's first report, the number of executions has increased by 12, bringing the total for this year so far to 25. Similarly, amputations have increased by four bringing the total for this year to nine.

Saudi Arabian officials maintain that their court system provides all the safeguards for fair trial. They back their claim by referring to the hierarchy of the court system which consists of Lower Courts, the Court of Cassation and the supreme Judicial Council. However, the system lacks many basic safeguards and procedures without which the right to fair trial can not be guaranteed.

In criminal cases detention is often extended virtually indefinitely in order to extract a confession and thus proceed to trial. The criminal justice system in Saudi Arabia relies heavily on confessions obtained by the police to secure criminal convictions. Often these "confessions" are extracted under

duress. Once these “confessions” are authenticated by the judge, the confession gains force of sufficient evidence for conviction in trial. Sometimes confessions are the only evidence presented to a court.

In theory judges do not accept a confession when it is disputed by the accused on the grounds of torture, coercion or deception. In practice, however, such confessions are routinely admitted into evidence, thus violating Saudi Arabia’s obligations under the UN convention against Torture.

“Saudi Arabian officials have made a number of important human rights statements before the international community”, Amnesty International’s Secretary General Pierre Sané said. “These statements contribute to the constructive debate on human rights issues in Saudi Arabia . We welcome this.”

“However, we want to see these promises implemented now. Saudi Arabia to date has not addressed the concerns that we have raised in our first report. We urge them again to do so,” Pierre Sané concluded.

ENDS.../

For more information please call Amnesty International's press office in London,

*UK, on +44 207 413 5566 or visit our website at
<http://www.amnesty.org>*