

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Indefinite Detention, Inappropriate Reeducation, and Flawed Trials

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(New York) - Saudi Arabia has detained indefinitely more than 9,000 people under its counterterrorism program since 2003, offering many religious "reeducation" instead of judicial review to attain their freedom Human Rights Watch said in a [report](#) issued today. Saudi Arabia only moved in October 2008 to try some detainees, announcing in July 2009 that it had convicted more than 300 on terrorism charges, in trials the report says were secret and unfair.

The 27-page report, "[Human Rights and Saudi Arabia's Counterterrorism Response: Religious Counseling, Indefinite Detention, and Flawed Trials](#)," documents Saudi Arabia's response to threats and acts of terrorism since 2003, including the indefinite detentions of thousands of people, some of them peaceful political dissidents. The domestic intelligence agency, the *mabahith*, which runs its own prisons, has prevented effective judicial oversight. Saudi Arabia should ensure the right to judicial review for anyone detained, and the right to a fair trial for anyone charged with a crime, the report says.

"Saudi Arabia's response to terrorism for years has been to lock up thousands of suspects and throw away the key," said Sarah Leah Whitson, Middle East director at Human Rights Watch. "The authorities made believe that religious counseling could replace trials, and now they are pretending that convictions after secret trials can legitimize continued detention."

The United States and United Kingdom closely cooperate with Saudi counterterrorism officials, publicly praising their religious reeducation program, but have not criticized either the indefinite detention of thousands of people or the flawed trials of 330 suspects in July. Several thousand of those detained under counterterrorism efforts remain in prisons throughout the country.

Instead of allowing those detained to challenge their detention before a judge, the Interior Ministry offered religious counseling to *mabahith* detainees, including those transferred from the US detention facility at Guantanamo Bay, Cuba. Approval from the counselors is one of the requirements for release. Such an involuntary program is inappropriate for detainees who have not been convicted of any crime and who should be presumed innocent, Human Rights Watch said.

Saudi Arabia has a legal limit of six months in detention before trial, and some families have challenged their relatives' detention before the Board of Grievances, the Saudi administrative court. However, the Interior Ministry, which is responsible for the *mabahith*, has ignored the court's rulings ordering the release of detainees held longer than the legal limit, the report says.

For example, in April, the court ordered the *mabahith* to release Majid al-Husaini, detained without charge since August 2002, when he was 17. He remains in detention. In another example, when the Board of Grievances in June accepted a claim against the *mabahith* by Walid Abu al-Khair, a lawyer representing some of 10 reformists detained without charge since their arrests in February 2007, the *mabahith* issued a series of threats to detain Abu al-Khair himself.

"The *mabahith* acts as if it is above the law," said Whitson. "King Abdullah's judicial reforms should be measured against the compliance of the security apparatus with basic tenets of the rule of law."

In October 2008, the authorities referred 991 militant suspects for trial in a newly created Special Criminal Court, promising fair trials monitored by human rights experts. The government broke its promises, though, announcing in July that 329 suspects had been convicted on terrorism-related charges following secret trials without legal representation. An October 2008 Human Rights Watch request to attend the trials was rebuffed, and the two local rights organizations also were unable to publicly monitor proceedings.

The Human Rights Watch report documents government pressure on lawyers not to represent suspected militants, and includes information from families of detainees, who said that they were not informed in advance of trial dates, and that their jailed relatives had no access to legal counsel, and were being tried in summary proceedings based on confessions the *mabahith* provided to the court.

Human Rights Watch called on Saudi Arabia to release or try all remaining *mabahith* detainees, regardless of participation in religious counseling. All detainees to be tried must be charged with cognizable offenses and the trials should be open and guarantee defendants all rights to a fair trial. Foreign governments such as the US and UK that have praised Saudi counterterrorism measures have a special duty to monitor trials and speak out when defendants' rights are violated.

"Justice has to be fair and must be seen to be fair," said Whitson. "The closed, summary Saudi trials are neither - they are sham justice."

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