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Human Rights in Saudi Arabia: A Deafening Silence

Saudi Arabia has long been a key strategic ally of the United States in the Middle East--as the world's largest oil exporter, as host for some of the most sophisticated military bases available to the U.S. in the region, and as the largest market in the region for U.S. goods and services, especially arms.

The bilateral relationship was clearly strained in the wake of the September 11 attacks on New York and Washington as Saudi government officials grappled with the embarrassing disclosure that fifteen of the nineteen hijackers were Saudi nationals. The unprecedented in-depth reporting in the U.S. media since September 11 about governance and society in Saudi Arabia clearly angered Saudi officials. Crown Prince Abdullah, the country's de facto ruler, lashed out in remarks reported on October 25. "The vicious Western media attack against the kingdom is only because of the ancient spite against Islam and Saudi Arabia's commitment to Islam," he charged. U.S. officials consistently sought to publicly downplay the evident tension. "The U.S. relationship with Saudi Arabia is a very strong relationship, including in security. We continue to work together and we will continue to pursue our shared interests," Assistant Secretary of State William Burns told reporters in Tunis on December 10.

The Saudi royal family also had to confront the reality of domestic public opinion as the U.S. military presence has provoked noticeable and growing opposition to the government among many Saudis. This opposition appears to be a major factor in the guarded official Saudi responses to the U.S-led coalition formed to respond to the September 11 attacks. The U.S. military's state-of-the-art Combined Air Operations Center (CAOC) at Prince Sultan Air Base (where some 5,000 U.S. military personnel are stationed) is playing a critical command-and-control role in the U.S.-led campaign in Afghanistan, even if the Saudis will not allow it to be used as a base for launching air strikes. In addition, U.S. aircraft supporting Operation Southern Watch, which enforces the Iraq no-fly zone, operate from Saudi Arabian military bases.

For the United States, Saudi Arabia, as the world's largest oil exporter, is a vital ally. Over half of the kingdom's crude oil exports, and the majority of its refined petroleum exports, go to Asia, while the U.S. gets 17 percent of its crude oil imports from Saudi Arabia. U.S. civilian and military merchandise exports to the country in 2000 totaled $6.23 billion, according to the U.S. embassy in Riyadh, and investments in the country by U.S.-based multinationals are around $5 billion. Saudi investments in the U.S. total nearly half a trillion dollars, mainly in stocks and bonds, bank deposits, and real estate, according to U.S. officials. Saudi Arabia is by far the top customer for U.S. arms exports among developing countries, taking deliveries worth more than $28 billion in the 1993-2000 period, according to the latest annual report on arms transfers from the Congressional Research Service.

For many years the U.S. found useful Saudi Arabia's sponsorship of conservative, religiously-based political movements and institutions in the Arab world and Central Asia, including Afghanistan, initially as

a political counterweight to leftist and nationalist secular forces and subsequently to counter Iran's post-revolutionary influence**.**

Dearth of Human Rights

Concern for human rights in Saudi Arabia has ranked extremely low on the agenda of the U.S., although Washington has long been well aware that the country remains a veritable wasteland when it comes to respect for the fundamental human rights of its 22 million residents, including some six to seven million foreign workers and their families. Saudi Arabia's diversity, in terms of geographic regions and various schools of Islamic law, is not represented in the governing structure of the country.

The actual extent of domestic popular support for or disaffection from the government is unknown. Since the harsh clampdown on dissent that began in 1993, freedom of expression has been drastically curtailed. The press has had some greater leeway to discuss issues since Crown Prince Abdallah consolidated his position as de facto ruler over the past two years, but there is no independent local media to give voice to political critics. Freedom of association is non-existent: there are no political parties or trade unions, and no nongovernmental organizations that monitor or criticize government policies and practices. Peaceful anti-government demonstrations are prohibited—Saudis are permitted no right to freedom of assembly.

The suppression of civil liberties -- coupled with the absence of elected legislatures or similar bodies at the national or local levels, or other institutions independent of the government or its allies in the official religious establishment—allows the ruling royal family to maintain its sole franchise on power, safely beyond any manner of effective public scrutiny and accountability.

Internal security forces and "religious police" (*mutawwa'in*) contribute an intimidating presence and help keep citizens and foreign residents in check. The Interior Ministry's feared Directorate of General Investigations (*al-mabahith al-'amma*) monitors suspected political opponents and others, targets individuals for arrest, and interrogates detainees. Mabahith agents operate with impunity and have been responsible for a wide range of human rights abuses, including arbitrary arrest, incommunicado detention, and torture.

Pervasive and often invasive monitoring of social life, religious activity, and the dress of women is the responsibility of the government-funded Committees for the Propagation of Virtue and the Prevention of Vice. Local *mutawwa'in* enforce strict gender segregation, ensure that businesses close during prayer times, and harass Saudi and foreign women and religious minorities. The *mutawwa'in* are empowered to investigate, search, arrest and detain citizens and foreigners, and their abusive practices, including physical attacks and beatings, have been widely noted.

Infringements on privacy, pervasive discrimination against women, and the widespread use of capital and corporal punishment, including flogging and amputation, are also major features of Saudi Arabia's human rights record. Religious freedom does not exist. The country's Shi'a Muslim minority,

comprising an estimated 6 to 7 percent of the population, faces severe discrimination. Conservative Sunni clerics, including some close to the government as well as government critics, have denigrated Shi'a Muslims as "apostates" and "nonbelievers" because some of their religious practices and rituals are at odds with Wahhabi doctrine. The U.S. Commission on International Religious Freedom, after visiting Saudi Arabia in 2001, repeated its call that the Bush administration designate Saudi Arabia a country of "particular concern" with regard to religious freedom issues. But for the second year in a row, the kingdom was not among the countries that the State Department so designated in October 2001.

The country's justice system sorely lacks transparency and accountability: there is no effective protection from arbitrary arrest, detention without charge, torture, and unfair trials. Some 121 Saudis and foreigners were beheaded in 2000, following legal proceedings about which little was made public.

The country's six to seven million foreign workers -- most of them from India, Egypt, Indonesia, Pakistan, the Philippines, and Bangladesh -- face a variety of restrictions. They must surrender their passports to Saudi sponsors, limiting their freedom of movement, and they are denied the right to form trade unions, strike or engage in collective bargaining. Conditions are particularly harsh for foreign women who work as domestics for Saudi families. Over 19,000 women domestics fled their employers last year, according to Saudi labor ministry official Awad al-Radadi. The women cited mistreatment and nonpayment of wages as among the reasons. The Philippines' ambassador to Saudi Arabia reported to his government, according to *Business World* (Manila), that many Filipino workers there were "forcedly subjected to poor living conditions, salary underpayment, insufficient food, inhuman working conditions, and long hours or work without rest or day off."

Victims of abuse in Saudi Arabia are left isolated and vulnerable, and the timely documentation of rights violations is exceedingly difficult. The kingdom has remained off-limits to international human rights organizations, and no one inside the country dares to break the long-standing taboo on openly scrutinizing and reporting human rights abuses. Saudi Arabia stands out among U.S. allies in the region for the utter absence of functioning networks of independent human rights lawyers, activists, and institutions. The government has permitted no visits to prisons to monitor conditions, although Lt. Gen Ali Hussein al-Harithi, the general director of prisons, was quoted by the daily *Arab News* (Jeddah) in December 2001 as saying that the kingdom "welcome[d] a visit" by Amnesty International "or others any time. We have nothing to hide or fear." He added that visitors would "find that the reality of our prisons and inmates does not conform with what is rumored or said about them."

Despite its poor human rights record, Saudi Arabia was elected in May 1999 as a member of the United Nations Commission on Human Rights. During its two-year term from 2001 to 2003, the kingdom thus will play a role in influencing the examination of urgent human rights situations and issues worldwide, and in the development and implementation of human rights standards.

Saudi Arabia is a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the Convention on the

Elimination of All Forms of Discrimination against Women. The kingdom's first report to the U.N. Committee against Torture, submitted in February 2001, was due to be examined by the committee at its November 12-23, 2001, session in Geneva but the government asked for a postponement shortly before the session.

In January 2001, the U.N. Committee on the Rights of the Child examined the kingdom's initial report on compliance with the Convention on the Rights of the Child. In its concluding observations, the committee criticized the Saudi authorities' "narrow interpretations of Islamic texts," asserting that this "imped[ed] the enjoyment of many human rights protected under the convention." It cited in particular provisions of domestic law that discriminated against women and non-Muslims, and allowed flogging as a judicial punishment.

The committee noted that the age of majority was not defined under Saudi law and commented that as a result the death penalty could be imposed for offenses committed when suspects were under eighteen years old, a violation of the convention. It further commented that persons under eighteen "may be sentenced to a variety of methods of cruel, inhuman or degrading treatment or punishment such as flogging, stoning and amputation, which are systematically imposed by judicial authorities." The committee urged the government to "end the imposition" of such practices on "persons who may have committed crimes while under eighteen."

The committee also found "direct and indirect discrimination against girls and children born out of wedlock, including in areas relating to civil status (e.g. lack of identity cards for females) and personal status (e.g. inheritance, custody and guardianship)," and expressed concern that the nationality law did not "grant equal citizenship status to children of Saudi women married to non-nationals."

Discrimination against Women

Women in Saudi Arabia face pervasive discrimination, ranging from strictly enforced gender segregation in public places -- including schools, universities, and the workplace -- to unequal legal status with men in matters relating to marriage, divorce, and child custody. Saudi women do not enjoy freedom of movement, are not permitted to drive, and lack equal rights with men with respect to transmission of their nationality to their children. Women viewed as not in full conformity with the traditional restrictive dress code, or in the company of men who are not spouses or close male relatives, are subject to harassment and abuse by the "religious police" -- the government-funded Committees for the Propagation of Virtue and the Prevention of Vice.

There are no women's rights organizations in the kingdom, and no women members in the appointed 120-member Consultative Council, which serves as an advisory body to the executive branch of government. The government's highly publicized ratification in 2000 of the Convention on the Elimination of All Forms of Discrimination against Women has not resulted in specific initiatives to promote and advance the rights of Saudi women on an equal basis with men. In fact, Prince Nayef, the interior minister, said famously in January 2001 that public discussion of women's rights was "out of the

question," and that "such a debate would be useless and produce a hollow exchange of ideas." At a press conference on April 26, 2001, Prince Nayef confirmed that the government was not considering lifting the ban on women driving. "It is not possible, and there are no studies on the subject at all," he said.

In one positive development, the government recently began to issue identity cards to women, pursuant to a decision reportedly made in November 2001. Previously, women were not permitted to hold identity cards in their own names and carried "family cards" under the names of their husbands or fathers that did not include their photographs. In explaining the move, Interior Minister Prince Nayef said on December 10, 2001, that the identity cards, which include a photograph of the bearer's face unveiled, "will allow women to perform all their activities with ease without fraud that is committed in the name of a woman because of a lack of proof of her identity." He added that the new system "in no way means an end to women's modesty or to exposing them to unveiling, anything shameful, or any violation of Islamic law."

Dissent and Political Violence

The persistent violations of human rights in Saudi Arabia have not meant the absence of dissent. Opposition politics in the kingdom were deeply influenced in 1979 by the overthrow of the shah in Iran and the Soviet Union=s invasion of Afghanistan, and in 1990-91 by the U.S.-led diplomatic and military campaign to oust Iraqi forces from Kuwait. The most vocal internal dissent over the last two decades has boldly challenged the Saudi monarchy=s Islamic credentials and monopoly on power, condemned the kingdom=s close military and economic ties with the U.S., and criticized endemic corruption under the rule of the royal family.

The opposition has been dominated by Sunni Muslim activists whose vision of a reformed Islamic state include religious and judicial establishments independent of the government in practice as well as theory. Oppositionists have long charged that Saudi *ulema* (religious scholars) issue rulings tailored to legitimate the domestic and foreign policies of the ruling family. At times, Shi'a Muslim dissidents have also expressed some of these concerns, although the fierce intolerance of conservative Sunni oppositionists towards Shi=a religious practices that they view as polytheistic, has largely marginalized the impact of Shi=a political views and made their leaders vulnerable to government pressure. The prevailing dissident discourse has left little room for proponents of religious tolerance and greater social freedoms, including advocates of women=s rights and minority rights.

The kingdom=s aura of political stability was rocked in November 1979 when Wahhabi militant Juhayman bin Muhammad al-Utaibi and several hundred armed followers took over the Grand Mosque in Mecca. Utaibi, who served in the Saudi National Guard for eighteen years and later studied at the Islamic University in Medina, had harshly criticized the royal family in various writings and tracts. He also advocated severing ties with the West and ridding the kingdom of foreign military and civilian personnel, and criticized the offical clerical establishment as "shaikhs with degrees, ranks and social

pursuits." Utaibi's followers were mostly religious university students or recent graduates in their twenties and thirties.

It took Saudi and foreign military forces several weeks to dislodge the rebels from the mosque; the casualties reportedly included at least 255 dead, 127 of them Saudi troops. Utaibi and sixty-two of his followers—most of them reportedly Saudi nationals from the conservative Najd region, the heartland of traditional support for Al Saud rule—were secretly tried and publicly beheaded. The militants' lack of organization and political isolation from mainstream Saudi society, as well as their transgression of one of Islam's holiest sites, insured that surviving adherents and supporters posed no threat to the government. Nevertheless, Utaibi's critiques prefigured the better articulated and resonant demands of the Saudi opposition in the 1990s.

Throughout the 1980s, conservative Sunnis quietly but persistently expressed concern that the influence of secular and liberal forces in Saudi society was undermining the Islamic nature of the state. The country's education system expanded, largely under the influence of the established religious authorities; when oil revenues plummeted in the mid-1980s, and the authorities froze spending on general education and many other services, the religious universities continued to grow**,** producing a new generation of religious scholars and preachers and, as it turned out, some of the most prominent opposition leaders of the 1990s. The ranks of the opposition were reinforced by the return of some of the thousands of Saudis—perhaps as many as 12,000--who went to Afghanistan to support the U.S.-supported military campaign against Soviet occupation forces. Among them was Osama bin Ladin.

It was not until the 1990-91 Gulf crisis that sustained public political opposition burst onto the scene. The first manifestations of dissent visible to the outside world came in November 1990, when forty-three businessmen, including three former ministers, publicly petitioned the king for political reforms in the areas of justice, education, and equality. Another petition from businessmen, journalists, and academics called for a permanent constitution and freedom of the press. That same month, a small group of mostly Western-educated Saudi women drove their own cars, with supporters as passengers, in a convoy in Riyadh to protest the ban on women driving vehicles. They were promptly stopped by police, taken into custody, and interrogated. The women were dismissed or suspended from their jobs, and not permitted to travel abroad until their passports were returned in October 1991.Male relatives were also summoned and questioned, and forced to sign pledges that the women would not drive again under penalty of imprisonment. Conservative Islamists were outraged at the women's audacity, denouncing them as "whores and prostitutes" and "filthy secularists," and circulating leaflets that included the women's names, addresses and phone numbers, Judith Miller of the *New York Times* reported.

Liberal manifestations of dissent were soon eclipsed by figures articulating more conservative social agendas. The government's decision to permit U.S. and other foreign troops to defend the kingdom, following Iraq's August 1990 invasion of Kuwait, struck a nerve with disaffected Saudis and galvanized critics who publicly questioned the Islamic credentials of the ruling family and championed the revival of puritanical Wahhabi religious principles. Among the most influential were two young religious scholars, Shaikh Salman bin Fahd al-Awda and Shaikh Safar bin Abd al-Rahman al-Hawali. Their writings,

sermons and lectures circulated widely, especially on popular audiocassettes. In a 1991 taped sermon al-Hawali observed: AWhat is happening in the Gulf is part of a larger Western design to dominate the whole Arab and Muslim world.@ Awda, in a taped sermon, advocated Aa return to fundamentals,@ warning that Asecurity measures will only complicate the problem. People will become bolder. It is a dangerous situation and we have to be frank with ourselves, our rulers, and our ulema. Only by frank debate can we be taken out of this darkness.@

This conservative opposition secretly prepared a twelve-point Letter of Demands, signed by hundreds of prominent religious scholars, intellectuals and others. The letter was presented to King Fahd in April 1991, and then circulated more widely throughout the kingdom and provided to the international media, which angered the authorities. The short document urged a broad program of reform, including review of the kingdom=s laws to ensure conformity with Islamic law; judicial independence; formation of an independent consultative council charged with decision-making in domestic and foreign affairs; Arigorous accountability@ for all officials without exception; removal of corrupt or incompetent officials; overhauling the media to Aserve Islam;@ distribution of public wealth Afairly among all classes and groups;@ and foreign policies that Achampion Muslim causes@ and eschew Aillegitimate alliances.@ The country=s top religious and judicial bodies denounced the letter, particularly because it was made public.

In July 1992, 109 religious scholars and intellectuals circulated a longer document, known as the Memorandum of Advice, that elaborated on the Letter of Demands. It advocated freedom of expression for independent clerics, accountability for government officials, and greater consultation between government policymakers and religious scholars in order to avoid "separation between politics and religion, which defeats the very purpose of the establishment of the Islamic state." The memorandum also called for an end to arbitrary arrest and torture. The government media and the official clerical establishment condemned this document as well. Some of the signatories were questioned and threatened; other oppositionists were banned from public speaking and suspended from their government jobs.

As the government continued its efforts to harass, marginalize, and discredit the opposition, in May 1993 a group of six prominent academics, lawyers, and clerics announced the formation of the Committee for the Defense of Legitimate Rights (CDLR; *lajnat al-difa' 'an al-huquq al-shar'iyya*). The CDLR=s founding declaration claimed a mission to Aeliminate injustice and support the oppressed....and defend the rights prescribed by the *shari'a*,@ and called for an end to practices such as torture. The country=s senior establishment religious figures quickly ruled that the group was Aillegitimate because Saudi Arabia is a country that rules according to Islam.@

Government Crackdown

The government quickly dismissed CDLR=s founding members from their jobs and closed the law offices of two of them. The group=s spokesman, Muhammad al-Masari, a professor of physics, was arrested on May 15, 1993, and arrests of fourteen other academics who supported the group soon followed. Other supporters, including some sixty university professors, were either dismissed from their

government jobs, banned from traveling, or both. Masari was released in November 1993, and after escaping the country operated CDLR from London, faxing communiques into Saudi Arabia and using toll-free numbers to get information from the kingdom.

In September 1993, Sheiks al-Awda and al-Hawali were banned from speaking in public and, dismissed from their academic posts. In September 1994, they were arrested and held without charge or trial. Their detention sparked large demonstrations, especially in Burayda, Awda's home city in Qassim province, where diplomats reported that 500 activists had occupied the governor's house. (The two clerics were not released until 1999, reportedly on the condition that they would refrain from delivering sermons, lecturing, and speaking to the media.)

The crackdown continued into 1995, with more arrests, mostly supporters of Awda and Hawali. Oppositionists were dismissed from teaching jobs and banned from traveling; some went underground or into exile. The authorities, determined to halt critical mosque sermons and the circulation of dissident leaflets and audiocassettes, enforced the strict ban on independent public speaking and distribution or ownership of "hostile" writings and cassettes. In August 1995, an official government statement denounced the dissidents as heretics and condemned CDLR for "stray[ing] beyond the pale of Islam by sowing the seeds of dissension when they declared their disobedience to the ruler of the nation to whom they had pledged loyalty and expressed their utter disregard for the ulema [leading religious scholars, in this case government-appointed], whom they accused of failing to perform their duty." Several times during 1995 the Interior Ministry issued statements warning Saudis against public criticism of the state=s "internal, foreign, financial, media or other policies," or "communicating with anyone outside the country, or any activist inside the country, by telephone or fax."

In August 1995, Sunni opposition activist Abdallah al-Hudhaif was beheaded following a secret trial. He was the only dissident to be executed since the movement went public in 1991.

The London-based CDLR eventually faded from the scene after Saad al-Fagih split from Masari in 1996. Al-Fagih's Movement for Islamic Reform in Arabia (MIRA) continues to disseminate dissident information and analysis from London. .

Opposition took a violent turn in November 1995, when a car bomb exploded at the Riyadh headquarters of the U.S. training mission for the Saudi Arabian National Guard, killing seven (including five U.S. military personnel) and injuring forty-two. Four young Saudis were shown on state-run television in April 1996, providing almost identical Aconfessions@ to the bombing. They were beheaded in May 1996, following secret legal proceedings. The Saudi embassy in Washington, D.C., reported that the confessions were Adocumented and submitted to three judges at the Grand Shariah Court in Jeddah, and then to three judges at the Grand Court in Riyadh, where a legal instrument was issued confirming their guilt.@

U.S. investigators had no access to the four alleged perpetrators. The Saudi government contended that Athey had planned the crime long before carrying it out, and that they had failed in other plots involving

kidnapping and assassination,@ indicating that the men may have had information about a broader network of oppositionists bent on violence. Subsequent reports linked them to Osama bin Laden, who had been stripped of his Saudi citizenship in 1994 and who moved from exile in Sudan back to Afghanistan in mid-1996, under U.S. and Saudi pressure.

In writings and interviews, Osama bin Laden picked up the cause of the detained dissidents, lashing out in particular at Saudi authorities for putting "honest scholars in jail." His Advice and Reform Committee issued an open letter to King Fahd in August 1995, criticizing the government for its Alack of commitment to the teachings of Sunni Islam@ and linking its "destiny to that of the crusader Western governments."

Shi=a Dissent

Unrest among Saudi Arabia=s Shi'a minority-- an estimated 900,000 persons, mainly concentrated in the oil-rich Eastern Province --broke out in 1979 and 1980. Throughout the 1980s, the outspoken Shi'a opposition was mainly based among exiles, and was largely neutralized in the years following the Gulf War through a combination of repression and cooption. But in June 1996, a bomb allegedly set by Shi'a Saudis supported by Iran and the Lebanese Hizballah (Party of God) destroyed the Khobar Towers military housing complex near Dhahran, killing nineteen U.S. military personnel and injuring nearly 500 other persons, including 372 Americans. Saudi authorities reportedly rounded up hundreds of Shi'a in the aftermath. Saudi Interior Minister Prince Nayif bin Abd al-Aziz announced in March 1998 that the investigation was complete, but provided no details beyond a comment several months later that the attack had been the work of ASaudi hands...with support from others.@

As with the Riyadh bombing, U.S. investigators were reportedly unable to interrogate any of the detained suspects. In June 2001, the U.S. Justice Department announced a U.S. federal grand jury indictment of thirteen Saudis and one unnamed Lebanese for planning and carrying out the Khobar attack. Those named included Hani al-Sayegh, who was arrested in Canada in March 1997 transferred to the U.S. in June 1997 on a pledge that he would cooperate with U.S. investigators. After al-Sayegh refused to cooperate and was denied U.S. political asylum, he was deported to Saudi Arabia in October 1999, where he remains in detention. According to the indictment, the Saudi defendants, most of them Shi'a from Qatif in the Eastern Province, were members of an organization identified as ASaudi Hizballah.@ In the words of U.S. Attorney General John Ashcroft, the indictment Aexplains that elements of the Iranian government inspired, supported, and supervised members of the Saudi Hizballah....[T]he charged defendants reported their surveillance activities to Iranian officials and were supported and directed in those activities by Iranian officials.@ Despite these serious allegations, no Iranian was named as a defendant in the indictment. Ashcroft thanked the Saudi government Afor its assistance throughout this investigation,@ and said that the indictment Awould not have been possible without their help and we look forward to working with them as the investigation continues.@ He did not comment on the prospects for a trial in the U.S. or Saudi Arabia.

The indictment apparently caught the Saudi government by surprise. Interior Minister Prince Nayif confirmed that eleven of the suspects were imprisoned in Saudi Arabia. He said they would be tried in a Saudi court, but declared that "the Americans never informed us or coordinated with us on this issue." Prince Nayif told the *New York Times* on June 30 that the suspects in Saudi custody would not be sent to the U.S. for trial: AWe have nothing whatsoever to do with the U.S. court, and we are not concerned with what has been said or what is going to be decided by the U.S.@

Recent Violent Incidents

The most recent period has seen sporadic incidents of violence targeting Westerners, but Saudi authorities did not publicly ascribe blame for any of these events to the political opposition. On August 9, 2000, a Saudi university student opened fire at a housing complex for foreign defense workers in Khamis Mushayt, near the King Khalid air base in Asir province. Authorities said that one Saudi Royal Air Force police officer was killed and another two seriously injured

Asir province, in the southwest of the country, is considerably less well-off than other regions favored by the ruling family, and excluded from political influence. According to the *Washington Post*, this area is where U.S. investigators believe that some of the recruiting and planning for the September 11 attacks on the U.S. occurred.

Between November 2000 and March 2001, one British citizen was killed and others injured in a series of bombings in Riyadh and Khobar. The authorities contended that these incidents were the consequence of turf wars among expatriates involved in the illegal but highly lucrative alcohol trade in the kingdom. Two other bombing attacks followed in Khobar: on May 2, 2001, a U.S. citizen was seriously injured, and on October 6, 2001, a U.S. citizen and another person who was not identified were killed and four foreigners wounded. Saudi authorities declared that they had found no links between these bombings and Osama bin Laden's al-Qaeda. "In the kingdom, we have no proof against him. Nothing," Deputy Interior Minister Prince Ahmad bin Abdul Aziz was quoted as saying on October 29.

Justice System Flaws

Secrecy and the lack of internationally recognized standards of due process have long been distinctive features of the Saudi justice system. One egregious example was the secret trial and execution in August 1995 of Abdallah al-Hudhaif, a 33-year-old businessman who was accused of throwing acid on a Saudi intelligence officer, possessing firearms, and "fomenting dissension" by supporting CDLR and distributing its materials. He was tried with nine others, including two university professors and a lecturer, who were sentenced to long prison terms. Hudhaif reportedly learned in May 1995 that he had been sentenced to twenty years, but the Ministry of Interior objected and insisted on a retrial. Hudhaif was sentenced to death in July but the ruling was not publicly disclosed until August 12, the day after his execution. In an unusual move, authorities carried out the execution secretly and buried him, refusing Hudhaif's family's request for his body and raising suspicions that he had been tortured.

Another illustrative case is the December 1996 execution of Abd al-Karim al-Naqshabandi, a 40-year-old Syrian citizen employed by a member of the Saudi royal family for fourteen years. The Interior Ministry announced that Naqshabandi was sentenced to death for "the practice of works of magic and spells and possession of a collection of polytheistic and superstitious books," but Naqshabandi's family alleges that his arrest, detention and execution was part of an effort by the prince who was his employer to silence someone who knew too much about his private life and business dealings. Naqshabandi's trial was secret; he did not have a lawyer and was not permitted to call witnesses on his own behalf. In a handwritten letter of self-defense sent to the presiding judge, Naqshabandi urged the judge to read what he felt unable to present orally in court "because of the position that I am in when I attend, with its terror, and the guards, and the insults in people's eyes." According to family members who visited him several days before his execution, Naqshabandi was in good spirits and anticipated being released soon, evidently having no knowledge of his death sentence. His wife only learned of the execution after another family member read about it in a newspaper.

The treatment of detained foreign nationals in the last year provided fresh glimpses into the closed world and fundamental flaws of the Saudi judicial system, including prolonged incommunicado detention, the absence of protection against torture and other mistreatment during interrogation, denial of access to lawyers, and the lack of transparency of legal proceedings.

Twice in 2001 the government resorted to the use of televised "confessions" to brand suspects guilty of violent activities before they were charged or tried. On February 4, three foreign residents of Saudi Arabia -- from the United Kingdom, Canada, and Belgium -- were shown on Saudi state television "confessing" to two car bombings that claimed the life of one Briton and injured others in November 2000. The videotaped statements, made after the detainees had been held in incommunicado detention since mid-December, were aired before authorities completed the criminal investigation or formally charged the suspects. The Canadian ambassador in Riyadh, when he met with the Saudi interior minister on February 13, was informed that William Sampson, the Canadian, was not permitted to consult with a lawyer during the investigation stage of the proceedings. The three men have yet to be charged.

Videotaped "confessions" were used again on August 13, when three British citizens were shown on television admitting their roles in three bombings that injured several persons between December 2000 and March 2001. The men said that they had "received orders" to carry out two attacks in Riyadh, on January 10 and March 15, and one in Khobar on December 15. As with the February "confessions," the suspects did not mention any motives for their alleged actions.

A Riyadh court on May 26, 2001 secretly sentenced four British citizens to flogging and prison terms for illegal alcohol trading, and British authorities were not notified until May 31, according to the United Kingdom's Foreign and Commonwealth Office. Kelvin Hawkins drew the most severe sentence, two and a half years and 500 lashes.

Two Chechen teenagers were apprehended after a Russian passenger plane they had allegedly hijacked landed in Medina in March 2001. Three people were killed, including a third alleged hijacker, when Saudi forces stormed the plane to release the passengers and crew. The trial reportedly began in September 2001 without legal representation for the suspects. On September 5, the Saudi daily *Okaz* quoted Judge Shaikh Saleh bin Muhammad al-Luhaidan, a senior jurist who heads the Supreme Judicial Council, about the case. He termed the prosecution of the Chechens "straightforward.... A case such as this requires no defense lawyer because the hijacking occurred and the hijackers are known and have confessed their crimes." As of this writing, there has been no additional information about this case.

Diplomats in Saudi Arabia have reported that as many as 400 Saudis suspected of links with Osama bin Laden have been arrested since September 11, 2001, although no additional information has emerged about these detentions. Saudi Interior Minister Prince Nayef bin Abdul Aziz said ominously in October 2001 that supporters of bin Laden were "ill and cannot be accepted in Saudi society, even if they were part of us. Some organs of the body may become ill, but the sick organ is amputated." He did not elaborate. In December 2001, Foreign Minister Prince Saud bin Faisal indicated that the government would seek the return of Saudis captured in Afghanistan, and said that "[t]hose who are criminally involved will be punished." There is a strong likelihood that Saudi intelligence forces may torture under interrogation repatriated Saudi pro-Taliban or al-Qaeda fighters, in order to obtain information or confessions. While Saudi and other foreign fighters in Afghanistan should be brought to justice if they are found to have committed serious violations of international law, including war crimes and crimes against humanity, they should not be returned to Saudi Arabia if they will be at risk of being tortured. All persons implicated in serious violations of international humanitarian law and other international crimes in Afghanistan should be prosecuted by competent and impartial tribunals that meet international fair trial standards. This could include trials before courts established in Afghanistan, courts in third countries exercising "universal jurisdiction," or some form of an international tribunal.

The Saudi justice system provides little protection against coerced confessions. Courts routinely base convictions on written confessions that typically are obtained while defendants are held incommunicado. Supporting evidence, if it exists, is kept secret. Salah Al-Hejailan, the Saudi lawyer who represented two British nurses convicted for the 1996 murder of an Australian colleague (their sentences were commuted in May 1998), said afterwards that the government "did not see fit to reveal any forensic or other evidence against the accused and then to withstand examination of same." Hejailan emphasized that this "was certainly not a case of the accused being found at the scene of the crime." He also pointed out that, besides the women's own recanted written confessions, "the only other evidence before the court relevant to the guilt or innocence of the two nurses was evidence submitted by the defense." The common practice in Saudi shari'a courts, Hejailan said, has been to afford "near total conclusory weight to written confessions affirmed before a shari'a judge, regardless of the conditions in the detention and police custody leading up to the confessions."

On October 1, 2001, the Council of Ministers approved a 225-article penal code scheduled to come into force ninety days after publication in the official gazette. The government claimed that the code would prohibit torture and ill-treatment and guarantee some due process rights. The Council of

Ministers also approved a new law regulating the legal profession. The practical effect of these new laws warrant scrutiny.

Death Penalty

Some 121 Saudi citizens and non-Western foreigners were executed by beheading in Saudi Arabia in 2000 after convictions for murder, armed robbery, rape, drug trafficking, and other offenses, according to statistics compiled by the Reuters news agency. At least seventy-five people were beheaded in 2001 as of mid-November, according to the same tally. The Saudi Interior Ministry routinely announced the executions but provided little information about the trials of these men and women, including the evidence that judges found had determined their guilt.

The Saudi Ministry of Information stated on its web site that "Saudi Arabian opinion is that capital punishment is the most effective way of safeguarding the most basic human right: the right to life. It places a high value on the life of the murder victim and, as evidence of that high value and as a deterrent to others, it exacts a high price from the murderer." The ministry did not address the fact that Saudis and foreigners have been beheaded not only for murder but for nonviolent offences such as "sorcery" and drug trafficking.

The June 2000 execution of an Indonesian maid, Warni Samiran Audi, drew criticism from Indonesian government officials and caused an uproar among Indonesian nongovernmental organizations (NGOs). Samiran Audi was executed for allegedly killing the wife of her Saudi employer. The Indonesian embassy in Riyadh was not officially notified of the execution, according to Din Syamsuddin, the director general for labor in the Manpower Ministry, although Indonesian officials had followed the maid's case for three years, seeking her release or a reduced sentence.

In cases involving foreigners, governments rarely if ever publicly raise fair-trial concerns or engage in other vigorous public advocacy on behalf of their nationals, prior to or after their executions. But a sharp rise in the number of Indians beheaded on drug-related offenses (from one in 1998 to twenty-four in 2000, according to the Indian ambassador in Saudi Arabia) prompted some Indian officials to press for a government investigation of the duping of Indian migrant workers, mainly from the state of Kerala, by drug dealers posing as job recruiters. Authorities became aware of the practice following a complaint from the mother of a twenty-year-old carpenter, who she claimed was tricked into carrying drugs into Saudi Arabia. He reportedly was arrested at the airport and beheaded in 1995.

Associated Press correspondent Anwar Faruqi described the scene at public beheadings in an article published on April 24, 2000:

"Policemen clear a public square of traffic and lay out a thick blue plastic sheet about 16 feet by 16 feet on the asphalt. The condemned, who has been given tranquilizers, is led from a police car dressed in his own clothing. His eyes are covered with cotton pads, bound in plaster and finally covered with a black cloth.

"Barefoot, with feet shackled and hands cuffed behind his back, the prisoners is led by a police officer to the center of the sheet and made to kneel. An Interior Ministry official reads out the prisoner's name and crime before a crowd of witnesses.

"A soldier hands a long, curved sword to the executioner. He approaches the prisoner from behind and jabs him with the tip of the sword in the back so that the prisoner instinctively raises his head.

"It usually takes just one swing of the sword to sever the head, often sending it flying about three feet. Paramedics bring the head to a doctor, who uses a gloved hand to stop the fountain of blood spurting from the neck. The doctor sews the head back on, and the body is wrapped in the blue plastic sheet and taken away in an ambulance."

Cruel, Inhuman and Degrading Punishment: Flogging and Amputations

Saudi courts continue to impose cruel, inhuman and degrading punishment, including amputations of hands and feet for robbery, and floggings for lesser crimes such as "sexual deviance" and drunkenness. The number of lashes, not clearly prescribed by law, varies according to the discretion of judges and ranges from dozens of lashes to several thousand, usually applied over a period of weeks or months. A court in Qunfuda sentenced nine Saudi alleged transvestites in April 2000: five drew prison terms of six years and 2,600 lashes, and the other four were sentenced to five years and 2,400 lashes. The floggings reportedly were to be carried out in fifty sessions, with a fifteen-day hiatus between each punishment. In February 2001, a court reportedly sentenced a captain in the Saudi army to seventy lashes because he used a cellular telephone on a domestic flight.

Amputations have also been reported in Interior Ministry statements. In September 2000, the right hand of a Bangladeshi man was removed after he was convicted of robbing pilgrims at Mecca's Grand Mosque. In August 2000, *Okaz* reported that a court ordered the surgical removal of the left eye of Egyptian Abd al-Muti Abd al-Rahman Muhammad after he was convicted of throwing acid in the face of another Egyptian. The operation was performed in a hospital in Medina. In addition to this punishment, Abdel Rahman was reportedly fined U.S. $68,800 and sentenced to an undisclosed prison term.

No Religious Freedom

The government is intolerant of religious diversity. Restrictions on religious freedom apply to Saudis and foreigners alike, and any demonstration of religious affiliation or sentiment is forbidden except for Muslims who follow the austere Wahhabi interpretation of the Hanbali school of Sunni Islam, a doctrine promulgated in the mid-18th century. The kingdom's Shi'a Muslim minority suffers particularly acute discrimination in matters relating to their religion and culture. This in turn has perpetuated discrimination in other areas such as public-sector employment, education, and lack of access to positions in the judiciary, the security forces, and the military officers corps. Wahhabi clerics have historically viewed certain Shi'a religious rituals as polytheistic and thus heretical, and Shi'a public religious practice is

tightly restricted, particularly the mourning celebration of Ashura. The state restricts the private construction of Shi'a mosques and traditional religious community centers (*husayniyyat*). Shi'a religious seminaries are not permitted, and Shi'a religious scholars have been arrested, tried secretly, and sentenced to long prison terms.

In April 2000, Ismaili Shi'a clashed with Saudi security forces in the southwestern province of Najran. According to some reports, the violence was precipitated by the arrest of an Ismaili cleric from Yemen whom authorities alleged was practicing "sorcery," while other accounts said protesters took to the streets after religious police raided an Ismaili mosque, confiscated its books, and closed the facility. Scores of Ismailis were reportedly arrested in the aftermath of the disturbances and some continue to be detained. In a statement publicized in the international media on December 9, 2001, Ismaili elders from Najran called on the Saudi government to release ninety-three imprisoned Ismailis, including seventeen who they said faced the death penalty ``for opposing the condition of degradation, repression and humiliation that is practiced against them and their tribesmen by Saudi authorities because of their faith."

Public worship by non-Muslims is banned in the kingdom and places of worship other than mosques are not permitted. The government maintains that non-Muslims are free to worship privately but authorities have arrested participants in private religious services deemed too large. Foreigners suspected of proselytizing Muslims have also been arrested, sentenced to prison terms, and deported.