

# Human Rights Watch

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

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### Annual reports

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Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions

Health Providers Complicity in Torture and Cruel, Inhuman or Degrading Treatment

In Search of Authoritative Local Voices

Human rights conditions remain poor in Saudi Arabia. In February 2009 King Abdullah replaced conservatives in the religious establishment, judiciary, and education system with more progressive-minded officials, but domestic and international pressure to improve human rights practices is feeble.

Authorities continue to systematically suppress, or fail to protect, the rights of fourteen million Saudi women and girls, eight million foreign workers, and some two million Shia. Thousands of people have received unfair trials or were subject to arbitrary detention. Curbs on freedom of association, expression, and movement, as well as a pervasive lack of official accountability, remain serious concerns. In May the government cancelled scheduled municipal elections.

Women's and Girls' Rights

The government told the United Nations Human Rights Council in June that it would dismantle the system of male legal guardianship over women, but it continues to treat women as legal minors by allowing male guardians to determine a woman's right to work, study, marry, travel, and even receive a national identification card. Officials refused to let Heba Neguib, a 27-year-old Egyptian living with her family in Saudi Arabia, travel back to Egypt without permission from her father, who initially refused. Women who are victims of domestic violence face societal and governmental obstacles in obtaining redress.

In February, Norah al-Fayez was appointed deputy minister of education, the highest post attained by a woman in Saudi Arabia. In September the first coeducational facility, King Abdullah University of Science and Technology, was inaugurated. Yet sex segregation is strictly enforced throughout the kingdom and impedes women's full participation in public life. Women are prohibited from working in offices or entering government buildings without female sections, or pursuing degrees in disciplines not taught in women's colleges. Women cannot work as judges, prosecutors, or court-accredited lawyers. In March a court in Ha'il convicted a 75-year-old woman for "illegal mingling" with her nephew and his friend who had delivered food to her.

The government has not yet set a minimum age for marriage, against a recommendation by the governmental Human Rights Commission. In April a court in Unaiza reaffirmed its earlier verdict, overturned on appeal, refusing to annul the marriage of a girl age 8 to a middle-age man. In March a 70-year-old man demanded US\$130,000 to divorce his new 13-year-old bride, who had run away from him. In May a girl age 10 in the Eastern Province was betrothed to a man 15 years her senior.

Migrant Worker Rights

An estimated eight million largely Asian and Arab foreign workers fill manual, clerical, and service jobs. Many suffer multiple abuses and labor exploitation, sometimes rising to slavery-like conditions. A new anti-trafficking law passed in July set prison sentences of up to 15 years for forced labor. However, Saudi Arabia made little progress reforming the restrictive *kafala* (sponsorship) system that ties migrant workers' residency permits to their employers, fueling abuses such as employers confiscating passports, withholding wages, and forcing migrants to work against their will.

In July 2009 the advisory Shura Council extended some labor protections to the 1.5 million migrant domestic workers, but excluded the right of workers to leave the house or keep their passports, and obliges them to obey the employers. Asian embassies report thousands of complaints each year from domestic workers forced to work 15-20 hours a day, seven days a week, and denied their salaries. Domestic workers frequently endure forced confinement, food deprivation, and severe psychological, physical, and sexual abuse.

Migrants sometimes face severe delays in the immigration and justice systems, and obstacles such as lack of access to interpreters, legal aid, or their consulates. Few migrants successfully pursue criminal cases against abusive employers. Following a dispute with his sponsor, officials on October 26 detained pending deportation Usama Hijazi, an Egyptian legal adviser living in Saudi Arabia for 16 years. Hijazi had just won a court ruling in his favor against his sponsor, granting him 155,000 riyal (US\$41,000) and allowing him to transfer his sponsorship. Authorities repatriated Keni binti Carda, an Indonesian domestic worker, in late 2008 before she could formally complain about her employers causing her severe burns and prying out her teeth. She returned to Riyadh to press charges, but as of November 2009 criminal proceedings had yet to begin. In August Saudi morality police raided a shelter run by a Filipino support group, though prosecutors later dropped charges against 18 persons present.

Detainees, including children, are commonly the victims of systematic and multiple violations of due process and fair trial rights, including arbitrary arrest and torture and ill-treatment in detention. Saudi judges routinely sentence defendants to thousands of lashes. The kingdom carried out some 53 executions as of September 2009, including of one woman, slightly fewer than in 2008.

Judges can order arrest and detention of children at their discretion. Children can be tried and sentenced as adults at any age if the defendant is determined to have attained majority, a concept based on puberty. Shaikh Salman al-Awda, a prominent cleric, in September criticized death sentences for children; no executions of children were reported in 2009.

Authorities rarely inform suspects of the crime with which they are charged, or of the supporting evidence. Saudi Arabia has no penal code, and prosecutors and judges largely define criminal offenses at their discretion. During interrogation detainees are not assisted by lawyers, and they face excessive pretrial delays, and difficulty examining witnesses or presenting evidence at trial. Secret police (*mabahith*) in 2009 detained or continued to detain without trial or access to lawyers, in many cases for years, around 2,000 persons suspected of sympathies with or involvement in terrorism or for their peaceful political views. Muhammad al-Utaibi, and Khalid al-Umair, two human rights activists arrested in January for trying to organize a peaceful Gaza solidarity demonstration, continue to be held in al-Ha'ir prison without trial beyond the six-month limit allowed under Saudi law.

In July Saudi Arabia announced that a specialized criminal court had found 330 persons guilty of terrorism-related offenses, but did not provide further details. Trials were closed and defendants did not have access to lawyers of their choosing. A total of 991 terrorism suspects were referred to court in October 2008.

On August 28, 2009, guards in al-Ha'ir prison severely beat a Yemeni prisoner. In another case, prosecutors began probing whether an al-Ha'ir guard beat prisoner Abd al-Karim al-Dahamshi in July. Detainees reported beatings in Buraiman and Malaz prisons and inhumane conditions in Jeddah's deportation center.

Saudi authorities brooked little public criticism of officials or government policies in 2009. Print and broadcast media remained heavily censored and internet critics faced arrest. The government tolerated hate speech, including by officials, while courts criminalized free speech.

Interior Minister Prince Nayef in June criticized a reporter for *Al-Watan* newspaper for asking why there are more religious than ordinary police stations in Riyadh. Jamal Khashoggi, *Al-Watan's* chief editor, published a contrite article praising Nayef and promising reflection on its reporting. In September MBC1 television canceled two episodes of the popular Ramadan series *Tash Ma Tash*, which regularly pokes fun at conservative and liberal Saudi attitudes: one dealt with excessively amplified calls to prayer, and the other imagined Barack Obama growing up in the kingdom. Authorities in August closed local LBC television offices after a Saudi man spoke about his sexual conquests on one show in July; he received a five-year prison sentence with 1,000 lashes for advocating vice. A judge in May filed a libel case that can carry a prison sentence against Hayat al-Ghamdi of *Arab News* for reporting that at a conference on domestic violence the judge had spoken approvingly of a husband slapping his wife for lavish spending. An Abha court accepted the case, although only the Ministry of Information has jurisdiction over the content of publications.

Saudi domestic intelligence on July 29 arrested Syrian blogger Ra'fat al-Ghanim, who had signed a petition calling for the release of al-Utaibi and al-Umair, the two human rights activists arrested in January.

In early 2009 Saudi authorities lifted bans on foreign travel on Muhammad Sa'id Tayyib, Abd al-Rahman al-Lahim, and Najib al-Khunaizi, imposed in 2003 after they advocated constitutional reform, but maintained bans on Ali al-Dumaini, Matrook al-Faleh, Abdullah al-Hamid and Muhammad Bajadi, fellow advocates.

Saudi Arabia systematically discriminates against its religious minorities-in particular, Shia in the Eastern Province and around Medina, and Ismailis (a distinct branch of Shiism) in Najran. Official discrimination against Shia encompasses religious practices, education, and the justice system. Government officials exclude Shia from employment and decision making, and publicly disparage their faith.

Clashes between Shia pilgrims and security guards in Medina in February 2009 led to the worst sectarian tensions in years. Authorities arrested scores of pilgrims and protestors demonstrating in solidarity with them, releasing most without charge by July. That month, authorities in Khobar arrested Shia who hosted communal prayers in their homes, and on September 4 sealed shut the city's only Ismaili mosque. In al-Ahsa', authorities by September had arrested at least 42 Shia religious and community leaders in 2009.

In Najran, new governor Prince Mish'al, the king's son, in June announced land distribution to local residents, and, in August, pardons for the remaining 17 prisoners sentenced after sectarian clashes in April 2000. In September King Abdullah released Ismaili leader Shaikh Ahmad bin Turki Al Sa'b, detained without charge since May 2008 for complaining about discrimination against his community. However, a court in August 2009 sentenced Hadi Al Mutif, an Ismaili on death row since 1994 for allegedly insulting the Prophet Muhammad, to an additional five years in prison for criticizing his imprisonment in a videotaped message broadcast on Al-Hurra television in January 2007.

#### Key International Actors

Saudi Arabia is a key ally of the United States and the United Kingdom. US pressure for human rights improvements was imperceptible. UK efforts through the Two Kingdoms Dialogue to protect human rights had no tangible effect, if such efforts were made at all.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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