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# amnesty international

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## SAUDI ARABIA

# Saudi Arabia Update: Encouraging Human Rights Debate

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*On 28 March 2000 Amnesty International launched an action for the protection and promotion of human rights in Saudi Arabia with the release of the report: "Saudi Arabia: A Secret State of Suffering". Since the release of the report the human rights situation in Saudi Arabia has witnessed two significant developments. One is that the government has made commitments to take steps to promote and protect human rights. The other is that Saudi Arabia's national and international media has been involved in an unprecedented debate on this issue. Editors, journalists, writers and government officials filled the pages of print media with discussions on significant aspects of human rights, particularly in relation to the universality of such rights, Islam, the Kingdom and international human rights fora.*

*Amnesty International would like to respond to these welcome developments with this update with the aim of enriching the on-going debate. The organization is also issuing today a second report: "Saudi Arabia: A Justice System Without Justice" in order to try to focus discussion on specific issues relating to the criminal justice system as an*

important institution with the primary responsibility for redress and protection of human rights.

### **Government Commitments**

During the March–April 2000 session of the United Nations Commission on Human Rights (UNCHR) Saudi Arabia's representatives announced plans made by the government to address the human rights situation in the country. In his address to the UNCHR on 6 April, Prince Turki bin Muhammad bin Sa'ud al-Kabeer, Deputy Foreign Minister, stated that "A...human rights are a non-negotiable objective for the achievement of which we must all strive together", and that Saudi Arabia was committed to "A...the protection and promotion of human rights through carefully studied measures within the context of a comprehensive human rights strategy." He informed the UNCHR of steps already taken or planned by the government to carry forward its human rights strategy. These included specifically an invitation issued before the UNCHR session to the United Nations Special Rapporteur on the Independence of Judges and Lawyers to visit the country. They also included plans to introduce a new regulation to govern the legal profession and legal counsel, and the creation of governmental and other structures for the protection of human rights. With regard to the structures Prince Turki bin Muhammad bin Sa'ud referred to a committee to investigate allegations of torture and other abuses having already been established by the government in fulfilment of its obligations following its accession to the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. The statement also referred to plans to allow the establishment of an independent non-governmental national human rights body, to establish a governmental human rights body to report directly to the Prime Minister, and to establish human rights sections in the Ministries of Justice, Interior, Foreign Affairs, and Labour. These steps were subsequently referred to in public statements by other government ministers, including Prince Naif bin 'Abdul 'Aziz, Minister of Interior, and Prince Sa'ud al-Faisal, Minister of Foreign Affairs. No terms of references or time scale regarding the implementation of these plans have been disclosed.

### **Emerging Human Rights Debate**

On 31 March the government issued a response through the media to Amnesty International's report rejecting the validity of the patterns of human rights violations documented by the organization. Without referring to any individual cases or specific events covered by the report, the response claimed that arbitrary arrest and torture are not allowed in the country, the courts guarantee fair trial, denied the existence of any political prisoners and pointed out that Saudi Arabia plays an active role in the field of human rights. It concluded: "The Kingdom of Saudi Arabia acknowledges the noble objectives of Amnesty International. However, the

organization=s reports often lack accuracy and are short on factual information, with a resulting loss in objectivity. We hope this can be avoided by Amnesty in future.@ It cited no specific cases.

While the government response did not fully address the issues raised by Amnesty International it did however set in motion a very encouraging debate on human rights led by Saudi Arabia=s national and international press. Amnesty International notes with great interest the wide ranging nature of this emerging debate. Its scope ranges from fierce attacks on Amnesty International to serious discussions on the way forward for the protection and promotion of human rights in the Kingdom.

Those leading the attack on Amnesty International based their views on allegations that the organization was a product of the West, hostile to Islam, the Kingdom of Saudi Arabia, the Muslim world, and third world countries generally. They accuse Amnesty International of being silent on the cases of Muslim victims in Kosovo and Chechnya for example. These accusations are not true as would be clear to anyone who looked at the range of work Amnesty International has undertaken on human rights in countries from the US to Chechnya. The allegations emanated from different authorities and were published in the form of statements or editorial pieces in newspapers. They included statements such as that of the Grand Mufti of Saudi Arabia who was reported to have said: AThe enemies of Islam are incensed at the Kingdom=s blessings. Everyone knows that these are fabricated and baseless, coming from a side that hates Islam and wants to get at it using the pretext of human rights.@ Similarly, one editorial read: AWhat is behind the ferocious campaign against the Kingdom, which uses human rights as a cover...?! Is the Kingdom the sole target of this campaign, or does that go beyond...to (include) its obligation of implementing Islamic Shari=a...?! More precisely, is the target of this campaign Islam as a religion and legislation...and as a way of life of people...?! In our view it is all these combined...@.

While Amnesty International considers such accusations as inaccurate and unfair, it does not wish to enter into any abstract arguments in this regard. However, the organization would like to emphasize that it has never criticized Islam or indeed any religion or system of government. Its sole purpose is to promote and protect basic human rights such as defending the honour and dignity of the person, irrespective of belief, ethnicity, colour, gender, or language.

Amnesty International is an organization of more than 1,000,000 members from more than 150 countries. Human rights principles have been declared as a common theme between cultures and religions by participants from the Middle East and North Africa in two recent symposia, one on *Justice and Human Dignity* and the other on *The Contribution of Human Civilizations to the Protection of the Values and Principles of Human Rights* held in February 2000 in Kuwait and Morocco, respectively. In addition, the organization possesses a track record in the defence of Muslim victims of human rights in different parts of the world including those suffering now the atrocities of the Russian army in Chechnya.

At the other end of the spectrum of the emerging debate are discussions consisting of a variety of views which may be grouped into two themes. The first of these focussed in general on human rights and Islam. Leading contributors in this respect included *al-Majalla*, a London-based Arabic weekly paper which in its editorial of issue no.1052, devoted to cultures and human rights and the absence of a debate on this in Saudi Arabia, wrote: *The origin of the problem is that some of our Muslims do not believe in the Shari'a and its relationship with human rights and they don't even want to make any effort in this regard...Some people ignore the fact that social evolution cannot be imposed from above, i.e. by governments, or by importing ready made samples...the concept of human rights must evolve from within society whose members must themselves work for that, not imported experts or conferences of Geneva and San Francisco...@. Similarly, the Minister of Interior, Prince Naif bin Abdul Aziz was reported to have stated that A...if they say that we are not applying Shari'a as it is contained in God's book and the teachings of the prophet...this is an issue which can be discussed...@.*

The second theme related to the government and its inter-action with international non-governmental human rights organizations, particularly Amnesty International. This began with an article in the London based Arabic daily *al-Hayat* on 30 March 2000 entitled *Saudi Arabia's Silence*. The article consisted of a strong condemnation of Amnesty International's report, describing it as a *summit of exaggeration*, while at the same time blaming the government for its lack of response to it. It stated:

*Saudi Arabia's silence towards these reports and its refusal to comment on them is not beneficial and not right. Saudi Arabia has for*

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years ignored this type of report despite their widespread publication and the expansion of the circle of those interested in them worldwide. This silence is wrong and must be corrected because not responding in a convincing way, without propaganda, turns allegations into truths in peoples' minds despite the fact that they contain lies. @

The editor in chief of Al-Sharq al-Awsat, a London based Arabic daily, wrote: AA number of my colleagues writers launched attacks against Amnesty International on the grounds that it is a Western product which blackmails small countries or is a nest of biased (political) opponents. It is true that it may be used for...destruction, but let's be honest with ourselves from the start. In our world there is oppression and repression...and the emergence of Amnesty International may turn out to be in the interest of everyone if used correctly and inter-acted with with a transparent spirit and enlightened reasoning...It is not rare that prisoners are forgotten, or people who are unable to defend themselves are imprisoned, or that an investigator abuses the accused...This happens in all countries, including those which adopt transparency, accept criticism and open their records to the world. The difference is in accepting complaints with the aim of correcting the mistakes...It is in the interest of these states to listen to Amnesty International's complaints and review their situations periodically like companies do with their accounts...".

The international media, particularly Arabic language media, has also made substantive contribution to the debate.

### **The Way Forward**

Amnesty International welcomes the government's human rights commitments made to the UNCHR and the emerging lively debate in the country. The organization believes that these positive developments should be built upon to achieve more concrete results to redress and prevent human rights violations which remain a serious concern for the organization. The government is yet to address cases of arbitrary arrest of suspected political opponents such as that of Dr Sa'id bin Zu'air, head of the Department of Information at Imam Muhammad ibn Sa'ud University, who was arrested in 1995 and has since been detained in al-Hair Prison reportedly without charge or trial. Also the organization continues to receive reports of arrests of suspected political or religious opponents and is consistently addressing the government but, as yet, with no response. Among such people is Hashim al-Sayyid Mahdi Rida

al-Sada, a Shi'a cleric aged about 34, who was reportedly arrested from his home by al-Mabahith al-Amma in al-Qatif on 16 April 2000. He was reportedly held incommunicado and his whereabouts were unknown to Amnesty International and even to his family.

Similarly executions and amputations continue to be carried out at an alarming rate. Since the launch of Amnesty International's first report and action at the end of March the number of executions has increased by eight, bringing the total for this year so far to 21. Amputations have increased by two bringing the total for this year to nine. Such punishments are carried out after trials which fail to meet the most basic international standards of fair trial.

One of the reasons which perpetuate the patterns of human rights violations in Saudi Arabia is the inherent structural defects in the criminal justice system. Such defects are detailed in the report released today. They include lack of safeguards against arbitrary arrest and detention, the absence of the right to prompt access to a lawyer and family, summary and secret trial proceedings, the use of confessions as sole evidence for conviction, denial of defence by lawyers or legal experts, and the lack of a meaningful appeal. The report concludes with a set of recommendations designed to remedy these defects. Amnesty International hopes that the right to assistance by a lawyer throughout the different stages of the criminal justice system will be addressed in the legislation the government plans to introduce to regulate the legal profession. At the same time the organization urges the government to take immediate steps to address all recommendations contained in this and the previous report.

Amnesty International has been seeking the opportunity to send a delegation to Saudi Arabia to discuss the findings detailed in its report with the relevant authorities, but its request is yet to be answered. Despite statements made by Ministers that they had no objection to Amnesty International visiting the country, the organization delegates' visa application remain pending in the Saudi Arabian embassies in London and Washington. However, the organization remains ready to send such a delegation and to build a constructive dialogue with the government for the protection and promotion of human rights.

<sup>1</sup>Saudi Arabia: A Secret State of Suffering, AI Index MDE 23/01/00

<sup>2</sup>Saudi Arabia: A Justice System Without Justice, AI Index: MDE 23/02/00