



The Ismailis of Najran

Second-class Saudi Citizens

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I. Summary and Recommendations

The Ismailis, a religious and ethnic minority with historic roots in Najran province of southwestern Saudi Arabia, face increasing threats to their identity as a result of official discrimination. With the arrival of Prince Mish'al bin Sa'ud as the governor of Najran in 1996, tension between local authorities and the Ismaili population increased, culminating in a confrontation between armed Ismaili demonstrators and police and army units outside the Holiday Inn hotel in Najran city in April 2000. The ensuing crackdown continues to reverberate throughout the region to this day.

Official discrimination in Saudi Arabia against Ismailis encompasses government employment, religious practices, and the justice system. Government officials exclude Ismailis from decision making, and publicly disparage their faith. Following the clashes in April 2000, Saudi authorities imprisoned, tortured, and summarily sentenced hundreds of Ismailis, and transferred hundreds of Ismaili government employees outside the region. Underlying discriminatory practices have continued unabated.

This report calls for the end to religious and ethnic discrimination against the Ismailis of Saudi Arabia, and accountability for the abuses Ismailis suffered following the clashes of 2000. Over the past 10 years, Ismailis have repeatedly sent delegations and addressed petitions to the governor of Najran and the central authorities in Riyadh, including the Human Rights Commission (an official body), but found little attention to their concerns.

Najran is a fertile valley on the border with Yemen, and came under Saudi rule in 1934. It is the spiritual seat of the Sulaimani Ismailis, a branch of Shiism numbering several hundred thousand adherents. Saudi intolerance toward religious minorities in the country historically did not intrude much into the daily lives of Ismailis from Najran unless they left the region to perform a pilgrimage to Mekka or Medina or to pursue studies and careers in other cities. Over the past dozen years, however, the situation has worsened. First, officials publicly disparage Ismailis and exclude them from participating in local decisions. Second, Ismailis are excluded from distinct

areas of employment and promotion to upper ranks. Third, Ismailis face severe curtailments of their religious freedom. Fourth, in a religiously-legitimized justice system in which heterodox non-Wahhabi practices have no place, Ismailis face arrest without cause and harsher sentences than other Saudis.

The confrontation at the Holiday Inn in Najran city on April 23, 2000, marked a watershed in Ismaili relations with the central government. Three months earlier, police had closed all Ismaili mosques on a religious holiday. On April 23, after security forces and religious morality police arrested an Ismaili cleric, a large demonstration took place outside the Holiday Inn, where Governor Prince Mish'al resided. After the governor refused for hours to meet the petitioners, an exchange of fire between security forces and armed demonstrators left two Ismailis dead and, according to some government accounts, killed one policeman as well. Believing their religious identity to be under attack, Ismaili men erected defenses around Khushaiwa, the seat of the Ismaili religious leader, *al-Da'i al-Mutlaq* (Absolute Guide), and the spiritual capital of Sulaimani Ismailis, a community with followers in India and Pakistan as well as Saudi Arabia and Yemen. Khushaiwa, which is an area of Najran city, includes the Mansura mosque complex. The army surrounded the Ismaili positions and placed the city under its control. The standoff ended later the same day without further bloodshed.

Over the following weeks, security forces detained several hundred Ismaili men, who claim that local intelligence officers (*mabahith*) tortured them. The authorities tried more than 90 of the men in secret in Riyadh. Despite successive royal pardons for these men convicted for participation in the Holiday Inn events, reducing their sentences, 17 Ismailis remained in prison in mid-2008 on the basis of convictions stemming from those events. In addition, local authorities forced several hundred Ismaili government officials in the wake of the Holiday Inn incident to relocate to jobs outside the region or resign. Only a handful have been able to return.

As recently as 2006 and 2007, the highest government-appointed clerics and judicial authorities of Saudi Arabia publicly attacked the Ismaili faith, declaring its adherents to be infidels. In 2005 the governor of Najran disparaged Ismailis in a newspaper interview, referring to their mosques as temples. These attacks occurred in a context

of frequent hate speech by officials or prominent personalities against the Shia in general, who constitute around 10 to 15 percent of Saudi Arabia's population.

Faced with official hostility, it is no surprise that Ismailis are not able to participate in local decisions by holding high office in the governorate. The five-year-old National Dialogue established at the behest of then Crown-prince Abdullah to promote conciliation on controversial and sensitive topics invited only a few Ismailis to participate. In 2006 one of those participants was fired from her job after delivering remarks highly critical of Wahhabi authorities in Najran. Ismailis who protest publicly, write petitions, or speak to the media risk arrest and periods in prison.

Ismailis have faced increased discrimination in employment over the past decade. As elsewhere in Saudi Arabia, in Najran the government is a major employer, but many Ismailis cannot obtain professional jobs and have been forced to leave Najran because the administration has filled government positions with Sunnis from outside the province who are sometimes less qualified. Ismaili officials also face a glass ceiling on promotions. Currently, only one out of 35 department heads in Najran is an Ismaili. While there are Ismailis in the military, Ismailis only exceptionally rise to the higher ranks, because officer colleges preparing cadets for leadership positions rarely admit qualified Ismailis.

Religious restrictions are the most severe form of discrimination that Ismailis confront. Ismailis may not visit their religious leader to receive instruction. They face restrictions when they attempt to build mosques or expand existing ones, while Wahhabi mosques flourish, with state aid. Ismailis may not print or publish Ismaili prayer books. In government schools, where religion can constitute a third of the curriculum, Ismaili children are ridiculed for their faith and indoctrinated in Wahhabi thought.

In the justice system, Ismailis have faced adverse judicial rulings due to their religious identity. One judge barred an Ismaili lawyer from representing a Sunni client in court. Another judge forcibly divorced a Sunni woman from her Ismaili husband, declaring him religiously "inadequate." Ismailis face imprisonment on sorcery charges on account of their religious practices. In other cases, seemingly

minor incidents have landed Ismailis on death row. Once in prison, Ismailis often do not benefit as their fellow Sunni prisoners do from reductions of their sentence for memorizing the Quran or furlough for family weddings or funerals.

A major Ismaili grievance, which this report does not address for lack of comparative data, is the claim that Saudi authorities are threatening the demographic majority of Ismailis in Najran by naturalizing Yemeni refugees who share the Saudi-majority Sunni faith and giving Yemeni newcomers land plots, employment, and housing while Ismailis receive no such assistance.

Recommendations to the Saudi Government

Human Rights Watch urges the Saudi government to provide mechanisms for accountability for the Holiday Inn events of April 2000 and their aftermath. Human Rights Watch also urges measures be taken to address and bring to an end discrimination against Ismailis that limits their participation in public affairs, employment and promotion, religious freedom, and access to fair justice.

With respect to the Holiday Inn events of April 2000 the government should:

- Open an inquiry with subpoena powers under the aegis of the Human Rights Commission and with at least half of the members Saudi Ismailis, to invite public participation, and make its findings public, regarding
 - The closure of Ismaili mosques on Eid al-Fitr ([10/ 1/ 1420] December 1999);
 - The arrest of Ismaili cleric Muhammad al-Khayyat;
 - The failed attempts at dialogue between Ismaili leaders and Governor Prince Mish'al on April 23, 2000;
 - The use of firearms by security forces and by Ismailis at the Holiday Inn hotel that day;
 - The large-scale arrests of Ismailis following the Holiday Inn events;
 - The treatment of Ismailis in custody, in particular at the Najran mabahith offices, the Najran General Prison, and at al-Ha'ir mabahith prison in Riyadh;
 - The fairness of the trials of Ismailis prosecuted and convicted in connection with the Holiday Inn events; and

- The reasons for transferring Ismaili public sector employees to locales outside the Najran region, firing others from their jobs, and barring Ismaili students from resuming their studies upon release from prison.
- Open criminal investigations against mabahith officers and local governorate officials where evidence indicates that they carried out, ordered, or condoned arbitrary arrests and/or torture.
- Open disciplinary hearings against prosecutors who pursued prosecutions without evidence against Ismailis, and against judges who blatantly violated Ismaili detainees' rights to a prompt, fair, and public trial.

With respect to ongoing discrimination against Ismailis of Najran, the government should:

- Publicly and officially rebut hate speech against Ismailis and other religious or ethnic minorities.
- Discipline and where warranted prosecute officials who disparage Ismailis or promote discrimination against and incite hatred of Ismailis.
- Set up a national institution, as recommended by the United Nations Committee on the Elimination of Racial Discrimination, empowered to receive claims of discrimination, to make public recommendations for remedy, and to review and recommend changes in official and private discriminatory policies and practices.¹
- Ensure that Ismailis can participate in national and local public affairs and policy initiatives by appointing a representative number of qualified Ismailis to public sector jobs and high government offices in the Najran region.
- Ensure that qualified Ismailis receive at least equal treatment in education and local employment and business opportunities.
- Terminate all Ministry of Information and Ministry of Islamic Affairs censorship regarding the possession, production, and exchange of Ismaili or Shia religious material.

¹ The Committee on the Elimination of Racial Discrimination, "Establishment of National Institutions to Facilitate Implementation of the Convention," General Recommendation No. 17, A/48/18 (1993), [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/4872085cc3178e3bc12563ee004be99?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/4872085cc3178e3bc12563ee004be99?Opendocument) (accessed June 24, 2008).

- Pass legislation that protects from government interference construction of buildings for worship or other Ismaili religious purposes, teaching and learning of Ismaili religious beliefs and practices, and Ismaili worship and religious observance.
- Allow Ismailis to train as judges and to practice in all regular courts, with a preference for those courts in locations where the Ismaili population constitutes a majority or sizeable minority.
- Discipline or, as the case requires, prosecute officials who judicially discriminate against Ismailis on the basis of their religious identity in prosecutions, trials, sentencing or the execution of verdicts, including prisoners' enjoyment of privileges such as furlough and a reduction of sentence.

Methodology

Human Rights Watch conducted research for this report by meeting with victims of discrimination and abuse of power in Saudi Arabia in Riyadh in February 2006; in Riyadh, Najran, and Jeddah in December 2006; in Riyadh in May 2007; and also in Manama, Bahrain, in July 2006. In addition, we conducted telephone interviews and consulted court verdicts, land surveys, and official documents provided by Ismailis.

This report addresses violations that are the result of discrimination based on the religious and ethnic identity of Ismailis in Najran. Other human rights violations against Ismailis, such as cases of torture and unfair trials that did not appear to derive from religious discrimination, are addressed in Human Rights Watch's 2008 report on Saudi Arabia's criminal justice system, *Precarious Justice*.²

In total, Human Rights Watch conducted over 150 interviews with some 60 Ismailis. We spoke with eyewitnesses to the Holiday Inn events of April 2000, and participated in two separate meetings with Ismaili tribal leaders. We sought the opinions of lawyers and activists working on behalf of Ismailis in their dealings with the local governorate and the authorities in Riyadh. Wherever possible, we spoke

² Human Rights Watch, *Saudi Arabia – Precarious Justice: Arbitrary Detention and Unfair Trials in a Deficient Criminal Justice System*, vol. 20, no. 3(E), March 2008, <http://hrw.org/reports/2008/saudijustice0308/>.

directly with victims of arbitrary arrest, discrimination in education, employment, the justice system, and violations of religious freedom. While the Ismailis we spoke to were often eager to tell their story, a majority asked us to protect their identity. For a core group of interviewees whose accounts encompassing arrest, torture, trial, and barriers to the employment and education are featured across two chapters covering the Holiday Inn events and their aftermath, we have used single-name pseudonyms; other interviewees are presented anonymously. Some whom we could only interview by phone preferred not to speak in great detail. Aside from the two meetings with tribal leaders, we conducted interviews in private. All interviews were in Arabic.

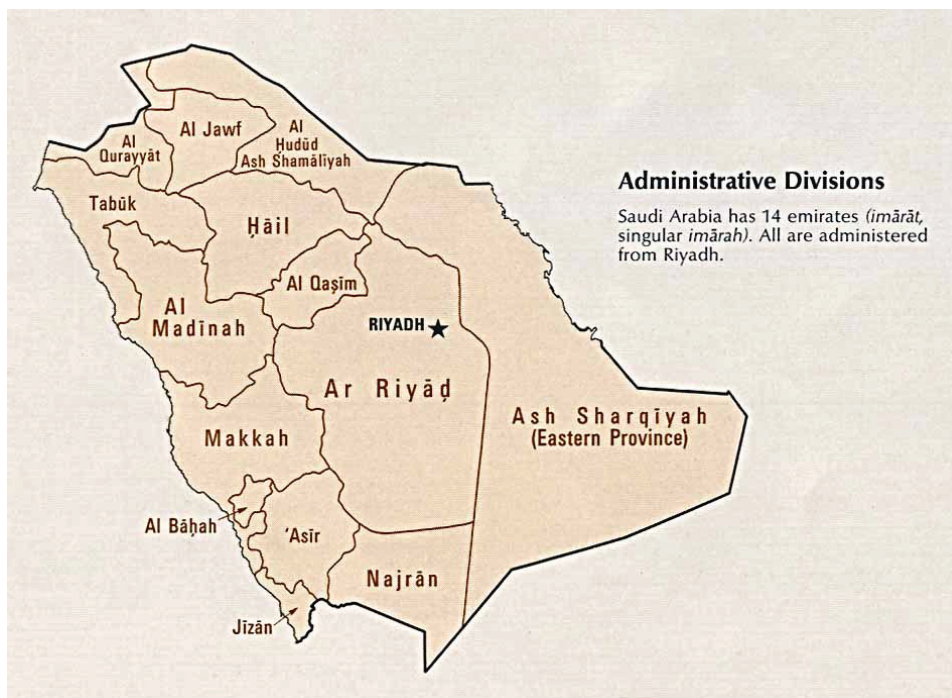
In May 2008 Human Rights Watch sent a detailed letter, reproduced as the Appendix of this report, to Governor Prince Mish'al, seeking official information about events and policies described in this report. We did not receive a reply to our letter and were thus unable to reflect an official point of view.

This report sometimes refers to the *hijri* calendar, officially in use in Saudi Arabia. It starts with the Prophet Muhammad's emigration from Mekka to Medina and is based on the lunar year, thus on average 11 days shorter than the Gregorian solar year. By the Gregorian calendar, Muslim holidays fall on different dates each year.

II. Background



Map of Saudi Arabia. Source: U.S. Central Intelligence Agency, 2003, http://commons.wikimedia.org/wiki/Image:Saudi_Arabia_2003_CIA_map.jpg (accessed September 12, 2008)



Source: University of Texas Libraries, The University of Texas at Austin. July, 22, 2008

Najran is the seat of the religious leader of the Sulaimani Ismailis, *al-Da'i al-Mutlaq* (Absolute Guide). Its status as such, with some interruption, dates back to 1640.³ Ismailis had been living in Najran for over a millennium; they were one of many strands of belief that existed in early Islam. Ismailis called themselves Followers of the Truth (*Ashab al-Haqq*) and gathered adherents in many parts of the realm of Islam in the ninth and tenth centuries Common Era (CE). A split occurred around the turn of the tenth century, and most Ismailis eventually recognized 'Ubaid Allah al-Mahdi, a man living in Syria, as their leader (*imam*). The Mahdi established the Fatimid dynasty (909–1171) in Egypt, founding the city of Cairo and its Azhar university. In the early 12th century another split occurred, and Ismailis in Yemen, where they lived and frequently fought with adherents of Zaidi Islam (another branch of Shia Islam that became prevalent in Yemen), carried forward the beliefs and rule of the Fatimid dynasty.⁴

³ Heinz Halm, *Die Schia* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1988), pp. 234-243.

⁴ *Ibid.*, pp. 193-219. Zaidis are a Shia Muslim sect whose leaders ruled large parts of Yemen for a millennium until 1962.

Since their emergence, propagandists have depicted Ismailis as heretics, based on invented stories that discredit their beliefs and their claimed ancestry from the Prophet's family.⁵

Ismailis have their own system of law; scholars report few modifications or modern adaptations since a series of legal treatises produced by the Fatimid high judge Nu'man in the 11th century.⁶

Najran, a fertile valley in what is now southwestern Saudi Arabia at the foot of mountains bordering the vast stretch of desert known as the Empty Quarter, was traditionally home to Christian and Jewish communities, in addition to Ismailis and Zaidis. Christians have been absent from Najran for some centuries, and the remaining Jewish community is believed to have left in 1949, following the establishment of the state of Israel. Najran's Zaidi community today numbers around 2,000.⁷

The 2004 Saudi census puts the number of inhabitants in Najran at around 408,000.⁸ Ismailis, widely believed to constitute a large majority of the Najrani population, share a homogeneous identity based on historical, cultural, and religious roots. In Najran city, the Khushaiwa compound, with its Mansura mosque complex, is the spiritual capital of the Sulaimani branch of the Ismaili faith, one of two major strands of contemporary Ismailism. Ismailis in Najran belong mainly to one of two tribes—the Yam and the Hamadan. These tribes extend into territory that today lies in Yemen. There are also some Sunnis of the Yam tribe, both recent converts and adherents to Sunni Islam for generations.

⁵ Most of these allegations against Ismailis have been disproved. See Farhad Daftary, "Introduction," in Farhad Daftary, ed., *Mediaeval Isma'ili History and Thought* (Cambridge, UK: Cambridge University Press, 1996), pp. 1-18.

⁶ Ismail K Poonawala, "Al-Qadi al-Nu'man and Isma'ili jurisprudence," in Daftary, ed., *Mediaeval Isma'ili History and Thought*, pp. 117-114.

⁷ Joseph Tobi, *The Jews of Yemen: Studies in Their History and Culture* (Brill: Leiden, Boston, Köln: 1999), p. 22. In October 1949 Najrani Jews left for Yemen, where Yemeni Jews were preparing to leave to Israel through Aden after Yemen's Imam Ahmed had issued in May 1949 an official permit for them to leave. Human Rights Watch email correspondence with Israeli academic of Tel Aviv university (name withheld), June 13, 2008.

⁸ "Makkah Region is Most Populated in Saudi Arabia," *Saudi Info*, January 5, 2005, <http://www.saudinf.com/main/y7733.htm> (accessed February 22, 2008).

The Saudis conquered first the independent principedom of the Idrisis, in 'Asir region bordering Najran, in 1926, and then the Ismailis of the Yam tribe in Najran in 1933.⁹ A brief war with Yemen over 'Asir concluded with a treaty in 1934 in which Yemen ceded any claims to Najran, then a largely independent sheikhdom, to King Abd al-'Aziz Al Sa'ud.¹⁰ Najran was the last territorial conquest of the reemergent Saudi state.¹¹

The Ismaili sense of pervasive discrimination against them appears stronger today than at any point in the first six decades of Saudi rule. In the 1960s, Saudi authorities had held *al-Da'i al-Mutlaq* under house arrest variously in Ta'if and Mekka for some five years because he had demanded the independence of Ismaili mosques and religious teaching, which the Wahhabi religious establishment opposed.¹² Despite this, many Ismailis have relatively fond memories of Khalid al-Sudairy, who governed Najran from 1962 to 1980, and his son Fahd who succeeded him until 1996. Then, Prince Mish'al bin Sa'ud bin Abd al-'Aziz Al Sa'ud became the first member of the ruling family to govern the region.

Discrimination against Ismailis in Saudi Arabia is part of a broader trend of discrimination against religious minorities in the country, but has its own dynamic. King Abd al-'Aziz, also known as Ibn Sa'ud, set out at the beginning of the 20th

⁹ Isam Ghanem, "The Legal History of 'A Sir (Al-Mikhlaq Al-Sulaymani)," *Arab Law Quarterly*, vol. 5, no. 3, August 1990, pp. 211-214. Enmity between Wahhabis, who originated in Saudi Arabia's central Najd region, and the Ismailis of Najran dates from an Ismaili raid close to Dir'iya, the home town of the ruling Sa'ud family, in 1764. See George Rentz, "Wahhabism and Saudi Arabia," in Derek Hopwood, ed., *The Arabian Peninsula: Society and Politics* (Oxford: Allen and Unwin, 1972), p. 57.

¹⁰ Askar Halwan Al-Enazy, "'The International Boundary Treaty' (Treaty of Jeddah) Concluded between the Kingdom of Saudi Arabia and the Yemeni Republic on June 12, 2000," *The American Journal of International Law*, vol. 96, no. 161, January 2002. King Abd al-'Aziz Al Sa'ud and Imam Yahya Hamid al-Din, Treaty of Ta'if, May 20, 1934: "His Majesty the Imam Yahya similarly abandons by this treaty any right he claimed in the name of Yemeni unity or otherwise, in the country (formerly) in the possession of the Idrisis or the Al-Aidh, or in Najran, or in the Yam country, which according to this treaty belongs to the Saudi Arabian Kingdom."

¹¹ In 1934 King Abd al-'Aziz bin Sa'ud concluded a covenant with the Yam tribe, the dominant tribe in Najran, in which he pledged not to interfere in Ismaili religious affairs and to respect their demographic dominance in Najran by not promoting either their emigration or the immigration of others. Human Rights Watch email correspondence with an Ismaili in Najran, August 22, 2007, and Human Rights Watch interviews with more than six prominent Ismailis July 2006 – March 2008. On a visit to the region in November 2006, King Abdullah commented, "[W]hat a pleasure it is for me on this occasion to call to memory the historical covenant between his majesty the unifier King Abd al-'Aziz, may God have mercy on him, and between the protagonists among your grandfathers and fathers, indeed, as the kingdom was unified through his covenant, you have been loyal." Ali 'Awn al-Yami and Hamad Al Mansur, "Custodian of the Two Holy Mosques: Your State Does Not Differentiate between One Region and Another or between One Citizen and Another." *al-Riyadh*, November 1, 2006, http://www.alriyadh.com/2006/11/01/article198407_s.html (accessed February 29, 2008).

¹² Human Rights Watch telephone interview with Ismaili, IN1, Najran, June 24, 2008.

century to recapture Riyadh and reconquer other parts of the earlier Sa'ud kingdom. He relied on an alliance between his family and the family (the Al al-Shaikh) and followers of Muhammad bin Abd al-Wahhab, the 18th-century missionary and religious scholar. The Al al-Shaikh gave religious legitimacy to the Al Sa'ud as the political rulers, who in turn pledged to uphold Islam.

To that end, Ibn Sa'ud enlisted in Najd the services of experts on religious ritual, the *mutawwa'in*, or volunteers, putting them in charge of indoctrinating the new tribal fighting force of the *ikhwan* (brethren), which helped conquer the remaining lands that now comprise Saudi Arabia, including Najran:¹³ The ikhwan forcibly converted conquered populations to their strict interpretation of Islam, sometimes engaging in mass killings, such as in Ta'if in 1924.¹⁴

Intolerance toward other interpretations of Islam remained a feature of Saudi state policies, reflected in discriminatory employment, school curricula, and public expenditures. Following the occupation of the Grand Mosque in Mekka by Sunni millenarian extremists in 1979, and the Islamic revolution in Iran at the same time, the Saudi state reacted with a renewed focus on promoting Wahhabi thought.¹⁵

Iran's example led to increased political demands by the Shia population of Saudi Arabia, who live mostly in the Eastern Province. The Saudi government responded with harsh repression, and many Shia fled. By 1993 Saudi Shia leaders in exile had concluded an understanding with the government allowing them to return as long as they ceased their opposition to the government and worked for change as "loyal subjects" within the kingdom. The authorities, in turn, released Shia political prisoners, lifted travel bans, and took minor steps to ease discrimination against Shia in the public sector and in their religious worship.¹⁶ Especially in Ahsa', the

¹³ Nadav Safran, *Saudi Arabia. The Ceaseless Quest for Security* (Ithaca and London: Cornell University Press, 1985), p. 54. Safran's date of 1932 for the conquest of Najran differs from others' who put the battle at Aba Sa'ud at 1933 or 1934. It is possible that there was more than one battle, or that conversion from hijri into CE dates produced this difference.

¹⁴ Rachel Bronson, *Thicker Than Oil. America's Uneasy Partnership with Saudi Arabia* (New York: Oxford University Press, 2006), p. 30; and Madawi Al-Rasheed, *A History of Saudi Arabia* (Cambridge: Cambridge University Press, 2002) p. 61.

¹⁵ Thomas Hegghammer and Stephane Lacoix, "Rejectionist Islamism in Saudi Arabia: The Story of Juhayman al-Utaybi Revisited," *International Journal of Middle East Studies*, vol. 39 (2007).

¹⁶ International Crisis Group, "The Shiite Question in Saudi Arabia," Middle East Report No. 45, September 19, 2005, p. 4; and Human Rights Watch interviews with Shia leaders in Qatif and al-Ahsa', IQ1 and IA1, February 2006.

southern part of the Eastern Province, however, suppression of Shia freedom to practice their religion remains widespread.¹⁷

While Ismailis face discrimination similar to the Shia of the Eastern Province in employment, religious freedom, and in the justice system, they do not have the same political voice as their Shia brethren to the east. They did not have an organized opposition outside Saudi Arabia or influential coreligionists in a regionally powerful state like Iran, they are far fewer in numbers, and Najran has been more isolated from the outside world than the Eastern Province. One Eastern Province Shia told Human Rights Watch in 2006, “The Ismailis of Najran are where we were 10 years ago.”¹⁸

Largely ignored as a supposed backwater in the domestic context of Saudi Arabia for many decades,¹⁹ Najran in the late 1990s attracted increased attention. Its proximity to Yemen and the unification of the Yemen Arab Republic (North Yemen) and the People’s Democratic Republic of Yemen (South Yemen) in 1990, followed by Saudi-Yemeni border negotiations in 1997, gave new impetus to address the fate of tens of thousands of South Yemenis who had taken refuge in Najran. Ismailis vehemently object to the preferred official solution of naturalizing and settling these Yemenis (who are Sunni) in Najran, thereby altering the demographic make-up of the majority-Ismaili region.

¹⁷ Human Rights Watch interviews with Shia from Qatif, Tarut, Dammam, and al-Ahsa’, IQ1, IT1, ID1, IA1, February and December 2006, and December 2007.

¹⁸ Human Rights Watch interview with a Shia in Qatif, IQ2, February 2006.

¹⁹ “I had never really heard of the Ismailis before [Shura Council member] Muhammad Al Zulfa talked to me about their situation.” Human Rights Watch interview with former member of the Shura Council, IR1 Riyadh, December 19, 2006.

III. Relevant International Standards

International law prohibits discrimination on the basis of religion and protects the rights of religious and other minorities. The most important international human rights treaties that spell out the meaning and extent of these prohibitions and protections include the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),²⁰ the Convention against Discrimination in Education,²¹ and the Convention on the Rights of the Child (CRC).²² In addition, the United Nations has passed declarations that articulate human rights standards and best practices in matters of discrimination. These are the United Nations General Assembly (UNGA) Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981),²³ the UNGA Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (1993),²⁴ and the UNESCO Declaration on Race and Racial Prejudice (1978).²⁵

Saudi Arabia acceded to the ICERD on October 23, 1997, the Convention against Discrimination in Education on August 17, 1973, and the CRC on February 25, 1996. It has submitted two reports to the UN Committee overseeing the ICERD, a combined initial and second report in August 2001 and the third report in February 2003. The first report, submitted four months after the Holiday Inn events in Najran, made no mention of the Ismaili minority. When the UN Committee responded to the report, it

²⁰ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969.

²¹ Convention against Discrimination in Education, 429 U.N.T.S. 93, entered into force May 22, 1962.

²² Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990.

²³ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, G.A. res. 36/55, 36 U.N. GAOR Supp. (No. 51) at 171, U.N. Doc. A/36/684 (1981).

²⁴ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, G.A. res. 47/135, annex, 47 U.N. GAOR Supp. (No. 49) at 210, U.N. Doc. A/47/49 (1993).

²⁵ Declaration on Race and Racial Prejudice, E/CN.4/Sub.2/1982/2/Add.1, annex V (1982). Adopted and proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twentieth session, on 27 November 1978.

expressed concern “about reports that persons of some racial or ethnic origins are unable to manifest their religious beliefs.”²⁶

The Ismailis of Najran consider themselves to be a religiously and ethnically distinct group in the kingdom. Their religious homogeneity in particular marks them as a group in a way that the followers of the Maliki religious school of thought in neighboring ‘Asir province or the Hijaz, for example, have not claimed. Ismaili elders identify themselves in petitions to Saudi authorities by their tribe and geographical origin, and also sometimes by religious identification. A January 2008 petition, for instance, states that “Najran is known for its special characteristics of its religious faith and the sensitivity of its followers to their treatment as a minority in their original homeland.”²⁷ Saudi government officials occasionally refer to the people of Najran as Ismailis; Prince Mish’al referred to them as such in remarking in 2005 “the source of religious authority (*marja’iyya*) of our brothers the Ismailis is in Najran, and the source of religious authority of our brothers the Zaidis is in Najran.”²⁸ Ismailis as well as Saudi officials more frequently use religiously non-specific terms like “people of Najran” in their official or public discourse. This should be seen in the context of an intolerant Wahhabi ideology that brooks no differences between Islam as defined by the thought of Muhammad bin Abd al-Wahhab, and other interpretations and practices of Islam.²⁹ One Ismaili told Human Rights Watch, “There is no room to describe yourself as Ismaili, because we don’t really exist for them [the Wahhabis].”³⁰

The ICERD defines racial discrimination as

any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise,

²⁶ Committee on the Elimination of Racial Discrimination, Sixty-second session, 3-21 March 2003, Concluding observations, Consideration of Reports Submitted by States Parties: Saudi Arabia, CERD/C/62/CO/8, June 2, 2003.

²⁷ Ismaili petition to Governor Prince Mish’al, January 2008, p. 6.

²⁸ “Interview with Prince Mish’al bin Sa’ud,” *Al-Hayat*, January 4, 2005 (23/11/1425).

²⁹ Natana DeLong-Bas, *Wahhabi Islam. From Revival and Reform to Global Jihad* (New York: Oxford University Press: 2004), pp. 55-57 and 61-63.

³⁰ Human Rights Watch telephone interview with an Ismaili, IN2, Najran, February 27, 2008.

on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.³¹

The 1978 UNESCO declaration goes further in declaring “[a]ny distinction, exclusion, restriction or preference based on race, colour, ethnic or national origin or religious intolerance motivated by racist considerations” to be incompatible with human rights.³² The Convention against Discrimination in Education, in article 1, also includes religious factors among prohibited discrimination. The UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief declares that “discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity.”³³

The prohibition against discrimination applies to the enjoyment of all fundamental rights, including the rights to development, work, and access to justice. States are bound to guarantee equal access for everyone to “[e]conomic, social and cultural rights, in particular: (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, [and] to just and favourable remuneration.”³⁴

Equally, law enforcement, and judicial officials must not discriminate between persons on the basis of their ethnic origin, and the state is bound to guarantee

(a) The right to equal treatment before the tribunals and all other organs administering justice; (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.³⁵

³¹ ICERD, art. 1.

³² Declaration on Race and Racial Prejudice, art. 3.

³³ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, art. 3.

³⁴ ICERD, art. 5.

³⁵ Ibid.

The prohibition against racist laws, policies, and acts obliges states to take preventive and remedial action against racism. According to the UNGA's 1993 declaration, states are obliged to protect minorities, such as the Ismailis, by taking "measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs."³⁶

The 1993 declaration also says that states must protect the identity of minorities "within their respective territories" by encouraging "conditions for the promotion of that identity" and measures allowing minority members to "participate fully in the economic progress and development in their country."³⁷ The Convention on the Rights of the Child specifically requires the education of a child to be directed to the "development of ... his or her own cultural identity, language and values" and gives a child of a religious minority the right "to enjoy his or her own culture, [and] to profess and practise his or her own religion."³⁸ The 1981 UNGA declaration states that, in education, a child "shall not be compelled to receive teaching on religion or belief against the wishes of his parents."³⁹

In the 1981 UNGA declaration, the "freedom to have a religion ... and freedom ... to manifest his religion or belief in worship, observance, practice and teaching" is protected, and "coercion which would impair [t]his freedom" is prohibited.⁴⁰ More specifically, assembly for worship, observance of religious holidays, maintaining and erecting buildings for worship, acquiring items for use in religious rituals, religious teaching and appointment of religious leaders, fundraising for religion, and communication with coreligionists are activities that fall within the protection of freedom of religion.⁴¹

³⁶ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, art. 4.

³⁷ *Ibid.*, arts. 1 and 5.

³⁸ CRC, arts. 29 and 30.

³⁹ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, art. 5.2..

⁴⁰ *Ibid.*, art. 1.

⁴¹ *Ibid.*, art. 6.

The state's obligations go beyond not preventing religious minorities from exercising their rights. The ICERD is clear that states must not "undertake[] to sponsor, defend or support racial discrimination by any persons or organizations," and states must "condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or one ethnic origin."⁴² The UNGA's States must especially "not permit public authorities or public institutions, national or local, to promote or incite racial discrimination," and prosecute any individual who does so. Furthermore, states should "encourage, where appropriate, integrationist multiracial organizations and movements," and "establish and maintain appropriate charitable or humanitarian institutions."⁴³

International law not only protects the identity of minorities and prohibits discrimination but guarantees the rights of minorities to actively participate in the public and cultural life of society, including by "maintain[ing] their own associations."⁴⁴ Minorities have "the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority."⁴⁵

⁴² CERD, arts. 2 and 4.

⁴³ Ibid., art. 2; and Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, art. 6..

⁴⁴ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, art. 2.

⁴⁵ Ibid.

IV. The Clash and Crackdown of April 2000

The security agencies protect [the Ismailis] ... We reinforce the security patrols so that they practice their beliefs in peace ... They are not second- or third-class citizens, but first class.

—Governor of Najran Prince Mish'al bin Sa'ud, April 2005⁴⁶

Background: The Ministry of Interior plan to shut Ismaili mosques

In early 2000, in a clear provocation to the Ismaili community and in violation of their right to religious freedom, Saudi authorities devised and carried out a detailed plan to shut down Ismaili mosques and arrest worshippers on the day that Ismailis celebrate the Muslim feast of Eid al-Fitr.⁴⁷

Sunni religious practice relies on the physical sighting of the new moon to mark the start of Eid, so precise dates cannot be predicted with certainty and depend on the locale where the moon sighting takes place. In Ismaili practice, however, Eid is calculated through a fixed calendar. If there is a difference in the day of Eid between Ismailis and Wahhabi Sunnis, the Ismaili day almost always comes earlier. Saudi Arabia allows only the Sunni method of determining the Eid date. In 2000, Sunni Muslims expected to see the new moon, and thus celebrate Eid, on January 4 at the earliest. Ismaili Eid fell on January 3.

Official documents show that six weeks earlier, on November 22, 1999 (13/8/1420), Minister of Interior Prince Nayef ordered police to close Ismaili mosques on January 3, 2000, and to “place guards and to arrest any trespasser and to charge him.”⁴⁸ Four days before Ismaili Eid celebrations the Interior Ministry issued a detailed and confidential security plan (a copy of which Human Rights Watch has obtained) ordering the closure of 20 mosques in Najran city, naming the police officials

⁴⁶ “Interview with Prince Mish'al bin Sa'ud,” *Al-Hayat*, April 1, 2005 (23/11/1425).

⁴⁷ On Eid al-Fitr, Muslims celebrate the end of Ramadan, the month of fasting and asceticism.

⁴⁸ Director of the Najran Region's Police Gen. Dukhail Allah bin Abdullah al-Azwari, “Extremely Secret and Urgent, Not to Be Circulated. Detailed Security Plan Dated 26/9/1420,” Najran Region Police Directorate, Public Security, Ministry of Interior, Kingdom of Saudi Arabia. Copy on file with Human Rights Watch.

responsible for closing each mosque, and specifying the number of police cars on standby. The plan did not state how to close mosques or how to distinguish worshipers coming for daily prayers from those coming to celebrate Eid. The plan also ordered police to close all Ismaili mosques outside Najran city, with the help of “criminal security” officers provided with “tools from the equipment and provisions branch” who would “intensify [their] investigations,” and five other officials who “possess weapons and explosives.” All members of the joint forces were to be at their posts by 5:30 a.m. on the morning of the Ismaili Eid, and the “criminal forensics” department was ordered to provide “experts in crime photography.”⁴⁹

Ismailis were outraged at this violation of their freedom to worship, but the closures had been anticipated based on past experience, and spiritual leaders had called on Ismailis to stay at home, which most heeded.⁵⁰ A handful of worshipers who went to the mosques on that day were arrested.⁵¹

Saudi Arabia has no written penal code specifying what actions constitute criminal offenses. The authorities have sometimes treated as a crime the celebration of non-Muslim religious holidays, as well as Muslim holidays that Wahhabis consider heretical, arresting participants. At other times, there has been little or no official interference, such as during recent public celebrations of Ashura by Shia in Qatif in the Eastern Province. Ismailis’ Eid celebrations are virtually identical to Sunnis’. Ismailis visit family and friends, share communal meals and exchange gifts, and participate in communal prayers in mosques.

Holiday Inn Events of April 23, 2000

Three months after the authorities closed Ismaili mosques on the Ismaili day of Eid al-Fitr, strained relations between Ismaili Najranis and the governor, Prince Mish’al, came to a head over the arrest of an Ismaili cleric.

⁴⁹ Ibid.

⁵⁰ Human Rights Watch interview with an Ismaili, IN3, Najran, December 13, 2006.

⁵¹ Mas’ud Al Haidar and Shaikh Amad Al Sa’b, “Justice is the Foundation of Rule.” letter to King Abdullah, undated, after August 2005, p. 3.

On April 23, 2000, officials from the local security police, religious police, and criminal investigation department came to Khushaiwa. They proceeded to arrest a cleric of Yemeni origin, Muhammad al-Khayyat, for what the governor later claimed was “sorcery.”⁵² Students inside the mosque protested when officials also began confiscating their religious books, and they scuffled with the police. In the wake of this scuffle, one or more shots were fired. Human Rights Watch has not been able to establish whether officers or students who got hold of an officer’s firearm fired the shot. Accounts of injuries also vary, though there were no fatalities. According to the government, a police officer was wounded. According to Ismaili sources, one of the students was injured.⁵³

One eyewitness told Ali Al Ahmed, a Saudi Shia opposition activist in the United States, that “[t]he security [forces] came to the [Mansura] mosque, and arrested al-Khayyat, and took about 40 books, some from the hands of the students there. Then they asked for IDs and took them. Then they heard a shot, and one of the security officers was hurt. A student tried to take a gun from one of the security people, but didn’t [manage].”⁵⁴ Another person, not an eyewitness, told Human Rights Watch that persons present during the arrests said that religious police, criminal investigation department, and secret police officials entered the mosque, arrested al-Khayyat, and then began confiscating the books of the students who were present. When the students resisted, according to these accounts, an officer’s weapon was discharged, wounding one student.⁵⁵

A group of Ismaili elders proceeded to the Holiday Inn, which at the time served as Prince Mish’al’s residence, to demand the release of al-Khayyat. Prince Mish’al told the five leaders that he would not meet with them.⁵⁶ One participant in the

⁵² “Saudi unrest blamed on ‘sorcerer,’” *BBC News*, April 25, 2000, http://news.bbc.co.uk/1/hi/world/middle_east/725597.stm (accessed April 25, 2008). Saudi authorities charge several persons each year with “witchcraft” or “sorcery.” “Saudi Arabia: Halt Woman’s Execution for ‘Witchcraft,’” Human Rights Watch news release, February 14, 2008, <http://hrw.org/english/docs/2008/02/14/saudia18051.htm>.

⁵³ We asked for clarifications in our letter to the governor of Najran, Prince Mish’al (see Appendix), but received no response.

⁵⁴ Email communication from Husain to Karam, September 2, 2001. Human Rights Watch has a copy of the email and knows the witness, and spoke to Husain in July 2006 when he referred us to his earlier reporting to Al Ahmed on the matter.

⁵⁵ Human Rights Watch telephone interview with Ja’far, Khobar, December 2, 2007.

⁵⁶ Human Rights Watch interview with Ahmad, Najran, December 13, 2006.

demonstration told Human Rights Watch, “A crowd of up to 60 people, the head of each family, headed to the governor's residence to submit a petition with demands, but the governor refused to meet with them. Then they headed back to the hotel parking lot where the demonstrators were gathering.”⁵⁷

Security forces on the scene included a special army unit stationed in the vicinity of Najran. This unit had arrived on the scene with armored personnel carriers (APCs) with mounted machine guns. One participant described how, around sunset:

two men from the Saudi special security forces in civilian clothing broke into the lines of the demonstrators and started to annoy the crowd. The Ismaili demonstrators recognized them as strangers and both parties started to exchange insults. One of the two policemen started shooting in the air. A while thereafter the troops started to shoot in the direction of the demonstrators [from behind the demonstrators]. Clashes intensified with the security forces, leaving two dead.⁵⁸

Ismailis, like other Saudis, typically have a pistol or a rifle in their house or car. Another participant recalled what happened that day:

I was about 24 years old then. I had a 25 mm pistol and my dagger with me, and five bullets, but the pistol was not loaded. It was hidden. I was in the open area next to the hotel, when a sound came from behind me. There were five shots fired from what sounded like a rifle, then about five seconds later, heavy fire came back from [the] direction of [the] hotel. I cannot tell you what weapon it was.

I took refuge under a car, I saw one person bleeding from the head. Blood was coming from his temple. I took him to the car and others

⁵⁷ Human Rights Watch telephone interview with `Abbas, Najran, June 23, 2006.

⁵⁸ Ibid.

brought another wounded person to another car and we drove off to the hospital—the driver, me, the other guy, and the two wounded.

The person I carried did not have a weapon, only a thob [loose garment worn by men]. I was the first to go to him. After two days he was in coma, and two weeks later he died.

We were there from after sundown prayer [until the shooting] happened. They were shooting until I left for hospital, then I don't know.⁵⁹

Other accounts by non-Ismaili Saudi human rights activists speak of Ismailis firing warning shots above or at the hotel, and that government forces, by firing at or above the crowd from behind them, also fired toward the hotel. Several Ismailis said that the demonstrators fired shots at the hotel, where a government forensics team found shell casings. The confrontation left one or two Ismailis dead, and one policeman is said to have died. A Saudi human rights activist who investigated the incident told Human Rights Watch that it was unclear who fired the first shot, but that some Ismaili demonstrators had used their rifles and pistols to shoot at the hotel while others were shooting in the air.⁶⁰

When the shooting started just before or around sundown the crowd dispersed but security forces arrested (by common account) 400 to 500 persons.⁶¹ Most of the demonstrators headed from the Holiday Inn to the Mansura mosque—in the words of some, to “defend” it from Saudi security forces who they feared would raid and raze it.⁶² One “defender” told Human Rights Watch:

I was at al-Mansura, around 11 p.m. I had a Kalashnikov loaded with one magazine with 30 bullets. I carried it on my back, the gun barrel

⁵⁹ Human Rights Watch interview with Ahmad, Najran, December 13, 2006.

⁶⁰ Human Rights Watch interview with Ranim, Manama, Bahrain, December 1, 2007.

⁶¹ Human Rights Watch telephone interview with `Abbas, Najran, June 23, 2006.

⁶² Ibid.

pointing up. I didn't take it off once. It is my personal one, I got it from my father after he died. We all have guns in our cars and mine was in my car so we all took our rifles. I was not at the hotel, but came to the Mansura mosque.

We stayed until Monday 1/ 19/ 1421 [April 24, 2000] afternoon. The army was in Faisaliyah [district of Najran city] with tanks, and emergency cars [APCs] with mounted 50 mm machine guns. We thought they would destroy our mosque.⁶³

The “defenders” at al-Mansura mosque prepared booby traps and petrol bombs. On the afternoon of April 24 the Ismaili religious leader (*al-Da'i*), Husain bin Ismaili al-Makrami, told the people to leave peacefully and go home, which they did. Arrests of Ismailis, begun the previous night, continued.

Arrest Wave

The wave of arrests lasted several months. A local attempt at accounting for all the detainees confirmed 412 Ismailis arrested and still in custody by June 21, 2000,⁶⁴ and later reports speak of around 600 persons arrested.⁶⁵ In at least one case the security forces took a family member into custody as a means to pressure wanted persons into giving themselves up.

An Ismaili man, “Badi” (not his real name), said that he participated in the demonstration at the Holiday Inn and had spoken to the media from there. The next day, the mabahith arrested him at his workplace, a hospital:

⁶³ Human Rights Watch interview with Hasan, Najran, December 13, 2006.

⁶⁴ Email communication from a local informant to Amnesty International, June 21, 2000. Human Rights Watch has obtained a copy.

⁶⁵ “Daniel” (pseudonym), “A Summary of Case of Najran and the Suffering of its People,” undated (written around 2002-3), post to web discussion forum on www.wadi3.com by “Salam li-Najran” (“Peace to Najran”—pseudonym), April 29, 2005, <http://wadi3.com/vb/showthread.php?t=9667&highlight=%CF%C7%E4%ED%C7%E1> (accessed July 12, 2006). “Daniel” was arrested on December 24, 2004. Human Rights Watch has spoken to “Daniel” and discussed details of the cases he describes. We have also received from several Ismailis in Najran general confirmation of all cases in his report that we cite..

They did not say what they came for. They told me, “We are from mabahith, and we need you to come with us.” I took out my mobile phone and threw it to the other people who had come out of my office and asked them to call my father, and I gave them the number.⁶⁶

“Husain” recounted what happened during his arrest the night of April 23-24:

They set up a checkpoint at the hotel, and arrested people. If they found anything in a car, from a stick to a sharp weapon, pocket knives, light weapons. They would thrust you into one of the APCs, and beat you with rifle butts. I have a friend who was arrested that night and they put him in a bag. He is disabled, he has a problem in one of his legs. They kicked him inside the bag, insulted him—“You deviant,” “You atheist”—until the [external] intelligence came. He almost died among them. Similarly they pilloried everyone whose look they didn’t like ... Many people were arrested, and most of them are in al-Ha’ir prison.⁶⁷

A group of students who had come to Najran when they heard of the standoff in front of the hotel—“to comfort my family” in the words of one—had their names registered at checkpoints as far as 200 km outside Najran. Although they were not present at the Holiday Inn at the time of the incident, security agents arrested them. “Kadhim,” arrested on April 24, told Human Rights Watch:

We came to the Mansura mosque in Khushaiwa, until the Da’i told us to go home, around 3 p.m., then we went to the hotel to see what happened and were arrested. They put us in a flat opposite the hotel, cuffed, blindfolded, from 3 p.m. to 10 p.m., without prayer or food or drink. There were many people in the flat, kneeling, it was crowded. If you asked for water they would beat you.⁶⁸

⁶⁶ Human Rights Watch interview with Badi, Manama, July 6, 2006.

⁶⁷ Email communication from Husain to Karam, September 2, 2001. Human Rights Watch has a copy of the email and knows the witness.

⁶⁸ Human Rights Watch interview with Kadhim, Najran, December 14, 2006.

Kadhim said he spent 18 days in Najran prison, where intelligence officials questioned him about his role in the events. A “Riyadh Committee” came to investigate, he said, “but there was nothing.”⁶⁹ Another of those arrested, “`Aqil,” said, “A committee from the National Guard [in Riyadh] came after one week and freed us after 18 days in prison. Sixty-five others were also released.”⁷⁰ In prison, Kadhim said, the authorities split them up between different cell blocks where “soldiers would kick and beat us for no reason.”⁷¹

After their release they returned to their studies and some three weeks later, during a break after examinations, they came back to Najran. Kadhim told Human Rights Watch:

After seven or ten days ... there was a phone call that dad had been arrested from his shop. Two intelligence officers [mabahith] had waited for him there and took him, neighbors said. Then *shaiba* [a reverential term for their father] called from the mabahith and said they wanted me to come. And my brother and I came on 3/3/1421 [June 6, 2000]. They blindfolded us and [arrested us.] My blindfold was removed but I was still cuffed. I asked, “Did you release my dad?” The interrogator said, “No, and we won’t until you confess.”⁷²

(Kadhim’s eventual confession under torture is described in the next chapter.)

Another person who knew the case said that the father, upon being released, had submitted documents to Riyadh to prove that his sons were at university in a Saudi city hours from Najran at the time of the unrest there. The father brought attendance sheets and other documents, this person said, but the mabahith told him not to interfere.⁷³

⁶⁹ Ibid.

⁷⁰ Human Rights Watch interview with `Aqil, Najran, December 13, 2006.

⁷¹ Human Rights Watch interview with Kadhim, Najran, December 14, 2006. Ahmad also described how in Najran prison at the time he was forced to stand for nine hours each day, and how an investigator handcuffed him and put his “boot in my face.” Human Rights Watch interview with Ahmad, Najran, December 13, 2006.

⁷² Human Rights Watch interview with Kadhim, Najran, December 14, 2006.

⁷³ Human Rights Watch interview with Sabah, Manama, July 6, 2006.

“Salih,” who worked as an engineer, said he was not at the Holiday Inn, but was at the Mansura mosque the next day with a Kalashnikov and two unloaded magazines of ammunition. On June 2, police arrested him at work for participation in the Holiday Inn events.⁷⁴

Some arrests targeted Ismailis working in sensitive government positions who had had no role in the events of April 23-24. “Hasan,” a customs official working at the Saudi-Yemeni border told Human Rights Watch:

On 18/3/1421 [June 21, 2000], they arrested me at the border ... I wanted to call home but was not allowed, and they took me to the mabahith office in cuffs and blindfolded. There was no interrogation. I was not at the hotel events. Two days later, I was chained and taken to an ordinary plane to Riyadh with three mabahith officers. I was not allowed to speak. [In Riyadh’s al-Ha’ir prison] I was summoned for interrogation ... for four days. [They showed me] 150 passport photos, asking if I knew any of these people. I knew about 25, and gave their names.⁷⁵

An Ismaili mabahith officer (a rarity) was told by his boss several days after the hotel incident that he was not fulfilling his quota of arrests. A relative told Human Rights Watch that this officer was himself arrested because “it was time to arrest people on any charge, preferably weapons possession.” This interviewee commented:

After the events at the Holiday Inn, the mabahith were ordered to bring [into custody] as many people as possible. It was not the quality of the cases, but the quantity that counted. My [relative] still had not brought anybody in a week or so after the events. He said there was just no evidence that he could find to summon someone. So instead he was jailed by the mabahith 10 days after the events. He spent eight-and-a-half months in the mabahith prison simply for not rounding up enough suspects.⁷⁶

⁷⁴ Human Rights Watch interview with Salih, Najran, December 14, 2006.

⁷⁵ Human Rights Watch interview with Hasan, Najran, December 13, 2006.

⁷⁶ Human Rights Watch interview with a Hamid, relative of the officer, Manama, July 6, 2006.

“Karim,” an Ismaili policeman, told Human Rights Watch that when he reported to his station as usual for work on May 10, 2000, “the director called me. We talked normally, suddenly four mabahith officers came from behind, blindfolded and tied me up. I did not take part in the hotel incident. I had been a policemen for 15 years at that time.”⁷⁷ His torture during several days of ensuing detention is described below.

⁷⁷ Human Rights Watch interview with Karim, Najran, December 13, 2006.

V. The Aftermath

Torture

Human Rights Watch has spoken in detail with 13 persons arrested in the wake of the Holiday Inn events. Every one of the people we spoke with had been detained by the mabahith and tortured.

Victims related various torture techniques including beatings, electric shock, stress positions, and sleep deprivation. Almost all considered sleep deprivation, lasting up to one week, to have been the most painful experience.

Hasan, the customs official, told Human Rights Watch that he and others were deprived of sleep for two days. “Every two hours, they would ask us to kneel, then squat, then stand,” he said. “Kneeling was hard because of the foot chains pressing between the heels and my lower body.”⁷⁸ Badi gave this account:

As the mabahith arrested me, I said I am ready to answer questions, but please don't beat me. [In the cell, t]hey put me face to the wall and said, “Don't move.” This was about 10 a.m. I stayed there until 5 p.m. I didn't have a watch, but heard the prayers. The guards paced up and down and talked to the prisoners in a bad way: Dog! Donkey! Cow!

After a while an officer came and took me to the interrogation room. [He said,] “Do you want to talk?” I said, “Of course, that's why you asked me to come.” There was only one question: “What's your role in the events?” Then two military guys blindfolded me and started beating me with their fists, on the neck, shoulders, and back. I said I would complain.

They put me back in the cell and forced me to stand again. On the third day I began to bleed from my rectum. I had hemorrhoids at the time,

⁷⁸ Human Rights Watch interview with Hasan, Najran, December 13, 2006.

and said maybe it's them that started to bleed. On the third day I decided to sit down when sleep overwhelmed me. But they would knock on the metal doors when you moved or tried to sleep, making a terrible noise.⁷⁹

Another man, “`Abbas,” said that interrogators tied his legs to a wooden pole then started beating him to make him confess, and, if he didn't, subjected him to electric shock.⁸⁰

According to Kadhim, the student, Ismaili leaders complained to Crown Prince Abdullah about the arrests and torture, and about two months after the events the crown prince directed the mabahith to stop the interrogations.⁸¹ This led to a number of the arrested being freed, or transferred to regular police detention, but did not mean the arrests stopped. An investigative team was brought in from Riyadh. In early 2001 the security forces took a group of up to 70 detainees to Riyadh and imprisoned them in al-Ha'ir mabahith prison, where the interrogation and torture continued (most detainees were put first in solitary confinement before being transferred to communal cells).⁸² Some of them were then presented in groups of 10, without notice or legal representation, before a judge or panel of judges for secret trial at which all were convicted (see below), and others appear to have been convicted without even that formality.⁸³

Prior to the court sessions, former detainees said, interrogators in Riyadh tortured them to force them to sign confessions. Hasan described to Human Rights Watch how he came to confess:

The torture started at 2:30 a.m. Every 30 minutes, a soldier comes and knocks and says “cleansing time,” then they come and cuff you, blindfold you, and walk you to a

⁷⁹ Human Rights Watch interview with Badi, Manama, July 6, 2006.

⁸⁰ Human Rights Watch telephone interview with `Abbas, Najran, June 23, 2006.

⁸¹ Human Rights Watch interview with Kadhim, Najran, December 14, 2006.

⁸² Human Rights Watch interview with Hasan, Najran, December 13, 2006.

⁸³ Human Rights Watch separate interviews with Ahmad, `Aqil, and Karim, Najran, December 13, 2006; and email communication from Hisham to Human Rights Watch, August 22, 2007.

different room. There, they chained one leg, bent behind my body, they extended both arms as high as possible, with one foot touching the ground. I had to hang like this for five to six hours. Then they began to beat me with a stick and cables.

The torture began on my second day. This lasted about two months: interrogation daily, daily beatings.

After one month they brought a witness, a Najrani I knew, who said he saw me in the Mansura. I continued to deny this for one hour. Then even the director came with a cable and beat me. He said all the others from Najran have confessed. I confessed that I was at the Mansura with a Kalashnikov. After that, I answered the interrogator's questions the way he wanted for three days. I was forced to fingerprint the interrogation [statement].⁸⁴

Kadhim related a similar account of how interrogators extracted his confession:

I was beaten with a stick used to whip animals. I was deprived of sleep for more than 20 days and did not sleep. Thereafter, I could only sit during sleep and prayer. My legs swelled terribly. There was no doctor.

[My interrogator] said, "I know that you did not participate at the hotel, but I need you to confess." He also insulted our religious leaders, the sayyids and the Da'i, and said we were infidels. He wanted me to say that I fired in the air. After 20 days, my psyche was destroyed; I said, "I'll give you what you want." He filled in the answers for me. I said, "I want to sleep and then you can have what you want." He said, "No, you have to answer now." So I confessed that I shot in the air and set vehicles on fire.⁸⁵

⁸⁴ Human Rights Watch interview with Hasan, Najran, December 13, 2006.

⁸⁵ Human Rights Watch interview with Kadhim, Najran, December 14, 2006.

His interrogator then took him to a judge, at 1 a.m., to authenticate his confession, but he told the judge about the torture. The judge told him not to write anything that he did not do, and went away. “I went back to the mabahith,” he continued.

I wrote another set of words. They made me stand for one day. [My] interrogators the next day began to beat me, and filled in new answers for me: Now, I and [another person] were supposed to have fired in the air.⁸⁶

“Ahmad” told a similar tale of torture:

The mabahith interrogated me in the general prison. From 9 a.m. to 6 p.m. I was forced to stand up. This continued for one week. The interrogator said, “I’ve been doing this for five years and every single one has confessed. Now, where’s the machine gun?” As he said that, I was put on the floor, chained, and with a boot in my face. The officer said, “Why don’t you confess?” I said, “To what?” He said, “That you used your machine gun trying to kill the prince. We will get witnesses—we will bring your mother and sister.” At that, I lunged for him, but did not hit him. They beat me with a stick and a kind of whip. He said, “Confess that you fired five shots.” I said, “No.” “Confess that you had a gun.” I said, “Yes.” He said, “Confess that you were not mistreated.” I signed with a fingerprint, and they took me back to the general prison. My next interrogator asked me, “How many times did you shoot?” I said, “No, I didn’t shoot.” Finally I signed that I had fired five shots.⁸⁷

Salih recounted his torture and interrogation:

I was at the mabahith 28 days. They poured cold water over me, deprived me of sleep for two to three days, hung me by my wrists, bent my arm behind my back. I was intimidated by hearing other people

⁸⁶ Ibid.

⁸⁷ Human Rights Watch interview with Ahmad, Najran, December 13, 2006.

being beaten. I confessed to being at the Mansura, but not at the hotel.⁸⁸

Karim, the policeman, told Human Rights Watch,

I spent one to two weeks at the mabahith office, blindfolded. They asked, “Where were you on [the hijri date of the Holiday Inn events]? I was forced to stand for two weeks. I slept only leaning against the wall. When I tried to sleep on the floor they came and beat me. Sometimes, they would pour cold water on me to wake me up. The beatings included *falaqa* [beatings on the soles of the feet], until the blood came. I was blindfolded while they beat me. After about four days, I began hallucinating that my family was with me. It was the only thing that kept me going, thinking of my family.⁸⁹

ʿAqil recounted his experience:

I was summoned because two friends who had been arrested had confessed. My interrogator asked me, “Where were you on the day of the events?” I said, “In Abha.” Every time I said that he would beat me with a bamboo [cane], a cable, or his hand. Six days of beatings, and sleep deprivation in the cell by forcing me to stand up. My legs swelled around the third day. My ankles were about two-and-a-half times their normal size, up to mid-calf. Their color was reddish blue. I couldn’t stand on one leg to relieve the other, because they were chained together.⁹⁰

Secret Trials

After some months in al-Ha’ir prison, some prisoners were subjected to secret tribunals. The Najran mabahith official in charge of the investigations, Ali ‘Arfiji, was

⁸⁸ Human Rights Watch interview with Salih, Najran, December 14, 2006.

⁸⁹ Human Rights Watch interview with Karim, Najran, December 13, 2006.

⁹⁰ Human Rights Watch interview with ʿAqil, Najran, December 13, 2006.

present in Riyadh as a prosecutor. Defendants received no prior notice of the proceedings or the precise charges against them, they did not have the opportunity to consult or appoint legal counsel, and they did not have the opportunity to appeal their convictions and sentences. Some were even oblivious to having been tried, and learned of their sentences from their jailers. The Riyadh court sentenced 17 Ismailis to death, and around 65 to life in prison. Defendants did not receive copies of their verdicts.

Hasan, the customs official, told Human Rights Watch about his trial experience:

All of this was about three months after [transfer to Riyadh]. I was brought before three judges, in the old Greater Riyadh Court. The head of Riyadh courts, Abdullah Abd al-'Aziz or Abd al-'Aziz Abdullah, who is known throughout Saudi Arabia, was there. I had an idea we'd be going somewhere when I got new clothes, but wasn't told that we were going to court. [The judge] only asked, "Are these the questions and are those your answers?" I said, "Yes."

I went back to al-Ha'ir for one week in solitary and then to a room with others in the same case. We were together two years and nine months before a committee from the Ministry of Interior and the mabahith came on 5/10/1423 [December 10, 2002], and informed me that a royal pardon reduced my sentence from 12 to 10 years. This was the first time I knew my sentence. Shortly thereafter, they brought us back to Najran prison. There, the supervisor told me that my sentence was now six years and 250 lashes, reduced from 500 lashes, but the previous sentence did not mention lashes. He said this is a legal verdict, but there I didn't get to see it. When I got out after serving the sentence, I received a statement that said, "Verdict executed. 18/3/1427 [April 17, 2006]."91

Kadhim, the student, gave this account:

⁹¹ Human Rights Watch interview with Hasan, Najran, December 13, 2006.

We were nine months in the Najran general prison, with searches and beatings, before they flew us to al-Ha'ir mabahith prison. We were there about one year and nine months. After 15 days in solitary confinement, we were moved together.

In Riyadh, I and two others were taken to three judges in a court. The judges asked me about my statement and I said, "These are my words and my writing, but it is all wrong." 'Ali 'Arfiji was there.⁹² "Do you deny everything in here?" the judge asked. I said, "Yes." He said, "Sit down, tell us the truth." I told the truth, including the torture. 'Arfiji then said, "There are witnesses against him." I said, "If there are witnesses, then they are coerced." The judge looked like someone who was about to sentence me to death, glowering at me, so I signed my statement as authentic.

The next day we went to the Expedited Court,⁹³ and another judge asked, "Are these your words?" I said, "Yes." I was then taken back to the mabahith prison, to a large room. My friend and I refused to confess, so 'Arfiji said, "There are four of your colleagues, three of whom have confessed but one still hasn't." So we all changed our confessions. I now said not I and [my friend] but I and the four others had fired shots. Then we went to another judge in court and he accepted our new confessions.⁹⁴

Salih, the engineer, recalled his trial and sentencing:

In Riyadh, we went to a judge at the Expedited Court, and we told him what happened in mabahith detention. The judge returned my colleague to jail, because he denied what was in the interrogation file.

⁹² Ali 'Arfiji was the Najran mabahith investigator and prosecutor in the Holiday Inn case.

⁹³ The Expedited, or Summary, Court, is one of two courts of first instance in Saudi Arabia. The Greater, or General, Court, deals with certain crimes and with civil matters where the amount in dispute is greater than SAR 20,000.

⁹⁴ Human Rights Watch interview with Kadhim, Najran, December 14, 2006. Kadhim's account of having previously made two different confessions under torture is given above.

After two years and eight months in Najran's General Prison, I went back to Riyadh's al-Ha'ir, where I verified my statement in front of three judges. There were no other proceedings. Without prior notice, two months later, I was told I'd been sentenced to death. I spent two [more] years in al-Ha'ir, and then went back to Najran around Rajab 1424 [June 2003]. There were maybe 90 Ismaili prisoners coming from Riyadh to Najran in three waves. In Shawwal 1424 [December 2003] a royal decree reduced my sentence to 10 years.⁹⁵

Ahmad gave this account of how he learned of his sentence, although he had never been to a court:

From Riyadh we went back to Najran in a military plane. After two weeks in the General Prison, a supervisor with four stripes came with a piece of paper that said my sentence was five years in prison and 500 lashes. It was written on a computer, with maybe 13 names on it, in the form of a table. It did not have a letterhead and it was not a legal verdict. I said, "I have not been sentenced by the Ministry of Interior." He said, "This is your new sentence." After one week, another guy came and verbally told me that my lashes had been reduced to 250. Every week I received 50 lashes.⁹⁶

`Aqil told his story:

After six to seven months in Najran's General Prison, I was taken to al-Ha'ir's mabahith prison. The first 16 days I was in solitary confinement. Then I was taken to the Greater Court of Riyadh. Ali al-Arfiji, head of Najran's mabahith, was there, acting as a prosecutor. I was the only defendant in court. I said, "I was beaten and forced to sign a confession." Arfiji said, "There are witnesses against you." I signed the minutes of the session and went back to al-Ha'ir. I was there about two

⁹⁵ Human Rights Watch interview with Salih, Najran, December 14, 2006.

⁹⁶ Human Rights Watch interview with Ahmad, Najran, December 13, 2006.

years and two months. While there, we received a royal amnesty. It was the night of Eid al-Fitr, 30/9/1423 [December 5, 2002]. We were told that 17 of us sentenced to death had their sentences commuted to 10 years in prison, and the rest of us had their prison sentences halved. These were two separate amnesties. I did not know my sentence until that time. I signed a paper saying that my sentence was reduced from 12 years to 10 years. Three days later, I was back in Najran prison, where I stayed for another three years. A week after returning, a supervisor said my sentence was now six years and 300 lashes. Only three of us were lashed in public. On 22/3/1427 [April 21, 2006] I was released. There is no written verdict for me. I don't know whether my sentence was issued from Najran court or Riyadh's Greater Court.⁹⁷

A series of royal pardons commuted the death sentences to prison terms and also reduced the lengths of prison sentences, with 10 years the longest remaining sentence. During his visit to Najran in October 2006, King Abdullah issued the most recent pardon, releasing 10 of the 17 initially sentenced to death from prison. The remaining seven are serving the last two years of their 10-year sentence.

Firings and Forced Transfers

Local authorities, with the coordination of the central government, also forced at least 449 Ismaili state employees to quit or to take up positions outside the region, often in parts of the kingdom furthest away from Najran. Many resigned. Others were fired without the option of relocating. King Abdullah has not taken any remedial action to allow fired or relocated workers to return to their jobs in Najran.

In a petition to then-Crown Prince Abdullah written around 2003, Ismaili shaikhs complained of “the transfer of employees from the region outside it” as well as “a lack of employment of persons from the region and their racist treatment, and imputing empty charges against some of them in order to fire them from their work.”⁹⁸

⁹⁷ Human Rights Watch interview with `Aqil, Najran, December 13, 2006

⁹⁸ “First Petition to Deputy Prime Minister and Crown Prince Abdullah, 13 Ismaili Shaikhs,” undated.

One of those fired was the Ismaili mabahith officer described in Chapter IV, above, who was arrested and held for eight-and-a-half months for not contributing to the round up of participants in the Holiday Inn events. According to the man's relative interviewed by Human Rights Watch, despite a long record of service the officer was fired immediately after being let out of detention.⁹⁹

Karim, the policeman who had been jumped, blindfolded, and tied up by colleagues in the immediate aftermath of the Holiday Inn events, simply for being Ismaili, and was then tortured in mabahith custody (see Chapters IV and V), kept his job after his time in detention but was transferred out of Najran. He told Human Rights Watch in December 2006:

I was transferred to Tabuk, in the north. Work there was normal. Then with some *wasta* [connections] I got to go to Riyadh. But the order also said that I was to become a traffic cop. Then I went to 'Asir for one year. I sent my files to [Assistant Minister for Security Affairs] Prince Muhammad bin Nayef with medical reports of my parents. I am the oldest son and I support them. The last time I tried to get relocated back to Najran was about two months ago. I never received a reply.¹⁰⁰

Another Ismaili affected by transfer was "Muqtada," a border guard. He told Human Rights Watch:

I had a certificate of appreciation from the governor of the region, three from [Fahd] al-Sudairy [the previous governor], and two from [Prince] Mish'al. I was promoted in 1416 [1995]. In my file there is only one absence, in 1407 [1987] for one day, that's it. Then the hotel events occurred and I was transferred. I was not at the hotel or at the Mansura mosque. About two months after the events, 50 of us [border guards] were transferred, me to the Kuwaiti border. They said it would only be for three months, because they needed us there. The original order

⁹⁹ Human Rights Watch interview with Hamid, Manama, July 6, 2006.

¹⁰⁰ Human Rights Watch interview with Karim, Najran, December 13, 2006.

said that all 50 of us should go to Salwa on the Qatari border, but then an extraordinary order came [transferring me to the Saudi-Kuwaiti-Iraqi border]. This is the furthest point from Najran. In 1424 [2003] I managed to transfer from Ruq'i to Abha, in 'Asir, where I still work. I asked to go back to Najran, but they said that a paper from Riyadh military intelligence came back saying "we do not recommend" his return. Normally, every four years there's a promotion. When the hotel events occurred I was in for promotion, but I had no luck.¹⁰¹

Badi, the hospital worker arrested from his workplace the day after the Holiday Inn events (see above), was told on the day he went back to work after getting out of detention that he was being transferred:

The director came and said, "Congratulations, there will [be judicial] procedures." I was told not to come back to work, until they got the all-clear. I remained at home three months, on half salary. This is the regulation until you are declared not guilty. I was the only one transferred from the hospital. Some others were perhaps taken after me. About 40 persons in total from all the Ministry of Health departments were transferred. The mabahith wrote back to the hospital that there was no problem. I went back to work for two to three months, but in [the month of] Ramadan, the order for my transfer to Baha came. I went to Baha. The Baha mabahith came to the hospital to question me, twice. In 1422 [2001] I was sent to Jeddah, and in 1426 [2005] I was sent to 'Asir. About one week ago, I was sent to the most remote possible place. You need a landcruiser to get there.¹⁰²

An Ismaili who studied the transfers told Human Rights Watch:

¹⁰¹ Human Rights Watch interview with Muqtada, Najran, December 13, 2006.

¹⁰² Human Rights Watch interview with Badi, Manama, July 6, 2006.

Most of [those transferred] did not even participate in the demonstration [at the Holiday Inn or at the Mansura]. Over the past year or so [since 2005], a very small number, 10 to 15, have been able to come back to their jobs in Najran. They are from one village, and they spent a long time submitting applications to the ministries to be able to get back. Thankfully, transfers have now stopped and Najranis are not being sent away any more.¹⁰³

Hasan, the customs official jailed for participating in the Holiday Inn events, told Human Rights Watch that when he got out of prison he had to surrender his passport. “I don’t know how long I am banned from traveling,” he said. “I was fired from work. Before the verdict was issued, I got half my salary, 1,000 riyal. After the verdict, I got a letter firing me from my job at customs. Now I do not work and do not have the capital to start a company.”¹⁰⁴

Former prisoner Ahmad said, “The day I got out [of prison], I was taken to the mabahith. There, they told me I was banned from public employment. It was 18/1/1426 [February 27, 2005]. A separate piece of paper said I was also banned from travel abroad for two years.”¹⁰⁵

Those who were students at the time of their arrests were unable to complete their studies after their release from prison. Sahir told Human Rights Watch:

I was one of those sentenced to death for the events in Najran. Then my sentence was reduced, and I was pardoned by the king in the last pardon. I have tried to resume my studies, but have had no luck. I have one year left in the King Abd al-‘Aziz University in Jeddah. The university told me they cannot reinstate me after five years or so have passed, and that’s why I am here in Riyadh to talk to the minister of higher education to get special permission.¹⁰⁶

¹⁰³ Human Rights Watch telephone interview with Husain, Najran, July 6, 2006.

¹⁰⁴ Human Rights Watch interview with Hasan, Najran, December 13, 2006.

¹⁰⁵ Human Rights Watch interview with Ahmad, Najran, December 13, 2006.

¹⁰⁶ Human Rights Watch interview with Sahir, Riyadh, November 30, 2006.

“Abu Ghaith,” “Fadil,” and `Aqil, students at King Khalid University in Abha at the time, were unable to resume their studies after they were interrupted by prison terms.¹⁰⁷

King Abdullah pardoned Khadim during his visit to Najran in October 2006. However, the mabahith imposed a two-year foreign travel ban on him and prohibited him from attending any public celebrations. When Kadhim wanted to resume his studies in physical education at King Khalid University in Abha, the university turned him down, because he had “surpassed the legal timeframe” allowed for suspending studies.¹⁰⁸ He had needed just nine more credit hours to graduate.¹⁰⁹

Arrests for Speaking Out

Saudi authorities largely succeeded in their efforts to keep the details of events leading up to the Holiday Inn clash and its aftermath from public scrutiny both inside the kingdom and abroad. There has yet to be a full accounting. Only recently has information slowly emerged as the authorities released prisoners from that period and groups of Ismaili elders and intellectuals petitioned the king, prompting the two Saudi human rights institutions—the National Society for Human Rights and the Human Rights Commission—to look into their complaints.¹¹⁰

In addition to real and purported participants in the events of April 23-24, 2000, Saudi authorities imprisoned, with and without trials, those who dared to speak publicly about the events, as well as about official discrimination, suppression of their religious practices, arbitrary arrests, and torture. The mabahith arrested “Amin” a year-and-a-half after he had alerted an Arab news channel about the Holiday Inn events on the day they took place, although Amin did so from a town hundreds of

¹⁰⁷ Human Rights Watch interview with Fadil, Riyadh, November 30, 2006.

¹⁰⁸ Dr. Sa’id Muhammad Rifa’, dean of admissions, King Khalid University, “Statement about [name withheld],” undated.

¹⁰⁹ Human Rights Watch interview with Kadhim, Najran, December 14, 2006.

¹¹⁰ The National Society for Human Rights was formed in 2004 as a government initiative by members of the appointed Shura Council. King Fahd gave the Society SAR 100 million and real estate from his personal wealth. The Society has grown increasingly vociferous and critical over the past years. The Human Rights Commission, in existence since 2005, is a government body that visits prisons, and conveys concerns and individual complaints to concerned government ministries privately.

kilometers away from Najran. He told Human Rights Watch that in mabahith detention:

I spent about 10 months to one year in a cell, alone, underground, and talked to nobody except for my interrogator and the judge, twice. It was miserable and I began talking to the ants in my cell. You couldn't go to the toilet more than twice [a day], you couldn't drink water when you wanted, so every time the soldier let me, I drank as much as I could. After two months, the judge asked me to confirm that I had talked to Al Jazeera. I did. After about 10 months, the judge told me, "I have sentenced you to seven years," and indicated that he had received the verdict from the government.¹¹¹

The prosecutor brought charges against Amin for four offenses: 1) calling Al Jazeera, 2) disobedience to the ruler, 3) disparaging the reputation of the kingdom abroad, 4) and a poem he wrote.¹¹² His prisoner card cited "secret security charges" as the reason for his imprisonment.¹¹³ Following his conviction, the judge transferred him to the General Prison. His father was able to secure his release after he had served three years of his seven-year sentence.¹¹⁴

The mabahith arrested Husain on December 24, 2003, from his office and confiscated his computer.¹¹⁵ After spending seven months in solitary confinement, he and two others, Nabil, and Shibli, were tried in late July 2004 on charges of "belonging to [web] forums engaged in violating security and damaging the nation." Their sentences were two years in prison and 750 lashes each.¹¹⁶ Husain told Human Rights Watch that in court:

¹¹¹ Human Rights Watch interview with Amin, Najran, December 14, 2006.

¹¹² Ibid..

¹¹³ Kingdom of Saudi Arabia, Ministry of Interior, Public Security, General Administration of Prisons, Temporary Inmate Card No. (كرت نزيل مؤقت رقم), November 1, 2001 (14/8/1422).

¹¹⁴ Human Rights Watch interview with Amin, Najran, December 14, 2006.

¹¹⁵ "Arrest of Ismailis Still Continues in Najran", Saudi News Agency (private, opposition agency), December 25, 2003, <http://www.rasid.com/artc.php?id=612&hl=> (accessed July 17, 2006).

¹¹⁶ "Najran: Ismailis arrested on charges of Internet writing", *Al-Rasid News Network*, August 1, 2004, <http://www.okhdood.com/index.php?act=artc&id=310&hl=> (accessed July 17, 2006).

they accused me of 10 things: Instigating people to write on the internet, instigating violence, promoting the Ismaili faith (*madhhab*), and so forth. There was no evidence at all. It came after I issued a report on the internet about the forced dispersal of Ismaili officials to other regions of the kingdom. All they said was that Ali al-Ahmad, the opposition Saudi in America, took our writings and made something with them. I was sentenced to two years and 750 lashes. I asked for the court verdict, so that I could respond to the charges, but they said it was secret and they never gave me the verdict. It was important to get it when I filed my appeal against the case at the appeals court in Mekka. I did anyhow, but the verdict was confirmed.¹¹⁷

Almost a year-and-a-half after the Holiday Inn events in Najran, the news of the terrorist attacks of September 11, 2001, in New York and Washington DC, and the high proportion of Saudi citizens among those who carried out the final attack, prompted the government to invite more foreign journalists to visit the kingdom. A reporter for the *Wall Street Journal*, James Dorsey, after several months reporting on a variety of topics in the kingdom, visited Najran and heard first-hand from Ismailis about the Holiday Inn events as well as their concerns about official discrimination.

In his January 9, 2002 article on Najran, Dorsey wrote:

Shiites and Ismailis, who tend to inhabit poorer areas of Saudi Arabia, charge that they have been subject to discrimination for decades ... Ismailis ... also want the government to free 93 Ismailis ... who were arrested last April after riots protesting the arrest of an Ismaili cleric and the raiding of a local mosque in predominantly Ismaili Najran. Unrest in this city of 200,000 people has been fueled further by the authorities' reluctance to appoint local tribesmen to key government positions, as well as the transfer of some 1,000 local civil servants to jobs elsewhere in the kingdom. Tribesmen say the government's policy

¹¹⁷ Human Rights Watch telephone interview with Husain, Najran, July 6, 2006. Ali Al Ahmed is a Saudi Shia from the Eastern Province who fled to the US where he received asylum in 1999. His organization, the Gulf Institute, regularly criticizes Saudi policies and practices.

is aggravating local unemployment, already running at an estimated 40%.¹¹⁸

Dorsey also cited a local official of the Commission for the Promotion of Virtue and Prevention of Vice (CPVPV), the religious police, as saying that “[Ismailis] are infidels because they do not follow the Sunna [example of the Prophet Muhammad] ... They don’t believe that the Quran is complete and they hate the Sunnis.”¹¹⁹

Following publication of Dorsey’s article, the Saudi mabahith arrested two of his sources. Shaikh Ahmad bin Turki Al Sa’b, whom Dorsey quoted in the article, was arrested on January 15, 2002. Al Sa’b claims that he was subjected to unacceptable treatment upon arrest, including beatings all over his body. A medical record three weeks after his arrest by a doctor at King Khalid Hospital in Najran noted that Al Sa’b vomited blood on February 9, 2002 and had an inflamed esophagus and an inflammation of the stomach. The doctor wrote that he considered Al Sa’b “unfit for flogging at the present time.”¹²⁰ A court sentenced Al Sa’b to seven years in prison and hundreds of lashes, but the authorities released him prior to the end of his sentence.¹²¹

Another source for Dorsey’s article told Human Rights Watch that he was arrested in another city, flown to Najran, and kept for four months in the mabahith there before “one day, they just said, ‘You’re free to go.’” While in detention, he said, officials only asked him about the article while torturing him:

I was not allowed to sleep for seven days, that was the most difficult torture. I just lay there and said to them, “Cut off my hand, my head, I do not care, but I cannot get up.” I was hung upside down, beaten on

¹¹⁸ James M. Dorsey, “Saudi Tribe Sees the War as a Chance to Win Some Rights – Aggrieved Shiites Hope Scrutiny of Monarchy Will Help Their Struggle,” *The Wall Street Journal*, January 9, 2002.

¹¹⁹ *Ibid.*

¹²⁰ King Khalid Hospital Director Dr. Muhammad bin Salim al-Saqr, “Letter to the Director of the Branch of General Prisons in Najran” containing the Medical Report for Ahmad Turki Al Sa’b, July 13, 2002. The examination took place on July 3, 2002.

¹²¹ Human Rights Watch telephone interviews with Shaikh Ahmad bin Turki Al Sa’b, Najran, June 15 and July 8, 2006, and interview in person, Najran, December 13, 2006.

the feet, and made to wipe up my own blood on my hands and feet. I never went to court.¹²²

The authorities also arrested Murad and sentenced him to 18 months in prison and 500 lashes for his contact with the *Wall Street Journal* reporter.¹²³

A number of Ismaili elders went to see Crown Prince Abdullah after news emerged of the death sentences for 17 Ismailis implicated in the Holiday Inn events (see above). The Ministry of Interior had all petitioners arrested, thrown in prison for four months, and flogged with 60 lashes. Even the Sudanese employee of the print shop that had prepared the petition to Crown-prince Abdullah and his assistant was arrested and then deported.¹²⁴

In another case, Saudi border guards arrested a fellow border guard, an Ismaili of the Harith tribe within a year of the Holiday Inn events. A court sentenced him to three years in prison for having remarked to a colleague in conversation that Ismailis would take revenge if those arrested after the Holiday Inn events were executed.¹²⁵

¹²² Human Rights Watch telephone interview with Imam, Najran, February 14, 2008.

¹²³ Daniel, "A Summary of Case of Najran and the Suffering of its People," www.wadi3.com.

¹²⁴ Email communication from Hisham to Human Rights Watch, August 22, 2007.

¹²⁵ Email communication from Ismaili living in the Eastern Province, IEP1, to Human Rights Watch, July 14, 2006.

VI. Official Attacks on Ismaili Ethnic and Religious Identity

Following Najran's incorporation into the Kingdom of Saudi Arabia as a result of a 1934 treaty with Yemen, King Abd al-'Aziz made an undertaking to the Yam tribe of Najran to respect their religious and ethnic rights.¹²⁶ However, as the central state became more active in Najran by expanding public schooling, improving infrastructure, and enlarging the state bureaucracy, these promises eroded. Teachers, engineers, and bureaucrats from outside the region came to Najran to administer local affairs, bringing with them Wahhabi-inspired curricula and Sunni-influenced welfare programs, and building Sunni mosques.

The king appoints the governors of Saudi Arabia's 13 provinces based on nominations from the minister of interior. From the early 1960s until 1996, Najran was governed by members of the Sudairy family.¹²⁷ In 1996, Prince Mish'al bin Sa'ud bin Abd al-'Aziz Al Sa'ud was appointed governor.

Ismailis from Najran complain that under Prince Mish'al, their identity as Ismailis came under threat and that they suffered increased discrimination and interference in their affairs. They give examples of officials disparaging the Shia faith, and the Ismaili faith in particular; of increased missionary and discriminatory charitable activity by Sunnis from outside, including in schools; of increased restrictions on Ismaili religious practices; and of a perceived plan to reduce the demographic weight of Ismailis by naturalizing Sunni Yemenis. These factors provide the background for the Holiday Inn hotel events of April 2000.

Ismailis' most acute concern at present is the naturalization of tens of thousands of Yemenis who have migrated into the Najran area at various times as refugees from southern Yemen, fleeing political persecution under the authoritarian leftist government of the former People's Democratic Republic of Yemen. These refugees

¹²⁶ Human Rights Watch telephone interview with an Ismaili, Najran, IN1, February 12, 2008. He said that it was a verbal undertaking given to the head of the al-Saq tribe.

¹²⁷ The Sudairy family is extremely close to the Al Sa'ud. King Abd al-Aziz took several wives from the Sudairys. The sons of one of these marriages hold senior government positions.

often share the Wahhabi religious thought that prevails in Saudi Arabia and have found jobs as teachers and judges in Najran. Their naturalization affects the demographic composition of the region, where Ismailis presently constitute a large majority.¹²⁸ Viewed alongside existing discrimination and the forced transfers of Ismaili officials out of the province, the influx and perceived favored treatment of naturalized Yemenis lead Ismailis to fear that continued naturalizations threaten their ethnic and religious identity and the future of the spiritual capital of Sulaimani Ismailism.

Coupled with the issue of naturalization of Yemeni tribes is the battle over land in Najran. Many Ismailis have waited for a decade or more to receive land grants from the state. Meanwhile, Ismailis have seen the government build cities with free housing and municipal services and distribute land plots to these Yemenis, whether they have become Saudi citizens or not. One satellite township erected around 2000 and since expanded, called Mish'aliyya after the governor, provides housing and city services for thousands of Yemenis.¹²⁹ Many Ismailis see Prince Mish' al as the force behind a policy of restricting Ismaili access to land and jobs and suppressing their religious freedom.

Saudi officials regularly malign the Ismaili faith, which under the Fatimids of Egypt in the 10th and 11th centuries was the faith of the leading power in the Islamic world. In a fatwa (religious edict) issued on April 8, 2007, the Permanent Committee for Religious Research and Opinion, a subsidiary body to the Council of Senior Religious Scholars tasked with officially interpreting Islamic faith, ritual, and law, declared that “to call that state Fatimid [after the Prophet Muhammad’s daughter, Fatima] is a false label,” because “its founder was a magician,” and “he and his followers are corrupt infidels, debauched atheists.”¹³⁰ Statements like this by government-

¹²⁸ Human Rights Watch is in possession of numerous documents detailing the naturalization of these Yemeni refugees and governmental service provision for them. We are, however, unable to assess the procedural irregularity Ismailis claim occurred in granting citizenship, and, while we were able to verify the governmental provision of housing and services to these Yemenis, we were unable to determine conclusively that these Yemenis received preferential treatment not based on need.

¹²⁹ Human Rights Watch visit to Mish'aliyya, Najran, December 15, 2006.

¹³⁰ “The Permanent Committee for Religious Research and Opinion Issues an Explanatory Statement: Calling ‘Ubaid’s State ‘Fatimid’ Is False and Forged”, *Al-Riyadh*, April 9, 2007, <http://www.alriyadh.com/2007/04/09/article240297.html> (accessed January 17, 2008).

appointed clerics put an official stamp of approval on an interpretation of Islamic history that disparages the Ismaili Fatimids.

The statement and its implications go beyond a characterization of a historical period by proclaiming that the Fatimid state wrought havoc on Muslims “which suffices to repel anyone who raises its flag and who advocates for it.” The Ismailis of Saudi Arabia feel historically connected and religiously bound to the Fatimid state, while not advocating for a return to it, but by the April 2007 fatwa state clerics declared that historical and religious allegiance impermissible: “[I]t is not allowed ... for us to call on people to adhere to that deviant state of ‘Ubaid” (referring to the founder of the Fatimid caliphate, ‘Ubaid Allah al-Mahdi).¹³¹ The Ismailis of Najran considered this statement a grave insult aimed at delegitimizing their religious identity as Ismailis and as Muslims. Ismaili leaders, on April 24, 2007, presented a complaint to the governmental Human Rights Commission decrying “expressions of doubt and declarations [of Ismailis] as infidels” in the Committee’s statement.¹³² The government took no known steps to revise or clarify the fatwa.

This fatwa is not an isolated incidence. In August 2006, on the date Muslims believe that the Prophet Muhammad ascended to heaven from Jerusalem, Shaikh Salih al-Luhaidan, a cleric and Saudi Arabia’s supreme judge, gave a lecture in the Holy Mosque of Mekka. That night (*lailat isra’ wal-mi’ra*) is of particular religious significance to Ismailis, and they were present in large numbers in the Holy Mosque. In his lecture, al-Luhaidan said the Ismailis, “came from Morocco, Tunis, and Egypt, and they are Fatimids, and they are here [in Saudi Arabia] and there [in Egypt]. Outwardly they appear Islamic, but inwardly, they are infidels, infidels, infidels.”¹³³

These incidents contradict the 2003 claim of a Ministry of Foreign Affairs official who told the UN committee evaluating Saudi Arabia’s report on its anti-discrimination measures that Saudi Arabia

¹³¹ Ibid. See also Andrew Hammond, “Arab History Spat Highlights Sunni-Shi’ite Rift,” Reuters, May 14, 2007.

¹³² Complaint by 66 Ismailis from Najran to Shaikh Turki al-Sudairy, Chairman of the Human Rights Commission, April 24, 2007, and Human Rights Watch interview with two Ismailis, IR2, IR3 Riyadh, May 20 and 22, 2007.

¹³³ Human Rights Watch telephone interview with an Ismaili present at al-Luhaidan’s lecture in the Holy Mosque on August 21, 2006, IEP1, Eastern Province, February 2007.

made use of all available educational and cultural means and the media to promote tolerance and eliminate discrimination. Religious and other academic curricula emphasized the firmly established Islamic principles prohibiting discrimination.¹³⁴

A former teacher told Human Rights Watch that only in the 2004-05 (1425-26) editions of the history curricula did the Ministry of Education remove references to “deviant sects” (*tuyur munharifa*), which included the Ismailis by name.¹³⁵

This stigmatization of Ismailis at the national level by leading government officials tasked with interpreting religion, and (by extension in Saudi Arabia) the law, contradicts King Abdullah’s professed goal of treating all subjects equally.¹³⁶ In his April 2007 speech to the Shura Council, an appointed body, King Abdullah said that his goal was to preserve

national unity and strengthen its guarantees ... Kindling sectarian disputes, reviving regional feuds, and one group in society seeking to dominate another group stands in contrast to the guarantees of Islam and its liberality and constitutes a threat to the national unity and the security of the society and the state.¹³⁷

“Kindling sectarian disputes” was the effect of an interview Najran’s governor Prince Mish’al gave to the Saudi-owned pan-Arab *Al-Hayat* newspaper on January 4, 2005. Nearly two years later, several Ismailis told Human Rights Watch how upset they were over the governor’s choice of words.¹³⁸ Prince Mish’al, responding to a question

¹³⁴ Committee on the Elimination of Racial Discrimination, Sixty-second session, Summary Record of the 1558th Meeting, March 5, 2003, CERD/C/SR.1558, March 10, 2003.

¹³⁵ Human Rights Watch telephone interview with Ismaili teacher, IN4, Najran, April 29, 2008. The “deviant” sects were the Sabaiya, the Batiniya, the Khawarij, and the Ismailis.

¹³⁶ King Abdullah to the Citizens: I Pledge that I Take the Quran as a Constitution and Islam as an Approach. My Job is to Realize Right, Establish Justice and Serve the Citizens Without Differentiation. Speech on the occasion of acceding to the throne, *Ash-Shura Magazine* (vol.7, no. 70),

August, 3, 2005, <http://www.shura.gov.sa//ArabicSite/majalat/majalah70/malaf.HTM> (accessed July, 24, 2008).

¹³⁷ Muhammad al-Ghanim, Bandar al-Nasir, and Muhammad al-Shishani, “King Abdullah: You Have the Right to Expect Me to Beat the Pests of Tyranny and Oppression with Justice”, *Al-Riyadh*, April 15, 2007, <http://www.alriyadh.com/2007/04/15/article242026.html> (accessed February 12, 2008).

¹³⁸ Human Rights Watch interviews with several Ismailis, IN5, IN6, IN2, Najran, December 13, 2006.

about the extent of religious freedom that the Ismai'lis and Zaidis enjoy in Najran, said that he "invite[s the reporter] personally to visit the existing temples in Najran, and that [he] call[s on the reporter] to visit the person that they consider the number one in Ismailism, that is Shaikh al-Makrami," to ask about freedom of religious practice.¹³⁹ The Ismailis in Najran expressed their dismay at having the governor refer to their mosques as "temples,"¹⁴⁰ a term Muslims generally use to indicate religious practices of non-Muslims, whereas Ismailis consider themselves to be nothing other than Muslims.

Only a few years earlier Ismaili leaders complained, in a petition to then-Crown Prince Abdullah, that "[t]he Minister of Interior described the people of the [Najran] region in the media as deviant and [practicing] sorcery and at one time the governor of Najran Prince Mish'al described Najran in the newspaper *Okaz* as the pit of corruption, ignorant [people]."¹⁴¹ In an undated letter written after 2005, Ismaili elders complained that Prince Mish'al insulted Ismailis in his *majlis* and via the press.¹⁴² In the wake of the Holiday Inn events in April 2000, Prince Mish'al described Ismaili cleric Muhammad al-Khayyat as a "sorcerer" illegally residing in Saudi Arabia whom the government had arrested "after obtaining incontrovertible evidence that he had been persistently practicing and teaching sorcery."¹⁴³

In November 2006 King Abdullah visited the region as part of his first tour of the provinces after acceding to the throne in August 2005. This was the first visit of a Saudi king to Najran in decades, and King Abdullah brought with him promises of a university and a technical college, a new hospital and other healthcare facilities, and

¹³⁹ "Interview with Prince Mish'al bin Sa'ud," *Al-Hayat*, January 4, 2005 (23/11/1425).

¹⁴⁰ Human Rights Watch interview with Ismailis in Najran, IN5, IN6 December 13, 2006.

¹⁴¹ "First Petition to Deputy Prime Minister and Crown Prince Abdullah, 13 Ismaili Shaikhs," point 7.

¹⁴² Mas'ud Al Haidar and Shaikh Ahmed Al Sa'b, "Justice is the Foundation of Rule", Letter to King Abdullah, undated (c. post-August 2005), p. 4.

¹⁴³ "Ismaili Unrest in Saudi Arabia: Isolated Incident or Serious Trouble?" *Mideast Mirror*, April 25, 2000, quoting an official statement issued by the Saudi Press Agency.

other infrastructure projects with a total value of SAR 3.3 Billion [\$893 million].¹⁴⁴ He also pardoned a number of prisoners (see above).¹⁴⁵

The authorities prohibited an exclusively Ismaili reception for the king. On October 12, 2006, Ahmad al-'Ajalan, the office director of Prince Mish'al, made three local shaikhs, Ahmad Al Sa'b, Mas'ud Al Haidar, and Zaid Shuyul, pledge not to host a reception for the king, who had already agreed to come to such an event, lest it overshadow the official reception by the governor.¹⁴⁶ Ismaili leaders alerted human rights organizations on October 28 that the minister of interior had given instructions to ban the reception on security grounds.¹⁴⁷ Najranis later learned that Prince Mish'al had also restricted access to the official celebrations to those with identification badges distributed by the governorate. According to Najrani elders, only members of the Sai'ar and Karab tribes, from the largely Sunni town of Shurura, obtained such badges.¹⁴⁸

To detract from this evidence of continuing discord between the governor and local Ismaili shaikhs, unknown persons placed a full-page advertisement in *Al-Watan* newspaper that falsely presented shaikhs Mas'ud Haidar and Ahmad Al Sa'b as thanking Prince Mish'al, King Abdullah, and Crown Prince Sultan for the "renaissance and development" of Najran. Neither of the shaikhs had placed the advertisement, and strongly disagreed with the message. After the shaikhs complained in court, the king ordered a committee to investigate the matter, which persuaded the shaikhs to drop the dispute.¹⁴⁹

¹⁴⁴ "King Abdullah launches development projects in Najran," Saudi Embassy, Washington, DC, November 1, 2006, <http://www.saudiembassy.net/2006News/News/GovDetail.asp?cIndex=6624> (accessed January 17, 2008).

¹⁴⁵ "On the other hand an official source of the Ministry of Interior said today that the Custodian of the Two Holy Mosques King Abdullah Bin Abdul Aziz has pardoned a number of those convicted in Najran incidents and those sentenced to serve terms in prison of the remaining periods of their verdicts and ordered their release, except those who were convicted to be killed for carrying arms, reducing their convicts to life imprisonment." *Ain al-Yaqeen* (official news website), November 3, 2006, <http://www.ain-al-yaqeen.com/issues/20061103/feat1en.htm> (accessed May 17, 2008).

¹⁴⁶ Human Rights Watch interviews with Ismaili tribal elders (names withheld), Najran, December 12, 2006; and "Najran: The Governorate Summons Regional Leaders to Make them Abort Popular Celebration of the King's Visit", *Al-Rasid News Network*, October 16, 2006, <http://www.rasid.net/artc.php?id=13138> (accessed November 9, 2007).

¹⁴⁷ Email communication from an Ismaili, IN7, to Human Rights Watch, October 28, 2006.

¹⁴⁸ Human Rights Watch interview with Ismaili tribal elders, IN5, IN6, Najran, December 12, 2006.

¹⁴⁹ Ibid.

The king's visit was overshadowed by an apparent mistake in the pardoning of one prisoner. A Sunni judge had sentenced Hadi Al Mutif to death in 1994 for allegedly insulting the Prophet Muhammad. Al Mutif was beaten in the court room, his Ismaili religion insulted by the judge, and he never received a copy of the court's verdict to file an appeal. His case had attracted international attention around the time of the king's visit, and authorities at Najran prison were processing him for release following the king's pardon. A last minute phone call sent him back to prison after officials realized that his death sentence was for a crime against God (*hadd*), which is not subject to royal pardons.¹⁵⁰ (The case is discussed further in Chapter VIII.)

2007 saw signs of rapprochement. The Da'i, Abdullah al-Makrami, who assumed his functions upon the death of Husain bin Isma'il al-Makrami in June 2005, invited Prince Mish'al to visit Khushaiwa. In November 2007 the Ministry of Interior in Riyadh directed officials in Najran "not to interfere in affairs pertaining to the creed or jurisprudence of the followers of the Ismaili school of thought."¹⁵¹ Najranis writing on local websites welcomed these instructions. In January 2008 Shaikh Mas'ud al-Haidar, an elected member of the city council and a critic of the governor's earlier policies, invited Prince Mish'al to his house, congratulating him for his recent efforts on behalf of the region.¹⁵²

¹⁵⁰ He remains in prison, and attempted suicide several times. Human Rights Watch telephone interviews with prisoners present during the processing of Al Mutif, November 1, 2006, and with Ismailis in Najran (names withheld), December 12, 2006. "Saudi Arabia: Mentally Ill Prisoner Put in Solitary," Human Rights Watch news release, February 2, 2007, <http://hrw.org/english/docs/2007/02/02/saudia15243.htm>; and Letter from Human Rights Watch letter to King Abdullah, "Saudi Arabia: Pardon Isma'ili Sentenced to Death," October 10, 2006, <http://hrw.org/english/docs/2006/10/10/saudia14372.htm>.

¹⁵¹ "Instruction from 'Interior' to Respect Ismaili School of Thought and the Special Characteristics of Its Supporters". *Al-Rasid News Network*, November 7, 2007, <http://www.rasid.com/artc.php?id=19051> (accessed November 9, 2007).

¹⁵² Ali 'Awn al-Yami, "Prince Mish'al bin Sa'ud Honors Celebration of the Deputy President of Najran's Municipal Council", *Al-Riyadh*, January 17, 2008, <http://www.alriyadh.com/2008/01/17/article309625.html> (accessed February 12, 2008).

VII. Ismaili Participation in Public Affairs

Ismailis in Najran have been excluded from effectively participating in local public affairs in two important ways. Generally they cannot advance to high government positions or make their views heard in municipal and regional councils or in the all-powerful governorate. They also perceive unequal treatment in the charity sector. On a national level, Ismailis claim that their representatives are seldom invited to participate in important national initiatives.

The appointed head of the provincial council in Najran is a Sunni from outside Najran, as is the appointed head of the municipality.¹⁵³ The members of the provincial council, also appointed, include the heads of government departments—all Sunnis—and only about five Ismailis.¹⁵⁴ Sunnis on the council include Yemeni refugees recently given citizenship.¹⁵⁵ In 2005, when the kingdom held partial municipal elections for the first time in 40 years, the six winning candidates in Najran city were all local Ismailis, as were the six appointed members of the council.¹⁵⁶ Unlike the appointed provincial council or the municipality, however, the municipal councils hold next to no powers.

One Ismaili, Shaikh Ali bin Musallam, achieved influence as an adviser to the late King Fahd, but many in Najran considered him a “bought sheikh,” not least due to his relation by marriage with the royal family.¹⁵⁷ Another Ismaili, Muhammad Faisal Abu Saq, who currently serves in the appointed Shura Council, headed military training programs.¹⁵⁸ However, many Najranis told Human Rights Watch that they do

¹⁵³ Email communication from an Ismaili in Najran, IN7, to Human Rights Watch, February 1, 2008. This was unlike the municipal council in mixed Shia and Sunni al-Ahsa', in the Eastern Province, where the government appointed Sunnis to balance the elected Shia.

¹⁵⁴ Human Rights Watch interview with Shaikh Mas'ud bin Haidar of the elected municipal council, Najran, December 12, 2006.

¹⁵⁵ Email communication from an Ismaili in Najran, IN3, to Human Rights Watch, January 23, 2008.

¹⁵⁶ Human Rights Watch interview with a council member (name withheld), Najran, December 12, 2006, and with elected council member to al-Ahsa' council (name withheld), Hofuf, February 2006.

¹⁵⁷ Human Rights Watch interview with an Ismaili, IN5, Najran, December 14, 2006.

¹⁵⁸ A relative of his, Shaikh Abu Saq, concluded the agreement with King Abd al-'Aziz in the 1930s joining Najran to the Kingdom of Saudi Arabia and giving assurances of religious autonomy to the Ismailis.

not consider him a strong advocate for their needs in the Shura Council, the kingdom's unelected parliament.

Another illustrative example is the composition and appointment of the board of the Human Rights Commission, a government body formed in 2005. At least two prominent members of the Ismaili community actively promoting human rights issues were suggested as members of the 25-person-strong board. Following repeated vetting by the Ministry of Interior, among others, neither remained on the list. Instead, the king appointed a prominent Ismaili lawyer said to be close to Najran's governor to the board of the commission.¹⁵⁹

Ismailis receive few if any benefits from Sunni charitable associations operating in Najran. The government-controlled Charitable Cooperative Society (Jam'iya Khairiyya Ta'awuniyya) in Najran finances construction of private homes and mosques for Sunni Yemenis who moved to Najran during years of unrest in Yemen. Both the current and former head of Najran courts are Sunni clerics active in this society; the chief judge is the Charitable Cooperative Society's president.¹⁶⁰ The Ministry of Social Affairs oversees this charity, a local resident told Human Rights Watch.¹⁶¹ A young Ismaili professional working outside of Najran told Human Rights Watch that although Ismaili students represented a sizeable portion of those selected for scholarships abroad, to his knowledge no Ismaili had ever received support from this charity. He said that for over five years now, some Ismailis had tried to get permission to set up their own charity under the direction of several tribal sheikhs in order to provide for poor members of their society.¹⁶² They still await permission from the governorate. Their alternative suggestion had been to include Ismailis among the potential beneficiaries of the Sunni charity, but they have not been successful to date.¹⁶³

¹⁵⁹ Human Rights Watch had numerous discussions on this matter with the two prominent Ismailis who did not gain a position on the board, as well as with other staff and board members of the Human Rights Commission from 2006-2007.

¹⁶⁰ The government in mid-2008 removed this judge. Human Rights Watch telephone interview with IR4, Riyadh, August 26, 2008.

¹⁶¹ Human Rights Watch interview with Salih 'Amir, Manama, July 5, 2006.

¹⁶² Charity officials declined to speak to Human Rights Watch' repeated attempts to reach them in August 2008.

¹⁶³ Human Rights Watch telephone interview with Sabah, al-Khobar, April 25, 2008.

The King Abd al-‘Aziz Center for National Dialogue is a 2003 initiative by then-Crown Prince Abdullah to bring together representatives of different schools of thought on controversial issues, roughly every six months. On February 23, 2004, influential Ismaili personalities wrote to the secretary-general of the Center for National Dialogue to complain about the underrepresentation of Ismailis in the conferences. The 12 asked that “the means of representation and selection be clear to us and in numbers commensurate with the size of this region and the number of its inhabitants.”¹⁶⁴ There was no response.

The consequences of complaint

The consequences for protesting or for even simply reporting the Holiday Inn events are described in Chapter V, above. Ismailis have faced repression and harassment when they voiced grievances over other issues.

In 2006 the Center for National Dialogue invited an Ismaili woman from Najran, Fatima Al Tisan, head of the Women’s Educational Media Unit in the General Administration of Education in Najran, to the National Dialogue on Education, in Tabuk. She described in her presentation the feeling of exclusion Ismailis experience in Sunni-run schools. She spoke about how:

when we grew up, we saw our [Sunni] female companions from when we were young eye us from afar, but without coming close, because to shake our hand and to eat with us is vilified in their religion, just as that [Sunni] female teacher donning piety and godliness cautioned them to. ... [T]he general instructions require the creed to be sound and we in our education thought that we were without creed so as to continue to swallow the oppression in the absence of justice and salvation.¹⁶⁵

¹⁶⁴ Letter by 12 Ismaili Personalities to Secretary-General of the National Dialogue Center, February 23, 2004.

¹⁶⁵ “Al-Najim Issues Decision to Remove Fatima Al Tisan from Position of Director of Public Relations”, *Sawt al-Okhdood* online news forum, December 5, 2006, <http://www.okhdood.com/index.php?act=artc&id=1116&hl=> (accessed November 12, 2007). Human Rights Watch telephone interview with Fatima Al Tisan, Riyadh, early December 2006.

After Al Tisan delivered that remarkable address, the director of girls' education in Najran, Muhammad Abd al-'Aziz al-Najim, on December 5, 2006, removed her from her post.¹⁶⁶

When a local Ismaili, Salih 'Amir, started his own ecumenical cultural forum in Najran in 2006, the authorities soon shut it down. He held Qiss bin Sa'ida¹⁶⁷ forum events in his home, and officials tolerated a handful of initial meetings. He specifically invited Sunni officials to join. Guest speakers included well-known Saudi journalists, Shura Council member Muhammad Al Zulfa, and human rights activists. But in early December 2006, the deputy minister of interior ordered the cultural forum closed. Salih 'Amir told Human Rights Watch:

The criminal investigation [department] called me on Sunday and said, "You have an appointment tomorrow at the governorate." I went, and there were the deputy (*waki*) for security affairs, the governor's office manager, and one mabahith officer. They said, "You do not have permission for the forum. Close it." I said, "I will close it only if I get a copy of the decision by the deputy minister of interior." I got the copy.¹⁶⁸

Demonstrations are extremely rare in Saudi Arabia because the minister of interior has prohibited them. In one rare protest, Ismailis gathered in September 2006 close to the Najran airport to demonstrate against the policy of granting Yemeni refugees citizenship and preferential access to land and housing. One participant told Human Rights Watch:

People in Najran suffer from not being able to do anything. So we thought we had to do a public protest. And we gathered next to the buildings where they were going to house the Yemenis to be

¹⁶⁶ "Al-Najim Issues Decision to Remove Fatima al Tisan from Position of Director of Public Relations", *Sawt al-Okhdood*.

¹⁶⁷ Qiss bin Sa'ida al-Iyadi was a pre-Islamic poet whose work the Prophet Muhammad praised. Proceedings of the Doha Conference of 'Ulamâ on Islam and Cultural Heritage, Doha, Qatar, December 30-31, 2001, UNESCO, April 2005, <http://unesdoc.unesco.org/images/0014/001408/140834m.pdf> (accessed April 25, 2008).

¹⁶⁸ Human Rights Watch interview with Salih 'Amir, Najran, December 13, 2006.

naturalized. Yafa, Khalifa, Mus'abin tribes. Eleven tribes, in all, all from south Yemen. The tribes were against communism, and Saudi Arabia accepted them in early 70s, they came slowly, until now.¹⁶⁹

These Ismailis also protested local authorities' "calling us infidels, seizing our lands, and holding people prisoner for years without verdicts, all because we are Ismaili Muslims," in the words of an Ismaili to Reuters.¹⁷⁰ Participants and an organizer of the demonstration told Human Rights Watch that a crowd of about 200-300 had gathered in tents they brought with them. Security personnel surrounded them. After one demonstrator spoke with police, the protestors dispersed peacefully.¹⁷¹ But the governorate, in a letter to the Ministry of Interior, subsequently accused three of the organizers of the demonstration of "causing sedition."¹⁷²

The most common way that Saudis air grievances and seek redress is by writing to a responsible minister, local official, or member of the royal family. Despite the dearth of international and national attention to the situation in Najran, Ismailis have continued to send petitions to the Najran governorate and the authorities in Riyadh. Commonly they have faced silence, but some petitioners have paid a heavier price than having their petition ignored.

Salih, the engineer, said he had sent 20 telegrams to the governor of Najran and to the minister of interior complaining about Yemeni tribes settling in the Shurfa area in Najran. Between 2001 and 2002, Assistant Minister of Interior for Security Affairs Prince Muhammad bin Nayef spoke to al-Yami several times in Riyadh, demanding to know why he wrote "bad things" against the government. Finally, in May 2003 officials arrested Salih in Riyadh and transferred him to Najran, where Judge Dawud of the Najran Sharia courts sentenced him to 18 months and 600 lashes for

¹⁶⁹ Human Rights Watch interview with Khalid, Manama, July 6, 2006.

¹⁷⁰ "Saudi Shiites protest 'Wahhabi repression,'" *Kuwait Times*, September 5, 2006.

¹⁷¹ Human Rights Watch interview with Dr. Muhammad Al 'Askar and Khalid, Riyadh, November 30, 2006.

¹⁷² Human Rights Watch interview with Khalid, Manama, July 6, 2006. Human Rights Watch has seen a copy of the letter in question.

criticizing the Commission for the Promotion of Virtue and Prevention of Vice and the government. The sentence was carried out.¹⁷³

Bi'r 'Askar, a Najran-area village of around 2,500 inhabitants, has witnessed an enormous growth in marble mining by companies whose shareholders are from outside the region and employ only a handful of local villagers, as guards. In addition, the mining has caused health and environment problems, confirmed by a Ministry of Health study. But when a villager complained to the police on February 6, 2006, they arrested five residents for one week. One of those arrested told Human Rights Watch that two captains (names withheld by Human Rights Watch), one hailing from Ta'if and the other being of Yemeni origin, "said to me that the arrest came on the direction of the governor. I was told to sign the following pledge, 'I will not ask to have the injury removed from me, and I will not inconvenience the companies and the officials with complaints.' They released me although I did not sign. The other four did."¹⁷⁴

Shaikhs Mas'ud Al Haidar and Ahmad Al Sa'b in a grievance letter of May, 17, 2006 complained that the only official response to a petition, "The Homeland for All, All for the Homeland," signed by 1,200 Najranis and calling for civic action for the betterment of Najran, was harassment of the signers.¹⁷⁵

¹⁷³ Human Rights Watch interview with Salih, Najran, December 15, 2006.

¹⁷⁴ Human Rights Watch interview with Mundhir, Najran, December 14, 2006.

¹⁷⁵ Mas'ud Al Haidar and Shaikh Amad Al Sa'b, "Justice is the Foundation of Rule", p. 4.

VIII. Discrimination

Discrimination in Education and Employment

In a May 2006 letter to King Abdullah, Ismaili leaders wrote that in addition to the forced relocation of government employees following the Holiday Inn events, for the people of Najran the “marginalization of local capacity [is] letting their interests lie fallow.”¹⁷⁶

Some Ismailis have had successful careers. Human Rights Watch spoke to a retired colonel, a high official in a government ministry, several successful lawyers working outside Najran, and several managers of profitable businesses. But the high government official in particular described how his religious identity had blocked his advancement. When he had applied for an open professorship in his field some 15 years ago at a leading Saudi university, the university told him they had to wait out the academic year before it would be able to offer him the position, which it then never did. When he inquired, he said, a high-ranking Saudi prince informed him that his appointment “was turned down for security reasons.” A few years later, he started work in the ministry. He said that he is the only senior Ismaili employee there, but also the only one of 300 employees who has not received a promotion over the past 10 years. He told Human Rights Watch that people “come to me [at work] and say, ‘They talk behind your back and say you are Shia and not to be trusted.’”¹⁷⁷

Education

The kind of experience of exclusion in the Sunni education system that Ismaili educationalist Fatima Al Tisan described in her 2006 statement to the Center for National Dialogue that got her fired from her job (see Chapter VII) has been a frequent Ismaili complaint. In a written statement from around 2002 later posted on the internet, one Ismaili commented, “The people of Najran have been deprived for 15 years from attending colleges, institutes, and military training centers.”¹⁷⁸ An

¹⁷⁶ Mas’ud Al Haidar and Shaikh Amad Al Sa’b, “Letter to King Abdullah,” 18/4/1427 [May 16, 2006].

¹⁷⁷ Human Rights Watch interview with Mu’tasim, Manama, July 7, 2006.

¹⁷⁸ Daniel, “A Summary of Case of Najran and the Suffering of its People,” www.wadi3.com.

Ismaili told Human Rights Watch, “There’s no Ismaili in the army or air force college. Because Najran is on the border and has a single religious authority, they are afraid.” He said his brother wanted to go to the Prince Nayef Security College, but was refused although he got outstanding grades.¹⁷⁹ Another Ismaili told Human Rights Watch that more than 100 Ismailis had gone to Jordan to study aviation science, a field they were blocked from studying in Saudi Arabia.¹⁸⁰

Al Tisan’s statement to the Center for National Dialogue also encompassed how job discrimination betrayed the hopes of of Ismaili schoolchildren for a successful career because the jobs in Najran went to non-Ismailis. She spoke of the “feeling, even as small children, that teachers treat those of different religious schools of thought differently ... and when we held certificates as aspiring graduates eager on serving the country someone would come to prohibit us ... and we were changed by those described as intransigent and racist who were hunting for official positions and practicing their oppressive policy against us.”¹⁸¹

Employment

Public sector and security sector jobs

In Najran, as elsewhere in the kingdom, the government is a major employer. In 2005 Najran’s governor, Prince Mish’al, told a journalist,

I want you to see for example the heads of the administrations and of the employees we have in the governorate. Eighty per cent of them are from among our brothers the Ismailis ... and there is a high number from them in the armed forces and in the national guard and in the police. They do not face any restrictions in any employment.¹⁸²

Prince Mish’al’s characterizations may have been true of an earlier time, but Ismaili accounts speak of a very different situation under his administration. Ismailis claim

¹⁷⁹ Human Rights Watch interview with Ja’far, Manama, July 6, 2006.

¹⁸⁰ Human Rights Watch interview with Jalil, Najran, December 14, 2006.

¹⁸¹ Fatima Al Tisan, “Address given at the National Dialogue on Education in Tabuk,” November 2006.

¹⁸² “Interview with Prince Mish’al bin Sa’ud,” *Al-Hayat*, January 4, 2005.

that there is consistent discrimination against them in the government's employment policy, extending to entire sectors.

This appears to be especially the case in the governmental security apparatus. While there are Ismailis in all branches of the military, few reach the senior ranks that are restricted to those who graduate from the military colleges. Informal, but nevertheless real, restrictions apply on the seniority of position that Ismailis can attain. One retired Ismaili colonel related how his decision to retire came after being repeatedly passed over for promotions and feeling that his ethnic and religious origin prevented his advancement.¹⁸³ An Ismaili with personal knowledge of the matter told Human Rights Watch that an air force general (name withheld) hid his Ismaili identity while serving, and did not raise suspicion because his name is not easily identified as Ismaili.¹⁸⁴ Another Ismaili confirmed that qualified Ismailis only exceptionally raise to higher ranks in the armed services.¹⁸⁵

As of 2006 only five Ismailis were reported to be working in the local mabahith office.¹⁸⁶ One local Ismaili recalled three names of Ismaili officers who worked in the Police Directorate or in the Traffic Administration, "but they do not have authority."¹⁸⁷ An Ismaili elder told Human Rights Watch that over the past seven years, the government appointed not a single Ismaili to work in any of the 213 open positions in the civil defense department.¹⁸⁸ A private report from around 2002 complains, "The number of [Ismaili] workers in all civil and military divisions in Najran does not exceed the fingers of one hand in each department."¹⁸⁹

Commenting generally about public sector employment, Ismailis cited their exclusion from leadership positions as the primary problem. One complained, "We

¹⁸³ Human Rights Watch Interview with retired Ismaili colonel, IR4, Riyadh, May 19, 2007.

¹⁸⁴ Human Rights Watch interview with an Ismaili, IR5, Riyadh, March 12, 2008.

¹⁸⁵ Human Rights Watch telephone interview with Sabah, Khubar, April 25, 2008.

¹⁸⁶ Human Rights Watch interview with Hamid, Manama, July 6, 2006.

¹⁸⁷ Email communication from an Ismaili in Najran, IN8, to Human Rights Watch, February 1, 2008.

¹⁸⁸ Human Rights Watch interview with Ismaili elder, IN6, Najran, December 12, 2006.

¹⁸⁹ Daniel, "A Summary of Case of Najran and the Suffering of its People," www.wadi3.com.

Najranis do not fill any of the important positions in the province. Najranis are in maybe less than 2 percent of high positions.”¹⁹⁰

Regarding employment in state education, one interviewee said he did not know “one Najrani man or woman who occupies a leadership position, even at the school cafeteria.”¹⁹¹ A former Ismaili schoolteacher now working in the administration of the Ministry of Education told Human Rights Watch that the director and deputy director of the ministry’s Najran branch, Sunnis from outside the region, were of lower professional rank than qualified Ismaili educationalists.¹⁹²

Vocational colleges were only set up in Najran in the 1990s, long after other parts of the kingdom had established them, and King Abdullah promised to combine training colleges and elevate their status to the region’s first university on his October 2006 visit. In 2008 two Ismailis separately told Human Rights Watch that Ismailis from Najran had been passed over in the hiring of the university president, all teaching staff, and most other staff, despite suitable qualifications.¹⁹³

Discrimination can occur in the lower ranks too: One Ismaili elder told Human Rights Watch,

my daughter graduated with a grade of 93 out of 100 from high school and went to teach Arabic and social studies in the [name withheld] school for two years. But then her contract was not renewed and a new Wahhabi teacher was brought in who had lower grades. The head of the local education department made the decision. He is a Wahhabi.¹⁹⁴

¹⁹⁰ Human Rights Watch telephone interview with Husain, Najran, July 6, 2006. The figure of “2 percent” was almost certainly used figuratively to indicate an extremely low percentage.

¹⁹¹ Daniel, “A Summary of Case of Najran and the Suffering of its People,” www.wadi3.com.

¹⁹² Human Rights Watch telephone interview with an Ismaili working in Najran’s Ministry of Education (name withheld), Najran, April 29, 2008.

¹⁹³ Human Rights Watch telephone interviews with Sabah, Khubar, April 25, 2008, and Salih al-‘Amir, Najran, March 19, 2008.

¹⁹⁴ Human Rights Watch interview with Ismaili elder, INg, Najran, December 12, 2006.

Speaking of the civil service more broadly, one Ismaili who, through years of working in the governorate of Najran, gained first-hand insight into the mechanisms of discrimination that is normally hidden from public view, told Human Rights Watch, “In 1402 [1982], there were seven Ismaili directors out of 35 of government departments, and now there is only one”: the director in the local branch of the Trade Ministry is the only Ismaili to hold that rank.¹⁹⁵

Saudi Arabia’s civil service has 15 ranks, and ministers appoint candidates to ranks 11 and higher. This former official said that throughout his many years working for the governorate “only one person from the region was appointed above rank 10, while 20 persons from outside the region were appointed.”¹⁹⁶

This civil servant had not lost faith in the public employment system. “To a certain degree there is a clean system in the civil service appointments,” he said, but with respect to Najran he described a pattern of special appointments, which make up around 10 percent of the governorate’s staffing, a figure higher than in other regions. For these jobs, he said, “the prince [governor] makes the decisions and that is the reason that there is no Ismaili. The prince writes the appointment letter to the Ministry of Interior, saying the appointment of this outsider is for peace and stability or something like that. They prefer people from outside the region.” The reasons for excluding locals, he said, included concerns that local employees with ties with the local population and in the position of informed insiders might divulge “secrets” of the region to the broader community, “but mostly they don’t like the locals. By contrast, their relation with senior officials from outside the region [is] one of trust and security.”¹⁹⁷

At civil service positions of ranks 10 and below, promotions are supposed to be based on competitive examination for vacant positions, or by automatic elevation based on length of service. The former official quoted above explained, “The law says that either every two years you can compete for a higher post, or every four

¹⁹⁵ Human Rights Watch telephone interview with Jalal, Najran, July 6, 2006.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

years your rank is raised as a matter of course.”¹⁹⁸ A local activist explained to Human Rights Watch that after 1996, however, when Prince Mish’al became governor, there “began a rotation system of officials into Najran. For example, they brought people in the sixth civil service rank from outside Najran to be the boss of Najrani employees of the eighth rank.”¹⁹⁹ When Human Rights Watch asked if the preference for outsiders could be explained by the absence of local talent, especially given the lag in local institutions of higher education, the civil service expert cited numerous examples of local Ismailis who had obtained certificates from the Institute of General Administration, or achieved excellent results in job training programs.²⁰⁰

One student described what he perceived as an unwritten government policy to fill professional posts in Najran with Sunni outsiders and disperse Ismaili professionals to other regions:

I study nursing at King Khalid University in Abha and all the students there are Wahhabis with beards who harass me. They say “You pray to the makrami [referring to the Da’i], but that’s not true. I finished my studies and have three choices for my preferred region of employment. There is demand in Najran, but I know that choosing Najran will delay my employment, so I will choose Dammam, Riyadh, or Baha.”²⁰¹

According to many Ismailis, official discrimination in employment currently takes the form of an apparent preference for Sunni Yemenis recently settled in Najran over indigenous Ismailis. A January 2008 petition to Governor Prince Mish’al from Ismaili elders and activists decried “granting [the Yemenis] priority and facilitations that the

¹⁹⁸ Ibid. Human Rights Watch telephone interview with Jalal, Najran, July 6, 2006. Article 10.1.d. of the Executive Regulation of the Civil Service Law stipulates that “the candidate for promotion should have completed at least four years in the rank he works in, and the promotion of an employee who has worked in the rank for a period not less than two years is permissible if he has successfully completed a special training program of no less than one year duration.” Law of the Civil Service, *Umm al-Qura* Gazette No. 26682, July 2, 1977.

In a telephone interview from Najran with Human Rights Watch, May 1, 2008, another Ismaili, IN1, told Human Rights Watch that promotions normally occur every two years.

¹⁹⁹ Human Rights Watch tour of the region to these facilities and interview with Ismaili from Najran, IN9, December 15, 2006.

²⁰⁰ Human Rights Watch telephone interview with Jalal, Najran, July 6, 2006.

²⁰¹ Human Rights Watch telephone interview with Munsif, Najran, December 13, 2006.

citizen from Najran does not enjoy.”²⁰² Of the naturalized Yemenis, “two have now become judges in Najran. Others get government jobs, they get easier permits for trade, and even Yemenis without residency permit are not arrested,” an Ismaili banker working outside Najran told Human Rights Watch.²⁰³ One former insider of the Najran governorate sadly concluded, “Yes, there is discrimination in the appointment policy, favoring the outsiders.”²⁰⁴

Private sector

Ismailis also claim discrimination in local business opportunities. They cite the example of the Najran Cement Factory, which Prince Mish'al planned to set up together with two retired Ministry of Defense officials, Muhammad Mani' Abal'ala and Sa'ud bin Sa'd al-'Uraifi. They set a minimum investment amount of SAR 15 million [\$ 4 million], which was beyond the means of locals, effectively excluding any local ownership.²⁰⁵

Mining companies have also recently started to upgrade their activities in the Najran area, especially in Bi'r 'Askar. The Tintah company, owned by Prince Muhammad bin Sa'ud, grew from four employees 15 years ago to 300 now.²⁰⁶ Other companies operating in the area are the bin Ladin company (now Bakr and Ibrahim), the Granite and Marble Company, the Red Sea Company, the al-Harbi company, the Misar al-Sa'udi Granite Company, the Taqaddum Company, the Awtad Riyadh, and Sa'id al-Ghamidi Company. Bi'r 'Askar has a population of 2,556, but out of a total of around 1,000 employees working in these companies not more than 15 are locals, who are earning SAR 1,000-1,500 [\$266- \$400] per month, a group of men from the village told Human Rights Watch.²⁰⁷ When a group of Ismailis wanted to open their own

²⁰² Ismaili petition to Governor Prince Misha'l, January 2008, p. 1.

²⁰³ Human Rights Watch tour of the region to these facilities and interview with Ismaili from Najran, IN9, December 15, 2006.

²⁰⁴ Human Rights Watch telephone interview with Jalal, Najran, July 6, 2006.

²⁰⁵ Undated and untitled document detailing the set up of the Najran cement factory, pp.63-65.

²⁰⁶ Human Rights Watch interview with Mundhir, Najran, December 14, 2006. Prince Muhammad bin Sa'ud bin Abd al-'Aziz Al Sa'ud is governor of Baha province.

²⁰⁷ Human Rights Watch interview with Mundhir and three other persons from Bi'r 'Askar IN10, IN11, IN12, Najran, December 14, 2006.

granite and marble company in 2005, the Ministry of Petrol and Mineral Resources as well as local authorities refused to grant a license.²⁰⁸

Religious Freedom

Ismaili and Wahhabi interpretations of Islam, though they differ in some respects, agree on the broad outlines of Muhammad’s prophecy, the Quran, and the Prophet Muhammad’s Sunna (norm-setting behavior) as sources of law, and on most elements of the Islamic creed. Like the Shia in the Eastern Province, however, the Ismailis in Najran face government infringements in the practice of their religion. It has already been noted elsewhere in this report that senior Saudi religious officials have called Ismailis “infidels” (*kuffa*) and “atheists” (*zandaqa*), and they attribute to Shia generally these and other qualities, such as being “rejectionists” (*rawafidh*), that deny they are true Muslims. In Saudi Arabia, the state perceives itself as drawing religious legitimacy from its jurisdiction over Mekka and Medina, the birthplaces of Islam, and from its interpretation of the Islamic creed that it regards as normative. Being within the realm of Islam (*dar al-islam*) carries significance for social acceptance and, to believers, supreme importance on the day of judgment in the hereafter. This significance is especially pronounced in the application of law, which is infused with religion-based jurisprudence (see section “Discrimination in the justice system,” below).

One direct result of the intolerance the official Saudi religious establishment displays towards minority creeds is the government’s destruction, over the past five to ten years, of mosques frequented by Ismailis, and Shia generally, in Medina, including the Fudhaih mosque of Imam Ali bin Abi Talib, the Shams mosque,²⁰⁹ the al-‘Aridh mosque (from Ummayyad times), and the fountain of the Prophet’s wife, Umm Ibrahim.²¹⁰

In a Mekka conference convened by the Organization of The Islamic Conference in the summer of 2006 to reconcile differences between Islamic sects and schools of

²⁰⁸ Human Rights Watch interview with Mundhir, Najran, December 14, 2006.

²⁰⁹ Daniel (pseudonym), “A Summary of Case of Najran and the Suffering of its People,” www.wadiz.com.

²¹⁰ Human Rights Watch interview with two Shia originally from Medina, Riyadh, March 13, 2008.

jurisprudence, conferees listed the Shia Zaidi and Ja'fari sects as legitimate schools of thought, but excluded mention of the Ismailis. Ismaili protests succeeded in removing from the draft language names of specifically accepted schools of thought, substituting instead a general assertion that "all schools of thought are recognized."²¹¹

That this is not the case in practice is illustrated by a personal account related to Human Rights Watch. A young Ismaili in Najran told us how, having served a short prison term for illegal weapons possession, a year after his release he got a job in the local Ministry of Finance after succeeding in the civil service competitive examination. He completed all the paperwork, but officials told him that his conviction barred him from government work for four years.

I tried to appeal but had no luck. They said, "Go to the criminal investigation to get an exemption." There, an officer told me I needed a stamp from a [religious] shaikh certifying that I pray five times a day. I said, "I am Ismaili. I can't get that stamp. Only Sunni shaikhs have stamps." He just said, "Bye-bye."²¹²

The dominant Saudi view of the religious praxis of Ismailis as religiously suspect manifests itself in discriminatory policies, detailed below, that violate the religious freedom of the Ismaili community. First, security and administrative authorities directly prevent Ismailis from practicing their faith and imparting religious beliefs to their followers. Second, the state materially supports Sunni mosques and preachers, but not similar Ismaili facilities or personnel. Third, the intolerance Saudi officials sometimes display towards heterodox Islamic practices, and Ismailis in particular, shows up in the promotion of the state-sanctioned Sunni creed and practice among schoolchildren and the disparagement of Ismaili beliefs.

Saudi authorities have at various times exiled the Ismaili Da'i, detained him, or placed him under house arrest. One Ismaili told Human Rights Watch in July 2006 that "the Ismaili religious leader [was] prohibited to go out to preach to people and

²¹¹ Human Rights Watch tour of the region to these facilities and interview with Ismaili from Najran, IN9, December 15, 2006.

²¹² Human Rights Watch interview with Kamal, Najran, December 12, 2006.

pray with them.”²¹³ Another Ismaili specified that “the Da’i and all Ismaili men of religion do not teach since the Holiday Inn hotel events ... [because] of certainly not publicized government pressures.”²¹⁴ In an earlier incident, in 1997 the Ministry of Interior placed the Ismaili spiritual guide under house arrest, and prohibited visitors, communal prayer, or any other interaction with him. A group of Ismailis went to Interior Minister Prince Nayef to complain, but found themselves imprisoned and ill-treated following their complaint. Shortly thereafter, the Da’i was released from house arrest, and the petitioners to Prince Nayef signed a pledge not to “inconvenience” the authorities again, and surrendered their passports.²¹⁵

In an undated letter sometime before June 2005, Ismaili shaikhs from Al Fatima, Jashm, and Muwajid, and the sons of Abdullah Hamadan, asked then-Crown Prince Abdullah to “remove the shackles imposed on our shaikh ... and treat him like you treated his predecessors.”²¹⁶ These restrictions continued into 2008. One Ismaili close to the Da’i told Human Rights Watch, “Today, the Da’i cannot receive anyone in his house to teach the religion, all religious teaching is forbidden, as is the printing of books.”²¹⁷

Ordinary Ismailis also face official curbs on their freedom to practice their religion. Ismaili religious practice is similar to that of the prevailing Sunni sect, and differences are often limited to dates of important holidays. As described in Chapter IV, this minor difference (reliance on a fixed calendar as opposed to the official Saudi calendar’s reliance on actual sighting of the new moon to announce the beginning of a month) prompted local authorities in Najran to close Ismaili mosques at the time of the Eid al-Fitr holidays in early 2000, which in turn spurred the Holiday Inn disturbances. In an earlier incident in the summer of 1995, the mabahith arrested a group of at least eight Ismaili men from Najran who had just returned from pilgrimage in May because they had adhered to their own calendar for calculating

²¹³ Human Rights Watch telephone interview with `Abbas, Najran, June 23, 2006.

²¹⁴ Email communication from an Ismaili, IN7, to Human Rights Watch, May 1, 2008, and telephone interview, IR4, Riyadh, May 2, 2008.

²¹⁵ Daniel, “A Summary of Case of Najran and the Suffering of its People,” www.wadi3.com; and Human Rights Watch interview with Ahmad Al Sa’b, Najran, December 12, 2006.

²¹⁶ Letter to Crown Prince Abdullah, from Ismaili shaikhs, undated, p. 69.

²¹⁷ Human Rights Watch telephone interview with Badi, Najran, March 19, 2008.

the days of the pilgrimage, which differed slightly from the official Saudi calculation of those dates. A contemporary of these men asserted that their jailers deprived the men of sleep for a period of a month.²¹⁸ That same year, the authorities arrested two Ismaili prayer leaders during a Muslim holiday, again because the Ismaili calendar diverged slightly from official Saudi timekeeping.²¹⁹

Shaikhs Ahmad Al Sa'b and Mas'ud Al Haidar, in a petition to King Abdullah written after August 2005, complained that Ismailis did not have the opportunity to “take care of the affairs of their creed, to build mosques or enlarge existing ones, to acquire their [religious] books and to give [religious] instruction to those who want [to receive it] and who are interested.”²²⁰ Human Rights Watch heard accounts supporting all of these complaints.

One Ismaili told us, “In early 1426 [2005], the people of the Al Mutif area in Ubayyan quarter wanted to build a new mosque to pray close to their homes, but did not receive permission. The matter went to the religious police, then to the Ministry of Guidance, Islamic Affairs, Preaching and Foundations, then to the governorate, then to the security departments. In the end, they were able to build the mosque.”²²¹ By contrast with this lengthy struggle to get state permission, another interviewee recalled that in around 2002 the state confiscated land in two exclusively Ismaili areas and built Sunni mosques there, to which it now busses Bangladeshi migrant workers for prayers.²²² An Ismaili currently living outside Najran recounted how one day several years ago, authorities from the Ministry of Islamic Affairs put a padlock on the small mosque adjacent to the petrol station his family owned and appointed a Sunni imam to work there. The family, who had built the mosque, was not allowed any longer to pray there according to the dictates of their faith.²²³ In another example, he mentioned that “about four to five years ago, people wanted to enlarge the Salih

²¹⁸ Daniel, “A Summary of Case of Najran and the Suffering of its People,” www.wadi3.com.

²¹⁹ Ibid.

²²⁰ Mas'ud Al Haidar and Shaikh Amad Al Sa'b, “Justice is the Foundation of Rule”.

²²¹ Human Rights Watch telephone interview with an Ismaili, IN13, Najran, February 27, 2008.

²²² Human Rights Watch interview with an Ismaili, IR7, Riyadh, March 12, 2008.

²²³ Human Rights Watch telephone interview with an Ismaili, IEP1, Khobar, April 25, 2008.

bin Ruqban mosque, but they never received permission to do so.”²²⁴ Around three years ago, Ismailis failed to gain permission to enlarge the al-Jaffa mosque.²²⁵

In Shurfa, an area close to Najran city where the government is currently settling Yemeni Sunni tribes, local inhabitants told Human Rights Watch they were not permitted to build Ismaili mosques.²²⁶ In a tour of a sparsely populated stretch of the Najran valley on the border with Yemen toward the end of 2006, Human Rights Watch was able to observe several Sunni mosques, but only isolated Ismaili mosques, although Ismailis still outnumbered the Sunnis from outside the region who had settled there recently.

Saudi Arabia censors all printed material that enters the kingdom or is published there. Some Saudis say that the list of permitted materials has grown more inclusive when it comes to religious works by Muslims who do not adhere strictly to interpretations favored by Saudi clerics, but Ismailis still cannot print or freely import their own prayer books.

One Ismaili in Najran told Human Rights Watch in 2008,

We have the books we have. They are in our houses. We cannot reprint them here or bring them in from Egypt or Bahrain. If a customs official catches you with a banned Ismaili prayer book on the causeway [from Bahrain], he will confiscate it.²²⁷

Even possession of such prayer books can provoke governmental intervention. One Ismaili elder told Human Rights Watch of the case of an 82-year-old Ismaili man, who in November 2005 went to Medina, where religious police discovered him reading *Munassaq Du’a*, an Ismaili prayer book, confiscated his book, and called the regular

²²⁴ Human Rights Watch telephone interview with an Ismaili, IN13, Najran, February 27, 2008.

²²⁵ Human Rights Watch interview with an Ismaili, IR7, Riyadh, March 12, 2008.

²²⁶ Human Rights Watch interviews with Shurfa residents, Najran, December 14, 2006.

²²⁷ Human Rights Watch telephone interview with an Ismaili from Najran, IN1, February 11, 2008.

police who arrested him. This was a book the Ministry of Information had permitted, he said.²²⁸

An Ismaili grievance petition circulating in 2003 noted that the government

continue[s] to confiscate Ismaili prayer books with prayers to Imam Ali and to Imam Zain al-‘Abidin, and demand[s] they be substituted with books by bin ‘Uthaimin and bin Baz, two prominent Wahhabi religious figures [who served] on the highest governmental body for religious interpretation.²²⁹

The authorities force Ismaili children to partake in Sunni religious education classes in school. In a petition to then-Crown Prince Abdullah, Ismaili leaders claimed that “teachers from outside the region forcibly inculcate the pupils [with Wahhabi doctrines] and threaten them with failure if they do not participate, and they request the pupils to bring the religious books of their [Ismaili] religious creed and then subject them to ridicule and curses.”²³⁰ An Ismaili father told Human Rights Watch in February 2008, “My children, a son in sixth grade and a daughter in fourth grade, are constantly taught that what your father thinks is wrong, that you Ismailis are wrong.”²³¹ Harsh punishments have been meted out to Ismaili teachers and students for challenging this.

In 1999 (1420) missionary Sunni schoolteachers tried to force Ismaili schoolchildren in Najran to convert to their Wahhabi Sunni doctrine. They used beatings, threats, and grades reduced below the level needed for admission to universities and jobs. Some of the students, including Muhammad Husain al-Ghibar, Zhafir Muhammad al-Salum, ‘Abd al-Rahman, Faraj Al ‘Abih, and Salih Ali Al Zamanan ended up in court, and were sentenced to imprisonment and public flogging in front of fellow students.²³²

²²⁸ Human Rights Watch interview with a group of Ismailis, Riyadh, IR5, IR6, IR7, February 25, 2006.

²²⁹ Daniel, “A Summary of Case of Najran and the Suffering of its People,” www.wadi3.com.

²³⁰ “First Petition to Deputy Prime Minister and Crown Prince Abdullah, 13 Ismaili Shaikhs,” point 8.

²³¹ Human Rights Watch telephone interview with an Ismaili, IN14, Najran, February 27, 2008.

²³² Email communication from Hisham to Human Rights Watch, August 22, 2007.

An Ismaili from Najran described to Human Rights Watch how in the early months of 1421 (2000) a Sunni teacher reportedly insulted the Ismaili faith and raised doubts about the patriotism of locals from Najran. That same year, a student fought with the teacher outside school. Shortly thereafter, the mabahith summoned a group of students, including Mubarak Salim Al Mis'id, Ali Yahya Al Salim, and Ali Farj al-Salum, from the school, mistreated them, and charged them with resisting authority. At their trial, the judge sentenced them to between 18 and 24 months in prison and 800 and 1,200 lashes.²³³

In another incident, around 2001, a teacher from Jizan tried to force Ismaili students to adhere to the Wahhabi creed. The students informed their parents, some of whom went to speak to the teacher. The teacher then complained that the parents and three Ismaili teachers had incited the students against him. Following this complaint, a court case ensued that resulted in the Ismaili teachers being sentenced to flogging in front of their students.²³⁴

At the end of March 2003, a middle school teacher tried to force Ismaili students to follow the Wahhabi beliefs through beatings and intimidation. When the students refused, he took down their names, tied them up, and paraded them through school saying, "Look at the Ismaili who refuses to follow the school of thought of the state!"²³⁵

An Ismaili former history teacher told Human Rights Watch in April 2008 about his ongoing ordeal in court following an investigation six years ago into alleged remarks he made in class that the Ministry of Education interpreted as insulting the Companions of the Prophet Muhammad and questioning the official line of Sunni history in favor of Ismaili historical beliefs. The Ministry of Education demoted him as a disciplinary measure.²³⁶

²³³ Email communication from Hisham to Human Rights Watch, August 22, 2007.

²³⁴ Statement by a witness to Muhammad, September 21, 2001, on file with Human Rights Watch, and Human Rights Watch interview with a former Ismaili teacher, IN4, Najran, April 29, 2008.

²³⁵ Email communication from Hisham to Human Rights Watch, August 22, 2007.

²³⁶ Human Rights Watch telephone interview with a former Ismaili teacher, IN4, Najran, April 29, 2008.

Preferring not to participate in missionary lectures by Wahhabi instructors at work has been sufficient to land an Ismaili in prison. In 1999 a civil defense department employee did not participate in a religious lecture at his workplace because these sermons declared persons of the Ismaili faith heretical. The mabahith arrested him. When he later complained to the minister of interior, naming two colleagues who could testify to the incendiary and discriminatory nature of these sermons, those colleagues were given new assignments outside Najran.²³⁷

Discrimination in the Justice System

Discriminatory policies based on Ismaili religious identity also mar the justice system. In several cases that Human Rights Watch is aware of, a judge ruled against an Ismaili because of his religious identity. In two cases, the judges made this explicit, while in other cases the circumstances surrounding the accusations, or the fact that Sunnis are not sentenced similarly for similar offenses, strongly suggest a link between the judgment and the minority religious identity of the accused. A further area of discrimination against Ismailis in the justice system is the treatment of Ismaili prisoners as compared with their fellow Sunni inmates.

Judicial legitimation of religious discrimination

Only Sunnis can be Sharia court judges in Saudi Arabia. (A very limited exception to this unwritten rule is the presence of Shia judges in two courts in the Eastern Province who have jurisdiction over personal status cases exclusively involving Shia. Sunni Sharia judges in the Eastern Province handle all criminal cases regardless of the sect of the defendants, all other cases where one of the parties is Sunni, and all appeals, even in cases where both parties are Shia.) For Ismailis in Najran, Sunni judges handle all cases, including personal status issues such as marriage certifications (Ismailis have to marry twice, several Ismailis told us: once in private according to their own traditions, and once officially before a Sunni judge), and questions of inheritance.

²³⁷ Email communication from Husain to Karam, September 2, 2001. Human Rights Watch has a copy of the email and knows the witness.

Mas'ud Al Haidar and Shaikh Amad Al Sa'b, the two Ismaili tribal leaders, in a letter to King Abdullah after 2005, wrote that judges sometimes remarked that "the people of Najran pay obedience to others beside God and are not zealous for their country."²³⁸

Court rulings against Ismailis solely because of religious identity

Public outcry over two cases in which judges affirmed discriminatory treatment of Ismailis shows that many Saudis perceive such rulings to be wrong. By contrast, official silence and failure to rectify the treatment of Ismailis by judges only lends a stamp of approval to discriminatory dealings with religious minorities in the justice system.

On May 10, 2006, a judge in Jeddah refused to allow an Ismaili lawyer to present the case of his client on the sole grounds that he is Ismaili. Journalist Qinan al-Ghamidi portrayed the exchange between the lawyer and the judge in the Saudi daily *al-Watan* newspaper:

The judge said, "I will ask you a question and you will answer truthfully." The lawyer said, "Alright." The judge asked, "Are you of the Yam [tribe]?" The lawyer answered, "Yes." The judge asked, "Are you Sunni or Ismaili?" The lawyer answered, "Ismaili." The judge said, "Take your [lawyer's] card and your power of attorney and get out, for I will accept nothing from you. And call your client [and tell him] he can attend on his own or look for a "Sunni" lawyer."²³⁹

Human Rights Watch met with the lawyer in question in December 2006 in Jeddah. He said he had not heard from the Ministry of Justice about any official disciplinary action against this judge. In his article, Qinan al-Ghamidi invited the minister to respond.²⁴⁰ The Saudi National Lawyers' Committee, an interest group of lawyers

²³⁸ Mas'ud Al Haidar and Shaikh Amad Al Sa'b, "Justice is the Foundation of Rule."p. 3.

²³⁹ Qinan al-Ghamidi, "The Judge Refuses an Ismaili Lawyer: Important Clarification Expected from the Minister of Justice". *Al-Watan*, June 21, 2006, <http://www.alwatan.com.sa/daily/2006-06-21/writers/writers09.html> (accessed November 12, 2007). Human Rights Watch interview with Ismaili lawyer in question, Jeddah, December 10, 2006.

²⁴⁰ Human Rights Watch interview with Ismaili lawyer in question, IJ1, Jeddah, December 10, 2006.

under the national Chambers of Commerce organization, requested clarifications from the ministry, which replied that the judge in question denied the lawyer's Ismaili faith was the reason for barring him from appearing.²⁴¹

Shortly before that ruling on March 15, 2006, a judge in 'Asir province annulled the marriage of an Ismaili man to a Sunni woman, reasoning that "the [marriage] contract is not sound because of the lack of [the man's] religious qualification, because the Shia are not qualified [to marry] Sunnis."²⁴² The verdict remains in force.

Three officials in the Ministry of Islamic Affairs, Awqaf, Mission, and Guidance, including the general supervisor of the Najran regional office, served as character witnesses for a man accused by local Ismailis of wrongdoing in a commercial case. A statement by these officials cast the local Ismaili population as non-Muslims, alleging that the complaint against the person in question "was issued by a people whose motive, which has not escaped the ruler, may God grant him success, is religious jealousy [of their school of thought] and not ardor for the homeland, and the investigation into this charge has been seized by those who are indebted to obedience to others beside God."²⁴³ Charging a person with worship of others beside God effectively bans the person's testimony in court. The Najran chief judge, Muhammad bin Ahmad al-'Askari, endorsed the view of the three officials on 3/7/1421 [October 2, 2000] in a handwritten note on the statement and affixed his signature and seal as a sign of authentication.²⁴⁴ Human Rights Watch was unable to ascertain the outcome of the case.

Prosecutions targeting Ismail religious practice or identity

The incident precipitating the April 2000 Holiday Inn events, covered in Chapters IV and V of this report, was the arrest of Ismaili cleric Muhammad al-Khayyat amid accusations of "sorcery." Just over a year earlier, Saudi security forces had arrested

²⁴¹ Human Rights Watch interview with senior member of the National Lawyers' Committee, IR8, Riyadh, March 15, 2008.

²⁴² Judge 'Adil al-'Uhaidib, Verdict, Court of Maha'il, 'Asir Province, written 2/11/1425 [December 14, 2004], issued 20/2/1427 [March 21, 2006].

²⁴³ "Character Witness for Khalid bin Salih al-Hudhali, Hasan al-Jalil, Salih al-Khalifa, Khalid al-Faris," with an endorsement by Muhammad al-'Askari, Najran, 3/7/1421 [October 2, 2000].

²⁴⁴ Ibid.

two Ismaili prayer leaders, Mahdi and ‘Ali Al Futaih, and “accuse[d] them of sorcery and deviance,” based on having found women’s hair in the house.²⁴⁵ In 1998-99 (1419), courts found Mahdi and ‘Ali Al Futaih guilty of “sorcery” and sentenced them to three years in prison and 300 lashes. Three other prayer leaders, Nasir Al Qura’i, Muhsin Al Bahrai, and Hatim al-Makrami, were arrested around the same period for “sorcery” and received sentences of, respectively, seven years in prison, three years and 300 lashes, and two years and 200 lashes.²⁴⁶

In other cases, evidence of discrimination based on religious identity is more circumstantial. In three cases, Sunni judges in Najran sentenced three Ismailis over words they had allegedly uttered deemed offensive to the Prophet Muhammad. One was sentenced to death for “a crime against God,” another to 14 years in prison with 4,000 lashes, and the third to six years in prison and 2,320 lashes. The death sentence has not been carried out.

A case that received international attention is that of Hadi Al Mutif, who allegedly said two offensive words in 1993 during afternoon prayers with fellow cadets in a police training academy close to Najran. Najran chief judge Muhammad Ahmad al-‘Askari arraigned Al Mutif on the formal charge of “insulting the Prophet” (*sabb al-rasu*). Interviewed by telephone in prison, Al Mutif told Human Rights Watch that Judge al-‘Askari did not ask him how he wanted to plead, but said to him, “Don’t deny it. If you do, you will go back to the mabahith for further interrogation,” even after Al Mutif had told the judge that he had “hallucinations” from the torture he had endured at the hands of his mabahith jailers, including beatings, prolonged forced standing, and sleep deprivation.

Al Mutif’s trial, which was closed to the public, began around two years after the arraignment, and lasted six sessions. Al Mutif told Human Rights Watch that in the first session, when he heatedly challenged the testimony of one of the witnesses, a police officer smashed Al Mutif’s head into a window in the presence of the judge.

²⁴⁵ Daniel, “A Summary of Case of Najran and the Suffering of its People,” www.wadi3.com.

²⁴⁶ *Ibid.*

Al Mutif said that at the next session, the judge “questioned whether I was a Muslim because I follow the Ismaili sect. They spoke to me as though I was not a Muslim and asked ‘How many prayers are there in a day?’ and made me pray in front of them.” At the end of the six sessions, the judge sentenced Al Mutif to death.

Al Mutif told Human Rights Watch that when he appealed the verdict, Shaikh Abdullah al-Mani’, chief judge of Mekka’s Appeals Court, said of Ismailis, “You are a corrupt minority, you don’t belong to Islam in any form, you have no creed or religion.”²⁴⁷ Al-Mani’s court upheld the death sentence against Al Mutif.

An Ismaili lawyer and activist commented to Human Rights Watch,

The time has come that we ask the Ministry of Interior what is happening in Najran, because after [Prince] Mish’al came, all the problems started. Before that, a child was not sentenced to three years because he throws a football onto a Wahhabi mosque, an Ismaili was not sentenced to death for saying something about the prophet. We have to understand if this is Mish’al policy or state policy.²⁴⁸

A near identical fate to that of Hadi Al Mutif befell 16-year-old Mu’idh Al Salim, a student at the Hisham bin Abd al-Malik high school in Najran. On May 4, 2001, the mabahith arrested him after he had allegedly used words deemed insulting to the Prophet Muhammad when he got angry in front of his teachers who were discussing his test score. At trial, a judge sentenced him to death, but in his case the appeals court reduced the sentence to 14 years in prison and 4,000 lashes. King Abdullah pardoned Al Salim on his visit to Najran in early November 2006 (see also below, “Discriminatory treatment of Ismail prisoners”).²⁴⁹

In a third case, a court in Najran sentenced journalist Hadi al-Dughais to six years in prison and 2,400 lashes for “calling the Civil Defense Office at 11 p.m. on March 2,

²⁴⁷ Human Rights Watch telephone interviews with Hadi Al Mutif, Najran, June – December 2006.

²⁴⁸ Human Rights Watch interview with Khalid, Bahrain, July 6, 2006. Human Rights Watch has seen a copy of the letter in question.

²⁴⁹ Human Rights Watch telephone interview with Mu’idh Al Salim, Najran, December 14, 2006.

2004 while being drunk and insulting Prophet Muhammad (PBUH), the king and the authorities.”²⁵⁰ Eighty of the 2,400 lashes he received were for drunkenness; the rest for his alleged insults to the king and the Prophet.

Al-Dughais had called the Civil Defense after finding a child trapped in a well. He speculated that the incompetence of the response to his call—with the rescue team taking hours to arrive—became a matter the Civil Defense then wanted kept quiet. He told Human Rights Watch that when the police came to arrest him two days later, he had no idea what the reason was, but that he thought that his “bold writings and my religious sect” played a part, since the Civil Defense Office was heavily staffed by Sunnis from outside the region. He added that from his experience in prison, Ismailis usually receive more severe sentences than Sunnis for similar crimes.²⁵¹

Discriminatory treatment of Ismaili prisoners

Ismaili prisoners in Najran complain that the prison authorities treat them differently based on their religious identity. Their biggest concern is that Ismaili prisoners rarely benefit from a reduction in their sentences for memorization of the Quran. Current Saudi regulations hold that a prisoner will receive a reduction of up to half his or her sentence for memorizing the entire Quran. For only 10 chapters memorized, he or she receives a reduction by one-sixth. For 20 chapters memorized, one-third, and for 30 chapters—the entire Quran—half the sentence. This rule is in itself discriminatory against non-Muslims, who cannot benefit from this provision without converting to Islam. There are no similar incentives providing for non-Muslim religions or for persons without a declared religion.

One prisoner told Human Rights Watch that there is no stated difference between Ismailis and Sunnis in prison in memorizing the Quran and receiving a reduction of one’s sentence. But in practice “we didn’t get the benefit of memorization. It is prohibited.”²⁵² Another prisoner said that only a minority of Ismailis in prison enjoyed the privilege of having their sentences reduced for memorizing the Quran, or

²⁵⁰ Human Rights Watch telephone interview with Rahim, Najran, July 20, 2006.

²⁵¹ Ibid.

²⁵² Human Rights Watch interview with Ahmad, Najran, December 13, 2006.

for good conduct, which can produce a one-quarter reduction of sentence. In his case, he memorized half the Quran during his imprisonment but the governor's office (*imara*) rejected his request for a reduction of sentence in late 2006, stating only that "this prisoner does not benefit from memorizing the Quran." This prisoner said that there have been "Ismailis who receive a reduction of their sentence by one half for memorizing the Quran, but Ismailis are generally treated worse in prison than Sunnis."²⁵³ Another Ismaili we interviewed confirmed that his imprisoned brother had been unable to benefit for a reduction in his sentence despite having memorized large parts of the Quran.²⁵⁴ The reasons why some Ismailis reportedly benefit from reductions of sentence and others do not are entirely unclear to Human Rights Watch.

Mu'idh Al Salim, the schoolboy sentenced to death for insulting the Prophet Muhammad, with sentence later commuted, and finally pardoned by the king in November 2006 (see above), would actually have been eligible for release earlier if the benefits associated with memorizing the Quran had applied: He had memorized the Quran fully, so halving this 14-year sentence and applying to the remainder a further one-quarter reduction for good behavior, his release date should have been August 2006.²⁵⁵

According to Saudi prison regulations, prisoners also benefit from conjugal visits and from three days' furlough for deaths and weddings of close relatives. Here, too, Ismaili prisoners in Najran complain that, unlike the Sunni prisoners, they do not receive similar benefits.

One former prisoner told Human Rights Watch that the Najran governorate had directly prohibited his temporary release already agreed by the prison authorities to see his dying mother and, after her death, to attend her funeral. This prisoner, who said he had a prison record of good behavior, recounted with distress how his mother's health grew worse by the day, yet all pleas to the governor and his deputy

²⁵³ Human Rights Watch telephone interview with Rahim, July 20, 2006.

²⁵⁴ Human Rights Watch telephone interview with Munisif, Najran, December 13, 2006.

²⁵⁵ Human Rights Watch telephone interview with Hashim, December 14, 2006.

fell on deaf ears. On the day after his mother's death, he said, his relatives went to the governorate

at 11 a.m. and again in the afternoon, then to the mabahith director to ask for only 6 hours' or 24 hours' furlough. The director asked for the death certificate and my prisoner's identification. They took a cellphone number for me and said they'd call the mabahith in Riyadh to seek its opinion. There was no response. My relatives went back to the governorate, from there to the prison affairs department, which finally agreed to write a letter stating that "the prisoner is to be released according to the directions." Then the prison asked us for a guarantor. We brought one. Then the prison director said that he would have to seek an explanation of what "according to the directions" means. This was at 1:30 p.m. on the last day of my mother's three-day wake. The day passed, and I was still in prison.²⁵⁶

This prisoner said that he knew of at least six other Ismailis who were not granted furlough for the deaths of a mother, father, or sister.²⁵⁷ Another Ismaili said that he has so far been unable to obtain conjugal visits for his brother, who is in prison.²⁵⁸

* * *

Such acts of discrimination increase the feeling of Ismailis that they are second class citizens in their ancestral region, where they constitute a large majority. King Abdullah's visit in November 2006 raised local hopes that Ismailis in Najran would begin to have their concerns heard, not only in Najran, but also in Riyadh. However, the mabahith on May 13, 2008, arrested Ahmed Al Sa'b who together with six other influential Ismailis had met King Abdullah in late April and presented him with their grievances, including a call for Prince Mish'al to resign.²⁵⁹ His continued detention sends a clear signal that Riyadh is unwilling to tolerate the expression of the grievances of the Ismaili community, let alone address them.

²⁵⁶ Human Rights Watch telephone interview with Munsif, Najran, December 13, 2006.

²⁵⁷ Human Rights Watch interview with Salih, Najran, December 14, 2006

²⁵⁸ Human Rights Watch telephone interview with Munsif, , December 13, 2006.

²⁵⁹ Human Rights Watch telephone interview with a relative of one of the other six persons, New York, May 15, 2008.

Acknowledgments

This report is based on research conducted in Saudi Arabia in December 2006, with additional research based on visits in May 2007 and March 2008, and in July 2006 in Bahrain. Christoph Wilcke of the Middle East and North Africa Division of Human Rights Watch is the principal researcher and author of this report.

We would like to express our sincere thanks to those Saudi Isma'ilis who mustered the courage to contact us during our visits to the kingdom or who spoke to us via telephone to share their stories, often at great personal risk. With few exceptions they expressed fear of government retaliation for speaking to Human Rights Watch. Prominent Ismaili leaders who spoke out against discrimination have been or remain in detention. To protect those who shared information with us, we have substituted pseudonyms for their real names where appropriate.

Joe Stork, deputy director of the Middle East and North Africa Division and Ian Gorvin, senior program officer in the Program Office, edited the report. Clive Baldwin, senior legal advisor, provided legal review. Amr Khairy, Arabic language website and translation coordinator, provided assistance with translation into Arabic. Brent Giannotta and Nadia Barhoum, associates for the Middle East and North Africa Division, prepared this report for publication. Additional production assistance was provided by Grace Choi, director of publications, and Fitzroy Hepkins, mail manager.

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Appendix

New York, May 1, 2008

H.R.H. Prince Mish'al bin Sa'ud bin Abd al-'Aziz Al Sa'ud
Governor
Najran Province
Kingdom of Saudi Arabia

VIA FACSIMILE: +966 7 522 6080

Your Royal Highness:

Human Rights Watch is preparing a report on the situation of Isma'ilis in Najran and we wish to seek the governorate's opinion on certain questions of policy and fact. I regret that during a brief visit to Najran in December 2006 I was unable to schedule a meeting with you as my visit largely fell on the weekend.

The questions below ask for many details and some statistical information. They address areas where Human Rights Watch has received statements of concern about potential human rights abuses.

In March 2008 we spent one week in Riyadh to discuss with government officials our reports on four other human rights topics in Saudi Arabia prior to publication. These meetings were very helpful to aid us in understanding government policy and efforts.

We will endeavor to include any information you can send us into our report, provided we receive it by May 21, 2008. Should you or your staff prefer to meet in person to discuss these issues we can aim to come to Najran in the coming weeks.

We thank you for your attention to this matter.

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www.hrw.org

Sincerely,



Sarah Leah Whitson
Executive Director
Middle East and North Africa Division

Cc: Shaikh Turki bin Khalid al-Sudairy, Chairperson, Human Rights Commission

**Questions to the Governor of Najran Province, H.R.H. Prince Mish'al bin Sa'ud
Concerning the Situation of Najran's Isma'ili Population**

We would in general be interested in the government's estimated numbers of Isma'ilis, Zaidis, Sunnis, and foreign nationals residing in Najran province.

We would also like to receive examples of a public statements in which high government officials like yourself have made public condemnations of religious discrimination or hate speech against a religious minority, in particular the Isma'ilis of Najran.

Our specific questions are:

1. Closure of Mosques – Eid al-Fitr 1420
 - a. What was the reason for closing Isma'ili mosques during the Isma'ili Eid al-Fitr in 1420?
 - b. How many persons did the security forces arrest that day?
2. Arrest of Muhammad al-Khayyat – April 23, 2001
 - a. What was the official charge and evidence against Muhammad al-Khayyat? Did he stand trial? When was he deported and for what reason?
 - b. During the arrest of al-Khayyat, one or more shots were reportedly fired. Who fired those shots? Was anyone injured?

- c. Did security forces arrest students present with al-Khayyat at the time? Were they charged? If so, when and with which offense, and what was the outcome of the trials?
3. Holiday Inn Events – April 23, 2001
- a. When did you first receive notice that a delegation of Isma'ili elders wished to see you on April 23, 2001? What form did their request take? Why did you not meet with them?
 - b. Were there any communications or negotiations with Isma'ili representatives outside the Holiday Inn hotel on that day? If so, what was discussed or promised by both sides?
 - c. Your bodyguards reportedly shot and killed an Isma'ili man just outside the lobby of the Holiday Inn as a group of Isma'ili representatives sought to meet with you. What did your investigation determine to be the precise circumstances of this incident?
 - d. Who called the special army units to the Holiday Inn, and when? Who was in overall charge of the security situation at the Holiday Inn?
 - e. Who shot at the Holiday Inn building, and how long did the attack last? What was the role of the security forces?
 - f. How many persons died or were injured that day from gunfire? What are their names, and did they include security forces? Has an inquiry established who or which weapon killed those who died? If so, what is the evidence to support this conclusion?
4. Aftermath of Holiday Inn Events
- a. How many persons did the security forces arrest in and around Najran in the days and weeks following the April 23, 2000 shooting outside the Holiday Inn hotel?
 - b. How many persons were released within a few days? How many remained in detention after three months?
 - c. What were the precise charges against those who remained in detention? Please provide copies of the charge sheets and trial transcripts and verdicts for all those involved.
 - d. How many government employees transferred out of the region between May 2000 and May 2002? How many were Isma'ilis? How many transferred out of the region between May 1998 and May 2000?

What were the reasons for the transfer of government employees out of Najran during May 2000 and May 2002? How many government employees resigned before reaching the retirement age during that period?

5. Employment

- a. What percentage of the local labor force is employed by the government?
- b. Please provide the names, positions, and civil service grades of the 10 highest-ranked Isma'ili officials employed in the governorate. Please also list the 10 highest-ranked non-Isma'ili officials.
- c. How many positions (total and percentage) are not subject to normal civil service competitive examinations within the governorate? How many Isma'ilis have been appointed in this manner?
- d. Please list the 10 highest-ranked Isma'ili officials in government departments in Najran. How many department (health, water, civil defense, education, ...) heads or their deputies are Isma'ili?
- e. How many Isma'ilis are in leadership positions (please specify rank and duties) in Najran in:
 - i. Traffic Police
 - ii. Criminal Investigation
 - iii. Anti-drugs
 - iv. General Investigations
 - v. The Border Guards
 - vi. Mujahidin forces
 - vii. Commission for the Promotion of Virtue and the Prevention of Vice
- f. Please provide the academic and professional qualifications for non-Isma'ili department heads and their deputies.

6. Religious Practice

- a. Can Isma'ilis observe all their religious practices, including public worship and religious teaching? If not, what are the restrictions and why are they in place?
- b. Is the Isma'ili *Da'i* or any other Isma'ili religious figure presently under official restrictions regarding his movement, the persons he can meet,

- or the type of activities he can engage in? If so, what are those restrictions, since how long do they exist, and why are they in place?
- c. Are Isma'ilis free to import, print, distribute, possess or otherwise use their own religious books and materials? If not, what restrictions are in place and why are they in place?
 - d. How many applications to build new Isma'ili mosques or carry out construction on existing ones has the governorate received in the past 10 years? How many applications were not granted or modified? What were the reasons for denial or modifications?
 - e. How many Sunni mosques have been built in Najran over the past 10 years? How many state muezzins and imams currently work in Najran?
 - f. How many teachers of subjects of Islamic Affairs in Najran's state schools (all levels) are Isma'ili?
7. The Justice system
- a. How many Isma'ilis work in the court system in Najran? How many of them are judges?
 - b. Over the past year, how many prisoners have benefited from a reduction in their sentenced after having memorized all or part of the Quran? How many of those prisoners were Isma'ilis? How many Isma'ilis applied for this reduction but failed the examination?
 - c. How many prisoners have been granted furlough for weddings or funerals / wakes in the past year? Have Isma'ili prisoners been granted or denied furlough. If denied, why?
 - d. How many prisoners have benefited from conjugal visits over the past year? Have Isma'ili prisoners been granted or denied such visits. If denied, why?