

Amnesty International Report 2015/16 - The State of the World's Human Rights - Saudi Arabia

The government continued to severely restrict freedoms of expression, association and assembly. The authorities arrested, prosecuted and imprisoned human rights defenders and government critics, including under the 2014 anti-terror law, often after unfair trials. Some of those detained were prisoners of conscience. Torture and other ill-treatment of detainees remained common. Unfair trials continued before the Specialized Criminal Court (SCC), a special court for hearing terrorism-related cases, with some trials resulting in death sentences. Discrimination against the Shi'a minority remained entrenched; some Shi'a activists were on death row awaiting execution. Women faced discrimination in law and in practice and were inadequately protected against sexual and other violence. Thousands of migrants were summarily expelled, many to countries where they were at risk of serious human rights violations. The authorities used the death penalty extensively and carried out more than 150 executions.

Background

Crown Prince Salman became King on 23 January, following the death of King Abdullah. He appointed his nephew, Minister of the Interior Prince Mohamed bin Nayef, as Crown Prince, and his son, Prince Mohamed bin Salman, as Minister of Defence and second in line to the throne.

On 29 January, King Salman issued a royal pardon which the authorities said resulted in an unprecedented number of prisoner releases. It excluded those held for "crimes related to state security", although these are not defined or codified under Saudi Arabian law. No prisoners of conscience were among those pardoned.

In January, the flogging of blogger Raif Badawi provoked strong international condemnation and strained relations between Saudi Arabia and several European states. Sweden announced that it would not renew a deal to supply arms; in response, the government temporarily withdrew Saudi Arabia's ambassador to Sweden and ceased issuing business visas to Swedes.

The government faced further international criticism in September following news that the Supreme Court had upheld the death sentences of Ali Mohammed Baqir al-Nimr, nephew of a prominent Saudi Arabian Shi'a cleric who was also on death row, and two other activists, Dawood Hussein al-Marhoon and Abdullah Hasan al-Zaher. All three men were under 18 when they were arrested; they said they were tortured into "confessing".

Militants affiliated to the armed group Islamic State (IS) carried out bomb attacks that mostly targeted the minority Shi'a community. The deadliest attacks hit Shi'a mosques in the towns of al-Qudaih and al-Dammam on 22 and 29 May, killing at least 25 people and injuring several others.

In December, the Deputy Crown Prince announced that Saudi Arabia had formed an “Islamic anti-terror coalition”, comprising 34 Muslim states but excluding others including Iran and Iraq, to combat “terrorist organizations”.

Armed conflict in Yemen

On 25 March, a Saudi Arabian-led coalition of nine states began a campaign of air strikes against the Huthi armed group which had gained control of large areas of Yemen, including the capital Sana’a, ousting the government, which relocated to Saudi Arabia. In the subsequent months, coalition aircraft and other forces carried out numerous attacks, killing and injuring thousands, many of them civilians. Some coalition air strikes violated international humanitarian law, possibly amounting to war crimes. The coalition also deployed ground troops in Yemen and mounted an air, land and sea blockade that caused worsening humanitarian conditions for Yemen’s civilians.

The US, UK and French governments signed agreements to supply arms worth billions of dollars to Saudi Arabia despite mounting evidence that the Saudi Arabia-led coalition had used arms of a similar nature to commit war crimes and other serious violations of international law in Yemen.

Huthi forces and their allies also committed violations of international humanitarian law, including possible war crimes, by repeatedly carrying out indiscriminate shelling into Najran and other civilian-populated areas of Saudi Arabia near its southern border with Yemen.

Freedoms of expression, association and assembly

The authorities continued to arrest, prosecute and imprison government critics, including bloggers and other online commentators, political activists, members of the Shi’a minority, and human rights activists and defenders, including women’s rights defenders.

Blogger and prisoner of conscience Raif Badawi continued to serve a 10-year prison sentence following his conviction in 2014 for “insulting Islam” and violating the cybercrime law, including through the creation and management of the Free Saudi Liberal Network website. He was also sentenced to be flogged (see below).

Writer and government critic Dr Zuhair Kutbi was taken from his home in Mecca on 15 July by security officials, who beat him with rifle butts and detained him at three different locations before taking him to Mecca’s General Prison. Three weeks before his arrest, Zuhair Kutbi had appeared on the *Fi al-Samim* TV talk show, where he criticized political repression in Saudi Arabia and called for reforms. The authorities ordered *Fi al-Samim* to be cancelled. In December, the SCC convicted him of “inciting public opinion”, “sowing discord” and “reducing people’s respect of the law” through his writings and talks, and sentenced him to four years in prison, followed by a five-year foreign travel ban. He was also fined and banned from writing for publication for 15 years.

The government did not permit the existence of political parties, trade unions or independent human rights groups, and the authorities continued to arrest, prosecute and imprison those who set up or participated in unlicensed organizations. In November, however, the cabinet approved a law of associations based partly on a draft approved by the Shura Council years earlier, but the government did not indicate when it will take effect. The authorities also continued to deny Amnesty

International access to Saudi Arabia and took punitive measures against activists and family members of victims who contacted Amnesty International.

All public gatherings, including peaceful demonstrations, remained prohibited under an order issued by the Ministry of the Interior in 2011. Those who sought to defy the ban faced arrest, prosecution and imprisonment on charges such as “inciting people against the authorities”. In March, the government warned that it would arrest and prosecute anyone who publicly criticized Saudi Arabia’s military actions in Yemen; in November, the Ministry of Justice was reported to have said it would sue anyone who compared Saudi Arabia’s justice system to that operated by IS.

Human rights defenders

The authorities continued to imprison human rights defenders, arresting and prosecuting them under anti-terrorism legislation and other laws. Those detained, on trial or serving prison sentences included members and activists of the Saudi Civil and Political Rights Association (ACPRA), a group founded in 2009, which the authorities never licensed and then banned in 2013. At the end of the year, seven members of ACPRA, which campaigned for the release or fair trial of long-term political detainees, were serving prison sentences of up to 15 years imposed on vague, overly broad charges. Two were free pending the outcome of their trial, one was still detained without any charge or trial, and one had served his sentence but was yet to be released.

In January, the SCC appeal court in the capital Riyadh confirmed the 15-year prison sentence imposed on prominent lawyer and human rights defender Waleed Abu al-Khai, with the judge ordering that he serve the full 15-year term for refusing to apologize for his “offences”. The court that first sentenced him had said he should serve only 10 years of his 15-year sentence.

In October, the SCC sentenced Dr Abdulrahman al-Hamid and Dr Abdulkareem al-Khoder, both founding members of ACPRA, to eight and 10-year prison terms respectively, followed by foreign travel bans, after convicting them on terrorism-related charges. A criminal court had previously sentenced Dr al-Khoder to eight years in prison, which an appeal court overturned before his case was referred to the SCC.

Counter-terrorism and security

The authorities used the 2014 anti-terrorism law to arrest and prosecute peaceful activists and human rights defenders, as well as people accused of violent opposition to the government. Waleed Abu al-Khair was the first human rights defender to receive a prison sentence under the law and to have it confirmed on appeal. Women’s rights activists Loujain al-Hathloul and Maysaa al-Amoudi were charged with offences regulated by the law after they were arrested in late 2014 for defying the ban on women driving cars. They were detained for several weeks before their release on 12 February. It was unclear whether their trial would go ahead.

The authorities publicly deterred citizens from joining or contributing funds or other support to militant Sunni armed groups in Syria and Iraq, and arrested suspected members of armed groups. On 18 July, the Ministry of the Interior said that during “the past few weeks”, the authorities had arrested 431 people suspected of belonging to IS but provided few details about any specific charges or offences or under what law they were detained.

Arbitrary arrests and detentions

Security authorities carried out arbitrary arrests and continued to hold detainees without charge or trial for long periods, with scores of people held for more than six months without being referred to a competent court, in breach of Saudi Arabia's Law of Criminal Procedures and its obligations under international law. Detainees were frequently held incommunicado during interrogation and denied access to lawyers, in violation of international fair trial standards.

Torture and other ill-treatment

Torture and other ill-treatment remained common and widespread, according to former detainees, trial defendants and others. There was impunity for past cases. In a number of cases, courts did not exclude statements elicited by torture, ill-treatment or coercion and convicted defendants solely on the basis of pre-trial "confessions" without investigating their allegations that the confessions had been obtained through torture, in some cases sentencing the defendants to death.

Some prisoners sentenced on political grounds in previous years were reportedly ill-treated in prison. Imprisoned ACPRA activist Issa al-Nukheifi, sentenced to a three-year prison term in 2013, accused prison authorities of verbally abusing and subjecting him to frequent strip-searches, and of provoking and/or coercing other inmates to threaten and attack him.

In April, prisoner of conscience Waleed Abu al-Khair was assaulted in Riyadh's al-Ha'ir Prison by another inmate after he complained to prison authorities about poor conditions, including corruption and inadequate food within the prison. He lodged a formal complaint about the assault, after which guards raided his prison cell, damaging some of his belongings.

Discrimination – Shi'a minority

The Shi'a minority, who mostly live in Saudi Arabia's oil-rich Eastern Province, faced entrenched discrimination that limited their access to state services and employment. Shi'a leaders and activists faced arrest, imprisonment and in some cases the death penalty, following unfair trials.

In January, the SCC appeal court confirmed an eight-year prison term and subsequent 10-year foreign travel ban imposed in August 2014 on prominent Shi'a cleric Sheikh Tawfiq Jaber Ibrahim al-'Amr for delivering religious sermons and speeches deemed to incite sectarianism, defame the ruling system, ridicule religious leaders, show disobedience to the ruler, and advocate change.

In September, families of Ali Mohammed Baqir al-Nimr, Dawood Hussein al-Marhoon and Abdullah Hasan al-Zaher learned that both the SCC appeal court and the Supreme Court had upheld their death sentences. The three men were convicted of committing offences that included demonstrating against the government, possessing weapons and attacking the security forces, when they were under 18 years of age. They denied the charges and alleged that interrogators forced them to "confess" under torture; however, the trial court failed to investigate their allegations. Ali al-Nimr's uncle, Sheikh Nimr Baqir al-Nimr, a Shi'a cleric from al-Qatif and vocal critic of the government, and three other Shi'a activists, were also on death row.

The SCC continued to try other Shi'a activists for their alleged participation in protests in 2011 and 2012.

Women's rights

Women and girls remained subject to discrimination in law and in practice. Women had subordinate status to men under the law, particularly in relation to family matters such as marriage, divorce, child custody and inheritance, and they were inadequately protected against sexual and other violence. Domestic violence remained endemic, despite a government awareness-raising campaign launched in 2013. A law criminalizing domestic violence which was adopted in 2013 remained unimplemented in practice.

In December, women were allowed to vote and to stand as candidates in municipal elections for the first time, although not to publicly campaign with male voters. Women were elected to 21 of the 2,106 directly elected municipal council seats.

Migrants' rights

The authorities continued to crack down on irregular migrants, arresting, detaining and deporting hundreds of thousands of foreign workers. In March, the authorities announced that they had arrested and deported 300,000 irregular migrants in the previous five months.

The authorities deported thousands of migrants to Somalia and other states where they were at risk of human rights violations, in contravention of the principle of *non-refoulement*, but ceased deportations to Yemen in March due to the armed conflict. Many migrants reported that prior to deportation they were packed into severely overcrowded makeshift detention facilities where they received little food and water and were abused by guards.

Cruel, inhuman or degrading punishment

Courts continued to impose cruel and inhuman punishments, such as flogging, as discretionary additional punishments for many offences, including slander, insult and sexual harassment.

Blogger Raif Badawi received a 50-lash public flogging in Jeddah on 9 January, provoking an international outcry. In 2014 he had received a sentence of 1,000 lashes; the authorities did not subject him to further floggings in 2015.

In November, an appeal court confirmed the 2014 conviction of human rights defender Mikhlif bin Daham al-Shammari on charges that included "stirring public opinion by sitting with the Shi'a" and "violating instructions by the rulers by holding a private gathering and tweeting". The court confirmed his sentence of two years' imprisonment and a flogging of 200 lashes.

Death penalty

Courts continued to impose death sentences for a range of crimes, including non-violent drugs offences, often after unfair trials in which they failed to adequately investigate defendants' claims

that interrogators tortured, coerced or misled them into making false confessions in pre-trial detention.

In November, the General Court in Abha sentenced Palestinian artist and poet Ashraf Fayadh to death after convicting him of apostasy. Earlier, an appeal court had overturned his original sentence of four years' imprisonment and 800 lashes, imposed after he was convicted of breaching Article 6 of the cybercrime law.

The surge in executions that began in August 2014 continued throughout 2015. By the end of June, Saudi Arabia had executed at least 102 people, more than in the whole of 2014, and by the end of the year the total had risen to more than 150. Many executions were carried out for offences that did not meet the threshold of "most serious crimes" and should therefore not incur the death penalty according to international law. Many executions were carried out publicly by beheading.

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