

# Annual Report

2018

ALQST Advocating for Human Rights



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**2018**

## **Human Rights in Saudi Arabia in 2018**

Annual Report

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ALQST Advocating for Human Rights

Annual report issued by ALQST in the first quarter of each year, monitoring and documenting the main events of the previous year for the benefit of researchers, journalists, other organisations and anyone interested in reading a summary of the main human rights-related events occurring in Saudi Arabia.

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## MESSAGES FROM ALQST

### ALQST's messages

#### **... to the people of Saudi Arabia:**

Keeping quiet about human rights violations and the suppression of free speech may endanger the lives of more reformers, activists and other members of the public. Hiding the truth and helping to entrench autocracy will ruin Saudi society. You therefore have a solemn social obligation to expose and confront violations by all lawful means. Those who are unable to confront injustice should do all they can to help those who are doing so. Do not be drawn into supporting injustice in any way.

#### **... to human rights organisations, activists, the media and human rights supporters:**

People inside Saudi Arabia feel heavily constrained and under threat, and they value your efforts and support. If they do not engage with you directly very much, this does not mean they are not interested, but that they fear the wrath of the authorities. Those you can see supporting the authorities' repression do not represent Saudi society. Given the lack of freedom in the country, most of those who publicly back the authorities are actually afraid of them, or else seeking to win some kind of financial advantage, government position, access, popularity or guarantee of safety by praising the actions of the authorities and reviling those who challenge their abuses and injustice. So the loudest voices do not represent popular opinion, but reflect a climate of fear and fawning. Yet free and truthful voices do exist, and sometimes feel compelled to speak out, with the result that they end up in prison or in exile, or living under constant fear of the authorities.

#### **... to the Saudi authorities:**

These violations must stop. Trying to maintain your tyrannical regime by violating people's rights, imprisoning and silencing them, and suppressing the freedom of all sectors of society will lead to further ruin and stagnation. It increases the risk of the country turning to violence or being held back by corruption. What is happening in Saudi Arabia right now is a war on freedom, the annihilation of society, and the covering-up of financial and administrative corruption, putting the country's whole future at risk.

This has to stop right now. Using the people's wealth to buy the silence and protection of outside allies will not make the country stronger. Neither will public relations campaigns, or silencing and ignoring members of the public instead of listening to them. Silencing those who criticise violations doesn't mean that violations don't exist. Paying public relations firms to burnish the image of the country's leadership does not mean things have actually got better. What is needed is for liberty, justice and equality to be given free rein.

All those who have committed crimes and violations in the past must be held to account, and legal safeguards put in place to ensure they do not happen again.

The first steps must be taken toward genuine reform, starting with the separation of powers and allowing the public to participate in governing the country, to form institutions, unions, associations and political parties, and to freely build civil society organisations so as to create a healthy society. The Saudi people have a right to live in dignity and be allowed to build their country, control its resources and determine its future. It is their right that this year, 2019, should not be a year of violations, fear, injustice, murder and oppression like 2018 and previous years.

**... to countries allied with Saudi Arabia's rulers, and the international community at large:**

The repression and violations you see taking place at the hands of the Saudi leadership against the whole of society represents a struggle between, on the one hand, the tyranny and corruption of the authorities and, on the other, the reforms and basic rights demanded by human rights activists, advocates of reform, and wide swathes of Saudi society. The authorities do everything in their power, at lavish expense, to stifle public opinion and spread their own propaganda, denigrating the public at large and misrepresenting them as extremists or terrorists intent on an uprising. Meanwhile, those calling for human rights and reform are suppressed and thrown in jail, and even killed. The authorities spend the people's wealth buying allies around the world by offering money to poor countries and corrupt business deals to strong ones. The international community must take sides, and clearly back the reformist choices of the Saudi people. It is shameful, indeed scandalous, for it to side with the authorities because they have the money, and to support, or at least turn a blind eye to, the violations they commit. Let the world remember that human rights are the rights of every person, regardless of religion, race or colour. Oil and arms deals, along with the work of corruptly funded lobby groups, should be no barrier to taking a moral position, respecting international law and seriously defending human rights. The people of the world will never have peaceful societies as long as wealth is in the hands of corrupt leaders, and power and influence are in the hands of countries that put self-interest ahead of moral values, and human rights at the bottom of their list of priorities.

**... and to lovers of justice and human rights everywhere:**

Rulers everywhere need to be pressured by civil society to stop putting self-interest

ahead of moral values, and to stop committing, supporting or remaining silent about human rights violations. Free, vibrant civil societies can bring about change for the better and continue to press for it, even if governments are not working to that end.

## Executive summary

As the year 2019 began, the human rights situation in Saudi Arabia had reached an all-time low. Saudi Arabia was already a repressive, autocratic state that had never been a democratic or free country, but mounting repression and gross violations of rights are rapidly making things even worse. The past year, 2018, the year covered by this report, saw a multitude of rights violations and state-sponsored crimes, the most repugnant and blatant being the brutal torture of human rights activists, notably women; the barbaric and premeditated assassination of journalist Jamal Khashoggi; and the public prosecutor's call for death sentences to be passed on peaceful activists including Israa al-Ghomgham, Salman al-Odah, Awadh al-Qarni and Ali Hamza al-Umri.

During the course of 2018 all segments of Saudi society have been targeted, and all those who spoke out freely have been put away behind bars. Some have received lengthy jail sentences, and torture has made a horrifying and brutal comeback, most notably in that detained women human rights activists have been tortured, sexually harassed and threatened with rape and killing. Dissidents outside the country have been targeted in various ways, the most notorious being the murder of the journalist Jamal Khashoggi. The authorities have sought to stifle free speech even further with a systematic assault on social media known as "the electronic armies" or "the electronic flies", as well as cyber espionage and hacking.

War crimes continued to be committed in Yemen, and the effects of the economic crisis were intensified for the general public by the introduction of new fees and taxes and a reduction in salary bonuses and earnings. Prices rose, and poverty and unemployment rates went up. A lot of people were affected by services being suspended or disrupted, and many migrant workers were sent home, some of them to countries they had fled because of war. Steep fees were imposed on them, and new rules crept in that added to the violation of their rights.

The authorities continued to rule out ending the male guardianship system, which restricts women's freedom and prevents them from going about their daily lives without endless permissions from a male guardian. Executions continued to be carried out in large numbers, in many cases on the basis of ta'ziri sentences imposed at the discretion of a judge, and for non-violent acts. The authorities increased their efforts, through both official and non-official media and with campaigns online, to sow hatred among different segments of society, intensify racism and sectarianism, and sharpen divisions among different social groups as well as with neighbouring states and other countries of the world.

The deterioration in the human rights situation has been going on since King Salman came to the throne in 2015, and increasingly so as his son, Crown Prince Mohammed bin Salman, has gained ever-greater powers and influence. To deflect attention from this, the authorities have relied on PR and publicity campaigns, the silencing of criticism from any quarter at home or abroad, and the backing of other autocratic regimes like the governments of Bahrain and Egypt, as they embarked on rash ventures and foreign wars, and created artificial crises with countries that did not support their actions, as with Qatar, Canada, Norway, Sweden, Turkey and Germany. They have used the public finances

to purchase allies through multiple corrupt operations, illegally using sovereign wealth investment, which the public is prevented from controlling or holding a stake in, to make their despotism look respectable, by financially propping up repressive governments or through arms deals – for weapons which have been used to commit further violations, thus perpetuating an increasing cycle of corruption, repression and tyranny.

Until now, many governments have backed the Saudi authorities' rights violations, or simply stood by and watched them taking place; and many world leaders were initially swayed by Mohammed bin Salman's self-promoting propaganda presenting the Crown Prince as a reformer. This changed somewhat when he – along with those who stood by him and his reformist claims – was hit by scandal following stories of horrendous torture of female detainees and the murder of Jamal Khashoggi in the Saudi Consulate in Turkey.

We at ALQST call on the international community to openly condemn the Saudi authorities' continuing and escalating violations. Silence or complicity will only open the way for the authorities to commit further abuses. Pressure must be exerted on the Saudi authorities to take a number of specific measures in order to improve the human rights situation in the country, including end the harassment, prosecution and conviction of anyone for peacefully exercising their rights to freedom expression, association or assembly, end the use of torture and cruel, inhuman and degrading treatment, including against women's rights activists, and abolish the male guardianship system (see Recommendations at the end of this report). Whether such measures are made will signal whether the authorities are genuinely interested in reform, or are determined to persist in disregarding the rights of citizens in Saudi Arabia and abroad.

## Timeline of Human Rights-Related Events in 2018

The Saudi authorities launched several waves of arrests and persecution during 2018, targeting broad segments of society. Below is a timeline chronicling notable arrests and court sentences that occurred during the year, and other events are covered in more detail elsewhere in this report.

**5 January:** Four poets were given jail sentences on charges of incitement against Crown Prince Mohammad bin Salman and his advisers, after taking part in a poetry jam at a wedding party. Munif al-Manqarah and Sultan al-Shaibani were each sentenced to five years in prison; Abdullah Atqan al-Silmi and Mohamed al-Howaiti were given ten-year terms.

**10 January:** Abdulrahman bin Mohammad al-Arefe was convicted for some tweets he posted.

**25 January:** Human rights activist Noha al-Balawi was arrested over tweets and writings calling for reform in Saudi Arabia and was held in detention until 24 February.

**25 January:** The Specialised Criminal Court sentenced human rights activists Abdullah al-Atawi and Mohamed al-Oteibi to seven and 14 years in prison respectively for setting up the Union for Human Rights.

**29 January:** Mohamed bin Hazami al-Qarni, a poet, and his uncle Hazami bin Radaan al-Qarni were arrested and held in detention. They were denied visits, phone calls and access to legal representation even after a month.

**8 February:** Columnist Saleh al-Shehi was sentenced by the Specialised Criminal Court to five years in prison followed by a five-year travel ban for criticising the Royal Court and Royal Court personnel in a TV interview.

**27 February:** The Specialised Criminal Court sentenced human rights activist Essam Koshak to four years in prison followed by a four-year travel ban for 'inflaming public opinion' and participating in human rights-related campaigns.

**28 February:** The Specialised Criminal Court sentenced human rights activist Essa al-Nukhaifi to six years in prison followed by a six-year travel ban for his human rights activism. On 19 April, a key witness in his trial stated that the testimony attributed to him when presented in court was in fact falsified. The court of appeal nevertheless confirmed the sentence on 7 May.



Court documents (right) and eye-witness statement (left) from the al-Nukhaifi case

**15 March:** Officials raided the home of journalist Turki bin Abdulaziz al-Jasser, arrested him, and confiscated his electronic devices. The authorities tried to blackmail him over private and family-related content on his devices. After his arrest, al-Jasser completely disappeared. He has not been allowed visits or phone calls, and the authorities are still refusing to answer any inquiries about him at the time of writing this report.

**28 March:** Aida al-Ghamdi and her son Adel al-Ghamdi were arrested in Jeddah. Their home in Dammam was raided and another son, Sultan, was arrested but later released. Aida was accused of receiving ‘suspicious money’ from her son Abdullah al-Ghamdi, a London-based Saudi dissident. They were detained without an arrest warrant and not allowed access to legal representation. They are still under arrest at the time of writing this report.

**12 May:** Kuwait surrendered Nawaf al-Rasheed to the Saudi authorities.

**15 May:** Several prominent human rights defenders were arrested following coordinated late-night raids on their homes: Aziza al-Yousef, Eman al-Nafjan, Loujain al-Hathloul, Madeha al-Ajrourh, Aisha al-Mana, Hessa Al Sheikh, Ibrahim al-Mudaimeegh, Abdulaziz al-Meshaal and Mohamed al-Rabiah. Following their arrest, the Saudi media launched a smear campaign branding them traitors. A week later, al-Mana, al-Ajrourh, and Al Sheikh were released from detention; al-Mudaimeegh was released on 23 December.

**20 May:** Feminist activist Walaa Al Shubbar was arrested but released after a few days.

**24 May:** Human rights defender Mohamed al-Bejadi, a co-founder of the Saudi Civil and Political Rights Association (ACRPA) and one of Saudi Arabia’s leading activists, was re-arrested. Al-Bejadi had previously been imprisoned from March 2011 until December 2015 for his human rights activism, and was re-arrested now despite having ceased his activism.

**24 May:** Shadan Khaled al-Onezi was arrested for criticising the government’s handling of the issue of statelessness in Saudi Arabia.

**1 June:** The health of Saudi preacher Musa al-Qarni was reported to have deteriorated due to torture in detention.

**1 June:** Saudi preacher Mohammed al-Hudaif was sentenced to prison followed by a travel ban on charges related to peaceful expression of his opinions. He was accused of undermining national cohesion, insulting neighboring countries (i.e. the United Arab Emirates), publishing writings hostile to state policy, and communicating with members of an entity hostile to the state (i.e. the Muslim Brotherhood).

**2 June:** Following international pressure, the Saudi public prosecutor issued a statement saying the detained human rights activists had confessed to having been in communication with foreign entities.

**6 June:** Writer and activist Nouf Abdulaziz was arrested for expressing solidarity with the detained women activists. On 9 June, her friend Mayaa al-Zahrani published emotional messages written by Nouf and herself, and was herself arrested hours later. Nouf asks, in her message: “How come we’re being pursued for defending people’s rights?”, and “How come we have no place to go in our own homeland?... “Why am I considered an enemy and a criminal who threatens its security?... I do not know of any crime I have committed other than feeling for every wretched and oppressed person in my society.”

**6 June:** Norwegian Foreign Minister Ine Marie Eriksen Søreide questioned Saudi Arabia’s willingness to reform, criticised mounting repression, and called the status of women in Saudi Arabia unacceptable.

**8 June:** Hamid al-Fahmi was sentenced to 38 months in prison by the Specialised Criminal Court for a WhatsApp message it considered inflammatory.

**9 June:** A UN expert said the Saudi government must stop using counter-terrorism laws to stifle peaceful dissent and silence calls for reform by peaceful critics.

**11 June:** Saudi comedian Abdulaziz al-Mahdi al-Hazmi, having spent time in detention at al-Malaz Prison in Riyadh, went on trial in the Specialised Criminal Court for expressing solidarity with prisoners of conscience. (Al-Mahdi completed his term and spent three more months in jail beyond the expiry of his term, finally being released in January 2019.)

**23 June:** Human rights activist Omar al-Saeed, the last member of ACPRA still at large, was arrested. He was released after a previous period of detention in December 2015.

**23 June:** Poet Ali Abbar al-Shummari was arrested over a poem he wrote about a financial lawsuit between him and members of the royal family. Businessmen were also arrested across the country on that day.

**27 June:** Professor and writer Hatoun al-Fassi was arrested. She remains in prison without having been charged or put on trial at the time of writing this report.

**27 June:** Nine UN experts called for the immediate release of human rights activists in Saudi Arabia.

**28 June:** Germany criticised Saudi executions before the Human Rights Council and stated that they violate international law and target children.

**1 July:** Activist Khaled al-Omair was arrested by State Security forces under the pretext of investigating complaints he had made that he was tortured previously in detention. After hours of interrogation, he was handcuffed and taken to prison without explanation. Al-Omair was not allowed any visits until 27 December 2018, and remains in detention at the time of writing this report, apparently for filing a complaint against his torturers.

**6 July:** Shia cleric Zuhair Busaleh completed three years in prison, despite having long since served his full term of two months and 60 lashes for performing a Friday congregational prayer in his home. Shia communities are still not allowed to build mosques outside a few prescribed areas.

**11 July:** Cleric Mohammad al-Habib was sentenced to seven years in prison for criticising hate speech from official bodies.

**12 July:** Cleric Safar al-Hawali was arrested along with his sons Abdulrahman, Abdullah, Ibrahim, and Abdulrahim, after publishing a book strongly critical of the Saudi authorities.

**21 July:** It was reported that the Saudi authorities had denied Jannat Shabeel Naheelah, a Tunisian, her financial rights and placed her under a five-year travel ban. ALQST is not privy to the outcome of this case.

**30 July:** Human rights defenders Samar Badawi, Nasima al-Sadah and Amal al-Harbi were arrested, in a continuation of the authorities' crackdown on women human rights defenders starting in May 2018. At 1am, officials raided Badawi's home and transported her to a place of detention under the supervision of the Directorate of State Security; they also arrested prominent human rights activist and trainer Nasima al-Sadah. Amal al-Harbi, the activist wife of detained ACPRA member Fowzan al-Harbi, was arrested by State Security forces while she was walking on the Jeddah beach with her children, and taken to an unknown location.

**31 July:** OHCHR spokesperson Ravina Shamdasani urged the Saudi authorities to 'unconditionally release all human rights defenders and activists who have been detained for their peaceful human rights work, including their decades-long campaigns for the lifting of the driving ban for women.'

**31 July:** State Security forces raided the home of Yasser al-Ayyaf and took him away to an unknown location, without producing a warrant or charging him with an offence. Al-Ayyaf had in the past been an active human rights defender, especially defending prisoners of conscience and detainees who were not brought to trial or who remained in prison after having served their sentences, like his father, Abdullah al-Ayyaf. Yasser al-Ayyaf also took part in some of the peaceful sit-ins, marches and protests that took place between 2011 and 2013, mainly in Qassim, the Eastern Province, Abha, Jeddah, Riyadh

and other cities, but for several years he had kept a pledge made to the authorities to give up his previous activism, after having been subjected to all sorts of abuse, beatings and torture in prison.

**1 August:** An Amnesty International staff member and ALQST's Yahya Assiri were targeted by a sophisticated surveillance campaign, in what Amnesty International said it 'suspects was a deliberate attempt to spy on its staff by a government hostile to its work'.

**5 August:** Canada condemned the arrest of activist Samar Badawi along with other activists. The Saudi authorities responded by initiating a diplomatic crisis with Canada that continues at the time of writing this report.

**11 August:** Cleric Nasser al-Omar was arrested.

**12 August:** Cleric Mamdouh al-Harbi was arrested.

**19 August:** The Public Prosecutor called for the death penalty for human rights activist Israa' al-Ghomgham, for supporting and participating in peaceful protests in Qatif, in Saudi Arabia's Eastern Province.

**22 August:** Two brothers of the Canada-based Saudi dissident Omar bin Abdulaziz al-Zahrani and some of his friends were arrested in Saudi Arabia.

**4 September:** The trial of cleric Salman al-Odah began, with the Public Prosecutor calling for the death penalty.

**6 September:** The Public Prosecutor called for the death penalty for clerics Ali al-Amri and Awadh al-Qarni.

**12 September:** Writer Sultan al-Jumairi was arrested.

**17 September:** The new UN High Commissioner for Human Rights, Michelle Bachelet, took up her post and opened the 39th session of the Human Rights Council by expressing grave concerns over serious violations committed by the Saudi authorities in contradiction of their official undertakings.

**24 September:** Three prominent human rights activists and prisoners of conscience, Abdullah al-Hamid, Mohammed al-Qahtani, and Waleed Abu al-Khair, won a Right Livelihood Award for their human rights advocacy.

**1 October:** There were reports that the trial of Hassan Farhan al-Maliki had begun, with the Islamic law researcher facing charges relating to his writings and opinions. The prosecutor was reported to have called for the death penalty.

**2 October:** Saudi journalist Jamal Khashoggi was murdered in the Saudi consulate in Istanbul.

**3 October:** ALQST called for an international investigation into the disappearance of Khashoggi, calling on NGOs and the international community to support its call for an independent international investigation.

**3 October:** The trial began of writer and economist Essam al-Zamil, who faced several vague charges relating to freedom of expression and his economic analysis, including his criticism of the government's plan for a partial Aramco IPO.

**3 October:** In what seemed to be an attempt to harass ACPRA member Mohammed al-Qahtani, 65 new criminal detainees held on drug-related charges were suddenly moved to Block 21 of al-Ha'ir Prison, Riyadh, where he was being held.

**9 October:** Human rights activist Waleed Abu al-Khair won the English PEN Pinter Prize.

**11 October:** The UN Committee on the Rights of the Child urged Saudi Arabia to halt air strikes in Yemen.

**12 October:** The UN Special Rapporteur on the situation of human rights defenders urged Saudi Arabia 'to immediately and unconditionally release all women human rights defenders,' adding that '[n]o one should ever be punished for exercising their most fundamental human right' to express an opinion.

**20 October:** United Nations sent Saudi Arabia a message about the killing of Jamal Khashoggi.

**25 October:** The European Parliament passed a motion calling for an international inquiry into the killing of Jamal Khashoggi.

**25 October:** Writer and activist Manal al-Sharif closed her Twitter account, saying that it was a protest as she no longer felt safe following repeated attempts by the Saudi authorities to target activists abroad, and an attempt to gain access to information from Twitter through a former Saudi employee at Twitter.

**27 October:** ALQST and 177 other NGOs argued that there needed to be an independent international investigation into the killing of Jamal Khashoggi, punishment for those responsible for his killing, urgent action to save prisoners of conscience, and limits placed on the influence and transgressions of the Saudi authorities.

**11 November:** The General Investigations Directorate (Mabaheth) summoned artist Hussain Abu al-Raha over his holding a photographic exhibition about Ashura and Imam Hussain, and made him close it down..

**14 November:** The European Parliament passed a resolution calling for strengthening the checks on EU arms exports and an embargo on arms sales to members of the Saudi-led coalition in Yemen.

**19 November:** Abeer al-Namankani was arrested for calling for the lifting of travel restrictions on women. She remains in detention in al-Ha'ir Prison, Riyadh.

**21 November:** Columnist Abdullah al-Aqeel was detained for criticising Turki Al Sheikh; he was released a few days later.

**21 November:** ALQST and other NGOs published reports stating that women activists

had been subjected to severe physical and psychological torture, including sexual assault, while in detention.

**28 November:** Argentine prosecutors considered charging Saudi Crown Prince Mohammed bin Salman with war crimes during the G20 Summit in Buenos Aires.

**10 December:** ALQST's Second Annual Conference, held on International Human Rights Day, assessed the state of human rights in Saudi Arabia. In attendance were representatives from Amnesty International, the European Saudi Organisation for Human Rights, the Gulf Center for Human Rights, Human Rights Watch, the International Federation for Human Rights, MENA Rights Group, Reporters without Borders, and Campaign Against Arms Trade, along with US-based activist Hala al-Dosari. The conference resulted in a joint call on the Saudi authorities to end repression and human rights violations.

**10 December:** ALQST published a report outlining the state of human rights during the reign of King Salman and his son Crown Prince Mohammad bin Salman.

**23 December:** Activist Ibrahim al-Mudaimeegh was released from detention due to deteriorating health.

**25 December:** Hathloul al-Hathloul, father of prominent activist Loujain al-Hathloul, deleted his Twitter account after posting a final tweet confirming that his daughter had been tortured, and expressing his sense of helplessness.

**29 December:** The Twitter account of cleric Mohammad al-Arefe was deactivated.

## Freedom of expression

Freedom of expression is a fundamental human right without which it is impossible to safeguard other human rights and build healthy societies. In Saudi Arabia, the authorities have clamped down on every means of free expression despite claiming repeatedly through various channels that free speech is guaranteed in the kingdom. Mohammed bin Salman has said this in numerous interviews and it is frequently repeated in the Saudi media, which illustrates the glaring contrast between what the authorities say and what they do. Much was made, for example, of King Salman's announcement back in 2015 that "our doors are open, our telephones are open, and our ears are open to our people".

The Saudi authorities continued throughout 2018 to attack free speech. The government exerts total control over all domestic media, and prevents activists and independent journalists from expressing their views. They have targeted a number of websites and Internet accounts by blocking and hacking them, and have contracted foreign companies to carry out cyber espionage and hacks. A number of websites have published reports on the Saudi authorities' purchase of NSO Group's Pegasus spyware, with which they attempted to spy on the Director of ALQST, Yahya Assiri; the activist Omar Abdulaziz; the journalist Jamal Khashoggi; and other Saudi activists, as well as spying on public figures including the leaders of other countries.

The authorities routinely hack websites and block those that might be of interest to the public, such as the websites of ALQST, Amnesty International, and all sites that might contain material critical of the Saudi regime. Freedom of expression, however, includes the public's right to criticise and question the authorities, and seek an end to their violations, repression and corruption. The authorities have not only escalated their war on free speech but also cracked down harshly on those calling for it, by invoking the Counter-terrorism Law against human rights activists and putting them on trial in the court set up to handle terrorism cases, the Specialised Criminal Court (SCC).

## Freedom of assembly and association

The Saudi authorities arrest and punish those they accuse of organising or taking part in demonstrations, rallies or any other civil political action. Saudi Arabia has no law guaranteeing freedom of assembly or association, although it has historically allowed a few civil associations, mainly charities operating under tight government control. There is no law guaranteeing the right to form labour unions or organise strikes, and workers who engage in such activities are liable to punishment, including prison, or expulsion in the case of non-Saudi nationals, though there is some provision for “workers’ committees” to do basic collective bargaining.

Although the authorities finally approved the long-awaited Law on Associations and Foundations in 2015, it does not permit the establishment of human rights organisations, and some of its provisions are clearly designed to restrict the formation of fully independent civil society associations and institutions. The authorities are therefore failing to meet their obligation to respect the right to freedom of association, despite having signed up to international treaties that explicitly confirm this as a right. ALQST, like many others, had hoped that the new law would at last provide an opportunity for civil society organisations to be set up, but it eventually proved to be merely a further obstacle in their way.

Meanwhile, hundreds of detainees remain in prison for activities that fall within the category of free assembly, which the authorities are legally obliged to guarantee, such as demonstrating, picketing and holding peaceful gatherings. Others remain in prison even after their cases have been dismissed or they have completed their sentences. Many activists have been convicted on charges of taking part in demonstrations or peaceful protests. Some have been sentenced to death for offences including demonstrating, and some have been tortured into confessing to things they have not done.

While no large-scale demonstrations or marches take place in Saudi Arabia due to the repressive environment, smaller protests are staged from time to time in various parts of the country, particularly in the mainly Shia Eastern Province. The authorities usually arrest all the participants, who are often locked up, beaten and tortured, regardless of Saudi Arabia’s treaty commitments to safeguard the right to freedom of assembly and to eliminate torture.

The Saudi authorities are also still holding a group of political activists, known as the Jeddah Reformers, who have refused to sign a letter of apology renouncing their former activities in order to obtain a royal pardon. The case of the Jeddah Reformers dates back to 2007, when the authorities rounded up a total of 16 activists in Jeddah, Medina and elsewhere, accusing them of trying to form a group opposing the ruling regime. They were remanded in custody without trial until February 2010.

Their trial began in a security court attached to the Specialised Criminal Court, which had been set up in 2008 to examine terrorism cases. They were given harsh jail sentences -- of 30 years in the case of Dr Saud Mukhtar al-Hashimi. In 2012 they were offered the option of a royal pardon if they signed an undertaking acknowledging that they deserved the sentences they had been given, and recognising the authorities' right to send them back to jail to serve out the rest of their sentences if they did anything the authorities found provocative.

While some of the activists agreed to sign, several others refused, including Dr Musa al-Qarni, Dr Abdulrahman al-Shumayri, Abdulrahman Khan, Abdullah al-Rifa'i, and Dr Saud al-Hashimi. They remain in prison, where they are being subjected to heavy pressure, torture and ill-treatment.

All 11 members of the Saudi Civil and Political Rights Association (ACPRA) are also serving long sentences in prison. Between them, they were sentenced to a total of nearly 200 years in prison terms and travel bans combined for setting up a civil society organisation on human rights. The prominent activist Waleed Abu al-Khair, who founded Monitor of Human Rights in Saudi Arabia (MHRSA), is also still serving a 15-year prison term to which he was sentenced in 2014, together with a hefty fine, to be followed by a travel ban. Similarly, activist Mohamed al-Oteibi was sentenced to 14 years in prison for founding the Union for Human Rights. The Adala Center for Human Rights was ordered closed. Dr Aziza al-Yousef was barred from setting up a refuge for female survivors of domestic violence, before being arrested and subjected to torture and sexual harassment.

These are all examples of the authorities' determination to stamp out all attempts by civil society to organise and form associations.

## Prisoners of conscience

The number of prisoners of conscience in Saudi Arabia has risen sharply. It would be impossible to list all their names and discuss all their cases here, as they now include virtually all human rights activists, all advocates of reform, and most independent public figures. They are now nearly all behind bars, unless they are abroad or in hiding.

In 2018, while previous prisoners of conscience, like the members of ACPRA (the Saudi Civil and Political Rights Association), Waleed Abu al-Khair, Essa al-Nukhaifi, Essam Koshak, Fahad al-Fahad, Raif Badawi, Alaa Brinji and other well-known names, remained in jail, the authorities added to their number by arresting journalists, writers, clerics and women activists. Prisons are now the only places in Saudi Arabia where you can find diversity of opinion and equality among all shades of belief, albeit an equality of being equally oppressed.

The authorities clearly intend to silence absolutely everyone. On 15 May 2018 they arrested the country's leading women's rights activists: Aziza al-Yousef, Eman al-Nafjan, Loujain al-Hathloul, Aisha al-Mana, Walaa Al Shubbar, Madeha al-Ajrroush, Hessa Al Sheikh, Ibrahim al-Mudaimeegh, Mohamed al-Rabiah and Abdulaziz al-Meshaal, and the Saudi media ran a smear campaign accusing the group of treason. After a week, al-Mana, al-Ajrroush, Al Shubbar and Al Sheikh were released, and on 23 December al-Mudaimeegh was also freed. Further arrests followed: Yasser al-Ayyaf, Mohamed al-Bejadi, Nouf Abdulaziz, Mayaa al-Zahrani, Shadan al-Onezi, Samar Badawi, Amal al-Harbi and Naseema al-Sadah were all detained.

This systematic onslaught has often been referred to as a war on terror, especially when the Counter-terrorism Law has been invoked against human rights activists. Most prisoners of conscience have been tried in the Specialised Criminal Court, the court that deals with terrorism cases.



## Targeting dissidents abroad

It is obvious to everyone how the Saudi authorities suppress all dissident voices within the country. All demands for reform or opposition to government decisions, however slight, are unacceptable and met with harsh repression, torture, and heavy jail sentences. On 2 October 2018, however, when a special hit squad close to the Saudi Crown Prince murdered the Saudi journalist Jamal Khashoggi, the horrific operation riveted the world's attention and proved highly revealing about the way the Saudi authorities deal with dissidents abroad.

ALQST has followed the story since the point at which Khashoggi was several hours late coming out of the Saudi Consulate in Istanbul, and its principal demand has been for an international investigation. This soon became not only our demand but that of the international community. Meanwhile, the authorities have gone to extraordinary lengths to try to establish the Crown Prince's innocence in the affair. An official said "there were no orders for them to kill him or even specifically kidnap him", but that there was a standing order to bring critics of the kingdom back to the country. "MBS (Crown Prince Mohammed bin Salman) had no knowledge of this specific operation and certainly did not order a kidnapping or murder of anybody. He will have been aware of the general instruction to tell people to come back," the official added.

In their efforts to absolve the Crown Prince of this crime, the authorities inadvertently drew attention to their targeting of Saudis in exile, by revealing that it has long been their policy to go after them. Many opposition figures have been targeted in this way, from the disappearance of Nasser al-Saeed in Beirut in 1979 to the abduction of members of the royal family, to harassment of Saad al-Faqih in London, among others. However, this Annual Report will focus only on events that took place during 2018.

One of the key issues to come to light was that of the authorities spying on opposition figures. They have contracted foreign companies to carry out cyber espionage and hacks. A number of websites have published reports on the Saudi authorities' purchase of NSO Group's Pegasus spyware, with which they attempted to spy on the Director of ALQST, Yahya Assiri; the activist Omar Abdulaziz; the journalist Jamal Khashoggi; and other Saudi activists, as well as spying on public figures including the leaders of other countries. It is not known exactly who all the targets of this surveillance have been, nor how much success or impact it has had.

It is also apparent that dissidents' families are being banned from travelling. On 18 March 2018, Saeed bin Nasser al-Ghamdi announced that members of his family had been banned from travelling outside Saudi Arabia to see him. The same thing has happened to many other families, such as that of Salman al-Odah and members of the family of Ali Hashem al-Hajji.

The authorities have also arrested relatives of opposition figures on the pretext that they are communicating or collaborating with them, or otherwise aiding them. One of the best examples of this was the arrest of Aida al-Ghamdi, mother of Saudi dissident Abdullah al-Ghamdi, and her sons Adel and Sultan. Sultan was recently released, but Aida and Adel are still in detention at the time of writing this report. Mohammed al-Labbad was also arrested, and his mother Ibtisam al-Dubaisi, the sister of rights activist Ali al-Dubaisi, was called in for questioning. Ali reports that the investigator said to his sister: "How can we release your son while his uncle continues his activism?" Ahmed and Abdulmajid al-Zahrani, brothers of opposition activist Omar Abdulaziz al-Zahrani, were also arrested; Omar says his brothers and several of his friends were arrested, and that Ahmed and Abdulmajid were subjected to torture, electrocution and waterboarding.



## The war on terror

The Saudi authorities deliberately blur what should be a clear distinction between terrorism and peaceful, lawful means of expressing an opinion. ALQST has previously published a detailed report on this issue, entitled “War on Terror or a War on Freedom?” The authorities include political and human rights work within their definition of terrorism, as set out in the Law on Combating Crimes of Terrorism and its Financing (“the Counter-terrorism Law”), and they put political and human rights activists on trial in the Specialised Criminal Court in Riyadh, which was set up to hear cases involving violence.

The entire membership of ACPRA, as well as Waleed Abu al-Khair; Nazeer al-Majed; the members of the Union for Human Rights; clerics Salman al-Odah, Awadh al-Qarni and Ali al-Umri; and activist Israa al-Ghomgham, have all been tried in the SCC, and the last four named have had the public prosecutor call for the death penalty for them. ALQST has previously published detailed reports on the Counter-terrorism Law, reviewing its gross legal flaws and the way in which it is exploited in the authorities’ war on freedom.

## The Saudi Prison System

The Saudi prison system falls scandalously short of the 2015 UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), which apply to all categories of prisoners. They cover prisoner file management, separation of categories, adequacy of accommodation, personal hygiene, clothing and bedding, food, exercise and sport, healthcare services, discipline and sanctions, instruments of restraint, information to and complaints by prisoners, contact with the outside world, religion, retention of prisoners' property, and internal and external inspections. The first guiding principle is that:

“All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.”

ALQST has made a detailed investigation into prison conditions in Saudi Arabia (see below). It has recorded numerous cases of torture and medical neglect resulting in the deteriorating health, or even death, of prisoners, some of which it has verified and publicised. In addition, and in 2018 in particular, there have been cases where the Saudi authorities have held detainees at inappropriate locations because of overcrowding in regular places of detention, and as a result of rushed detention procedures due to the large numbers of arrests during mounting waves of repression. A number of princes, businessmen and ex-ministers were detained in June 2018 in the luxurious Ritz Carlton hotel in Riyadh, where some of them were severely tortured. Others were held in civilian buildings known as “the villas”, only a few of which ALQST has managed to locate. Women human rights activists and other activists were also taken to places fitted out as torture cells nicknamed “the hotel” and “the officers’ guesthouse” in the Dhahban area north of Jeddah.

Prisons run by the Ministry of Interior’s General Directorate of Prisons, indeed most Saudi prisons, are characterised by overcrowding, medical and administrative neglect, and a prevalence of crime and drugs. Eyewitnesses have shown ALQST video evidence of the black market operating inside prisons and talked of the beatings, torture and humiliation they endure, and the lack of any means of appealing to higher authorities or lodging complaints against their abusers. They have talked about administrative problems like lost documents and missing paperwork, and other hardships such as water cut-offs and not being given their clothes and personal items. They also mentioned health problems and failures to provide medical treatment, being prevented from going to hospital even with

the prison doctor's authorisation, and being denied medication, or having what medical experts told ALQST were inappropriate medications being handed out at random.

ALQST has also reported prisoners' deaths arising from fights breaking out, caused by mismanagement, in which innocent lives have been lost, or from outbreaks of communicable diseases and poor healthcare. It has also reported on corruption and bribery within the prison system, and the extortion of money from prisoners as payment for banned items that are smuggled in, or even for permitted items, or in order to secure privileges or basic rights.

On 21 January, 2018 ALQST received news of the death of detainee Habib al-Shuwai-khat in the Mabatheth prison in Dammam as a result of his medical condition being neglected. On 23 March it learned of the death in al-Tarfiya Prison in Buraidah of detainee Hamad bin Abdullah bin Hamad al-Salehi, who had been held since 2004 despite being sentenced to only three years in prison. He spent seven of his more than 13 years' incarceration in solitary confinement, and was never released, despite having served out his sentence, and despite his declining health. On 26 June, ALQST heard of the death of 61-year-old detainee Ali Jassem al-Nazaa in the Mabatheth prison in Dammam.

Prisoners who complain or protest are singled out for beatings, torture and solitary confinement, so that the truth about prison conditions can remain concealed. The authorities do not allow inspection visits to Saudi prisons by independent organisations, and have turned down repeated requests from organisations like Amnesty International. They did not respond to a request to visit from a team of British MPs and lawyers.

The authorities did however send ALQST a message inviting the organisation to come and visit their prisons, but asking that the delegation be headed by ALQST Director Yahya Assiri. ALQST published the message, explaining that it was a WhatsApp message from the Director of Prisons and was not a serious invitation. The authorities had previously refused to allow the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to visit certain prisons. They have much preferred to make cosmetic improvements to a few cell blocks, for use as model prisons to show visitors who do not understand the true purpose of prison visiting, and who allow the authorities to decide the time and place of visits, so that they will write about these carefully contrived showcases without realising what really goes on deep inside Saudi jails.

The situation in Saudi prisons varies from one institution to another, and changes from time to time, as a result of poor management and weak oversight. However the features detailed in this report are common to, if not typical of, the Saudi prison system.

Apart from the supplementary facilities mentioned earlier (hotels and villas), there are broadly two types of prison in Saudi Arabia: the special, or political, prisons of the Mabaheth (General Investigations Directorate) and the general criminal prisons of the Ministry of Interior's General Directorate of Prisons.

### 1 – Mabaheth special prisons

Mabaheth prisons are political prisons used for the detention of suspects in cases designated “terrorist” or relating to the security of the ruling family and authorities, and in cases concerning political parties, groups, organisations, cell formations and so on. Most suspects in such cases are held in these prisons, which have a reputation for tight control, for physical and psychological torture, and for extracting forced confessions. They are financially and administratively separate from the General Directorate of Prisons, and so can offer better meals than other prisons, and on the whole better medical care – sick prisoners are sometimes moved to private hospitals.

A Mabaheth prison is usually divided into a number of sections, each with a number of locked rooms with their own television and toilet.

Inmates are allowed a phone call twice a month to a limited number of phone numbers determined in advance. Each inmate has a set time when he is taken, handcuffed, shack-led and blindfolded, to the place where the telephone is located. He picks up the phone and asks to be connected to one of the names stored in it. The duration of each call depends on how much time the prison authorities grant him, but is normally 10 minutes every two weeks.

Prisoners are supposed to be allowed outdoors for half an hour two days a week, but this is subject to the ruling of the prison administration and rarely happens, though this varies from section to section and even from room to room. The food in political prisons is better than in criminal prisons and is delivered to each room. Prisoners can sometimes purchase toiletries, and they all wear prison uniforms. They are not allowed to bring their own clothes or personal effects into the prison. There are normally fewer hygiene problems in political prisons than in others, and smokers are housed separately from non-smokers. The administration determines which category of inmate is allocated to each room, and very rarely allows a prisoner to say what kind of person he wants to share a room with. There are also solitary confinement cells where prisoners can be punished with isolation.

### 2 – Prisons run by the Ministry of Interior's General Directorate of Prisons

The ministry's General Directorate of Prisons runs two types of facility: general prisons and penitentiaries. General prisons hold inmates who are serving prison terms for

common law or civil offences, as well as suspects in all kinds of cases, criminal and civil, providing a harsh experience for them both before and during their trials. If found guilty and sentenced, they are then transferred to a prison facility of the second type, a penitentiary.

Penitentiaries are for those who have been given a judicial sentence. They categorise and house prisoners according to their crimes, which may include drug use or trafficking, murder, theft, armed robbery, rape, counterfeiting, embezzlement, fraud, alcohol consumption, use of stimulants, lack of respect for parents, adultery, sodomy etc.

This class of prison is typically characterised by:

1 – Dim, poorly ventilated and dilapidated buildings with poor provision of basic services such as toilets and washing facilities, mattresses and bedding. Bathrooms each serve 15-20 prisoners on average, and most of them have no shower. Overcrowding in prisons may sometimes lead to prisoners having to sleep in the toilets. Sometimes inmates of general prisons are placed in solitary confinement in dirty toilets with no air conditioning or ventilation.

2 – Malnutrition as a result of poor-quality and sometimes rotten food, served in inadequate amounts. Witnesses working for the catering contractors at one prison told ALQST that the amount they spent on providing three meals a day was eight riyals (\$2.15; £1.70) per prisoner, while the finance ministry was paying them over 50 riyals (\$13.30; £10.60).

3 – Poor medical care and hygiene practices, leading to the spread of scabies, tuberculosis and other infectious diseases. General prisons provide a low standard of medical treatment through a modest two-room clinic and pharmacy with one general practitioner, who is usually unable to cover all the patients needing attention during the eight-hour working day. Most prison clinics cannot measure patients' blood sugar levels, lacking even the simple home devices that every diabetic person owns. Medication for high blood pressure and diabetes is not always available, obliging inmates to bring in their own supplies, at their own expense.

Some prisons in large cities have a dental clinic operating for about four hours one day a week, but the dentist often does not come because of other commitments.

In cases of really serious illness, prisons may transfer sick prisoners, shackled and handcuffed, to the local government hospital. Most prisons and penitentiaries do not have ambulances; some transport patients in minibuses without seats, wrapped in a blanket. In addition, prisons have a so-called quarantine unit where they dump all their prisoners

with infectious diseases like scabies, tuberculosis and AIDS, in a degrading, and indeed dangerous, way.

4 – Gross administrative negligence, of which these are a few examples:

x “Tatweef” (literally, walking round in a circle) is what prisoners call it when someone has completed his sentence and is made to go a few more laps of months or even years without being released. Some have done tatweef for over a year because their files went missing, or some other excuse, or because the prisoner had no lawyer or relatives to keep pressing for his release. It is a scandal that people’s lives can be wasted as a result of such bureaucratic negligence.

x There are many cases where prisoners have repeatedly failed to attend court hearings or hospital appointments because there were supposedly no vehicles to transport them there. For example, one penitentiary with thousands of prisoners has just three six-seater minibuses (in which sick patients are carried together even when they are infectious), and one 12-seater bus, which is clearly inadequate to cover the prisoners’ transport needs. Sometimes, even when there is a vehicle, there is no escort officer available to guard a prisoner, and so he is prevented from attending follow-up hospital appointments. He may also miss court hearings that could decide his fate, and even be sentenced in his absence, although, since he is in a state prison, there should be no reason for him not to attend. The situation is similar in other prisons too.

x The lack of appropriate facilities for family visits means that some prisoners are prevented from seeing their families for years on end, and some refuse to let their families visit them because of the appalling way in which visitors are treated, especially women, who may be humiliated or sexually harassed.

5 – The impunity with which individual prison officers can mistreat prisoners means that more cases of casual torture tend to take place. While systematic torture authorised by higher authorities is widespread, so too is casual torture carried out by junior officers because they know that they will not be punished. Some months ago the well-known writer Tarrad al-Amri was beaten on the hands by some soldiers just to provoke him.

6 – The widespread availability of drugs of all kinds, including marijuana, narcotics and alcohol, sometimes supplied by prison staff.

Prison regimes vary from place to place, and what is banned in one institution may be allowed in another, for example in the matter of newspapers and books, or bringing in food and other items from outside. But what Saudi prisons do have in common is that they

are all dirty, poorly ventilated and badly maintained, and that prisoner's human rights are violated.

Criminal prisons are divided into wings according to the nature of the crimes committed. On each wing there is a prisoner responsible for communication between the inmates and prison administration, and for resolving disputes between prisoners. The wing consists of a number of rooms with an open area between them.

There are a number of phones fixed to the wall inside the section, and inmates can get prepaid phone cards to use them, at a mobile rate of about 0.42 riyals (\$0.12; £0.10) per minute.

The prisons administration in each region contracts with private companies to provide the catering in prisons. Employees of the companies agree that the food is of bad quality and poorly cooked. The main dish is not repeated more than once a week, however, and on roughly three days a week one meal is accompanied by a piece of fruit. Each room takes its share of the food in containers, which remain in the room throughout the day.

There is a so-called "grocery" system whereby a company contracts with the Directorate of Prisons as a whole to offer goods to prisoners at two to three times the price on the outside, except for cigarettes, which are usually sold at the normal price. Orders are placed by each group of prisoners and paid for, and a few days later the goods are delivered.

For personal hygiene, prisoners buy their own shaving materials and soap, and on each wing there is usually a prisoner who temporarily takes on the job of barber, in return for some material consideration. There are shared toilets on each wing, but prisoners often have to wash themselves in handbasins using jugs of water, as some prisons do not have proper bathrooms.

In general prisons, TV facilities vary according to the management. Usually only Saudi channels are available, together with Al-Majd satellite channel and channels covering the Saudi football league. The TV set is located within the wing for communal viewing by all inmates.

Visiting takes place two days a week, one day for men and one for women visitors. The facilities for visits vary according to the prison set-up. Some have small private rooms with a glass screen between the prisoner and the visitor, while others have one large area with all the inmates along one side and families along the other, and a space between them down the middle sectioned off by wire mesh fencing on each side. Only first-degree

relatives (parents, siblings and children) are allowed to visit. Very occasionally private visits are allowed, but the arrangements are awkward and restrictive.

Criminal prisons are rife with drugs of all kinds. Both verbal and physical violence among prisoners is common, as is a general lack of cleanliness. The lock-up cells are mostly used for individuals identified as troublemakers for disobeying orders or starting fights.

Prisoners of conscience are normally allocated to political prisons, but sometimes they are sent to criminal prisons instead, for unknown reasons. Abdullah al-Hamed, Waleed Abu al-Khair, Mohamed al-Qahtani, Fawzan al-Harbi, Wajdi Ghazzawi, Essa al-Nukhai-fi and Essam Koshak are among the prisoners of conscience who have been shuttled around the wings holding drug traffickers, murderers and so on.

Two other classes of institution, run by the Ministry of Social Affairs, ostensibly operate as care homes for children and young people who get into trouble, but effectively function as prisons. There are separate categories of care home for male and female youth offenders.

### **Young women's care institutions (prisons for girls and young women under 30 years of age, run by the Ministry of Social Affairs)**

The way inmates are treated in young women's care homes varies from one facility to another. What they have in common is poor regulation and weak oversight by the authorities, which means that much depends on the approach and attitude of staff members. From studying a number of cases it appears that the authorities' actions tend to make matters worse for the women rather than trying to improve their situation. There are cases where young women are publicly shamed by being toured around schools and universities to tell their stories, or allowed to visit girls outside the institution so that they can learn lessons from hearing their stories. They may receive excessive punishments for indiscipline, such as confinement in an isolation cell.

The administrative structure of most of these institutions consists of a director and two assistant directors, social care and psychology specialists, administrative workers and supervisors working around the clock in shifts. It is the supervisors who have the most contact and interaction with the inmates, but they also, unfortunately, have the least skill and training. There have been numerous cases where supervisors' actions, whether in handling everyday matters or in dealing with medical emergencies, have been downright dangerous. They may force the girls to do their own jobs, such as the laundry, cooking and cleaning, and punish girls who refuse by putting them in solitary confinement. The girls are also brutalised by being beaten, humiliated, deprived of food, and made to stand

For long periods in the sun.

The director of one such home has talked publicly about a rise in suicide attempts among inmates, which she said was becoming a regular phenomenon, though she also said that the home's staff and specialist care workers were able to recognise the warning signs and intervene in time to save the situation in most cases.

The inmates of one young women's care institution once lodged a group complaint with the authorities comprising one hundred individual complaints. The main issues they raised about the home were malnutrition, mistreatment and brutality, and the use of solitary confinement. The official report issued in response also noted the inmates' complaints about the institution's marriage programme, whereby the management of the care home might arrange an inmate's marriage to a man of their choosing. In most cases this practice failed because of its ad hoc and arbitrary nature, resulting in some of the women returning to the institution only a short time later, as the management resorted – according to the inmates' evidence to the investigators – to marrying them off to elderly men and men with deformities.

The daily routine in these institutions is sometimes varied and includes some education and vocational training, but the inmates desperately need more of this, and better preparation for life in the world outside, especially those who have been in the home for a long time and are about to leave it. One young woman leaving a care home was so out of touch with the world outside that she did not know what a mobile phone was. Weak management is also at the root of the injustice inmates suffer when they are abused and provoked over and over again, with their tormentors confident that they will not be punished.

### **Social supervision homes (prisons for boys aged 7 to 18, run by the Ministry of Social Affairs)**

Chaos reigns, by and large, in these institutions for young male offenders. In most homes the young inmates are not looked after but beaten, whipped and even tortured by various means. Harsh punishment has come to be the dominant feature of these institutions. Relatives of the boys have complained of seeing their children whipped in front of them by the supervisors during visiting times, and the children are not allowed to sit with their families and talk to them in private. Several relatives have told ALQST that although they can see that their children's health has deteriorated, they are unable to hear their child speak freely about this during visits because he is afraid of the supervisors present in the visiting room.

## Torture in a Climate of Impunity

Prisons in Saudi Arabia operate under a cloak of secrecy and isolation. This applies to both the penitentiaries of the General Directorate of Prisons and the political prisons of the Mabatheth (General Investigations Directorate). No organisation, international agency or media representative is allowed to visit and inspect them other than by arrangement with the Saudi authorities. On the few occasions when such visits have been granted, they have been to wings of the prison that have been prepared in advance, and with official escorts from the Mabatheth or prison administration. No one has been able to make an independent visit or interview prisoners in private.

There have been complaints in the past of systematic torture in several prisons, particularly those of the Mabatheth, and in interrogation centres. Witnesses report it taking place in rooms specially equipped with torture equipment, which indicates that torture is routinely practised in those prisons. Video footage and photographs of horrendous and degrading torture have been smuggled out of a few prisons, and prisoners have sometimes been released still suffering the effects of torture, or in some cases permanently disabled.

Judges routinely allow evidence to be used in court where confessions were allegedly extracted under torture, without attempting to investigate the allegations, and courts have frequently convicted defendants on this basis. ALQST has documentary evidence of a judge ordering a defendant to be re-interrogated under torture when the evidence against him was initially too weak. Moreover, there is no independent monitoring of prisons and detention centres, and no effective mechanism for lodging complaints of torture. Civil society organisations and human rights defenders who speak out against torture and other abuses are harassed and subject to reprisals including arbitrary arrest and lengthy prison terms.

The most significant event of the past year, as reported by ALQST and other NGOs and online media, was the subjection of women human rights activists to torture, sexual harassment, and threats of murder and rape.

In October, ALQST learned of the existence of a special team known as “the Cyber Group” that operates in buildings fitted out as torture centres with various kinds of equipment, such as apparatus for delivering electric shocks, and facilities for waterboarding, falaka (beating the victim’s feet), suspension by the wrists and other grim torture techniques. These things are carried out in places nicknamed “the hotel” or “the officers’ guesthouse”. ALQST learned that the team had brutally tortured women human rights activists. Most of them wore masks while carrying out the torture, but an adviser to the Saudi Crown Prince sat in on one of the torture sessions and carried out psychological

torture himself. He made threats about raping and killing detainees, and threatened to dissolve the corpse of one of the women detainees in acid. He told her he would dissolve her corpse and flush it down the toilet without anybody asking questions. The torture squad, who were evidently closely linked with the Crown Prince, administered electric shocks to both the female and male activists, to devastating effect: afterwards some could hardly walk, their hands shook uncontrollably, and they showed visible marks of torture on their bodies.

ALQST has also been able to confirm information that activists Mohamed al-Bejadi, Samar Badawi, Shadan al-Onezi, Aziza al-Yousef, Eman al-Nafjan, Loujain al-Hathloul, Nouf Abdulaziz al-Dosari, Abdulaziz al-Meshaal, and Yasser al-Ayyaf have been subjected to severe and brutal torture and sexual harassment:

At least one of them was photographed naked and the photograph was then placed on the table in front of her while she was being interrogated.

At least one was subjected to physical sexual harassment by being touched, beaten and groped in sensitive places by the female prison guards.

One was stripped completely naked in front of several interrogators and touched in sensitive places while handcuffed, and taunted with questions like “who’s there to protect you now?” and “where are the human rights NGOs?” and “where are the human rights defenders to help you now?”

Loujain al-Hathloul was forced to eat during the day in Ramadan when she wanted to fast, and the torturers, who were smoking despite it being Ramadan, asked her if she believed there was a God to protect her when women were being beaten on their feet and subjected to electric shocks.

Two women detainees were ordered to kiss one another other, and when they refused they were harshly whipped.

Almost all of them lost weight.

They were subjected to extreme psychological torture; the interrogator told one of them that members of her family had lost their lives after a traffic accident, and that he – the interrogator – was keen to end the interrogation so that she could see their bodies before they were buried.

### **Saudi Arabia’s legal obligations with respect to torture**

Torture is a crime under international law. It is absolutely prohibited and cannot be justified under any circumstances. This prohibition is binding on every member of the international community, regardless of whether a State has ratified international treaties

In which torture is expressly prohibited.

Article 5 of the Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948, states:

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Subsequent to the adoption of the Universal Declaration, a number of legally binding human rights treaties were developed to supplement the basic principles, each one with a Committee of experts to monitor implementation by States Parties. The treaty dealing with torture is the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly in 1984. Article 1 of the Convention defines “torture” to mean:

“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

States Parties to the Convention are obliged to take effective legislative, administrative, judicial or other measures to prevent acts of torture, and to ensure that all acts of torture are offences under its criminal law, punishable by appropriate penalties which take into account their grave nature. Each State Party must keep under systematic review methods of interrogation and arrangements for the custody and treatment of anyone arrested, detained or imprisoned, with a view to preventing any cases of torture; and they must carry out a prompt, effective and impartial investigation wherever there is reason to believe an act of torture has been committed. Its legal system must provide fundamental safeguards against torture and ill-treatment, and allow victims access to redress, compensation and rehabilitation.

Saudi Arabia ratified the Convention in 1997 but made reservations to Article 20 and paragraph (1) of Article 30, as follows:

“The Kingdom of Saudi Arabia does not recognise the jurisdiction of the Committee as provided for in Article 20” of the Convention, which enables the Committee against

Torture to make a confidential inquiry into information that appears to it to indicate that torture is being systematically practised in the territory of a State Party, while at all stages of the inquiry seeking the cooperation of the State Party concerned; and

“The Kingdom of Saudi Arabia shall not be bound by the provisions of paragraph (1) of Article 30” of the Convention, which allows for disputes on the interpretation or application of the Convention to be submitted to arbitration or to the International Court of Justice.

In addition, Saudi Arabia has not yet signed or ratified the Optional Protocol to the Convention against Torture, adopted by the UN General Assembly in 2002, the objective of which is “to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment”.

At the UN Committee against Torture’s 57th session, in April 2016 in Geneva, the Saudi delegation announced that the kingdom was considering ratification of the Optional Protocol and the lifting of its reservation to Article 20 of the Convention.

Saudi Arabia is also bound by the Arab Charter on Human Rights, adopted by the League of Arab States in 2004 and ratified by Saudi Arabia in 2009. The Charter seeks to promote universal human rights in the Arab region, reaffirming principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Cairo Declaration on Human Rights in Islam. With regard to torture,

Article 8 states:

“No one shall be subjected to physical or psychological torture or to cruel, degrading, humiliating or inhumane treatment. Each State Party shall protect every individual subject to its jurisdiction from such practices and shall take effective measures to prevent them. The commission of, or participation in, such acts shall be regarded as crimes punishable by law and not subject to any statute of limitations. Each State Party shall guarantee in its legal system redress for any victim of torture and the right to rehabilitation and compensation.”

Article 23 obliges States Parties to provide victims of such violations with effective remedy.

This, however, is not the case in Saudi Arabia, where victims of torture are still unable to bring legal action against their torturers. In fact activist Khaled al-Omair was sent back to prison and re-arrested for filing a complaint to the authorities against those who had tortured him.

## **Saudi Arabia continues to violate the UN Convention against Torture**

Under international pressure, the Saudi authorities have announced some legislative and administrative reforms of the kingdom's judicial system, but many glaring shortcomings remain, and many of the safeguards written into its domestic laws are widely disregarded in practice. When making their long overdue periodic report to the Committee against Torture in Geneva in April 2016, the Saudi authorities avoided addressing several of the committee's outstanding concerns, and refused to answer many of its requests for data and detailed information.

In that report, Saudi Arabia stated that "torture is a criminal offence, punishable under the provisions of the Islamic Shariah, and the laws of the Kingdom forbid all forms of torture". Nevertheless, torture persists and is increasing to an alarming degree. However, Saudi legislation does not define the crime of torture in a manner consistent with Article 1 of the Convention, and the country's Basic Law has still not been amended as required to incorporate an absolute prohibition of torture.

### **Failure to maintain fundamental safeguards**

In most countries there are basic procedures and protocols in place in the criminal justice system that help ensure that abuses do not and cannot occur. Such safeguards include the right of detainees to legal counsel; the right to contact a family member or other person of their choice to inform them of their arrest and whereabouts; the right to be notified promptly of the reason for their detention and to receive assistance with language translation and interpretation; the right to confidential communication between lawyers and clients; the right to have prompt access to independent medical assistance; and the right to appear promptly before a judge with the power to order their release.

Although Saudi Arabia's 2013 Law of Criminal Procedure claims to afford all detainees with legal safeguards against torture, many of these rights are frequently neglected or denied, and persons arrested are not routinely informed of their rights. Saudi investigators may at their discretion bar accused persons from having contact with other prisoners or detainees, or being visited by anyone other than their lawyers or legal representatives, for up to sixty days. Detainees can be held without charge for up to six months, and in practice are often held for much longer, thanks to Article 114 of the Law of Criminal Procedure. This Article was amended in 2013 to remove the upper limit on the length of time detainees could be held without trial. There are particular concerns about the frequent violation of safeguards and lack of monitoring in the detention facilities of the Mabaheth, the Ministry of Interior's General Investigations Directorate, where most of those held are kept in pre-trial detention for prolonged periods of time.

An important safeguard against torture and abuse is independent monitoring of detention centres and prisons. All such facilities should be under judicial supervision and be subject to regular and unannounced visits by independent institutions. In Saudi Arabia the body responsible for such monitoring is the Public Prosecution, which reports to the King and thus has a clear conflict of interest. The purportedly independent Human Rights Commission also has a role in prison visiting and monitoring, but is likewise subject to the authority of government officials; its deputy president, H.E. Dr Nasser bin Rajeh al-Shahrani, headed the official Saudi delegation to the Committee against Torture session in Geneva. It has recorded only one case of serious abuse, and there has been no information about the outcome of any investigation or follow-up. The National Society for Human Rights, which the authorities describe as a civil society organisation, is financially supported by the Ministry of Social Affairs; it too is tasked with prison visiting and receiving complaints, but it is unclear what, if anything, it has achieved in this respect.

Furthermore, the detention facilities of the Mabatheth are outside any judicial control and have no formal monitoring arrangements at all.

So far, despite the revelation of cases of torture of women human rights activists and others, neither the authorities nor these specific institutions have made any serious or effective response; nor has any impartial commission of inquiry been announced. Worse still, the victims are still in detention, even though their arrests were arbitrary in the first place. There have been various reports of deaths as a result of torture. Although ALQST is convinced these reports are true, it cannot categorically verify them; but the lack of real oversight and transparent investigations by the authorities shows their complicity in the killing of victims under torture, in addition to the fact that this has happened before and been documented in previous cases, like the killing of Makki al-Orayyed under torture in police custody in 2016.

### **A climate of impunity**

Although several cases of brutal torture have been exposed, including that of Aziza al-Yousef, Eman al-Nafjan, Loujain al-Hathloul, Samar Badawi, Mohamed al-Bejadi and Yasser al-Ayyaf, it remains difficult to quantify the extent of torture in Saudi Arabia because victims are generally unwilling to discuss the violations they have suffered, due to a not-unfounded fear of reprisals against themselves and their families. The mechanisms available for making complaints are ineffective because they do not ensure confidentiality. Complaints that have been made have rarely been reviewed in an appropriate manner.

There are no data on investigations resulting in the punishment of perpetrators of abuse. Civil society could play a valuable role in preventing the possibility of acts of torture by monitoring the conditions and treatment of detainees and prisoners; the authorities have publicly acknowledged this by allowing the creation of the Human Rights Commission and the National Society for Human Rights. However, as discussed above, these two bodies lack independence, effectiveness and credibility. No other human rights organisations are allowed to operate, as the Ministry concerned refuses to provide them with an official licence. The authorities have systematically harassed, arrested and imprisoned dozens of civil society activists for peacefully speaking out against abuse.

Monitoring of prisons and detention centres, as described above, is almost non-existent. The judiciary itself lacks independence, being heavily influenced by the Ministries of Justice and Interior, and the king having absolute control over the appointment and dismissal of judges. Defendants' claims in court that their confessions were extracted under torture are routinely dismissed, yet sentences up to and including the death penalty are passed in reliance on these confessions without the allegations being investigated. As a result, those who perpetrate acts of torture and abuse almost always go unpunished, and the victims receive no redress or compensation.

All of these factors contribute to the climate of impunity surrounding torture in Saudi Arabia.

### **Torture and the war on terror**

Terrorist suspects are severely and systematically tortured. The introduction in January 2014 of the kingdom's first anti-terror legislation, the Penal Law for Crimes of Terrorism and its Financing, and the establishment in 2008 of the Specialised Criminal Court for terrorism cases, have made matters worse by removing safeguards against torture, and by criminalising peaceful acts of expression. The Specialised Criminal Court is heavily influenced by the Ministry of Interior and routinely declines to investigate claims of forced confessions.

ALQST maintains that no one can be tortured, whatever crime they have committed or are accused of committing, and would like to highlight the words of former UN Secretary-General Ban Ki-moon in this regard:

“As States grapple with their response to violent extremism, it is essential to stress that torture can never be used to fight terror; in fact torture terrorises. The use of torture is wrong from a moral point of view and wrongheaded from a strategic standpoint. Practising torture hurts the very cause of democracy, justice and human rights that the terrorists seek to undermine, and it gives them fuel to gain new recruits.”

## Enforced disappearances

Under the terms of the 1992 International Convention for the Protection of All Persons from Enforced Disappearance, “enforced disappearance” is considered to be:

“the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”.

People who are arrested in Saudi Arabia always suffer enforced disappearance for the first few days of their detention. Exactly how long this situation lasts depends on whether or not the family and relatives enquire about the victim and demand to know their fate, and also how well known the victim’s name is in the media or among NGOs and UN bodies. Detainees tend to remain disappeared for longer if no one asks about them.

Sometimes, however, enforced disappearances have continued for a very long time, raising concerns for the safety and fate of the victims. Examples include a Syrian pilgrim called Khaled Mohammed Abdulaziz, the preacher Sulaiman al-Dowaish, journalists Mar-wan al-Muraisy and Turki al-Jasser, and humanitarian worker Abdulrahman AlSadhan.

Sulaiman al-Dowaish was arrested on 22 April 2016 after posting tweets in which he seemed to criticise King Salman for giving his son Mohammad bin Salman so much power, by making him his own deputy as Prime Minister and appointing him Crown Prince and Defence Minister. Al-Dowaish tweeted:

“Don’t go overboard in entrusting your spoiled adolescent son with further powers without oversight and accountability, or else you must expect a daily calamity from him that will eventually tear down your house. Loving your son while neglecting to make him accountable will nurture feelings in him that will probably lead to contempt for you and reliance on himself, as he won’t care about you losing things that you have been proud to achieve. You won’t be blamed for your natural love for your son, but you will be blamed if he exploits it to carry on his immature and reckless behaviour. The only distinction that will be made is that you give him authorisation, or that he pays no attention to you and doesn’t tell you anything. Take care not to let love for just one of your sons, especially if he is a lightweight, cause you to give him preference over the rest of his brothers, because this will make them want to get their revenge on him, and will also make him arrogant and disrespectful of his elders.”

After that, Mohammed bin Salman wanted to have Sulaiman al-Dowaish arrested, but he couldn't, because the Minister of Interior and Crown Prince at that time (since de-posed), his cousin Mohammed bin Nayef, refused -- whereupon Mohammed bin Salman had al-Dowaish arrested by forces of the Ministry of Defence and Aviation, of which he was the minister. Later, after ousting his cousin and taking control of the Ministry of Interior and its facilities, he had al-Dowaish moved into the Mabaheth (secret police) prison system. It was not long before al-Dowaish disappeared from sight, and nothing further has been heard of him, or about his health or whereabouts. He thus entered a state of enforced disappearance that continues to the time of writing this report.

Khaled Mohammed Abdulaziz, 41, travelled on 26 August 2017 with his mother Khadija from Turkey to Mecca for the hajj pilgrimage. When the hajj rituals were over, Khaled and his mother travelled on with their party to visit Medina. On 11 September 2017, Khaled told his mother he wanted to go back to Mecca to visit the Grand Mosque again. The following day, 12 September, Khadija lost contact with her son. She informed the group's official minder, so he could check that Khaled was all right and that she didn't need to worry. The man had still not replied to her messages by the time they were due to leave Saudi Arabia on 15 September 2017. Then, at Medina Airport, Saudi officials delayed the group because Khaled was missing, while the minder tried to convince the airport officials that Khaled was ill. He then handed him over to the officials at the airport so that the group, including Khaled's mother Khadija, could depart for Turkey.

Khaled's family contacted the Saudi authorities several times through the Saudi Embassies in Turkey and in London; by phoning the Ministry of Hajj and the Ministry of Interior; and through the Pilgrimage Commission of the Syrian National Coalition, who in turn sent messages to the Saudi Ministry of Hajj. However, they heard nothing about Khaled, except for a home visit to his family in Istanbul by a staff member from the Saudi Consulate there, who told the family: "Khaled is alive and well; he's living and eating and drinking", without giving them any further information. 12 September 2017 is thus the last day on which anything was known about Khaled.



On 1 June 2018, security forces arrested Marwan al-Muraisy from his home and transferred him to an unknown location where he was held incommunicado. To date, al-Muraisy's family have been denied any information about him. They have not been able to see him, visit him, phone him, or know anything about his fate.

Al-Muraisy, born in 1982, moved from Yemen to Saudi Arabia in 2003 and began his professional career in journalism the following year. He has worked for several Saudi media outlets, including TV channels Al-Majd and Al-Resalah. His Twitter account has more than 100,000 followers, with his tweets focusing on his areas of specialisation, including digital media and human development.

He has produced more than 30 television programmes, and has been a guest on a number of television programmes dealing with technology and social media. Al-Muraisy also wrote a book, published in 2014, entitled "Sparrow's Milk".



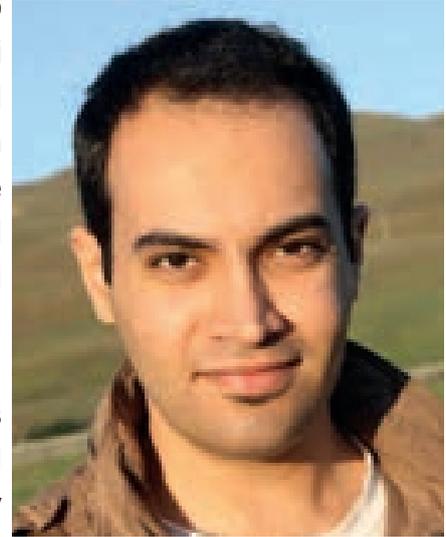
There has still been no news of al-Muraisy since his arrest.

On 12 March 2018, officials dressed in civilian clothes and believed to be from Saudi Arabia's Mabaheth secret police arrested Abdulrahman al-Sadhan from his workplace at the headquarters of the Saudi Red Crescent Authority in Riyadh. They confiscated his telephone before forcibly removing him and taking him to an unknown location. They did not show an arrest warrant or give any reason for the arrest. The next day, a group of men dressed in police uniform entered his place of residence by force. Sources reported that they saw men removing a laptop, a smartphone and other personal belongings as they walked in and out of the property. Officials also impounded his car.

Following his arrest, during April and May 2018, the Ministry of Interior's online prison database showed no evidence that al-Sadhan had been detained. In addition, the Ministry of Interior's Department of Security's complaints centre said they did not have any information on al-Sadhan's fate or whereabouts. Finally, a clerk confirmed that his name was listed in their records and that he had been arrested. The clerk gave no information as to the location at which he was being detained. The official also confirmed that al-Sadhan was under investigation, and that no one was allowed to contact or visit him. The official said that a visit would only be allowed after years, not months. Three separate requests were made to visit al-Sadhan, in April, August and October 2018, and on each occasion

it was refused. The authorities said that they would not accept any future requests, but rather they would notify his family when they could visit.

On 1 November 2018, a complaint was filed with two quasi-governmental human rights agencies in Saudi Arabia: the Human Rights Commission and the National Society for Human Rights. An official of the Human Rights Commission acknowledged receipt of the complaint, and on 25 November 2018 the National Society for Human Rights said the authorities had transferred al-Sadhan to al-Ha'ir Prison.



On 14 November 2018, ALQST and MENA Rights Group submitted the case of al-Sadhan to the United Nations Working Group on Enforced or Involuntary Disappearances.

Al-Sadhan was last seen on 28 October 2018 by an inmate of Dhahban Prison in Jeddah, where al-Sadhan was tortured. Nothing has been heard of him since then.

On 15 March 2017, a raid was carried out on the home of Turki bin Abdulaziz al-Jasser, a Saudi journalist who had been imprisoned

in the past; he was arrested and his

electronic devices were confiscated from

his home. Since then al-Jasser has completely

disappeared. He has not been allowed visits

or phone calls, and the Saudi authorities

refuse to answer any inquiries about him.



The Saudi authorities must immediately reveal the fate of all those forcefully disappeared, and they must immediately and unconditionally release all those arbitrarily arrested for their opinions. The Saudi authorities must abide by the 1992 International Convention for the Protection of All Persons from Enforced Disappearance, and should accede to the Convention, which they have not so far done.

## Women's Rights

Saudi Arabia has no laws that offer women adequate protection against domestic abuse and other gender-based violence. Laws relating to marriage and divorce cause many women to be trapped in violent and abusive marriages. Discriminatory practices such as the male guardianship system, imposed without any legal or Sharia justification, prevent women from fully enjoying their basic human rights. Problematic issues such as forced marriage persist, as well as women's frequent inability to take their guardians to court because of weaknesses in the judicial system. Many government departments still adhere to the guardianship system by requiring women to obtain written permission from a male guardian (father, brother, husband or son) to carry out basic transactions.

Activists have meanwhile mobilised protest campaigns online. Many of those involved are women who have suffered directly as a result of the guardianship system. There are also legal experts supporting the campaign who have confirmed that the male guardianship system practised in Saudi Arabia has nothing to do with either statutory or Islamic law, or with the customs and traditions of Saudi society; it is simply imposed by the Saudi authorities.

The guardianship system can prevent women from enjoying their basic rights. They need a male guardian's permission to work, travel, study, marry or even access health care. In short, adult women are treated as legal minors who are not entitled to any control over their lives, and are frequently denied the legal right to make decisions on behalf of their children. They are not normally allowed to open bank accounts for their children, enrol them in schools or access their school files without written permission from a male guardian. Practice varies from city to city and from one institution to another, and indeed one family to another, but the women who suffer most are those who have abusive guardians and find that the authorities support whatever brutal or violent treatment they mete out.

Women also face severe constraints when attempting to access the court system. It can be difficult to file a case against a woman's guardian if she cannot bring a guardian or chaperone to court. This leaves the door wide open to domestic violence, by making it extremely hard for survivors to seek legal remedy against the perpetrators and stop the violence. Social workers, doctors and lawyers find it impossible to strip male guardians of their right to guardianship even when they are abusive, since they continue to control the woman's life and she has no way of proving torture, beatings or unreasonable behaviour such as drug addiction.

Although the authorities claim there have been changes to the rules, they have done nothing serious to enable women to find relief from abuse, and the abusers all too often go unpunished.

The Saudi authorities are thus utterly failing to safeguard women and girls, as well as failing to ensure their rights to education, employment, health and freedom of movement. Hence the authorities are not only in breach of their obligations under international law but also failing to adhere, as they claim, to Sharia law. As a result, many young women have been driven to flee the country and seek asylum in various countries around the world.

## Worker's Rights

Workers in Saudi Arabia have suffered heavily from the economic crisis that the country has been going through as a result of mounting financial corruption, largely attributable to the Crown Prince. The economic crisis has of course had its impact on Saudi nationals, but it has affected migrant workers particularly badly. Many have lost their jobs because of companies' financial losses.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by UN General Assembly Resolution 45 of 18 December 1990, Article 2 (1), defines the term "migrant worker" as "a person who will engage or is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national".

By this definition, migrant workers in Saudi Arabia make up roughly one-third of the country's inhabitants, an estimated 31 million people. Of these, 75% come from India, Pa-kistan, Bangladesh, Egypt and the Philippines. They face multiple problems unlike those faced by workers in other countries, because of a number of complex and thorny regulations in the Labour Law and private sector regulations.

A number of migrants, moreover, have been deported back to countries from which they had fled because of war, thereby placing their lives at risk, although Saudi Arabia has not acceded to the 1951 Refugee Convention.

The kafala system under which migrant workers work in Saudi Arabia ties the worker to an individual resident who is his or her sponsor. This makes the worker vulnerable to exploitation, as the sponsor can change the nature of the employment and sometimes transfer the sponsorship against the wishes of the employer himself. The sponsor can also terminate the employment and expel the worker from the country without notice, while the worker cannot leave Saudi Arabia without an exit visa. For this reason, a number of workers who have absconded from their jobs because of the slavery-like conditions they faced have become unable, having left their original jobs, to leave the country, and so end up working in the black economy at risk of further exploitation.

The lack of any legal mechanism to monitor and enforce the regulations transparently, the difficulty workers have in getting access to justice, and the absence of any independent organisations to protect them make them even more vulnerable to abuse and unable to use the regulations to their own advantage.

In addition, there is very often no undertaking on fixed working hours, especially for domestic workers, as a result of which workers find themselves being required to work around the clock, seven days a week, having their wages withheld and their passports confiscated, and being employed to do work outside their job description, sometimes involving sexual exploitation. There have been cases where housemaids were found working in several houses in rotation, and sponsors were hiring out female workers by the hour for their own gain.

Again, the situation varies according to the worker's nationality and the protection he or she is able to get from their country's embassy.

## Right of Asylum

The Saudi authorities frequently claim that they have welcomed refugees from Syria, Yemen and (since 1948) Myanmar, among other countries. Yet Saudi Arabia has not yet acceded to the 1951 Convention Relating to the Status of Refugees, and does not take in refugees as refugees but rather mostly as migrants. Myanmarese refugees are the exception, in that the Saudi authorities have continually refused to grant them either legal residency or refugee status, leading to decades of mistreatment.

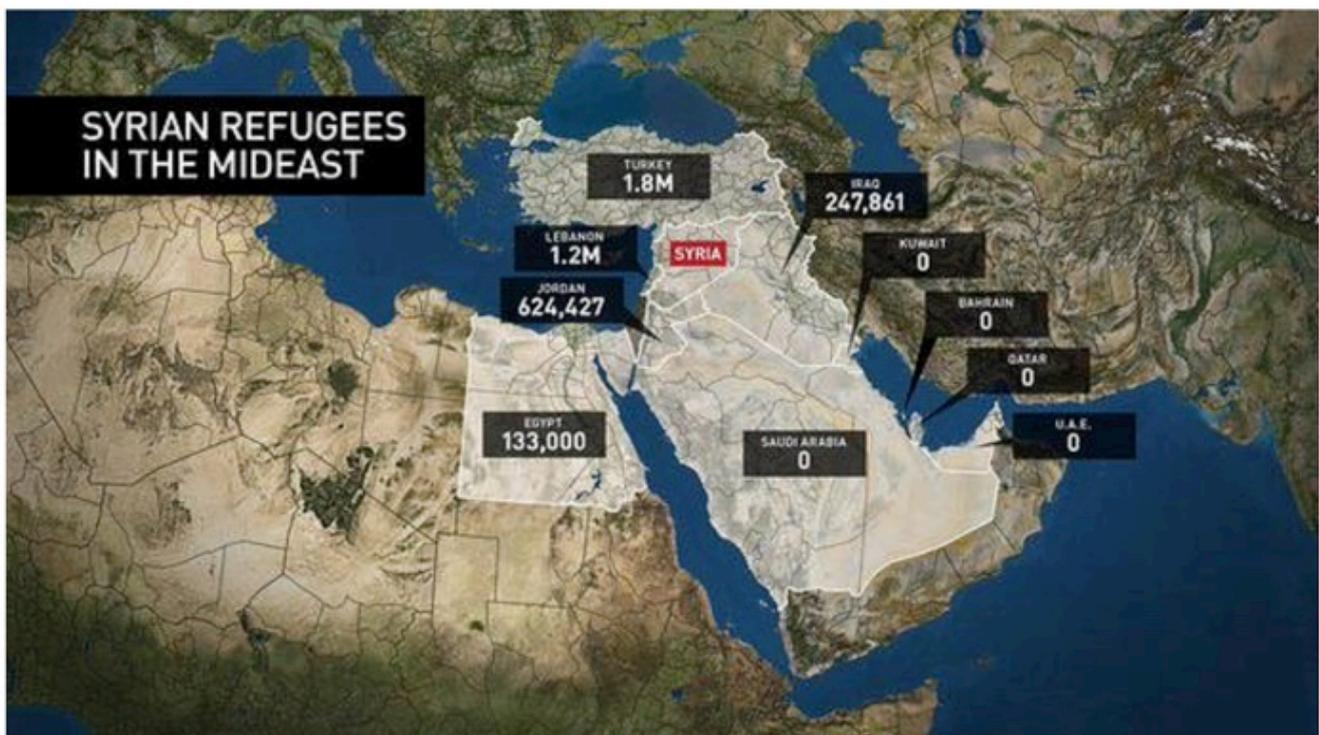
The fact that Saudi Arabia is not legally bound by the articles of the Convention, and that it conflates refugee status with that of migrants, has grave consequences for refugees coming to the country. According to the Convention, a refugee is a person “...who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

The Refugee Convention accords every endangered individual the right to enter territories legally or illegally where they want to request asylum, as hundreds of thousands of refugees escaping conflict zones and other threats to life and liberty do in countries that have ratified or acceded to the Convention. Whether they enter the country legally or illegally, they are treated as refugees and are accorded all the rights they are entitled to as such.

The Convention states that refugees must be provided with identification and travel documents, and their rights must be guaranteed, including their right to legal aid, education, financial support and social security. Refugees should also have the right to access the job market and own property.

The Saudi authorities refuse to accede to the Convention so as not to be obliged to grant refugees in Saudi Arabia these rights. Because Saudi Arabia has not acceded to the Convention, and is therefore not bound by its provisions, the Saudi authorities have deported some refugees back to conflict zones or to third countries. It has not provided refugees residing in Saudi Arabia as migrant workers the rights accorded to them as refugees. The position of refugees in Saudi Arabia is thus extremely precarious, since they are liable to arrest, detention, and deportation once their work contracts or visas expire. The legal guarantees against deportation afforded to refugees in countries that have acceded to the 1951 Convention are not available in Saudi Arabia. Many therefore find themselves forced to remain in the country without legal residence documents, which further denies them their rights and makes them de facto stateless persons.

The Saudi authorities should promptly sign up to the 1951 Refugee Convention, and must afford refugees their full rights, especially those coming from Yemen, since the Saudi-led coalition is responsible for the majority of civilian casualties in that country.



## Stateless Persons

'Bidoon', meaning literally 'without', is a term used to refer to people of various ethnic and historical backgrounds without a nationality. The two major categories of Bidoon are the members of nomadic tribes that used to migrate from place to place in the Arabian Peninsula according to changing conditions, and the so-called 'Mawalid' born to families who came as pilgrims to visit the holy places and stayed on illegally, for whom Saudi Arabia is the only country they have ever known or with which they have any ties.

Whatever the reasons for their statelessness, the Bidoon today suffer in every aspect of their lives. There are no clear or specific arrangements for their education, and while some manage, with great difficulty, to enrol in primary education, others are unable to do so – and university education is out of the question. The law is unclear on the matter, and the government is not making any serious effort to solve the problem. Stateless persons are not entitled to medical treatment either, and there have been cases where hospitals have turned them away even in emergencies because they do not have a Saudi ID card or passport.

As a general rule, the Bidoon cannot work or earn an income, yet the government offers them no financial support. The authorities do not normally allow them to work in the public sector, but neither does it let them register businesses or property, so sometimes the only way they can live is by doing menial jobs in the informal economy, or by convoluted means made possible only by the help of charitable benefactors.

In the matter of marriage, too, stateless persons' lack of documentation usually means that their marriages are not officially registered, even if the person they are marrying has citizenship, and they frequently encounter difficulties with various official bodies.

Stateless persons in Saudi Arabia enjoy none of their basic rights and have an extremely hard existence, forced by the government into a life of grinding poverty or crime. The numbers of Bidoon are growing, and with no serious or swift solutions in sight the situation is likely to grow even worse. The Saudi authorities must start to look for genuine solutions, starting by signing up to the UN Convention Relating to the Status of Refugees. This would mean accepting those not eligible for citizenship as refugees, with the right to maintenance, medical treatment, education, employment and identity and travel documents, as laid down in the Convention, while granting citizenship to those who do meet the criteria.

This will require an amendment to the Saudi Arabian Citizenship System, which is flawed on legal and humanitarian grounds. Article 9, for example, requires applicants to supply documents relating to their previous nationality, which the Bidoon do not have, and a sponsor in the case of those holding a stateless person's ID card. Article 10, meanwhile, contains a loophole whereby they can be denied their right to naturalisation, by stating that "the Minister of Interior has the right, in all cases and without giving a reason, to re-fuse consent to the granting of Saudi Arabian citizenship to an eligible foreigner".

The Bidoon therefore continue to live a life in limbo without any legal protection whatsoever.



## Use of the Death Penalty

During 2018, the Saudi authorities executed approximately 150 people, according to figures published by official Saudi Press Agency. This almost equals the number of executions in 2015, the first year of King Salman's reign, which at 158 executions was the highest number recorded since 1995, followed by 2016. This shows that the number of executions has sharply increased since King Salman came to the throne, under the influence of his son, Crown Prince Mohammed bin Salman. The death penalty is currently being sought for non-violent people like activist Israa al-Ghomgham, reformist preacher Salman al-Odah, Awadh al-Qarni and Ali Hamza al-Umri.

Saudi Arabia thus retains its position as one of the world's leading executioners. The death penalty has been applied to people of various nationalities, and in many cases on the basis of ta'zir – sentencing at the discretion of a judge without reference to any legal text prescribing the death penalty.

Furthermore, the Saudi judiciary is not independent, and is not guided in its judgements by any clear, transparent legal code. Indeed, the Saudi authorities refuse to regulate the judiciary by law, or to produce a written code of law: they say that judges have the right to use their discretion in sentencing. Yet the Specialised Criminal Court has shown itself to be subordinate to the Ministry of Interior, and runs its trials in accordance with the Counter-terrorism Law -- so the judiciary in fact has no independence whatsoever, in its administrative structure, statutory regulation or the sentences it hands down.

### The “Iran spy cell” case

Death sentences have often contained blatant legal errors and gross violations. In one case, which the authorities dubbed “the Iran spy cell case”, ALQST studied the court documents containing the verdicts, and can testify that they had gross legal errors and omissions. It was also clear that a number of obvious violations had taken place during the process of investigation and prosecution. The most serious issue was that several of the defendants told the court that their statements had been extracted under torture, and the court did not instigate an independent investigation of this claim but insisted on accepting their confessions. Also, several acts of the defendants were regarded as acts of espionage when they were in fact no such thing, for example meeting political or religious figures. The case has not yet been determined, and neither have the charges against the defendants been withdrawn, despite all the legal flaws in their unfair trials.

As an example of the courts accepting confessions extracted under torture, on 24 February the court persisted in sentencing a Jordanian detainee, Hussain Abu al-Khair, to death despite his having told the judge he had been tortured and he was not given access to a lawyer, and the sentence was reinstated by the Supreme Court.

## ALQST'S International Awards Campaign

On 29 May 2018, after the Saudi authorities' latest wave of arbitrary arrests, this time of human rights activists, ALQST launched a campaign calling on partner NGOs, national governments and human rights supporters all over the world to celebrate Saudi Arabia's human rights heroes by nominating them for prizes and awards and getting them talked about in international forums.

On 9 October 2018, English PEN's Pinter Prize was awarded to Chimamanda Ngozi Adichie and she, in turn, named Saudi writer and activist Waleed Abu al-Khair as PEN's International Writer of Courage for 2018. Speaking at an award ceremony for Waleed, Adichie said:

"I am proud to share this year's PEN Pinter Prize with activist, lawyer and writer Waleed Abu al-Khair. [...] Waleed has dedicated his life to holding the Saudi authorities accountable for human rights abuses [...] to speaking out, to supporting the victims of those abuses."

Abu al-Khair had previously received the Law Society of Upper Canada's Human Rights Award in February 2017, and Sweden's Olof Palme Prize in 2012.

On 23 November 2018, the Right Livelihood Award – often called the Alternative Nobel Prize – named Saudi human rights defenders Abdullah al-Hamid, Mohammed Fahad al-Qahtani and – once again – Waleed Abu al-Khair as its 2018 Laureates "for their visionary and courageous efforts, guided by universal human rights principles, to reform the totalitarian political system in Saudi Arabia".

In the course of the award ceremony, Amnesty International Sweden and the Right Livelihood Award committee called on the Saudi authorities to release the three men immediately and unconditionally.

In its May 2018 campaign, ALQST invited partner NGOs, parliaments and national governments to work with it. It called on organisations, both individually and collectively, to nominate activists for human rights awards and prizes; it asked local governments to consider naming streets or parks after activists; and it encouraged those working in the media to commission or write books and articles about them, or to tell their stories in films and documentaries etc. ALQST pointed out that these activists had dedicated their lives to doing what they believed in, and were now behind bars as a result.

ALQST would like to see more prizes for the champions of human rights in Saudi Arabia, and is working on a number of fronts to secure greater recognition for them. Among those ALQST believes should be celebrated are the members of the Saudi Civil and Political Rights Association (ACPRA): Abdullah al-Hamid; Mohammed al-Qahtani; Mohamed

al-Bejadi, who has been imprisoned three times and who, when asked by the authorities if any members of his family were in detention, replied that all who had suffered injustice were his family; Abdulaziz al-Shubaily and Fawzan al-Harbi, who brought court cases on behalf of more than 100 victims of injustice who had no one to take up their cases; and their colleagues Dr Abdulkarim al-Khodr, Abdulrahman al-Hamid, Issa al-Hamid, and the now-released former judge Suleiman al-Rashoudi.

Then, as well as Waleed Abu al-Khair, who founded the Monitor of Human Rights in Saudi Arabia, there are also the founders of the Union for Human Rights, including Abdullah al-Atawi and Mohamed al-Oteibi. We also want to celebrate supporters of the 26 October campaign for women's right to drive and for women's rights and human rights in general, including Ibrahim al-Mudaimeegh, Aziza al-Yousef, Eman al-Nafjan, Loujain al-Hathloul and Mohamed al-Rabiah. Also, we should mention members of the Adala Centre for Human Rights, which the Saudi authorities closed down, and all those who have championed human rights in Saudi Arabia and paid the price.



## Conclusion and recommendations

The year 2018 was no better than the previous year, as we would have wished, because of the favourable environment the Saudi authorities enjoyed that allowed them to carry on with their human rights violations.

Domestically, there are no civil society organisations to enable the public to hold the authorities to account and curb their abuses, and there is no freedom of expression to allow people to voice criticism of those abuses. The country's legal framework and administrative system do not allow the public to press for reform.

Externally, the authorities have managed to win allies by means of financial donations or trade deals, and hence support for their rights violations. They have created artificial crises with several countries, all for reasons connected in some way with Saudi human rights violations.

However, in the wake of two horrendous crimes – the murder of journalist Jamal Khashoggi and the torture of women human rights activists – the Saudi authorities are no longer in the same position. We at ALQST hope that this change in the situation will result in real pressure on the authorities for real change in the future, and for a guaranteed end to the abuses and crimes committed against the Saudi people and their neighbours.

We at ALQST call on everyone to condemn the Saudi authorities' continuing and escalating violations. We appeal for pressure on them to stop repeating these things. We strongly caution against silence or complicity with these violations, because that will open the way for the authorities to commit further abuses. The Saudi authorities have taught us that allowing their crimes to pass in silence only leads to further crimes, and this has been especially true since King Salman and his son Crown Prince Mohammed came to power.

ALQST reiterates the recommendations made on 10 December 2018, International Human Rights Day, when it hosted its Second Annual Conference to assess the state of human rights in Saudi Arabia. Representatives from Amnesty International, the European Saudi Organization for Human Rights, the Gulf Center for Human Rights, Human Rights Watch, the International Federation for Human Rights, MENA Rights Group and Reporters Without Borders all took part.

Saudi academic Hala al-Dosari and a representative of the UK-based Campaign Against Arms Trade also took part in the gathering.

The participants called on the Saudi authorities to take a number of specific measures in order to improve the human rights situation in the country and in countries where they exercise influence. ALQST reiterates these calls now in light of our 2018 Annual Report:

### **1. Commit to freedom of expression, association and assembly**

- End the harassment, prosecution and conviction of anyone for peacefully exercising their rights to freedom expression, association or assembly;
- Release, immediately and unconditionally, all persons imprisoned solely for the peaceful exercise of these rights, such as human rights activists, including women's rights defenders; lawyers; journalists; political activists; and users of social media. Their imprisonment is considered arbitrary under international law and convictions on this basis must be quashed, and there should be remedies available for all those arbitrarily detained;
- Repeal or substantially amend laws, including the Anti-Cybercrime Law, to ensure that criticism of government policy and practice, and of officials, as well as other forms of protected speech by journalists, social media users and anyone who peacefully expresses a view, are not criminalised; and
- Repeal the Law on Associations and related legislation or substantially amend it to bring it into full conformity with international law and standards, and allow the formation of independent human rights organizations.

### **2. Commit to international standards in the administration of justice**

- Ensure that there is a recognised legal and criminal basis for every arrest; that those arrested are aware of the basis for the arrest and are also able to challenge it before a judge within 48 hours of the arrest; that detainees have access to family and legal representation of their own choice from within 24 hours of the arrest;
- Ensure that trials are conducted in line with international fair trial standards, including, inter alia, the right to prepare an effective defense and challenge the evidence and witnesses in a given case;
- Ensure a separation of powers; and that the judiciary is independent;
- Release detainees whose sentences have expired and those who are held without charge; and
- Ensure that all persons are equal before the law, so that no one in a position of power enjoys immunity or impunity.

### 3. End the use of torture and cruel, inhuman and degrading treatment

- Implement the 2016 recommendations of the Committee Against Torture in respect to Saudi Arabia's treaty obligations as a state party to the United Nations Convention Against Torture, and publicise the steps taken;
- Put an end to the practice of incommunicado detention and ensure that every detainee has access to their family and a lawyer of their choice;
- Ensure that all allegations of torture and other ill-treatment are thoroughly, independently and impartially investigated and those suspected of criminal responsibility are brought to justice;
- Improve the management and oversight of of prisons so that prisoners are treated humanely and their human rights respected. Ensure that all places of detention conform to the Mandela Rules (the UN Standard Minimum Rules for the Treatment of Prisoners); and
- Ensure that no statement obtained under coercion, including torture or other ill-treatment, is invoked as evidence in any proceedings, except against the person accused of torture as evidence that the statement was made; persons convicted on the basis of "confessions" extracted under torture or ill-treatment must be promptly re-tried in civilian courts in fair proceedings that exclude such statements, or released.

### 4. Advance the rights of women

- Implement the 2018 recommendations of the Committee on the Elimination of Discrimination against Women in respect to Saudi Arabia's treaty obligations as a state party to the United Nations Convention on the Elimination of All Forms of Discrimination against Women;
- Ensure that women are able to take an active part in society and that laws and regulations protect women from domestic violence, oppression and marginalisation; and
- Abolish the male guardianship system and remove restrictions that prevent women's equality with men before the law in the enjoyment of all human rights, and ensure their active participation in society, including the right to freedom of movement, education, employment, marriage and redress for violations.

## 5. Abolish the death penalty

- Immediately declare an official moratorium on all executions with a view to abolishing the death penalty;
- Pending full abolition of the death penalty, stop applying the death penalty and suspend pending death sentences;
- Stop applying the death penalty against those under the age of 18 at the time of the alleged offence, in line with Saudi Arabia's legal obligations as a party to the Convention on the Rights of the Child; and against anyone suspected of suffering from mental or intellectual disabilities; and
- Ensure that foreign nationals arrested, detained or imprisoned have adequate access to consular and interpretation services.

## 6. Ensure the protection of human rights and fundamental freedoms while countering terrorism

- Abolish the Specialised Criminal Court as it is fundamentally unfair and lacks internationally recognized standards of impartiality and judicial independence, and repeal or substantially amend the Penal Law for Crimes of Terrorism and its Financing and the Anti-Cybercrime Law to ensure that they adhere to international human rights law and standards;
- Explain publicly to the Saudi Arabian people how the government differentiates between the right to freedom of expression and terrorism; and
- Ensure that the definition of terrorism does not extend to include peaceful opposition or peaceful civic activism, and that countering terrorism is not used as an excuse to suppress fundamental liberties.

## 7. Promote a culture of respect for human rights, including by promoting the rights of cultural diversity

- Implement the 2016 recommendations of the Committee on the Elimination of Racial Discrimination in respect to Saudi Arabia's treaty obligations as a state party to the United Nations Convention on the Elimination of Racial Discrimination, and publicise the steps taken;
- Review the content of all primary and secondary educational curricula to ensure that it does not promote discrimination or serve to undermine human rights standards; and

- Prohibit advocacy of hatred that constitutes incitement to hostility, discrimination or violence on the basis of race, religion, sex, nationality or other discriminatory grounds.

## 8. With respect to the conflict in Yemen

- Fully comply with international humanitarian law in the planning and execution of any airstrikes, including to ensure civilians and civilian objects are not targeted and to end indiscriminate and disproportionate attacks harming civilians;
- Take all feasible measures to minimize harm to civilians, including giving effective advance warnings of impending attacks to civilian populations in affected areas;
- Ensure all humanitarian workers are granted freedom of movement and ensure the rapid and unimpeded delivery of impartial humanitarian relief for civilians in need, and lift arbitrary restrictions on commercial imports of essential goods; and
- Cooperate fully with the investigation by the Group of Eminent Experts mandated by the UN Human Right Council to carry out a comprehensive examination of all alleged violations and abuses of international human rights and other appropriate and applicable fields of international law committed by all parties to the conflict in Yemen since September 2014.
- Ensure independent, impartial investigations are conducted into allegations of war crimes, and that, where there is sufficient admissible evidence, those suspected of responsibility -- including command responsibility -- are prosecuted in fair trials.

**ALQST believes that making a start on these measures would signal a sincere intention to make genuine reforms, whereas stalling on any of them would show a determination to persist in committing abuses and disregarding the rights of Saudi society and regional stability. For Saudi Arabia to persist in its old ways will only send the country towards a cliff edge, with dire consequences for both the country and the region.**

## How to support our work

ALQST relies on the backing of donors and supporters in order to carry out our vital work.

Supplying a grant or making a donation will make a huge difference in increasing our capacity to monitor human rights violations in Saudi Arabia, expand our influence on policymakers and help improve the lives of people who have for too long been denied their fundamental rights.

**To make a donation, visit here:**

<http://alqst.org/eng/how-you-can-help-alqst/>

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