

EMPTY REFORMS

Saudi Arabia's New Basic Laws

**Human Rights Watch/Middle East
(formerly Middle East Watch)**

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INTRODUCTION

On March 1, 1992, King Fahd ibn Abdel-Aziz issued three major laws: the Basic Law of Government, the Consultative Council Law and the Law of Provinces. The Basic Law of Government formalizes several aspects of the constitutional framework of the country. The Consultative Council Law replaces the existing council, established in 1926, with a new council to be appointed by the king within six months. The Law of Provinces aims at regulating the relationship between central government agencies and regional governors, replacing a 1963 law that was never implemented.

While these laws constitute significant steps towards codifying the largely unwritten legal system of the country, they fall far short of internationally recognized standards in their treatment of civil and political rights. These laws had been long-overdue. Ever since the ruling al-Saud family consolidated its power in the 1930s, it has promised to promulgate laws that provide for popular participation in government and for public scrutiny of government decisions. Disappointingly, the final products are far below expectations.

Despite the obvious shortcomings of the new laws, the United States government has publicly endorsed them without voicing any reservations. President Bush wrote to King Fahd applauding the new laws. The U.S. State Department overlooked the authoritarian nature of the new laws and their failure to recognize most civil and political rights. U.S. officials unequivocally praised the new laws as important steps towards participatory government and recognition of citizens rights.

The Basic Law of Government is either silent or tentative on most universally recognized human rights. It does not, for example, ban extrajudicial killings, torture or cruel or inhuman punishment. This report points out the need for an explicit ban, as both Saudi law and practice in the past permitted their occurrence.

The new laws do not ban discrimination on the basis of gender or religious beliefs. Neither do they protect free speech, assembly or association. Existing Saudi law sanctions discrimination against women, muzzles free speech and restricts public assembly. It also bans most forms of association, including trade unions and political parties. No change is contemplated by the government in these areas.

There is no remedy in the new laws for the notoriously deficient due process rules in the Saudi penal system. Based on Shari`a as interpreted by government-appointed clergy, the criminal code relies not on written statutes but on commentaries written in the Middle Ages. Defendants are not allowed legal representation in the courtroom, even when facing the death penalty. Their difficulties are compounded by the fact that many are uneducated -- the adult literacy rate is only sixty-two percent¹ -- and that one third of the population are foreigners who are even less familiar with these esoteric tracts.

The three new laws were apparently issued by King Fahd without formal consultation with any governmental body. They were drafted by an ad hoc committee headed by Prince Nayef, the King's brother

¹ United Nations Development Programme, *Human Development Report 1992* (New York: Oxford University Press, April 1992), p. 128.

who also heads the interior ministry, the principal government agency identified with most violations of human rights in Saudi Arabia. It was probably no coincidence then that while the Basic Law is silent on human rights, it is long on the powers of the executive branch, notably the king's near absolute authority.

By September 1992, the long-promised Consultative Council is scheduled to be appointed by the king. Under the new laws, the king will have the right to dismiss any or all of its sixty-one members. The king will also determine the financial affairs of the council and the discipline of its members.

By its law, the Consultative Council will be a purely advisory body that has no power to legislate. While it is allowed to discuss and to interpret laws, the council's ability to propose legislation is limited. Nor is the government required to submit its budget to the council or consult it on important decisions.

The new laws maintain the Council of Ministers, headed by the king, as the highest legislative authority, after the king himself. Each of the three-newly issued laws explicitly states that only a royal order can amend its provisions.

Comments by Saudi leaders since the new laws were issued have not indicated that the new statutes are a beginning towards a full process of democratization. Rather, they appear to be the maximum of concessions that the ruling family is willing to grant in response to both internal demands and external pressures. Seeking probably to dampen any hopes of a new era of liberalization that might have been raised by the release of these laws King Fahd has flatly rejected democracy and free elections as western concepts that are incompatible with Saudi ideology. In a March 28 interview, the Monarch said:

The democratic system that is predominant in the world is not a suitable system for the peoples of our region. Our peoples' makeup and unique qualities are different from those of the rest of the world. We cannot import the methods used by people in other countries and apply them to our people. We have our Islamic beliefs that constitute a complete and fully-integrated system. Free elections are not within this Islamic system, which is based on consultation (*shura*) and the openness between the ruler and his subjects² before whom he is fully responsible...The system of free elections is not suitable to our country, the Kingdom of Saudi Arabia – a country that is unique in that it represents the Muslim world in supervising the holy shrines, and unique in other ways as well as I have already pointed out...In my view, Western democracies may be suitable in their own countries but they do not suit other countries.³

The King's reference to the "peoples of our region" was apparently directed to other Gulf countries. The King's interview was given simultaneously to two widely-read Gulf dailies: the conservative *al-Siyassah* (*Politics*), a Kuwaiti newspaper known to be close to the Saudi government; and the United Arab Emirates *al-Ittihad* (*The Union*), a semiofficial newspaper published in Abu-Dhabi. The King appears to be rejecting the suitability of democracy and free elections to any of the Gulf countries.

² King Fahd used the metaphor of "the shepherd and his flock".

³ Interview with *al-Siyassah* (*Politics*), Kuwait, March 28, 1992; from the Arabic-language text distributed by the official Saudi Press Agency, March 28, 1992.

Illustrating its true sentiments, the Saudi government is widely acknowledged to have been the main source of pressure on the Kuwaiti royal family to delay the reconvening of Kuwait's National Assembly, dissolved in 1986, in part at Saudi instigation. The Kuwaiti parliament had been a beacon of lively debate and of occasional challenge to government authority in the region. Pro-democracy activists in Bahrain and the United Arab Emirates believe that Saudi pressure has always been behind their governments' opposition to democratic reform as well.

CHAPTER ONE

PREVIOUS ESSAYS AT CONSTITUTION BUILDING

In 1902, King Abdel-Aziz ibn Saud, father of the present king of Saudi Arabia, restored his family's rule over Riyadh, the traditional capital of the family. Between 1902 and 1932, through a bloody civil war between the al-Saud family and other ruling families in the Arabian peninsula, he was able to consolidate his power and eliminate his competitors. In 1932, he decided to name the newly unified country Saudi Arabia, after his family's name. In a September 18, 1932 royal order declaring the new name, King Abdel-Aziz ordered his advisers to "embark immediately on drafting a basic law for the Kingdom."⁴ There is no record indicating that any effort was made to follow up on this order.

Thirty years later, on November 6, 1962, the Saudi government adopted a ten-point reform program. At its outset, it declared:

"The time has arrived to issue a basic law of government...setting precisely and clearly the basic principles of government and of the relationship between the ruler and the ruled; regulating the various state powers and their inter-relationships; and stating the basic rights of citizens, including the right to free expression within the limits of the Islamic faith and public order."

This program was considered revolutionary at the time. It called for a decentralized system of government and independence of the judiciary, and included a ban on slavery -- still legally permitted until that date.⁵

The 1962 program had been conceived partly as a response to the overthrow of the monarchy in Yemen creating turmoil which the royal family feared may spill over into Saudi Arabia. Both the Yemeni government and its patron, President Nasser of Egypt, had launched a fierce campaign to topple the Saudi government. The program was also part of the intra-family power struggle. Once the power struggle was

⁴ Royal order No. 2716 of September 18, 1932, Article 6.

⁵ From the program delivered by Crown Prince Faisal ibn Abdel-Aziz, then-Prime Minister, following the swearing-in of the government before King Saud, on November 6, 1962.

A recent report in *The Nation* (Dilip Hiro, "Saudi `Reforms': Too Little and 32 Years Late," April 13, 1992) inaccurately reported that the ten-point program called for the formation of a consultative council. There was no reference to such a body. The proposed reforms were part of the struggle at the time between Crown Prince Faisal (who was prime minister) and King Saud who wanted to keep to himself some of the powers of the council of ministers. As such, there was no dispute over the need for a new body; neither side wanted a consultative body with any significant power. After all, there already existed a consultative council since 1926 that the royal family had succeeded in marginalizing, long before the reform program was announced.

After King Saud was deposed in November 1964 and Faisal replaced him as King, the Law of the Council of Ministers was amended so that the king became *ex officio* the prime minister, underscoring the fact that the source of the difference was merely a power struggle and not principle, whether that of separation of powers or of the need to check the king's authority. Most of the proposed reforms, especially the call for a basic law, were abandoned, with one notable exception. During 1963 and 1964, slavery was abolished, as the government bought and emancipated the slaves, who had been owned mostly by members of the royal family.

settled in 1964⁶ and the danger from Yemen and Egypt was neutralized following the June 1967 Arab-Israeli war, the Saudi government probably did not see a need to introduce constitutional changes. With the exception of the ban on slavery, then, yet another declared attempt at constitutional reform went largely by the board.

In 1980, King Fahd, then crown prince, told a Kuwaiti newspaper that a 209-article draft constitution had been completed and was about to be issued in final form.⁷ This assurance too went unfulfilled. There were indications that it did not represent genuine commitment to democratic rule, but as before was announced in response to outside and internal pressures to which the Saudi government was being subjected. Chief among those pressures were developments in Iran and in Saudi Arabia itself. In February 1979, the Shah of Iran was deposed by a popular revolution led by Ayatollah Rouhollah Khomeini. The Iranian revolution was especially threatening to the royal family since it adopted Islam as the source of its legitimacy, the same source upon which the al-Saud family based its own authority. The revolution was also based on animosity to monarchical rule epitomized by the Shah and was openly hostile to the ruling family of Saudi Arabia. Anti-royalist sentiments spilled over into Saudi Arabia. In November 1979, an armed insurrection by Sunni fundamentalists in Mecca, the holiest city in Saudi Arabia, resulted in the death of hundreds of government troops and rebels. Sixty-three of the captured rebels were subsequently beheaded without a trial. Around the same time, demonstrations by Saudi Shi'a took place in the Eastern Province, precipitating a violent response by National Guardsmen resulting in hundreds being killed, wounded or put in prison. Once the perceived threats were neutralized, King Fahd's promises were quietly abandoned.

On November 8, 1990, in a surprise move clearly dictated by the unprecedented international scrutiny to which Saudi Arabia was being subjected at the time, King Fahd announced that he had approved the formation of a long-awaited consultative assembly. His announcement, which came in the middle of the Gulf crisis precipitated by the Iraqi invasion of Kuwait, promised that the consultative body would be established "as soon as the final touches are made on a final draft of a basic law for the kingdom," submitted to him by a special committee headed by Prince Nayef, the Minister of Interior and the king's brother.

Buoyed by King Fahd's announcement and by the international attention resulting from the presence of half a million U.S. troops in Saudi Arabia, forty-three leading Saudi figures from all walks of life and political leanings sent an open letter to the king suggesting the introduction of democratic reforms and the observance of basic liberties. The letter, which began circulating in the country clandestinely during the first half of December 1990, called on the king to expedite the appointment of a consultative assembly and the promulgation of a constitution. It also suggested reforming the judicial system and granting freedom of the press. Although security forces questioned a number of signatories to identify the petition's instigators, the government largely ignored the issue.

When, two months later, some two hundred religious scholars, including the senior hierarchy of

⁶ On November 2, 1964, King Saud was deposed and his brother Prince Faisal -- then crown prince and prime minister -- became king. On November 18, the Law of the Council of Ministers was amended so that the king is always the prime minister, thus allowing Faisal to continue as prime minister.

⁷ Interview with *al-Siyassah*, March 19, 1980.

the religious establishment, circulated a similar petition, the government took note. The king summoned a number of key signatories of the petition and criticized them for circulating it. After the meeting, some of the most prominent petitioners — including Shaikh Abdel Aziz ibn Baz, the highest religious authority in the country and probably the most significant name on the petition — publicly criticized the leaking of the document to the press and expressed their complete trust in the government.⁸

In an important speech on November 7, 1991, King Fahd again said that the formation of an advisory council and the adoption of a basic law were imminent — "within a period of no more than a month or a month and a half." Finally, on March 1, 1992 — sixty years after King Abdel-Aziz's order and thirty years after Prince Faisal's abortive reform program — King Fahd approved the three laws, which were issued by royal orders.⁹

⁸ See the appendix, for texts of these two petitions.

⁹ A royal order (*amr*), is a directive from the King's office. It is distinguished from a royal decree (*marsoom*) in that an order is issued without the need to consult with the cabinet or any other formal governmental body. A decree ratifies or amends a decision by the Council of Ministers.

CHAPTER TWO

THE CONSTITUTIONAL FRAMEWORK UNDER THE NEW LAWS

The government of Saudi Arabia has always rejected the idea of adopting a secular written constitution, arguing that the constitution of the country already existed, namely the Qur`an, the Muslim holy book. Although the newly-issued Basic Law of Government addresses some fundamental legal issues, it is not a constitution. According to Article 1, the constitution of Saudi Arabia is "God's Holy Book and His Prophet's Tradition."¹⁰ The new law thus leaves intact the traditional role of the government-appointed clergy as the nominal arbiters of constitutional matters while the king retains the real authority in effect on such issues.

The religious establishment expresses its authority through the Council of Senior Scholars, whose members are appointed by the king.¹¹ While the council has had a significant degree of autonomy in matters purely religious, in political matters it has traditionally adhered to government wishes. In most of its decisions on political issues, the council has made it explicit that its opinions are purely advisory and that according to its interpretation of Islam, the king has near absolute authority. In the officially sanctioned Wahhabi school of theology, the king is both the temporal and the spiritual leader of the community and the commander of the faithful. According to this long-standing interpretation, unless a royal decision openly contravenes Islamic principles or is clearly blasphemous (*kufur hawafā*), all citizens are required to obey it even if they disagreed with it, lest they become guilty of *fitna* or sedition.

The Basic Law thus keeps the king and the appointed Council of Senior Scholars as the only legally permitted interpreters of the "constitution". The council's written interpretations are usually issued at the request of the government or, less commonly, private individuals. For example, the government has sought the council's opinion in politically-motivated cases of sabotage or insurrection. In 1980, the government secured a majority decision by the council against the fundamentalists who, in November 1979, had carried out an armed attack on the holy sites in Mecca. Armed zealots took over *al-Masjid al-Haram*, the holiest Muslim shrine, and for weeks withstood a government counteroffensive. The bloodshed resulted in the death of hundreds of government troops and rebels. After government forces had retaken of the mosque, then-King Khaled ordered the execution without trial of sixty three of the captured rebels, basing his order on the council's statement that the rebels had committed *hiraba* or armed insurrection.

Saudi Shari`a scholars interviewed by Middle East Watch have pointed out, however, that, under Shari`a rules, an opinion of the council or a *fatwa* by one of its committees cannot be legitimately considered a substitute for a judge's order. They also pointed out that while judges usually follow the guidance of the council, they are not obliged to do so. In addition, these scholars said, only judges should have the right to evaluate evidence against the suspects and determine their guilt or innocence. In their view, the 1980 beheading of the Mecca insurgents was extrajudicial killing.¹²

¹⁰ Tradition, called *Hadithor Sunna* in Arabic, are the sayings of Prophet Muhammed and accounts of his deeds. They are compiled in collections approved by various schools of Sunni and Shi`a Islam.

¹¹ On this council, Article 45 of the Basic Law states that, "the law shall specify the organization of the Council of Senior Scholars...and its field of competence."

¹² Middle East Watch interviews, August 1990.

Constitutional rules implicit in the Shari`a are not codified in written form but are a result of the interpretations given by the Council of Senior Scholars to certain religious edicts. Because of the intractability of some of the underlying texts, ordinary citizens are not able to avail themselves of their protection if their conflict is with the government, the most likely adversary in cases of denial of constitutional rights. Nor is there a constitutional court to settle such disputes between citizens and the government. A serious flaw in the newly-issued laws is that they do not call for the establishment of such court.

The religious basis of government is further emphasized in Article 7 of the Basic Law which states: "God's Holy Book and His Prophet's Tradition are the source of authority of the government. They are the arbiters of this Law and all other laws." Fundamentalist groups have welcomed this provision, regarding it as a check on the absolute power of the state. The text also appears designed to assure these groups that there is no attempt to separate religion from state. But it is not yet clear what this text will mean in practice. The Council of Senior Scholars is assigned a nominal role in defining constitutional authority. While this role is admittedly important, it is still an advisory role nevertheless. The king remains in effect the final arbiter of any interpretation of authority, including religious authority itself.

All three new laws, it should be noted, were issued by royal orders that were not based on decisions by the Council of Ministers or any other governmental body.¹³ Moreover, according to Article 83, only the King can amend these laws.¹⁴ Normally, the Consultative Council or the Council of Ministers has the right to propose amendments to existing laws. The new laws were issued directly by the king's office without consultation with other governmental bodies and without any public discussion. The king's decision not to consult with his full cabinet, with the existing Consultative Council or with the public at large, was probably meant to exclude any appearance of sharing of authority.

RULES OF SUCCESSION

The Basic Law of Government strengthens the king's authority within the royal family. It confirms that the system of government is a monarchy and reserves the right to rule to the children and grandchildren of King Abdel-Aziz ibn Abdel-Rahman ibn Faisal al-Saud who founded the Third Saudi Dynasty in 1902 and ruled Saudi Arabia from 1902 until his death in 1953. Traditionally, the oldest of King Abdel-Aziz's sons was chosen by the family to rule and the next oldest to be heir apparent, unless either one declined the offer or was disabled. The Basic Law introduces changes in the rules of succession by allowing the selection of a king or crown prince from among the offspring of Abdel-Aziz on the basis of

¹³ It is also noteworthy that the ten-member drafting committee was headed by Prince Nayef, the Interior Minister, under whose supervision the security forces, including the police, the internal intelligence agencies and the immigration authority, operate. These forces are the same groups that are usually implicated in most human rights abuses in the Kingdom. It is probably not a coincidence that the new law are especially brief or totally silent on due process guarantees.

¹⁴ Article 83 of the Basic Law of Government: "This Law may be amended only in the same manner in which it has been approved." Similarly, Article 30 of the Consultative Council Law states: "This Law may not be amended except by the same method in which it was issued."

"suitability" (Art. 5.b) rather than seniority. In addition, the new law gives the reigning monarch unprecedented absolute authority over the appointment and dismissal of his heir apparent (Art. 5.c), doing away with the traditional role of the family in this decision. The law allows the king, for example, to choose as his crown prince a son or a nephew instead of one of his brothers who traditionally have been the only ones eligible for succession. While the Basic Law strengthens the hand of the King in the rules of succession, it is silent on the conditions under which the king himself may be legally removed.

The Basic Law completely overlooks the possibility of replacing a reigning monarch by one of his relatives, despite the obvious need for regulating such cases. In November 1964, King Saud was dethroned after a bitter intra-family power that for a while threatened to escalate into armed conflict. Following secret family meetings, a decision was reached by its senior members to settle the conflict by deposing King Saud and crowning his brother Faisal instead. For months afterwards, King Saud rejected the family's decision, relying on the absence of formal rules allowing the dethroning of a reigning king.

A SEPARATION OF POWERS?

The Basic Law gives the impression that a separation of authorities is intended by its framers. Article 44, for example, states that "authorities are composed of a judicial authority, an executive authority and a legislative authority." However, while the new law states this composition, it in no way calls for separation between the three authorities. Specifically, the legislative and the executive authorities are both to be exercised by the King and the Council of Ministers.¹⁵ Although the Consultative Council is granted authority to discuss, interpret and, to a limited extent, propose laws, the enactment of laws is reserved for the Council of Ministers and ultimately to the King. Article 67 states that the exercise of this authority is governed by the Consultative Council law and by the Council of Ministers law. The new laws make explicit, meanwhile, that nothing in them may be interpreted as superseding or amending existing legislation.¹⁶ This means that the Law of the Council of Ministers is still in effect, a fact that is explicitly stated in Article 67 of the Basic Law. The 1958 Law of the Council of Ministers, as amended, is at the heart of the Saudi legal system. It grants near absolute authority to the Council, whose authority is checked only by the King who can veto any decision by the Council and whose decision is final.

As if the issue needed further clarification, according to Article 44 of the Basic Law, "the King is the supreme authority above all three authorities."

THE POWERS OF THE COUNCIL OF MINISTERS

None of the new laws promulgated by King Fahd on March 1 restrains the power of the Council of Ministers or provide any formal check or balance. Its wide-ranging authority is defined by the Law of the Council of Ministers approved by royal decree No. 38 of May 11, 1958, and subsequently amended by royal decree in 1961, 1964, 1971 and 1975. Most of these amendments appeared aimed at solidifying the king's

¹⁵ See the following section for details on how the Council of Ministers is chosen and how it exercises its authorities.

¹⁶ Art. 2 of Royal Order No. A/90 of March 1, 1991 issuing the Basic Law of Government; Art. 3 of Royal Order No. 91 of March 1, 1991, issuing the Consultative Council Law.

authority. For example, under the 1964 amendment the king became the president of the council.¹⁷ The King appoints and dismisses its members (Art. 8 of the Law of the Council of Ministers). There is no requirement that the choice be informed by consultation of any kind, nor is there known to be consultation in practice. The meetings of the council are secret and its decisions can be classified (Art. 15).

The mandate of the council covers all aspects of life in the Kingdom. Under Article 18 of the Council of Ministers law:

The Council of Ministers sets internal, external, financial, economic, educational and military policies, as well as other affairs of the state. The Council supervises the implementation of these policies. It has the legislative, executive and administrative authorities. The Council is the final authority on financial affairs...International agreements do not become effective until they are approved by the Council.

The Council's authority includes approval of draft laws, concessions and international agreements, which then come into effect after they are ratified by the King (Art. 19). It imposes taxes (Art. 29) and decides on the sale, lease or the otherwise disposal of government property (Art.31). It approves the annual budget and the development plan (Articles 28 and 37). In addition, "the Council of Ministers, as the direct executive authority, has complete control over executive matters. It has original jurisdiction to take any decisions it deems beneficial to the country..."(Art. 25).

The King exercises his authority in two ways: as president of the Council of Ministers, i.e. prime minister, and in his capacity as King to whom decisions by the council must be submitted for approval.¹⁸ In the present cabinet, King Fahd is the Prime Minister; his brother Abdalla, the Crown Prince, is the First Deputy Prime Minister; and his brother Sultan, the Defense Minister, is the Second Deputy Prime Minister. Other princes occupying other important portfolios include Prince Nayef, the Interior Minister, who is also King Fahd's brother, and Prince Saud al-Faisal, the Foreign Minister, who is a nephew of the King.

In theory, the prime minister has significant but limited powers (Art. 44).¹⁹ In practice, since 1964 when the law was amended to combine the post of king and the post of prime minister, the office of the prime minister has exercised more pivotal powers than those envisioned in the law. That amendment was a significant step in the long trend towards centralization of authority and unchecked royal power. The new laws are the most recent examples of this trend.

¹⁷ Article 7 of the Law of the Council of Ministers, as amended by Royal Decree No. 14 of November 18, 1964, published in the official gazette on November 20, 1964.

¹⁸ There are two major governmental departments through which King Fahd exercises his direct authority: the Office of the Royal Court and the Bureau of the President of the Council of Ministers. Through the first, royal orders are discharged and through the second department, his orders as prime minister are issued.

¹⁹ Under Article 44 of the Law of the Council of Ministers, "the President of the Council of Ministers directs the general policy of the state, provides direction, coordination and cooperation between ministers. He assures consistency and unity in the work of the Council...orders notification of government agencies of the Council's decisions, supervises the Council, ministries and other government agencies. He supervises the implementation of laws and regulations issued by the council."

The king exercises his veto powers independently of his position as prime minister. In those rare cases when the Council of Ministers makes decisions in the face of the King's opposition, or, more commonly, when he did not have a chance to voice an opinion because he did not chair the meeting when the decision was passed, the King can veto these decisions (Articles 7, 19 and 20). The Council cannot override a royal veto.²⁰

In addition, the king has both legislative and executive powers that are separate from, and in many cases superior to, his authority as president of the Council of Ministers. Articles 55 through 62 of Basic Law of Government list some of those powers. Through a royal order (*amā*) -- to be distinguished from a royal decree (*marsoomā*), issued pursuant to a decision by the Council of Ministers -- the King can introduce new laws, amend existing laws or reinterpret them. For example, during the first two months of 1992, the King issued eighty-nine orders, many of which introduced new legislation or amendment to existing laws.²¹ There is nothing in the newly-issued laws that puts limits or safeguards to royal authority. Instead of restoring the pre-1964 limited division of authority between the cabinet and the office of the king, the new laws appear to codify the post-1964 practice that has given increasingly more power to the King.

Article 70 of the Basic Law mandates that "laws and international treaties are issued and amended by royal decrees." By referring to royal decrees, rather than orders, the law appears to require a decision by the Council of Ministers before the King approves a law or a treaty. This provision is similar to articles 18 and 19 of the Law of the Council of Ministers of 1958, which gave the Council of Ministers the authority to propose legislation and approve international agreements. Although legislation and treaties did not become effective without the King's approval, that process allowed the cabinet to discuss important issues. In practice, however, these provisions enunciated in the Law of the Council of Ministers were routinely ignored as the King passed laws and amended them without first submitting them to the Council of Ministers. A case in point is the three new basic laws themselves. Given this long-standing practice, it is doubtful that the office of the King would abide by newly-issued law that implicitly requires consultation with the cabinet.

Under the Basic Law, members of the cabinet and all senior government officials occupying the top three ranks -- minister, deputy minister and the "distinguished rank" -- are appointed and dismissed by royal orders (Art. 58), without a vote by the cabinet or the consultative council. As the commander-in-chief of the armed forces, the King also appoints and dismisses officers (Art. 60).

²⁰ Curiously, the King is not required to notify the Council of his decision (Art. 19).

²¹ All the recently-issued three basic laws, for example, were issued by royal orders and not by decrees, meaning that they were not approved by the Council of Ministers.

CHAPTER THREE

THE CONSULTATIVE COUNCIL

According to royal order No. 91 of March 1, 1992, the Consultative Council Law will come into effect "within a maximum of six months." Since Saudi Arabia already has a council by the same name, the royal order stipulated that the newly formed council shall replace the existing body. The old Consultative Council, in place since 1926, will be reorganized under a different name by a royal order to be issued later.

The new Consultative Council will be composed of a president and sixty members -- all of whom are to be appointed by the King. The King will also issue an order specifying "all of the members' matters, including their rights and duties" (Art. 3 of Law of the Consultative Council).²² "When the position of a member of the Consultative Council becomes vacant, the King chooses a substitute who is appointed by a royal order" (Art. 7).

"The President of the Consultative Council, his deputy and the Secretary General of the Council, shall be appointed by a royal order. A royal order shall specify their duties and rights and all other matters concerning them," (Art. 10). Discipline of the members is also to be regulated by the King: "If a member of the Consultative Council is remiss in the fulfillment of his duties, his interrogation and trial are conducted according to the principles and procedures set forth by a royal order," (Art. 6). The bylaws of the Council specifying its functioning will also have to be approved by the king (Art. 29).²³

Further emphasizing the king's unchallenged authority, the Consultative Council is required to operate "on a special budget approved by the King; its expenditure shall follow the rules set forth by a royal order" (Art. 27). All financial affairs of the council, including auditing and final accounting shall be run according to special rules set forth by a royal order, (Art. 28).

The term of the Consultative Council is four lunar years starting from the date specified in the royal order appointing the council. A new council must be formed at least two months before the end of the term of its predecessor. The law limits the incumbency of council members by requiring that at least half of them be retired and replaced by new members at the start of each term (Art. 13). While this clause may be presented as a liberal gesture, to prevent the perpetuation of an oligarchy, it could also give the king a handy tool to replace those members who show zeal in performing their duties or who may take their role too seriously from the viewpoint of the government.

The new Consultative Council will replace the existing council by the same name which was established in 1926 following the capture of Mecca by forces loyal to Abdel-Aziz ibn Saud, then Sultan of

²² Article 9 requires that, "a member may not combine membership in the Consultative Council with any other position in the government, or in any other public or private agency or company, unless the King deems a need for this."

²³ Aspects to be included in these bylaws include, according to Article 29, duties of the president of the council, his deputy and the secretary general; the manner in which its sessions are conducted; the method of voting; and rules of debate and discipline.

Najd. The fall of Mecca and the other holy places into the hands of the al-Saud loyalists produced an outcry in Muslim countries. Most Muslims considered the Wahhabi doctrines, which inspired the victorious warriors, heretical. But calls for internationalizing the holy sites were defeated by Ibn Saud during a hastily-arranged international Muslim conference in Jiddah. To preempt those calls, Ibn Saud had negotiated with the notables of Mecca the form of government they desired in exchange for their support for his rule. The 1926 Consultative Council was the result. Prince Faisal, the King's son, was appointed both viceroy for the western region and president of the Council. The Council members, however, have traditionally been commoners.

The old Council, like the new, was appointed. Members of that Council served at the pleasure of the king who had the right to "dissolve the Council or change all or some of its members at any time."²⁴ Nevertheless, the 1926 Council was given limited but relatively significant powers. In several respects the old Council had more authority than the new will. The government was *required* to submit to the Council the budget, planned public ventures, new laws, concessions, and contracts for carrying out government projects.²⁵ By contrast, no such requirement is envisioned for the new council. Similarly, heads of government agencies were *obligated* to attend the old Council's sessions when matters related to their departments were discussed by the Council, a requirement that is absent from the new Council.

Although in theory the old Consultative Council has more power than the newly proposed Council, it has never fully exercised them. Between 1926 and 1953 the Council developed some power as a consequence of the authority of its speaker, Prince Faisal, who was then viceroy in the western region of the country, serving as the head of both the legislative and executive branches of government. In 1953, however, most of the Council's legislative powers were transferred to the newly established Council of Ministers. The Law of the Council of Ministers of 1958 and its subsequent amendments completed the marginalization of the Consultative Council. In fact, until the March 1, 1992, royal order was issued to reorganize and re-name the old Council, few citizens were aware that it remained in existence.

There is nothing in the new Consultative Council Law to indicate that the new council will be more effective in practice than the old. Indeed, according to its law, the new council has been given very little authority to propose legislation, question officials and debate government bills. Nevertheless, circumstances may have changed to force the government to yield some power to the new council despite its limited mandate, if the appointed members are able to challenge the absolute authority of the King and his cabinet. However, it is difficult to imagine that such attempts would succeed without changing both the 1959 Law of the Council of Ministers and the 1992 Law of the Consultative Council, as well as the mindset of a government long used to absolute rule.

Whatever its makeup, the fact remains that the role of the Consultative Council is intended to be purely advisory. According to Article 15,

The Consultative Council expresses its opinions on the general policies of the state that

²⁴ Article 13 of the royal order establishing the 1926 council.

²⁵ Article 5 of the royal order issued on August 30, 1926 and published in *Umm ul-Qura*, the official gazette, on September 3, 1926.

are referred to it by the President of the Council of Ministers.²⁶ In particular, the Council may:

- a** Discuss the general plan of economic and social development and voice its opinions on it.
- b** Study laws, regulations, concessions, and international treaties and agreements, and offer suggestions on them.²⁷
- c** Interpret laws.
- d** Discuss annual reports submitted by ministries and other government agencies, and offer suggestions on them.

Article 17 makes the advisory nature of the Council explicit:

Decisions of the Consultative Council shall be submitted to the President of the Council of Ministers who refers them to the Council of Ministers to study them. If the Council of Ministers agrees with the Consultative Council decision, they are issued after the King approves them. If the two councils disagree, the King decides what he sees fit.

The right to propose legislation is also limited: "Any ten members of the Consultative Council have the right to propose to the president of the Council new legislation or the amendment of an existing legislation. The Council President shall submit this suggestion to the King" (Art. 23). No such restriction on proposing laws was imposed on the 1926 Consultative Council. Thus, in some ways, the new "reforms" can be interpreted as a backward step towards greater authoritarianism and unchecked executive power.

Even the authority to question government officials is delineated in a narrow fashion: "The president of the Consultative Council shall submit to the president of the Council of Ministers requests for the attendance of any government official at a Consultative Council meeting discussing areas of his competence"(Art. 22). The limitation of the council's authority to question government officials is in sharp contrast to the 1926 Consultative Council's authority to question heads of government agencies, who were required to attend if asked by the council.

Also restricted is the power to ask to examine government documents: "Requests to examine documents or statistics available at government agencies that the Consultative Council deems necessary for facilitating its work shall be submitted by the President of the Consultative Council to the President of the Council of Ministers" (Art. 24).

The Consultative Council cannot change these restrictive rules regulating its operation: "This law cannot be amended except by the same method it was issued," (Art.30). In other words, only through a royal order can these rules be changed.

Royal Order A/91 of March 1, 1992 under which the Consultative Council Law was issued makes

²⁶ In other words, the king.

²⁷ Article 18 repeats this clause: "Laws, concessions and international treaties and agreements are approved and amended by royal decrees after they are studied by the Consultative Council."

clear that this new law must not be interpreted as superseding any existing law. Real power is thus still retained by the Council of Ministers, headed by the King, and ultimately, by the Office of the King.

ELECTIONS

As noted above, King Fahd dismisses democracy and free elections as unsuitable for Saudi Arabia.²⁸ None of the new Saudi laws therefore envisions elections of any kind. All members of the Consultative Council are to be appointed by the king by September 1992. Under the new Law of Provinces, governors and members of provincial councils are to be appointed by the king by March 1993; local administrators are to be appointed by the Minister of Interior.

The absence of provisions for elections, of any kind, in the new legislation completes the long trend in Saudi Arabia towards the elimination of all vestiges of the electoral process that traditionally existed in several areas of public life. The 1940 Law of Administrative Councils, for example, mandated the election of members of administrative councils to be formed in the Kingdom's provinces (Article 29).²⁹ Superseded by the 1963 Law of Provinces, the then-new law eliminated elections and instead gave the king the authority to appoint all members of provincial councils. The 1992 Law of Provinces continued this trend.³⁰

Similarly, the 1939 Law of Municipalities and the 1942 Law of Municipal Elections both mandated the election of members of municipal councils in the country. Between 1926 and 1963, elections took place on a regular basis in major cities of the western region of the Kingdom. Subsequent to the adoption of the 1962 reform program, the government decided to extend the system of municipal elections to other parts of the country, including the capital city of Riyadh.

In 1963, however, after voters cast their ballots the government disregarded the results and announced that the system of elections was going to be revised and that new municipal elections would be subsequently held under the revised rules. The revision came fourteen years later, in 1977. The government issued the Municipalities and Villages Law No. 5 of February 10, 1977 which repealed the previous two laws (Article 49) and delineated the relationship between municipalities and the then-newly created Ministry of Municipal and Rural Affairs. Remarkably, although the 1977 Law strengthened the authority of the central government in municipal affairs, it nevertheless kept a limited form of election for members of municipal councils. Under Article 8, "The Minister of Municipal and Rural Affairs determines the total number of members of a municipal council, but that number shall not be less than four or more than fourteen, including in all cases the head of the municipality." Article 9 allowed for the election of half the members of a municipal council with the balance to be appointed by the minister. However, this law remained a dead letter. Since it came into effect, no municipal elections have ever been held. Revival of municipal elections was one of the demands of Saudi notables in a December 1990 petition.³¹

²⁸ See the introduction of this report for some of the King's remarks in a March 28, 1992 interview.

²⁹ This law was issued by Royal Order No. 41/1/1 of February 22, 1940. In addition to elected members, Article 29 stipulated that representatives of government agencies with business to be discussed at a meeting of an administrative council be *ex officio* members at that meeting.

³⁰ See below, in the section on the Law of Provinces, for details on the new law.

³¹ See the appendix of this report.

CHAPTER FOUR

THE JUDICIARY

In principle independence of the judiciary is recognized by the new laws. Judicial independence was one of the ten points in the 1962 reform program adopted by the government. It was also one of the demands articulated in two important petitions submitted to the king by the country's elite in 1990 and 1991.¹ Saudis interviewed by Middle East Watch complain about what they see as arbitrariness of the judicial system. This is attributable in part to the scarcity of written laws, leading to inconsistencies in judicial decisions.

Although judges are nominally independent, there are reports from within the judiciary that occasionally judges come under pressure from senior members of the royal family and other government officials to influence their decisions. According to a recent State Department report, such pressure has sometimes swayed judges, "Jurists are...aware and reportedly have on occasion acceded to the power and influence of the royal family and their associates."² Most Saudis interviewed by Middle East Watch agreed with this assessment.³ They believed that members of the royal family receive preferential treatment in all phases of the judicial process: from the police who avoid arresting them; from prosecution authorities who either refrain from filing charges against princes or, alternatively, refer them to special tribunals before which it may be easier to get preferential treatment; and from the courts themselves who sometimes defer to the king or senior members of the family in such matters.

Because laws are largely unwritten and may therefore be ambiguous, common plaintiffs without lawyers are at a disadvantage in court cases against members of the royal family. This is most obvious in land disputes. Many farmers and tribes do not have title to their ancestral lands, whose boundaries expand or diminish according to climatic cycles. Under a re-interpretation of the Shari`a principle of communal property, the king has been given wide-ranging authority in granting pieces of land without clear title. Over the years, the king, and in some cases other senior members of the royal family, have granted large areas of land to princes and their associates, leading to disputes with farmers and tribes who claimed these lands as their ancestral domains. In this gray area of the law, courts are hamstrung because the ruler (*waliyy al-amr*, i.e. the king) is given wide discretionary power. Because of the perceived pressure from the royal family, judges feel under pressure not to attempt to check abuse of this power, leading many Saudi citizens to believe that commoners and the royal family members are not really equal before the judicial system.⁴

¹ See the appendix for texts of these two petitions.

² *Country Reports on Human Rights Practices for 1991*, February 1992, p. 1579.

³ Middle East Watch interviews, New York, April, 1992; Riyadh, August 1990; Jiddah, October 1990; Dhahran, March 1991.

⁴ This problem became especially acute after the 1973 dramatic rise in land prices in Saudi Arabia.

Judicial authority is compromised in other ways. Under Saudi regulations and practice, the prosecution is not obliged to present cases to the regularly constituted courts. The government regularly sets up ad hoc tribunals to adjudicate political cases or any other case where it is felt that regular courts may make decisions that the government does not consider acceptable. The detention and the prosecution of suspects are handled almost entirely by the Ministry of Interior, which is in charge of the police and the intelligence services. There is no judicial review of the duration of detention, or procedures of arrest and search. The courts can, and do, throw out confessions extracted under torture, but this happens only in cases referred to them by the government who rarely refers political cases to regularly constituted courts.

Despite these shortcomings, the Basic Law of Government states only a few general principles and is short on specific guarantees for judicial independence. According to Article 46, "the judiciary is an independent authority." Under Article 47, "the right to file legal suits is guaranteed to all citizens and residents according to procedures specified by law." This latter provision is fatally flawed, however, by the absence of a written law of judicial procedures. A judicial procedures act — the first of its kind in Saudi Arabia — was passed by the Council of Ministers and ratified by King Fahd in June 1990. This welcome law established guidelines for protective custody and pretrial detention and also clarified the sometimes problematic jurisdictional division between the *Shari`a* and secular courts. Two months later, King Fahd repealed the law, asserting that there was a "need of further study," once again leaving detainees with virtually no protection against arbitrary arrest and detention, especially at the hands of the secret and religious police.

Article 48 of the Basic Law states that, "courts shall apply the provisions of Shari`a according to the Holy Book and the Tradition and to the laws issued by the King that do not conflict with the Holy Book and the Tradition." The Tradition, called *Sumna* or *Hadith* in Arabic, refers to the sayings of Prophet Muhammad and accounts of his deeds during his prophecy years (610-632 A.D.). Although the two Arabic words are used in the singular, they in fact refer to numerous collections approved by various schools of Sunni and Shi`a Islamic jurisprudence (*fiqh*) as authoritative sources of law. Not all collections are approved by all schools. In Saudi Arabia, several collections are approved. For interpretation of these texts, judges use a number of approved commentaries. Since most of these commentaries were written several hundred years ago, they are not always directly applicable to cases before judges. Each judge has therefore had to extrapolate or to apply his own interpretation to the holy texts, leading to inconsistencies and lack of uniformity in judgement and in sentencing.

Article 49 states that, "Article 53 notwithstanding, courts adjudicate all conflicts and crimes."⁵ However, there is no requirement in the law that a defendant be brought to trial to begin with. Since there is no legal limit to pre-trial detention, a suspect may therefore be held indefinitely and never brought to trial. Alternatively, a defendant could be brought to a hearing before a secret panel to decide his fate. Both practices have been common in Saudi Arabia in a range of security cases, political offenses and commercial disputes. Frequently, the government bypasses the court system altogether, disposing of suspects either by administrative action or by forming closed-door summary tribunals to try them. In 1980, for example, then-King Khaled ordered the execution, without any judicial proceeding, of sixty-three suspects captured by government troops after bloody clashes with a radical Islamic group in which more than two hundred government forces were killed. While executions without trial are exceptional, lesser

⁵ Article 53 refers to the Board of Grievances, discussed in the following paragraph.

administrative sentences are common, including lengthy prison terms and flogging.

Article 53, quoted above, refers to the Board of Grievances, the administrative court where government decisions may be contested. Despite its appearances, this Board, in existence since 1955, is merely a government body that defers to the wishes of the Council of Ministers and to the king. Moreover, by its charter the board is barred from hearing cases against decisions of "sovereignty," thus excluding two major classes of cases related to security and constitutional matters.

Missing in the new laws is any provision for the establishment of a constitutional court to arbitrate conflicts that may arise among the King, the Council of Ministers and the Consultative Council or between private citizens and the government over the interpretation of constitutional matters. The new laws retain the authority of the king as the only judge for such matters.

CHAPTER FIVE

CIVIL AND POLITICAL RIGHTS IN THE NEW LEGISLATION

In one general statement the Basic Law offers: "The state shall protect human rights according to Shari`a," (Art. 26). This is the first time in Saudi history that the government has formally recognized the concept of citizens' rights vis-a-vis the state, and acknowledged the concept of human rights *per se*.⁶ However, protection provided by the new laws of civil and political rights is scant and, when stated, very much qualified. The reference in Article 26 to the Shari`a is problematic because the Shari`a as applied in Saudi Arabia is not codified in written laws; the final nominal authority for its interpretation is the government-appointed Council of Senior Scholars. This council, however, has traditionally deferred to the King's interpretation of the Shari`a in political matters, including the treatment of most human rights. In this way, the Saudi law gives the government near complete discretion to define the concept and scope of human rights.

This passing and qualified reference to the need to protect civil and political rights is all the more alarming because Saudi Arabia has declined to sign most international human rights agreements. Saudi Arabia is a party to only three international human rights instruments: the Genocide Convention, the Slavery Convention and the Supplementary Convention on the Abolition of Slavery. Indeed, the kingdom was one of only a handful of countries — South Africa and former Soviet Bloc countries were the others — that did not vote for the Universal Declaration of Human Rights when it was adopted by the United Nations General Assembly on December 10, 1948. Saudi Arabia's stated reservations to the Universal Declaration were that its call for freedom of religion violated the precepts of Islam, and that the human rights guaranteed by the Islamic-based law of Saudi Arabia surpassed those secured by the Universal Declaration.⁷ These two arguments were later repeated to explain Saudi refusal to sign most other human rights documents, including the International Covenant on Civil and Political Rights.⁸ The only other pertinent international treaties that Saudi Arabia has adhered to are the four Geneva Conventions of 1949 and thirteen (of more than 170) conventions of the International Labor Organization.

PROTECTION AGAINST ARBITRARY ARREST AND DETENTION

Article 27 of the Basic Law states that, "It is prohibited to restrict the actions of any one, detain or imprison him except according to law." The problem with this admirable principle is that the law referred to here is very permissive and does not provide for *habeas corpus*. Saudi arrest and detention procedures are governed by Imprisonment and Detention Law No. 31 of 1978, and its 1982 Bylaws issued by the Minister

⁶ In Saudi government nomenclature, the phrase civil rights (*al-huquq al-madaniyya*) refers to private civil claims filed against other private citizens; hence the Ministry of Interior's Department of Civil Rights. Ironically, this department has been frequently implicated in violating human rights, in its zeal to protect property rights.

⁷ Ministry of Information, *Proceedings of Conference of Saudi Scholars and European Lawyers on Islamic Law and Human Rights*, Riyadh: Ministry of Information Press, 1972, p. 15 (in Arabic).

⁸ Ministry of Foreign Affairs, Diplomatic Studies Institute, *Human Rights: Western Claims and Islamic Authenticity*, Riyadh, 1986 (in Arabic).

of Interior. The Law places very few restrictions on the grounds or duration of pretrial detention of suspects. Detainees may be held indefinitely without trial. Nor is there a requirement that a family be notified of the arrest. Although in recent years a family is often able to find out if one of its members is detained, formal notification is rare. It is equally rare for a detainee, or his family, to be informed of the charges against the suspect. Under the law, detainees may be interrogated without the benefit of legal counsel. Legal counsel is allowed at the discretion of the Ministry of Interior if a defendant asks for it and can pay for it.

In the case of security prisoners, a category that in Saudi Arabia includes non-violent political opponents, Article 4 waives *all* restrictions for "crimes involving national security." It gives the Minister of Interior — already granted broad discretion to arrest and detain — virtually unlimited authority over state security suspects, with no judicial review of any kind and without the benefit of legal counsel. Nor, in practice, does this law apply to detention by the religious police.

During the Gulf crisis, the Saudi government rounded up scores of opponents of the war, most of whom were members of various religious groups. Nearly all were released after the war and were never charged with any crime. In accordance with standard Saudi practice, most of these detainees were held in prolonged incommunicado detention without access to family or legal counsel. An exceptional few were allowed legal counsel after the initial interrogation and, in the case of foreign detainees, visits by embassy representatives.

Hundreds of foreign residents, mostly Arab nationals, were arrested after an armed attack on a bus carrying U.S. military personnel in Jiddah on February 3, 1991. Most were released weeks later after the authorities were satisfied that the main suspects had been apprehended. While in custody, nearly all were beaten and held incommunicado.

A royal pardon issued in June 1991, on the occasion of Eid al-Adha, the Muslim feast of sacrifice, resulted in the freeing of most prisoners held for politically motivated offenses without due process. Significant though it was, this was the only notable improvement in human rights in Saudi Arabia in recent years. Granting amnesty is customary around Muslim holidays. But, in 1991, releases on the occasion of the feast included more prisoners than in previous years, perhaps in celebration of the Desert Storm victory and as an attempt to mend fences with the opposition. The religious opposition was vocal in its displeasure at the presence of foreign troops in the country and the secular opposition wanted to use the crisis to pressure the government to introduce some liberal reforms. Throughout the crisis, the government jailed supporters of both groups and muzzled some of their leaders. After the war, the king's amnesty may have aimed at patching things up between the government and the opposition.

Those pardoned included prisoners suspected of membership in the secular Arab Socialist Action Party and two Shi`a organizations: Hizb Allah of Hijaz (Party of God in al-Hijaz) and the Organization of Islamic Revolution. However, the amnesty did not mean immediate rehabilitation of the former prisoners. Security prisoners were given a five-year probationary period during which they cannot travel abroad or hold government jobs.

A number of long-term security prisoners did not benefit from the 1991 amnesty. They include twenty people arrested in 1988 on suspicion of bombing oil installations in the eastern oil town of al-Jubail. Others in detention without trial who did not benefit from the June 1991 royal pardon include five Shi`a

students accused of setting a fire in their dormitory at King Saud University in Riyadh in July 1989.

The royal pardon did not put an end to the arbitrary detention of peaceful political opponents. During December 1991 and January 1992, scores of Islamic fundamentalist opponents were rounded up by the secret police. They were apprehended, and have been held incommunicado, without due process of law, on suspicion of speaking out, circulating petitions and distributing cassettes critical of government policies. None has yet been formally charged or tried.⁹

Another amnesty, in March 1992, during the holy month of Ramadhan, was mainly for suspects in common crimes. The king ordered the release of 2,956 prisoners, including 1,259 foreigners, but only three Shi`a citizens who may have been imprisoned for opposition activities were included.¹⁰ The pardon did not include fundamentalists recently rounded up for speaking out against government policies, or any of the other long-term political prisoners. The royal pardon was not based on judicial review and included many who had been held without trial for long periods without ever appearing before a court of law. The pardon, the second in less than a year, underscored the large personal discretion of the king in judicial matters.

Apart from security-related offenses, Saudi Arabia continues to hold scores of Saudi and foreign prisoners in defiance of international law, some of them for over a decade. Most have not been tried for criminal offenses, and some have never been tried at all. Most are imprisoned in "debtors' jails" solely because of bankruptcy or failure to fulfill other contractual obligations, in clear violation of principles set forth in the International Covenant on Civil and Political Rights.¹¹

In August 1991, Neville Norton, a British businessman, was released after five years in detention without trial because of a business dispute with members of the royal family. In the ten years preceding his detention, Norton's passport was confiscated, effectively preventing him from leaving the country. This was the latest in a string of similar cases involving foreign businessmen who had fallen afoul of their Saudi partners or members of the royal family. Some subsequently reported that they had been tortured during detention. Most foreign governments, including the United States, refrain from intervening or publicizing the issue for fear of jeopardizing ties with Saudi Arabia.

TORTURE AND CRUEL AND INHUMAN PUNISHMENT

⁹ According to a January 14, 1992 statement made by the mother of one of the detainees, Ahmed al-Abdani, the secret police searched her house without a warrant. When she asked whether the secret-police action had been authorized, she was told: "We are the *al-Mabaheth* [as the secret police is popularly known]; we don't need authorization to search houses." Nor did the police inform the family of the charges against the detainee, according to her statement. See below, in the section on freedom of expression, for other recent examples of incommunicado detention without charges or trial.

¹⁰ Middle East Watch interview with an officer of the International Committee for Human Rights in the Gulf and Arabian Peninsula, April 21, 1992. According to the April issue of *al-Jazeera al-Arabia (The Arabian Peninsula)*, an opposition monthly, two of the Shi`a released were Ali al-Amrad and Sharaf al-Sada.

¹¹ Article 11 of the Covenant provides, "No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation."

There is no prohibition in the new laws against torture or against cruel and inhuman punishment, or the mistreatment of prisoners, despite the fact that the use of force to elicit confessions is common in the Saudi security system. Harsh conditions of detention aimed at punishing prisoners are also instituted. While the Imprisonment and Detention Law 31 of 1978 prohibits "any assault whatsoever on prisoners and detainees" (Article 28), the same law explicitly sanctions methods of discipline that violate international standards, such as flogging, indefinite solitary confinement and deprivation of family visits and correspondence (Article 20). In addition to this legal sanction of flogging as a method of disciplining prisoners, flogging is also imposed by the courts as a punishment for a variety of crimes. Saudi security officials interviewed by Middle East Watch did not consider flogging or hitting detainees to extract confessions to be forms of torture or cruel or inhuman punishment.¹²

Despite royal orders instructing detention authorities not to torture prisoners — usually issued after the death of a detainee — there were numerous reports in 1991 of torture in Saudi detention facilities, especially those run by the secret and religious police. Recently, for example, the U.S. State Department has recounted "credible reports of injuries and the deaths of at least two, and possibly more, persons caused by beatings or the use of excessive force while being held in official custody. In addition, there was a credible report of the torture of several foreigners in Saudi military custody."¹³

The secret police, known as the Directorate of General Investigations (*al-Mabaheth al-`amma*) has close to 150 detention facilities and unidentified "safe houses." Number of DGI places of detention fluctuates; some of them are villas leased for specific periods to house one or more prisoners. The religious police, known as the Association for the Propagation of Virtue and the Deterrence of Vice (*Hai'at al-Amr bi al-Ma'rouf wa al-Nahi `an al-Munkar*), popularly termed as the "Association," (*al-Hai'ah*) or "the Zealots" (*al-Mataw`a* or *Mutawwa`in*), maintains more than two hundred stations throughout the kingdom.¹⁴

Contrary to Western perceptions, the religious police is not an organization of private vigilantes. Rather it is a government agency whose employees are regular civil servants. Members of this force impose adherence to what they take to be Islamic morality, including a strict dress code for women, and observance of times of prayers. They have been granted the power to arrest and detain and are issued bamboo sticks which they use for summary justice on the streets or inside their precincts. Their activities have especially increased since Mid-1991, including non-Muslims among their victims. According to the State Department, the U.S. protested to the Saudi authorities about some of the excesses of the religious police, and noted that the Saudi government "appeared slow to act to prevent recurrences."¹⁵

The difficulty of documenting torture in Saudi Arabia is compounded by the failure of the Saudi

¹² Middle East Watch interviews, August 1990; March 1991.

¹³ *Reports on Human Rights Practices for 1991*, February 1992, p. 1577

¹⁴ The two estimates of the number of detention facilities were given at the request of Middle East Watch by a senior security official.

¹⁵ *Country Reports on Human Rights Practices for 1991*, February 1992, p. 1577.

government to respond to reports of mistreatment of prisoners.¹⁶ For example, since Muhammed al-Fassi, a prominent Saudi citizen who fell out of favor, was detained in October 1991, there have been several international appeals on his behalf accusing Saudi authorities of torture. The Saudi government has not responded. A letter sent by Middle East Watch on November 1, 1991, to King Fahd seeking the government's response to these reports has not been answered. The Saudi government has also turned down requests to visit al-Fassi in detention. Indeed, with one notable exception, the Saudi government has never allowed independent observers to visit its detention facilities. The exception was to allow the International Committee of the Red Cross to visit Iraqi POWs after the beginning of Desert Storm on January 17, 1991, after months of refusal.

Unpunished use of torture by members of the royal family was also reported in 1991. In July, the New York City police rescued Turki al-Yaqouti, a thirty-six-year-old Saudi member of the staff of Prince Khaled ibn Talal — a nephew of King Fahd — who was visiting New York at the time. According to a police account, al-Yaqouti "had clearly been tortured," with burns on his chest and both forearms and wrists. "It looked like somebody did a job on him," said one police official. The victim was taken to the New York Hospital Burn Center. But, since he decided not to press charges and since the police thought that the torture had probably taken place in Saudi Arabia, no charges were filed.

Three incidents of harassment of foreign workers in Riyadh were also reported to Middle East Watch. In all three cases, roving bands of junior princes and their bodyguards were responsible. The workers were attacked on the street apparently at random and severely beaten for sport. Those who reported the incidents to the police complained of official inaction.¹⁷

EXECUTIONS AND CORPORAL PUNISHMENTS

The new laws do not ban arbitrary or extrajudicial executions. Nor do they provide safeguards for judicially ordered executions. The right to life is acknowledged as a basic right in the Saudi interpretation of the Shari`a. However, the Saudi government has in the past executed suspects without judicial sanction, giving the king the authority to impose the death penalty without trial.¹⁸ Moreover, in their imposition of the capital punishment, Saudi courts have not followed internationally recognized standards required for fair trials that are especially crucial in cases where the death penalty can be imposed.

¹⁶ According to the State Department's *Country Reports on Human Rights Practices for 1991*, (February 1992, page 1577), "It is general government policy not to respond to such reports."

¹⁷ All three cases were reported to Middle East Watch to have taken place in 1991 in al-'Olayya, an upper middle class section in the north of Riyadh.

¹⁸ A case in point was the execution in 1980 of 63 rebels who were captured after a bloody armed insurrection. Then-King Khaled ordered them beheaded without trials. Senior members of the royal family have, at times, taken the law into their own hands over family matters. In 1978, Prince Muhammed, King's Fahd's older brother, ordered the killing of his daughter and her common fiance after they had attempted to flee the country without family approval.

While there were no reports of extrajudicial killings in Saudi Arabia during 1991 and 1992, judicially ordered executions resumed in May 1991 after an eight-month moratorium following the Iraqi invasion of Kuwait. Although no official reason was given, the timing of the suspension suggested that it was designed to avoid the scrutiny of hundreds of foreign reporters and television cameras allowed into the country throughout the Gulf crisis. In May and June alone, twenty-two were executed, suggesting that a backlog of death sentences had built up in previous months. Those condemned to death had been convicted of murder or drug trafficking.

All judicial executions carried out in 1991 and 1992 violated internationally recognized due process guarantees. The only procedural rights allowed under Saudi regulations are the right to legal counsel before trial — if a suspect asks and can pay for it — and the right to confront one's accusers and contest one's pretrial confessions. However, defendants are not allowed legal representation in the courtroom, in clear violation of the principle set forth in Article 14(3)(d) of the International Covenant on Civil and Political Rights.¹⁹ Denial of legal representation in the court is especially objectionable considering that criminal laws are mostly unwritten. The accused thus requires vast knowledge of Shari`a to mount a credible defense. In addition, about one third of Saudi Arabia's population consists of foreigners who are even less familiar with the Shari`a and may be less able to defend themselves.

Most of those condemned to death in 1991 were first held in prolonged incommunicado detention for interrogation before family visits and meetings with legal counsel were allowed, while some never received legal counsel, either because they did not ask for it or because they could not afford it. A number of the drug-trafficking death sentences, moreover, were grossly disproportionate to the alleged crimes, which did not involve loss of life.

Corporal punishment continues to be applied for political offenses as well as common crimes. For example, in June 1991, Zuhair al-Safwani, a twenty-seven-year-old student, was sentenced to four years in jail and three hundred lashes for allegedly maintaining contacts with opposition groups outside the country. On December 6, 1991, two men (one Saudi and one Yemeni) convicted of stealing a safe had their right hands amputated in Jiddah, Saudi Arabia — thus resuming another pre-crisis practice of amputating the hands of convicted thieves.²⁰

There is nothing in the new laws to indicate that there would any limits on capital or corporal punishment in Saudi Arabia. By emphasizing the Shari`a as the basis of law, there is every indication that capital and corporal punishments regularly meted out by Saudi courts will continue, including flogging, amputation of hands and feet, gibbeting and the beheading of prisoners convicted under legal proceedings that fall well short of internationally accepted norms of fair trials.

PROTECTION AGAINST EX-POST FACTO INCRIMINATION

Article 38 of the Basic Law stipulates that, "No crime and no penalty may be established except by

¹⁹ However, defendants in nonpolitical cases are allowed legal counsel outside the courtroom, and a defendant who does not speak Arabic is allowed to have a translator in the courtroom who in practice can be a lawyer.

²⁰ *Le Monde*, December 10, 1991, quoting the Saudi daily *Arab News* of Jiddah.

virtue of Shari`a or law. No penalty may be imposed except for offenses committed after the relevant law has come into force." In theory these principles were never disputed by the Saudi government. But in practice they have been violated for two main reasons: the limited number of codified laws and the unchecked government authority to reinterpret these laws and the unwritten Shari`a principles. In the near absence of codified penal laws, the courts and government rely mainly on religious scholars' commentaries, based on the Hanbali school of Islamic jurisprudence, the majority of which were written in the Middle Ages. Most commonly used are treatises written by the fourteenth-century jurist, Ibn Taimiyya, who is considered the spiritual predecessor of the eighteenth-century Saudi religious fundamentalist reformer Muhammed ibn Abdel-Wahhab. The al-Saud dynasty based its initial rise to power in 1753, and its subsequent claims to rule, on its devotion to the teachings of Wahhabism, a strictly puritanical and fiercely proselytizing sect of Sunni Islam.

The King and the Council of Ministers have near absolute authority to interpret the written laws, as there is no constitutional court that might serve as an arbiter in case of dispute. The government-appointed Council of Senior Scholars, which represents the Wahhabi establishment clergymen, have authority to reinterpret the unwritten Shari`a laws. Some reinterpretations of the penal laws have been tantamount to applying ex-post-facto law. A case in point is that of suspects held in connection with acts of sabotage that took place in 1988. Twenty-six individuals were arrested on suspicion of bombing oil installations in the eastern industrial town of Al-Jubail. Denied legal representation during their trial, the twenty-six suspects were subjected to severe torture, according to credible reports from family members.

Four of the suspects were executed under the terms of Regulation No. 148 of 1989, an ex-post-facto regulation issued after their arrest, in clear violation of the principles codified in Articles 6(2) and 15 of the International Covenant on Civil and Political Rights. Two others were released. The remaining twenty are still detained under the authority of the same regulation. The regulation was issued after the government secured a religious opinion (*fatwa*) from the Council of Senior Scholars, which redefined armed insurrection to include acts of terrorism and sabotage. It also allowed the imposition of the death penalty for such acts even if they did not cause loss of life.²¹

SAFEGUARDING PRIVACY

According to Article 37 of the Basic Law: "Homes have sanctity; they shall not be entered without permission of its owners or searched except according to law." For this to be meaningful, a law must be passed requiring certain safeguards against arbitrary searches. There is no requirement under the Imprisonment and Detention Law of 1978, or any other law, that searches are conducted after securing a

²¹ Despite the Saudi government's contention that this regulation was not a new law but merely an interpretation of existing *Shari'a* prohibition against terrorism, many in Saudi Arabia believed that it was a departure from long-standing practice. The regulation allowed judges to impose the death penalty on those who commit acts of sabotage against "essential utilities such as oil pipelines and oil installations whose functioning is essential for the safety of citizens or the security of the nation." The regulation did not require that the sabotage result in loss of life for the death penalty to be imposed. While the Qur'anic phrase on which the regulation relies is admittedly ambiguous, it had been long-standing practice that the range of punishments for armed insurrection (*hiraba*) spelled out in the Qur'an (ranging in severity from exile to execution) be calibrated to the severity of the harm caused, with the maximum penalty reserved for acts of insurrection that result in loss of life. (Middle East Watch interviews, August 1990; Muhammed Mufti and Sami al-Wakil, *Islamic Political Theory of Human Rights*, Qatar: Al-Umma Publications, 1990, p. 43, in Arabic.)

warrant from a responsible authority. In practice, while regular police may on occasion obtain authorization before conducting a search, homes are regularly raided by the secret police and the religious police without warrants. For example, recent arrests of fundamentalists in December 1991 and January 1992 were accompanied by unauthorized searches. According to a January 14, 1992 written statement by the mother of one detainee, Ahmed al-Abdani, the secret police searched her house without a warrant. When she asked whether they had been authorized, she was told: "We are the *al-Mabaheth* [as the secret police is popularly known]; we don't need authorization to search houses."

Article 40 institutes, for the first time in Saudi Arabia, the principle of privacy of communications: "Telegraphic, postal and telephone communications, and other forms of communications are protected. They shall not be confiscated, delayed, read or listened to except in the cases specified by law." This provision represents, on paper, an important step forward. But, as with other declared reforms, how effective its protections prove will depend on the law specifying the circumstances in which the principle of privacy can be waived. As it is now, all forms of communication in Saudi Arabia are routinely intercepted, without judicial authorization, by security forces, postal authorities and Ministry-of-Information censors.

FREEDOM OF EXPRESSION

One of the most important lacunae in the new laws is the failure to recognize the right to freedom of thought or expression. Instead of recognizing freedom of the press, Article 39 of the Basic Law states that,

"Media and publishing organizations, and all other methods of expression, must adhere to good speech and to the laws of the state. They shall contribute to the education of the nation and support its unity. It is forbidden to publish anything that can lead to internal strife or division, or negatively affect the security of the state, or its public relations, or degrade man's dignity and rights, as specified by laws."

The laws to which this Article refers are very restrictive and fall far short of minimum universally accepted standards of free speech. For example, Articles 6 and 7 of the Law of Publications No. 17 of July 2, 1982, lists more than eighteen subjects that must not be addressed in any publication, including, for example, "anything that may touch on the dignity of heads of states or of chiefs of diplomatic missions accredited in Saudi Arabia, or adversely affect relations with other countries." Violators are subject to imprisonment or a fine or both (Article 38) and risk losing their licenses temporarily or permanently (Art. 34). These penalties are imposed administratively, by a committee formed in the Ministry of Information (Art. 40). This law subjects all publications, local or foreign, to pre-distribution censorship, leading to a complete ban on some publications. Those allowed to distribute in the country in principle may have particular issues confiscated or have their permits to distribute suspended for months at a time. When an issue is permitted into the country, some articles may be excised altogether or partially blackened.²²

²² In 1990, the distribution of several issues of *Time*, *Newsweek*, and the French weekly *Le Point* was banned. Similarly, in 1991, issues of *The Economist* were not allowed into Saudi Arabia. After the December 21, 1991 issue of *The Economist* was barred, the magazine itself was blacklisted indefinitely. See, *Attacks on the Press*, the 1990 and 1991 annual reports issued by Committee to Protect Journalists, New York.

Newspapers published in Saudi Arabia are regulated by a special law, the Private News Organizations Law No. 62 of August 1, 1964, which gives the government the right to close down any news organization, "if the interest of the country requires it"(Art. 8). Officers of the news organization may have their positions terminated by the Ministry of Information on the same grounds (Art. 18). The editor-in-chief of a publication may also be similarly dismissed (Art. 28).

Radio and television are owned and operated by the Ministry of Information and reflect only views acceptable to the government. Since the government closed down all private radio stations in 1964, it has banned the operation of any independent radio or television station.²³

During the Gulf crisis, Saudi authorities strictly enforced a ban on all public criticism of the government's policies. A number of prominent clergymen and theologians were prevented from speaking out, including Shaikh Safar al-Hawali and Shaikh Salman Fahad al-Awdah. Shaikh al-Awdah was arrested several times in 1991 and then restricted to the Qasim region, three hundred kilometers north of Riyadh, in an effort to enforce the ban. While the restriction of his movement has not been rescinded, it was not strictly enforced after the end of the war. Dr. Muhammed al-Mas'ari, a professor at King Saud University who was sympathetic to the fundamentalist religious movement, was also prohibited from speaking publicly and for several months suspended from teaching.

Since October 2, Muhammed Shams al-Din Abdalla al-Fassi, a Saudi who is related by marriage to the royal family, has been held incommunicado after being arrested in Jordan and turned over to Saudi authorities.²⁴ His family, which fears for his life, reports that he has been tortured and denied family visits and legal counsel. Al-Fassi incurred the displeasure of the Saudi government for, among other things, broadcasting his critical views of the Saudi government during the Gulf crisis on Radio Baghdad.

In an unprecedented move, Saudi Arabia granted visas to more than one thousand foreign reporters during the Gulf crisis. But the Saudi government and the Pentagon issued strict orders regulating the transmission of press reports. In addition to military censorship, reporters were instructed not to cover Saudi domestic issues.

Both Saudi and foreign reporters were arrested for unauthorized news coverage during the crisis. Saleh al-Azzaz, editor-in-chief of the monthly *Tijarat al-Riyadh* (*Riyadh Commerce*) and regional editor of the weekly *al-Majalla* (*The Magazine*), was arrested on November 6, 1990 and held until March 4, 1991 — shortly

²³ There have been two minor exceptions to this rule. Between 1964 and 1976, the government allowed the operation of a television station by Aramco, the oil company that was then American-owned but has since 1976 been nationalized. The other exception was that during the Gulf crisis in 1990-1991, the United States Armed Forces Radio was allowed to operate in Saudi Arabia.

²⁴ Muhammed al-Fassi's sister is married to Prince Turki ibn Abdel Aziz, King Fahd's brother and a former deputy minister of defense. Shams al-Din al-Fassi, Muhammed's father, had been detained in Saudi Arabia for several years without charge, reportedly for holding unpopular religious views. In October 1983, a plot to kill Shams al-Din al-Fassi was uncovered in London. In October 1984, Walter Martindale, a former U.S. State Department official, was convicted in U.S. federal court on several gun-possession charges in connection with the plot, and was sentenced to ten years in prison. Martindale maintained during the trial that the plot had been masterminded by Prince Nayef ibn Abdel Aziz, the Saudi minister of interior and another brother of King Fahd.

after the end the war. He was accused of attempting to pass to Western news organizations reports of the November 6 demonstration by Saudi women demanding the right to drive. There were numerous incidents in which reporters were beaten by Saudi forces or had their copy confiscated or film destroyed when they veered from the approved itinerary.²⁵ Shortly after the war ended, Saudi Arabia returned to its pre-crisis practice of denying most visa requests from foreign reporters.

On May 28, 1991, in preparation for the annual Muslim pilgrimage *al-Hajj*, Saudi Minister of Interior Prince Nayef ibn Abdel Aziz issued a ban on using, displaying or bringing into the country "books, photographs, and leaflets of political, propagandistic or ideological aim." Aimed primarily at the Iranian pilgrims, permitted to return to the country for the first time since 1987 when a major disturbance left over four hundred dead, the ban was strictly enforced against all political literature and Shi'a religious documents.

On November 14, Abdel-Rahman al-Hassani, a Moroccan journalist and editor-in-chief of the weekly *Hadihi al-Dunia This World*, was expelled from Saudi Arabia without being informed of the reasons.²⁶ He attributes the expulsion to a combination of suspicion that he was distributing publications deemed politically objectionable to Saudi authorities and requests by the Moroccan government to expel him because of a critical column he had written in 1986 about Moroccan judges.²⁷

During December 1991 and January 1992, scores of fundamentalist opponents were also rounded up by the secret police. They were apprehended and have been held incommunicado without due process of law, on suspicion of preaching against government policies. In addition, since December 13, 1991, a number of fundamentalist leaders have been banned from travel abroad, including Sulaiman Fahd al-Awdah, Ayedh Abdalla al-Qarni, Dr. Safar al-Hawalli, and Dr. Ahmed Othman al-Tuwaijri. The first three are popular fundamentalist teachers whose critical audio cassettes are clandestinely distributed in the country and the fourth is the dean of the College of Education at King Saud University. Around the same time, Shaikh Abdel-Muhsin al-Obaikan, an elderly religious judge in Riyadh, was also banned by a government order from delivering sermons or speaking out in public.

FREEDOM OF ASSEMBLY

The new legislation does not recognize a right to peaceful assembly. Under Saudi regulations, all demonstrations are banned unless expressly sanctioned by the government; such sanction is given only after authorities are satisfied that they would be in support of government actions or policies. During 1991, the police forcibly dispersed peaceful demonstrations on several occasions. On March 22, Saudi National Guardsmen forcibly dispersed a two-thousand-strong peaceful demonstration that took place in al-Qatif, a

²⁵ See, e.g., Committee to Protect Journalists, *Attacks on the Press 1991*, March 1992, pp. 167-9.

²⁶ The newspaper was started in Morocco in 1966. In 1986, it moved its offices to Greece. During 1990-91, its editors were in Saudi Arabia and Greece but it was printed in Athens and distributed from there.

²⁷ The article had prompted the Moroccan Ministry of Interior to file formal criminal charges. According to an order issued in 1989 and apparently still in force, he is accused of "affront to the supreme dignity of Moroccan justice" and his name "is at all times and from now on officially listed at all Moroccan borders."

predominantly Shi`a town, in support of Grand Ayatollah Abu al-Qasem al-Khoei. Imam al-Khoei — one of the highest-ranking Shi`a clergymen in the world and highly revered by the Saudi Shi`a population — had just been detained by the Iraqi government. The demonstration was thus against Saddam Hussein and could have been construed as supportive of Saudi government policy. This purpose notwithstanding, the official Saudi government ban on all demonstrations, especially those organized by the Shi`a community, meant that many of the participants in the demonstration were beaten and arrested. A similar, but smaller, demonstration organized in the eastern city of al-Dammam on March 29 met with a like response from security forces.

FREEDOM OF ASSOCIATION

The new law does not change the long-standing ban on free association. Trade unions are banned under the terms of a 1956 royal decree that outlawed labor strikes and the collective organization of workers. Political organizations are also banned. Those suspected of membership in an opposition political party risk arrest, torture and lengthy incarceration. During 1988 and 1989, twenty-five persons were arrested and accused of membership in *Munadhamat al-Thawra al-Islamiyya* (Organization of Islamic Revolution), a Shi`a organization. All were later adopted by Amnesty International as Prisoners of Conscience. During the same period, twenty were held on suspicion of belonging to *Hizb Allah fi al-Hijaz* (Party of God of al-Hijaz), another Shi`a organization. During 1989, six were arrested for alleged membership in *Hizb al-Amal al-Ishiraki* (Socialist Action Party).²⁸

Other forms of social or apolitical association require licenses, which are regularly denied or revoked. When allowed, an association is required to make available to the government its minutes and membership list. It is banned from contacting foreign organizations or participating in international conferences without express permission from the royal court.

DISCRIMINATION AGAINST WOMEN

The new laws do not explicitly ban discrimination based on gender and most likely they will be understood by both fundamentalist groups and the religious establishment as not offering protection against such discrimination. Specifically, the new laws state that the constitution of the country is the Shari`a, which is interpreted by the government-appointed clergy, and by the government as a whole, as to permit the denial of certain rights to women, including the freedom to travel and equal access to employment and education. According to this interpretation, even "moderate beating" of a disobedient wife is allowed.

Recent developments in Saudi Arabia underscore the inherently discriminatory nature of official Saudi policy towards women in travel, employment and education. By law, women are not allowed to travel within the country or abroad without being accompanied by a male relative. When using public transportation within cities, women are restricted to using the rear of a bus, separated from male riders in

²⁸ Amnesty International, "Saudi Arabia: Detention without Trial of Suspected Political Opponents," January 1990, AI Index: MDE 23/04/89. Although a number of detainees were accused of committing violence, for most the main offense was membership in a political organization.

the front. Women are also banned by law from employment in most public and private enterprises, except in those few circumstances in which the employer is able to provide a completely gender-segregated work environment. Technical and vocational training is off-limits to women except in health trades. Access to university education is controlled by strict limits in almost all fields, with some professional schools completely barred to women.

Before November 1990, women had been banned in practice, but not by law, from driving in Saudi Arabia. However, when forty-seven mainly professional women challenged this custom on November 6, 1990 by driving their own cars in Riyadh (having secured driver licenses in other countries), the move backfired badly. All the women were arrested. Released the same day into the custody of their male relatives, the women had their passports confiscated and were suspended from any public job they had held, including a number of university professorships. Faced with uproar from the religious establishment and other fundamentalists, Prince Nayef, the Interior Minister, later issued an order formally banning driving by women, thus making a hitherto implicit ban explicit in law.

In November 1991, passports were returned to the women and, according to reports received by Middle East Watch from those personally familiar with the case, the women were quietly given back pay and promised that they would be able to return to their former positions. It remains to be seen whether this promise is actually carried out. Meanwhile, the government has made clear that it will continue to punish those who try to challenge the officially sanctioned policy of gender-based discrimination.

RELIGIOUS DISCRIMINATION

Predictably, the Basic Law of Government does not contain any reference to freedom of thought or religion. Objection to the principle of freedom of religion was cited by the Saudi government as one of the main reasons behind its refusal to sign international instruments of human rights. Rather than establishing boundaries between religion and the state structure, the Basic Law explicitly declares that the Shari`a is the constitution of the country and the basis of legislation and authority. Government-appointed clergy, chosen from among the Wahhabi establishment, are assigned the task of interpreting the Shari`a. Under this legal arrangement, sects other than Sunni Islam as understood by the strict Wahhabi branch of the Hanbali school are not treated as equal.

There has been long-standing discrimination against Saudi Arabia's Shi`a Muslim minority as a consequence of Shaikh Muhammed ibn Abdel-Wahhab's teachings. This eighteenth-century cleric, who started the puritanical movement upon which the al-Saud family has based its legitimacy, believed that Shi`a are outside the pale of Islam.²⁹ Shi`a are the largest minority in the country; although there has been no official census, estimates range from two to seven percent of a total population of fifteen million.³⁰ They are concentrated in the oil-producing Eastern Province, where their share of the native population is more

²⁹ This extreme position is not shared by the overwhelming majority of Sunni Muslims. It has its genesis in the teachings of Ibn Taimiyya, a fourteenth-century puritanical Syrian cleric.

³⁰ Unofficial estimates suggest that the native population of Saudi Arabia is close to two-thirds of the total population. Between three to eleven percent of the native population could therefore be Shi`a by faith.

significant.³¹

The policy of discrimination intensified, for political reasons, after the 1979 Iranian revolution and the subsequent Iran-Iraq war (1980-1988). However, since 1991, official harassment of Shi`a has been eased, but it is too early to determine whether this represents a trend. There were several reasons for the easing of repression. Shaikh Hassan Mousa al-Saffar, a leading Saudi Shi`a cleric, supported the Saudi war effort against Iraq in statements he made from his place of exile in Syria.³² Improved Saudi-Iranian relations and the Saudi government's need to close ranks at home also played a role. In addition, during 1991, it was Sunni fundamentalists rather than the Shi`a who voiced the strongest opposition to the presence of foreign troops in the country, and thus most evoked government wrath.

As a result of this detente, previous practices of close surveillance of Shi`a towns, raids by security forces, intimidation and public humiliation, all of which had been common, were largely stopped during 1991. Saudi Aramco, the government-owned oil company and the largest employer of Shi`a in the country, reopened its recruitment offices in Shi`a towns after years of inactivity. However, the number of new recruits was small despite the vast expansion of oil production and the flight of many foreign oil workers occasioned by the 1990-91 Gulf crisis caused by Iraq's occupation of Kuwait. Moreover, the policy started in the mid-1980s of displacing senior Shi`a executives at Aramco continued, according to Aramco employees interviewed by Middle East Watch.

Two petitions submitted to King Fahd by Shi`a notables in 1991 complained about a ban on the use of religious tracts required for the exercise of Shi`a religious rites. The notables also protested restrictions imposed on Shi`a university admissions, the ban on military service by Shi`as, and the difficulty faced by the community in trying to secure jobs with government agencies or government-owned companies.³³ Shi`a believe that denying them military service casts doubt over their loyalty. In addition, in Saudi Arabia there is considerable popular demand to join the military, in part because of the significant privileges to which members of the armed forces are entitled. Since Saudi Arabia maintains one of the smallest armies in the region relative to its population, induction into the army is very much sought after.

The Shi`a are still banned from public displays of their religious customs on occasions such as `Ashura, a major day of mourning, outside areas where they are a majority. In Shi`a towns themselves, certain religious practices, such as ritual self-flagellation, are banned.

In a disturbing sign of persistent attitudes in high circles, on September 30, 1991, Shaikh Abdalla

³¹ There are also smaller Shi`a communities in `Asir Province, near the Yemeni border, and in Medina, the second holy city.

³² Interestingly, al-Saffar's comments on the newly-introduced laws have been skeptical, describing them as "empty of any real content and a disappointment to the hopes of citizens. These laws do not promise any political reform and do not entail any change in the system of government. They merely put the reality of the system in writing and give it the appearance of constitutional legitimacy." *Al-Jazeera al-Arabia (The Arabian Peninsula)*, March 1992, p. 29.

³³ The complaint about job discrimination mentioned Aramco (the oil company), Petromin (the oil-distribution network), SABIC (Saudi Arabian Basic Industries Company, the petrochemical conglomerate) and the Eastern Province Power Company.

ibn Jibreen, a member of the government-appointed Council of Senior Scholars, issued a *fatwa* that Shi`a are "idolaters deserving to be killed." The *fatwa*, for which he has not been censured publicly, reflects the view of the Sunni religious establishment, although not necessarily the government as a whole. Two previous opinions by the *iffta'* committee of the Council of Senior Scholars had already stated that Shi`a "are apostates who have committed grand idolatry."

The government has provided the atmosphere in which such extreme views can be expressed. Government-issued public school texts denigrate Shi`a beliefs, describing them as heretical and blasphemous.³⁴ In a deeply religiously society, such government-sanctioned or condoned claims are virtual incitements to violence against the Shi`a.

In March 1992, Mulla Turki Ahmed al-Turki and Abdel-Khaleq al-Jenini were reportedly detained by the Directorate of General Investigations at the campus of King Abdel-Aziz University in Jidda, apparently after they engaged with a professor in a discussion about Shi`a beliefs. The discussion centered around a university-approved textbook that was taken to insult those beliefs.³⁵

Non-Muslim residents in Saudi Arabia also face official discrimination. They are not allowed to practice their religions in public, display religious symbols, or import religious books. During the Gulf war, this matter was one of the thorniest restrictions on U.S. and allied troops, although special exemptions were allowed to accommodate the foreign armies camped on Saudi soil for up to nine months. After the war, the strict enforcement of the ban on non-Muslim worship was resumed. According to a report by the U.S. Department of State, a clandestine Christian religious service was broken up by police who arrested many of those attending, including children.³⁶

RIGHTS OF REFUGEES

Article 42 of the Basic Law is vague about the rights of refugees; it notes: "The state grants political asylum when public interest requires it. Saudi laws and international agreements shall govern rules and procedures of extradition of common criminals." In other words, Saudi Arabia's interest, not that of the asylum seekers, shall determine whether or not a refugee is granted asylum in the country. Saudi practice has not always adhered to the principle of non-refoulement: foreign residents have been frequently expelled to countries where they risk death, grave danger, or persecution for political beliefs.³⁷

³⁴ One such example is the government-issued, and the only one approved, theology textbook of the final year in high school. This subject is required for graduation from high school. The text book, written by Shaikh Saleh al-Fawzan, was approved in early 1992 for the current academic year.

³⁵ *Al-Jazeera al-Arabia*, April 1992, p.17

³⁶ *Country Reports on Human Rights Practices for 1991*, p. 1583

³⁷ Non-refoulement is a universally accepted principle of refugee law. Under Article 33.1 of the 1951 Refugee Convention, "No Contracting State shall expel or return ("*refouler*") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." Although Saudi Arabia has not ratified this convention, the principle of non-refoulement is considered part of customary law binding on all nations.

During the Gulf crisis, Saudi Arabia allowed international human rights organizations relatively free access to interview refugees from Kuwait. Access to Iraqi refugees has been more restricted but not banned in principle.³⁸

Iraqi refugees who were evacuated by U.S. troops from southern Iraq to Saudi Arabia after the failure of the March 1991 uprising have found the Saudi government less than hospitable. While the government has been paying the full cost of the refugee camps, it restricts the movement and communications of the refugees. In addition to the 23,000 civilian refugees in the Rafha camp, there are 14,000 former prisoners-of-war who are kept in the al-Artawiyya camp.³⁹ The latter lost their POW status in August 1991 after the ICRC ascertained that they did not wish to return to Iraq. Both groups of refugees are kept in isolated camps in remote towns surrounded by Saudi security forces. While these forces provide protection for the camps, they also deny the refugees access to the outside world. While refusing to allow the refugees to leave the camps to other places inside Saudi Arabia, the Saudi government for months did nothing to facilitate their resettlement in other countries.

Most of the Iraqi refugees in Saudi Arabia are veterans or supporters of the religiously-inspired Shi`a rebellion in southern Iraq. Despite this, the Saudi government sends Sunni preachers from the Wahhabi school, which is especially hostile to the Shi`a branch of Islam, to proselytize amongst the refugees. These zealous preachers have distributed in the camps publications branding the Shi`a creed as blasphemy.

The conditions under which these refugees were living, the mutual hostility between guest and host and the lack of progress on their resettlement led to serious clashes in April and December 1991, leading to the death and injury of scores of refugees. In September, Saudi Arabia formally asked the United Nations High Commissioner for Refugees to help in the resettlement of Iraqi refugees who did not wish to be repatriated.⁴⁰

In December 1991, there were reports that Saudi authorities rounded up hundreds of Iraqi refugees who were deemed "trouble makers" and forcibly repatriated them to Iraq, thus violating the non-refoulement principle of refugee law. Over 280 Iraqi refugees, most of whom were political dissidents, were reportedly forced to leave to Iraq, despite the grave danger they faced upon returning to Iraq. Earlier in the year, hundreds of Somalis were deported and sent by ship to Somalia where they too faced great

³⁸ In the case of prisoners-of-war, the Saudi government refused to allow the International Committee of the Red Cross (ICRC) to visit Iraqi soldiers who surrendered between August 1990 and January 17, 1991, the day Desert Storm started. Saudi officials claimed that those soldiers were not prisoners-of-war to be treated according to the Third Geneva Convention. Instead, they called them "military refugees" and promised to treat them humanely, "as brothers." Under considerable international pressure, however, after the start of the war, Saudi Arabia gave the ICRC full access to prisoners-of-war.

³⁹ Rafha is a small town near the Saudi-Iraqi border; al-Artawiyya is a village 180 miles south of the border and 150 miles north of Riyadh.

⁴⁰ Little progress has been made because of logistical problems and failure to find a third country willing to take the refugees.

risks.⁴¹

Following the liberation of Kuwait, many of its foreign residents, facing persecution at the hands of the restored Kuwaiti government, sought to leave the country through Saudi Arabia. But the Saudi government for several months refused to allow them to pass through its territory. The effect of this policy, for those who did not want to risk the dangerous passage through Iraq, was to limit the possessions that they could take with them to items that could be carried as personal luggage on an airplane.⁴²

SUMMARY DEPORTATION

Under Article 36 of the Basic Law, "The state shall provide security for all its citizens and residents. It is prohibited to restrict the actions of any one, detain or imprison him except according to law." We saw that the Imprisonment and Detention Law of 1978 provides very little protection against arbitrary arrest and lengthy administrative detention. Alien residents face another risk: summary deportation.

Under the Alien Residence Regulations, aliens can be summarily deported by order of the minister of interior or his deputies; regional governors; or the head of the Passports and Nationality Agency, his deputies or his regional representatives. Deportation orders are issued automatically for violations of the stringent visa and residence regulations. They are also issued upon recommendation of the police or the Directorate of General Investigations. In addition, since work visas are contingent upon continued employment, foreign workers are usually forced to leave immediately or face deportation once their employers notify immigration authorities of the termination of their contracts. Summary deportation, or the threat of it, is used by unscrupulous employers to get their employees to forgo certain rights they may be entitled to under labor law or the terms of their contracts.

During their stay in Saudi Arabia, the movement of foreign workers is severely restricted. An alien is required to surrender his passport to his employer. At the same time, aliens are required to carry their passports to be allowed to travel within the country. Consequently, a foreign worker may not travel within the country or abroad without the permission of his employer, providing the latter with additional leverage.

Summary deportation, without a hearing of any kind, is carried out regularly in Saudi Arabia, in violation of international human rights standards. Article 13 of the International Covenant on Civil and Political Rights states that, "an alien ordered deported shall have the right to have his case reviewed by, and be represented before, a competent authority."

During the fall of 1990 and the spring of 1991, summary deportation reached unprecedented levels when the government decided to cancel the waivers Yemeni workers had been granted from visa

⁴¹ *State Department Country Reports 1991*, p. 1583; Middle East Watch interviews, February 17, 1992.

⁴² The policy, which Saudi Arabia instituted upon the liberation of Kuwait on February 26, 1991 was amended by the end of October, according to reports received by Middle East Watch. However, Middle East Watch continued to receive other reports through November, from Palestinians wishing to leave Kuwait but were not allowed to pass by land through Saudi territory. Since then, most of those leaving Kuwait by land have chosen to go through Iraq since the roads became less dangerous.

requirements. The decision was taken in retaliation for the Yemeni government's tilt toward Iraq during the Gulf crisis and in response to Yemeni press criticism of Saudi policy in the crisis.

On September 22, 1990, the Saudi government abruptly ended the preferential treatment previously extended to Yemeni guest workers, including permission to work without a sponsor (*kafīl*) and to operate businesses without a Saudi partner. Workers were given one month — later extended by another month — to find a sponsor, and businessmen were given three months to find Saudi partners. Close to one million out of the 1.5 million Yemenis in Saudi Arabia — many of them having lived most of their lives in the Kingdom — were unable to adjust to the new procedures in the short time allowed and were ordered out of the country. Departing Yemenis were, in practice, forced to leave behind much of their property.⁴³

Under the new procedures, thousands of Yemeni workers were detained in 1991 and most were deported without the opportunity for judicial review. In early 1992, residents of Riyadh reported to Middle East Watch that Yemenis were still being arrested on sight, even if they held valid permits. Those able to prove their compliance with the new requirements were usually released, but many of them were subjected to ill-treatment while being interrogated.

⁴³ Saudi border guards required proof of purchase for items taken out of the country by departing Yemenis, in many cases a very difficult requirement to fulfill. In addition, ostensibly to make sure that the goods taken were for personal use and not resale, the quantities allowed across the border were limited.

CHAPTER SIX

ECONOMIC AND SOCIAL RIGHTS

It is in the commitment to economic rights that the Basic Law of Government charts a progressive path. At first sight, though, these codified rights do not appear to include anything new for Saudi citizens who have benefited for some time from the generous programs of a welfare state. Under Article 27 of the Basic Law, "the state shall guarantee the *right* of all citizens and their families in the cases of illness, disability or old age; it shall support the Social Welfare System."¹ Although the text is not explicit about what this right is, it presumably refers to the right to the minimum level of livelihood guaranteed in the Social Welfare System administered by the government, which provides the needy with monthly stipends in cases of old age, disability or death of a provider.

Under Article 28, "the state shall facilitate employment for all able-bodied persons and enact laws that protect workers and employers." This provision, while not gender-specific, probably does not include providing women with employment. Under Saudi labor laws, women are not allowed to work except in the rare circumstances where an employer is able to provide a totally gender-segregated work environment.

Article 30 mandates that "the state shall provide public education and undertake to fight illiteracy." It does not however require compulsory education, a demand of Saudi educators and part of the trend in countries of Saudi Arabia's relatively advanced level of development. Nor does it require that access to education be equal among the sexes; under Saudi regulations, women are not allowed to enroll in certain fields.

Under Article 31, "the state shall protect public health and provide health care to every citizen." In practice, access to free high-quality health care is not equal. It is one of the areas where patronage by the royal family is effective in securing care; those without it have to pay high prices for medical care in private hospitals or abroad.

Part of the progressive trend is Article 32: "The state shall undertake to protect, preserve and improve the physical environment and prevent its pollution." This is especially important in light of the environmental devastation wreaked by the Iran-Iraq war (1980-88) and the more recent 1991 Gulf war.

PUBLIC SCRUTINY OF GOVERNMENT FINANCES

The Basic Law of Government seeks to regulate fiscal aspects of the state functions, an area of heated controversy in Saudi Arabia. Ever since Saudi Arabia began accumulating wealth from selling oil in 1940s, there have been persistent charges of favoritism, discrimination and outright corruption in the exploitation of natural resources. The scope of corruption in distributing public property, including state land and lucrative government contracts, is also legendary. Government financial accountability has been

¹ Emphasis added.

therefore one of the key demands of Saudi citizens petitioning for change.² It is probably to counter such charges that the Basic Law addresses these issues in some detail.

Under the Saudi brand of mixed economy, the state owns most land and all natural resources:

"All God's bestowed resources and revenues from these resources, whether underground, on the surface, in territorial waters, or within territorial or maritime zones of jurisdiction of Saudi Arabia, are state property as specified by law. The law shall specify methods of exploitation and protection of these resources, and their development in accordance with the interest of the state, its security and economic benefit" (Article 14 of the Basic Law).

Other articles also confirm the emphasis on public ownership: "No concession, or exploitation of resources shall take place except according to law," (Article 15); and: "The state shall protect the sanctity of public property," (Article 16).

The controversy over financial accounting emanates from the less than water-tight Saudi laws of public finance. They allow for the haphazard way in which these resources have been developed, usually shrouded in secrecy outside the normal government channels. This prevents appropriate accounting before a competent body or through other methods of public scrutiny. The absence of a representative body and a free press makes effective scrutiny very unlikely.

Unless the government now enacts strong laws to implement the general principles enunciated in the Basic Law, and unless it allows public examination of the way they are applied, it is doubtful that the present scope of corruption and venality among a favored elite will diminish.

Article 74 of the Basic Law addresses another serious problem of public finance: "State property shall not be sold, leased or otherwise disposed of except according to law". Traditionally in Saudi Arabia, through a peculiar interpretation of Shari'a rules on public property, the King has had near absolute authority over the handling of state property. His unquestioned discretion in this respect, in many cases has meant the straightforward distribution of public property to members of the royal family or to senior government officials.

Article 72 attempts to address another contentious problem of record-keeping that has traditionally been handled away from public scrutiny:

- "a. Revenues of the state and the manner in which they are transferred to the public treasury shall be specified by law.**
- b. Revenues shall be recorded and spent according to principles specified by law."³**

Whether these fiscal principles will have the desired effect of ensuring fairness in access to the

² See, e.g., the two petitions for reform, in the appendix of this report.

³ Article 73 aims at streamlining public expenditure: "No Public Treasury funds shall be committed except according to the principles specified in the state budget. If the budget does not allow the spending of the additional funds, such commitment may be made through a royal decree."

public wealth will depend on the laws that are passed to put them into effect and on the mechanism through which supervision of their implementation is achieved. Under current laws, only the Council of Ministers has the authority to scrutinize such matters. The Council is however a body that is tightly controlled by the King; its opinions are purely advisory and it holds its meeting in secret away from the public eye. The press is forbidden from covering its activities beyond the press statements issued following meetings, usually read by the Minister of Information and distributed by the official Saudi Press Agency. The contemplated Consultative Council to be formed within the next four months would be the best forum for effecting such scrutiny. However, the powers acceded to this council in the new laws are extremely limited.⁴

⁴ See the chapter on the Consultative Council, above.

CHAPTER SEVEN

LAW OF PROVINCES

The new Law of Provinces replaces a 1963 similar law that was never put into effect, but was not repealed until March 1992. Between 1963 and 1992, the old law was simply ignored by the king and his cabinet. Presented as giving the regions of the kingdom a measure of autonomy, a close reading of new law shows that this autonomy is extremely limited, much less than that envisioned in the 1963 statute. By March 1993, it is intended that provincial councils be appointed by the king. The new law also confirms the present practice of appointing governors by royal orders.

No elections are contemplated in the new law, reversing an earlier provision to elect a certain proportion of regional council members.⁵ The scheduled provincial councils, moreover, will have a more limited mandate than what was envisaged by the 1963 law. Astonishingly, they will not be allowed to discuss government domestic policy. Most notable in the new law is the shift of some power from the Council of Ministers to the Minister of Interior. While this shift may be desirable to reduce the concentration of power, it does not bode well for human rights observance. The Ministry of Interior, the agency responsible for internal security including the police force and internal intelligence services, is the government agency most associated with human rights abuses in the country.

Hailed by the government as a step forward, the new law is actually a step backwards in some respects. It continues the trend towards elimination of all forms of elections and limits the mandate granted in 1963 to regional councils.⁶

In an interview with Middle East Watch, a senior Saudi provincial official voiced significant concerns about the new law. With the precedent of the 1963 law in mind, he expressed concern whether the new law would be implemented in all its aspects, since there is no formal body in charge of supervising its application. The official said that while the new law appears to give regional governors some power, it mainly strengthens the hand of the Minister of Interior vis-a-vis the cabinet as a whole. He referred to Article 23 specifying the limited scope of work for a provincial council. Article 25 then sternly states: "Provincial councils are forbidden to look into any subject other than those specified in this Law. Any decisions issued by a council in violation of this provision shall be annulled by the Minister of Interior." According to the Saudi official interviewed by Middle East Watch, this prohibition is a continuation of Article 24 of the 1963 Law of Provinces which states: "Provincial councils are forbidden from discussing any military issues or matters of domestic policy or foreign affairs."⁷

⁵ The 1940 Law of Regional Governors and Administrative Councils stipulated the election of members of administrative councils in every region of the Kingdom (Articles 29-34).

⁶ Only limited municipal elections are now sanctioned. Article 9 of the 1977 Municipalities and Villages Law still allows for the election of half the members of a municipal council. However, since that law came into effect, no election has ever been held. See the section on elections, above, for more details.

⁷ Middle East Watch interview, March 27, 1992.

The old Law of Provinces, ratified by Royal Decree No. 12 of October 8, 1963, in fulfillment of the 1962 reform program, was never implemented because the government believed it gave excessive power to regional governors and regional councils at the expense of the central government. In 1986, when Prince Mamdouh ibn Abdel-Aziz, a brother of the king who was then governor of Tabouk, the northwestern province, tried to exercise his authority as defined by the Law of Provinces, he was dismissed from his position for insubordination.⁸

The 1963 Law of Provinces was quite detailed in outlining the areas of competence of the provincial councils (Articles 12 through 25). By contrast, the new law is quite brief on this issue. It also gives the Interior Minister a wider authority to annul councils' decisions by virtue of the previously quoted Article 25, whenever he deems that a council has overstepped its authority. Since this authority is not clearly defined, and since the law does not envisage an independent body to settle jurisdictional disputes, it would be probably up to the Minister himself to decide when a council is acting beyond its legal power.

Under the new Law of Provinces, as in the 1963 law, governors are appointed by the king. In practice, all provincial governors in Saudi Arabia are members of two families: the al-Saud family and the al-Sudairi family, King Fahd's maternal relatives. Under the new law, members of provincial councils are to be appointed by the king; local administrators are appointed by provincial governors.

⁸ Middle East Watch interview in Jiddah, Saudi Arabia, October 16, 1990.

CHAPTER EIGHT

UNITED STATES POLICY TOWARDS SAUDI ARABIA

Despite a strong and intimate relationship spanning more than half a century, the United States government has rarely criticized Saudi violations of human rights. The fact that Saudi Arabia has one of the most tightly controlled authoritarian governments, has not prompted the U.S. to voice concern over the lack of participatory government in the Kingdom. After the new basic laws were announced in March of this year, U.S. officials were unequivocal in their praise, overlooking their obvious fundamental flaws. Although the U.S. has been very well-placed to help effect an improvement in the Saudi dismal human rights record, it appears to have subordinated human rights principles to strategic, foreign policy and business interests, on the probably mistaken belief that promotion of human rights and participatory democracy in the Kingdom would have deleterious effects on those interests.

The close relationship between two countries dates back to 1933, when four major U.S. companies gained concessions for the exploration of oil in Saudi Arabia. In addition to oil production and allied industries, the U.S. is the largest importer of Saudi products and the largest source of Saudi imports. The U.S. has also been the main supplier of arms to the Saudi military. It has built Saudi Arabia's military infrastructure and trained its forces. Beyond the Middle East, the two governments have also closely cooperated in military and political matters all over the globe, including Zaire, Nicaragua, Afghanistan and, more recently, the Commonwealth of Independent States.

This special relationship was cemented by the war effort to oust Saddam Hussein from Kuwait. President Bush's original justification for dispatching U.S. troops to Saudi Arabia, in August 1990, was the perceived threat of an Iraqi invasion of the kingdom. Post-war cooperation has involved extensive contacts between the two countries on future security arrangements in the Gulf, Saudi defense plans, the fate of the Iraqi regime led by Saddam Hussein, and the Arab-Israeli peace process.

Pledges to work toward a curb on all arms sales to the Middle East notwithstanding, the U.S. drive to arm Saudi Arabia with U.S.-made weapons has accelerated since the end of Operation Desert Storm in February 1991. It is projected to continue over the next several years. On November 8, 1991, Pentagon officials announced the Administration's plans to provide Saudi Arabia with a large package of advanced weapons. The \$3.3 billion sale, if approved by Congress, would include seven hundred ground-to-air missiles for fourteen Patriot missile batteries, to be added to six batteries sold in the fall of 1990. In addition, Saudi Arabia has ordered seventy-two F-15 fighter planes from McDonnell Douglas, at a cost of \$4 billion, according to an announcement by the company in November 1991. The two deals are part of a \$14 billion arms package that Saudi Arabia is seeking to purchase from the United States for delivery in 1992 and 1993.

The range of military cooperation between the two countries was reiterated by U.S. officials during a visit to the Kingdom in February 1992. They assured Saudi rulers that "the United States was determined, while preserving Israel's qualitative edge over any likely combination of aggressors, to meeting the legitimate defense needs of our friends in the Gulf. This includes sales of weapons and bilateral security arrangements such as the periodic conduct of joint military exercises, the maintenance of an enhanced

naval presence in the Gulf, and access and prepositioning arrangements."⁹

In March 1992, Assistant Secretary of State for Near Eastern and South Asian Affairs, Edward P. Djerejian, told a House subcommittee that, in addition to existing military agreements that the U.S. was seeking to renew, the U.S. government was also negotiating long-term arrangements with Saudi Arabia for the use of Saudi military facilities and the right to preposition U.S.-owned weapons in the kingdom. He expected these agreements to be concluded "in the near future."¹⁰

One reason to expect the U.S.-Saudi defense alliance to strengthen even more is the apparent failure so far to conclude regional collective security arrangements. As has been evident since the December 1991 Gulf Cooperation Council summit meeting in Kuwait, the six GCC countries -- Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates -- have failed so far to agree on a military pact.¹¹ Under the Damascus Accord of March 1991, Egyptian and Syrian troops were to provide additional security guarantees. Recently, however, the GCC countries have shown little interest in pursuing this option. Without these two options, the six Gulf states have been relying on the U.S. to provide the needed military assurance, through arms purchases and military agreements.

A new area of mutual interest between the U.S. and Saudi Arabia is their concern over the future of the former Soviet Union. In a March, 1992, hearing before the House, Secretary Djerejian said that the U.S. and the Gulf states were concerned about "possibility of instability, transfers of dangerous weapons technology, and economic collapse," in former Soviet Union republics. Gulf states, principally Saudi Arabia, have allocated \$3.5 billion in grants, loans and credits to the former Soviet Union, following discussions with the United States.¹²

The U.S. arming of Saudi Arabia, the political alliance that was strengthened by the Gulf crisis and the tremendous good will which the Saudi government has for the Bush Administration following the liberation of Kuwait, provide the Administration with a special opportunity to encourage Saudi respect for human rights.

Despite these opportunities, respect for human rights in Saudi Arabia has never been a priority for the Bush Administration or its predecessors. The State Department's *Country Reports on Human Rights Practices for 1991*, released in February 1992, catalogued in some detail human rights abuses in Saudi

⁹ From Assistant Secretary Edward P. Djerejian's March 17, 1992 testimony before the House Foreign Relations Europe and Near East Subcommittee [hereinafter Testimony], transcript as provided by the State Department, p.13

¹⁰ March 17, 1992 Testimony, p.18

¹¹ Secretary Djerejian conceded that the military alliance contemplated by the GCC "is not moving forward as rapidly as I think we would like to see it move forward." (From his Testimony, p. 25.) On March 28, 1992, King Fahd also indicated that an agreement was not near, when he told a Kuwaiti newspaper, that instead of discussing a unified military force, "coordination of armament policy and training must be agreed upon, so that types of weapons and equipment are compatible if not unified." From an interview with *al-Siyassah*, text in Arabic distributed by the official Saudi Press Agency, March 28, 1992.

¹² Testimony, p.2

Arabia.¹³ Gross abuses mentioned in the State Department reports included denial of due process, torture, mistreatment of refugees, interference with the judiciary, and discrimination against women, foreigners and religious minorities. But the Administration has chosen not to follow its own findings with public statements indicating displeasure with those abuses. Even cases of Saudi Arabia's mistreatment of U.S. citizens -- whether businessmen, journalists or workers -- have been met with near complete silence by U.S. officials.

During the entire seven-month crisis in the Gulf, the United States treated the Saudi government with kid gloves. For example, Saudi Arabia had refused to treat as prisoners-of-war Iraqi soldiers who surrendered before the start of the war on January 17, 1991. Classifying them as "military refugees" who did not fall under the protection of the Third Geneva Convention of 1949, the Saudi government did not allow prisoners to contact their families and prevented visits by the International Committee of the Red Cross. U.S. officials disagreed with this position, telling Middle East Watch at the time that they considered these soldiers to be prisoners-of-war entitled to Convention protection. They also told Middle East Watch that the two governments had signed an agreement -- the provisions of which were classified -- to spell out the treatment of prisoners-of-war in accordance with the Geneva Convention.¹⁴ Despite this disagreement, and the joint responsibility of the two governments to ensure compliance with the Third Geneva Convention, the United States refrained from publicly commenting on the issue.

With respect to political participation, there was only one reference during 1991, for example, indicating a degree of U.S. concern about the absence of democracy in Saudi Arabia. On November 20, in a lengthy statement read by Assistant Secretary Djerejian, then newly appointed, before the House Subcommittee on Europe and the Middle East -- his first appearance before the subcommittee since his appointment -- he failed to mention human rights or political participation as components of U.S. policy toward the region. Questioned later on the subject of political participation, Secretary Djerejian said that the U.S. was pressing all countries in the region, including Saudi Arabia, to make democratic reforms, but did not elaborate further.

U.S. RESPONSE TO THE NEW LAWS

Only after the Saudi laws were issued did U.S. officials disclose in more detail their views on political participation in the region. On Saudi Arabia, they went out of their way to praise the new laws, as "very important steps," asserting that these laws have expanded political participation, enumerated citizens rights and limited government interference in private lives.

In the course of his March 17, 1992, testimony before the Subcommittee on Europe and the Middle East, Secretary Djerejian said that during a recent trip to the region, "I raised the US government's strong interest in the promotion of participatory government and human rights."¹⁵ Later in the hearing, in response

¹³ Pages 1576-1588.

¹⁴ Middle East Watch interview with Maj. Arthur Gorman, special advisor for POW/MIA affairs at the U.S. Department of Defense; and with Edward Cummings, assistant legal adviser for Politico-Military Affairs at the U.S. Department of State, January 1991.

¹⁵ Testimony, p. 3

to a question by Representative Jim Leach (R-IA), Secretary Djerejian gave what may be the first clear official statement on political participation in the region:

I think what we're also urging all these countries to do is to expand participatory government. We do advocate our democratic ideals and we do urge forward movement on human rights. For example, in each one of my visits to the Gulf countries, I raised the promotion of participatory government and the promotion of human rights. And I was preceded in one of my stops by Assistant Secretary for Human Rights Dick Schifter, who visited Kuwait. So my answer to your question, Congressman, is that concomitant with and part of our policy, of course, is fostering democratization and human rights, and of course the whole concept that we have here of civilian authority over the military.¹⁶ Now, there has been some success and you have to remember the environment in the Arab world... King Fahd just made, as you know, a very important statement on expanding the participation of the citizens in the Saudi governmental structure and processes.¹⁷

This assertion that King Fahd's "very important statement" had endorsed the expansion of political participation is not supported by a close scrutiny of the newly issued laws and King Fahd's subsequent statements.

The U.S. government, Secretary Djerejian added, has welcomed, "King Fahd's decision to establish a consultative council...and his reaffirmation of limits on governmental interference in citizens' private lives, in accordance with Saudi religion and tradition." President Bush, he said, had written "to the king to commend his initiatives."¹⁸

It is difficult to appreciate what the President saw worth commending. The assertion that King Fahd has ~~re~~affirmed limits on government's interference in citizens' private lives is inaccurate. It implies that these limits had always existed and that the new laws have confirmed. Neither claim is supported by evidence. We demonstrated earlier in this report, there are only two statements in all the three laws that may be taken as placing limits on government interference: one proclaiming the "sanctity of homes" and the other asserting the privacy of communications. However, the Basic Law allows the violation of these principles "according to the law." The laws in effect in Saudi Arabia permit the regular violation of both rules. The Imprisonment and Detention Law of 1978 and its bylaws allow security forces to arrest suspects and search their homes without authorization, a situation confirmed by the manner in which recent arrests of political opponents have taken place. Nor do the new laws appear to put any curbs on the religious police authority to raid and search homes without warrants.

Later in the testimony, Secretary Djerejian appeared again more charitable in his interpretation of

¹⁶ Some have questioned the potential harmful effects of building a large military and a police force on the free exercise of civil and political rights. In the course of the March 1992 hearing, Rep. Jim Leach (R-IA) alluded to this issue when he questioned Secretary Djerejian on the "effects of building a large army and a police force in a sparsely populated country."

¹⁷ Testimony, pp. 28-9.

¹⁸ Testimony, pp. 3-4 and 47-48.

the new laws than a close analysis would have warranted. He said that in the Basic Law of Government, "royal succession is formalized and reserved for the sons of King Abdul Aziz and their sons. The king is given the right to choose and dismiss the crown prince, and rights of Saudi citizens are enumerated."¹⁹ While it is true that the line of succession is more formalized in the new Basic Law, citizen rights are not enumerated, as we saw earlier in our discussion of civil and political rights in the Basic Law; only a few rights are recognized and even those are qualified and circumscribed.

The fact that the Consultative Council is not going to be elected was conceded but not criticized by the U.S. official. It is remarkable that although the Bush Administration has on other occasions elsewhere put much emphasis on elections, in the case of Saudi Arabia it apparently does not deem elections as important. For example, against the objections of representatives of some Third World dictatorships, U.S. representatives at the United Nations have urged that "genuine periodic elections" representing "the will of the people" be considered a high priority in the work towards human rights.²⁰ The same administration, however, appears to endorse a Saudi system which has just been codified to rule out elections altogether.

Secretary Djerejian further acknowledged that the mandate of the proposed Consultative Council is limited to merely "consider national policies referred to it and recommend legislation to the Council of Ministers." When questioned repeatedly on whether the new laws indicate that the king has given up any power, the Secretary replied, "Given up power? I think he's -- perhaps it's a question of delegation, not giving up power." Asked to demonstrate to whom the king has delegated power, the Secretary said, "I would have to look at that. It's a bit of a constitutional question. I don't know if the legal term applies." He later conceded that, "Well I think the decrees emphasize, certainly emphasize the continuing authority, strong authority of the king, who can modify any of the decrees by a subsequent decree."²¹

Apparently responding to implications that the new laws were issued in part as a response to U.S. pressure, King Fahd himself has denied that there was any pressure from abroad or inside Saudi Arabia. On March 28, 1992, he told a Kuwaiti newspaper:

To say that they came as a result of pressure from one place or another is just hearsay that is totally baseless. Those who say such things do not know the reality of our people, our society and its traditions...Saudi Arabia and its people do not take lessons or pressure from any body. We respect the others' internal affairs and expect that they would respect ours...²²

If, in fact, issuing the new laws can be credited in part to U.S. advocacy and persuasion, such pressure must not have been convincing enough to induce the Saudi royal family to give up any real power, as Secretary Djerejian rightly conceded. The fact that the Basic Law was issued almost sixty years after it was first

¹⁹ Testimony, p.47

²⁰ See the draft resolution and the statement made by Thomas R. Pickering, United States Permanent Representative to the United Nations, before the Third Committee at the 45th session of the General Assembly, agenda item 110.

²¹ Testimony, pp.47-8.

²² From an interview with *al-Siyassah*, text distributed by the Saudi Press Agency, March 28, 1992.

promised, and the fact that the new laws in many respects represent backward steps towards less participatory government, are other indications that there is not much credit to be claimed by any side.

CONCLUSIONS

The new laws codify existing legal traditions and constitutional rules in Saudi Arabia. This may make it easier for citizens to challenge their validity and appeal for their change. But the new laws do not break any new ground in providing protection for most fundamental human rights. In some key areas, such as elections and the mandate of the Consultative Council the new laws amount to backsliding from existing legislation. Such shortcomings are especially glaring in Saudi Arabia where there is no bill of citizens' rights, where the government has rejected most internationally recognized human rights agreements and where the government has historically engaged in the systematic violation of civil and political rights. The need to spell out human rights explicitly is all the more important since there is no constitutional court in the country.

1. Due Process Standards

The new laws provide no remedy to suspects, who under Saudi law are denied most due process safeguards during their arrest, detention and trial. There is no requirement in the new laws for warrants of arrest and home searches. There is no limit to, or judicial review of, pretrial detention. Nor is there an obligation to inform suspects of the charges against them or to put them on trial. There is no provision for legal counsel or legal representation of defendants who are put on trial.

2. Torture and Corporal Punishment

There is no prohibition in the new laws against torture, thus retaining existing Saudi regulations permitting the use of force during detention. Furthermore, the re-emphasis on Shari`a as the source of authority means that corporal punishment, including amputation of limbs and flogging will also continue.

3. Freedoms of Association, Assembly and Expression

The new legislation does not change the long-standing ban on free association and assembly. Under existing Saudi law, labor unions and political organizations are banned and all other forms of association are tightly controlled. Public assembly is also restricted to that approved by the government. Press laws in Saudi Arabia effectively mute free expression, a situation confirmed by the new laws.

4. Women and Minorities

The new laws do not ban discrimination based on gender or religious beliefs. By strongly restating the religious basis for Saudi law, the government appears to have foregone any attempt to provide some measure of gender equality in access to employment, education and freedom of movement. Religious minorities, both Muslims and non-Muslims, are not accorded equality with the predominant Sunni sect as interpreted by the Wahhabi school, the religious doctrine of Saudi Arabia. Religious minorities are not allowed to exercise fully their religious rites or display their symbols. Nor are they allowed to import

publications necessary for their worship.

5. Foreign Residents and Refugees

Alien residents of Saudi Arabia, accounting for around one third of the population, are not afforded any protection in the new laws against arbitrary expulsion. They are still subject to summary deportation without due process. Saudi Arabia, which is not a party to any of the refugee conventions, has not changed its policy regarding refugees; the government retains full discretionary authority regardless of the interest of asylum seekers.

6. Economic and Social Rights

The bright spot in the new laws concerns the formal recognition of a number of privileges that Saudi citizens have enjoyed for some time, such as free health, education and protections against disability and old age as being rights. In addition, the new legislation commits the state to facilitating employment to all: a significant provision if it is interpreted to include women, limited under pre-existing Saudi law to certain fields of employment.

7. Consultative Council and Elections

The proposed council is a purely advisory body. Its mandate is limited to discussing issues referred to it by the King. It will only be able to propose legislation if instructed to do so by the King. It does not have the authority to demand any government document or the appearance of any government official. By September 1992, the council's members are to be appointed by the king who decides, according to the new law, their pay scale, promotions and discipline. Under the new law, every four years the king will appoint or reappoint council members. In some respects, the proposed council has more limited authority than the existing Consultative Council which was chartered in 1926 but has faded into near oblivion over the past forty years. On elections, the new laws complete the trend during the past thirty years towards the elimination of elections. They rule out elections to the Consultative Council, regional councils, and governorships.

8. The Judiciary

The new laws proclaim the independence of the judiciary, a popular demand in Saudi Arabia. Safeguarding independence, however, needs more than this proclamation. The absence of codified laws, a provision for legal representation and a constitutional court acts against securing judicial independence. The government's tendency to bypass the judicial system altogether by deciding criminal and political cases through administrative action is a violation of equality before the law; so is interference by the ruling family in court cases.

9. U.S. Policy

Despite a fifty-year special relationship, the U.S. has over the years refrained from criticizing Saudi flouting of human rights principles. Once the new laws were released, the

U.S. government went out of its way to praise them, despite their obvious deficiencies. Praising them as steps towards democracy, U.S. officials have failed to note that the new laws are only a little more than authoritarianism codified. The same administration that made holding periodic elections a test for democracy and human rights appears to accept a Saudi system which has just been formalized to rule out elections altogether, under any circumstances.

APPENDIX: PETITIONS FOR REFORM IN SAUDI ARABIA

THE "SECULAR" PETITION, DECEMBER 1990

This petition was drafted in the fall of 1990 and was circulated for signatures in December 1990. It was signed by forty-three public figures, from both the religious and the secular trends. They included former cabinet ministers, prominent businessmen, writers and university professors. The petition is believed to have been drafted by Abdalla Manna`, a doctor and a journalist known in the past for voicing critical views of the government that led to his arrest a number of times. Seeking no doubt to disassociate themselves from any radical political group and attempting to avert retribution, the petitioners went to great lengths to demonstrate their loyalty. In a long preamble, they asserted their devotion to the King and their allegiance to "the present system of government, and to preserving the cherished royal family." The signatories then proposed the following ten reforms:¹

- "1. A systematic framework for *fatwa*. It must take into consideration the Shari`a, which is infallible and unchangeable, as represented in the unequivocal texts of the Qur'an and the Hadith. But jurisprudence commentaries, Qur`an interpreters' views and the opinions of Shari`a experts that are derived from divergent scholarly doctrines are all human attempts to comprehend the Shari`a texts. These views are affected by their authors' ability to understand, given their level of knowledge and skill. Shaped by the circumstances of time and place, these views are liable to being wrong as well as right, and should be subject to debate. Indeed, there has been a consensus among scholars that no one may ever claim the sole right to determine the meaning of the Qur'an or the Hadith or monopolize the right to decide Shari`a rules. It is therefore essential that we clearly and forcefully make a distinction between what is divine and what is human. The revealed and unambiguous texts must be accepted and obeyed. But scholarly opinions may be freely examined and questioned without any limits.**
- 2. Consider issuing a basic law of government in light of the statements and declarations made by the rulers of the country at various times.**
- 3. Formation of a consultative council comprising the elite from among the qualified and knowledgeable opinion makers known for their honesty, forthrightness, impartiality, morality and public service, representing all regions of the Kingdom. The council must have among its responsibilities the study, development and adoption of laws and rules related to all economic, political, educational and other issues and should exercise effective scrutiny of all executive agencies.**
- 4. The revival of municipal councils; the implementation of the Law of Provinces; and the generalization of the chamber of commerce experience as a model for all other trades.²**

¹ The ten points in the petition are translated in their entirety. Footnotes are added by Middle East Watch (unless otherwise noted) to clarify some of the proposals. Translation from Arabic by MEW.

² Elections for municipal councils were common in Saudi cities until 1963 when the last elections were annulled. The 1963 Law of Provinces, allowing for a limited degree of decentralization, has never been implemented. The vague

5. **The investigation of all aspects of the judicial system, in all its degrees, types and areas of competence, for the purpose of modernizing its laws and evaluating the process of preparing judges and their assistants. Every step necessary must be taken to guarantee independence of the judiciary, to assure its effectiveness and fairness, spread its authority and strengthen its foundations. Schools that train for this important field must be open to all citizens, not reserved to one group over the others in violation of the Shari`a-based principle of equality of opportunity.³**
6. **Commitment to total equality among all citizens in all aspects of their life, without distinction based on ethnic, tribal, sectarian or social origins. The principle of protecting citizens against interference in their lives except by a court order must be firmly established.**
7. **Media policy must be reviewed and set according to a comprehensive and precise law reflecting the most advanced legislation in other countries. This law must enable all Saudi media to exercise their freedom in preaching good over evil, calling for virtue and shunning vice, and enriching dialogue in an open Muslim society.**
8. **Comprehensive reform of the Associations for the Propagation of Virtue and the Deterrence of Vice (*Hai'at al-Amr bi al-Ma'rouf wa al-Nahi `an al-Munkar*).⁴ A precise law must be adopted specifying their functions and the method they must follow, and setting strict rules for hiring chiefs and members of precincts, to ensure judicious and tactful preaching.**
9. **Although we believe that nurturing the new generation is the highest duty of Muslim women, we nevertheless believe that there are numerous fields of public life where women can be allowed to participate – within the scope of the Shari`a -- thus honoring them and acknowledging their role in building society.**
10. **God revealed His holy books, and sent His prophets, to educate and nurture humanity, proving that education is the foremost important basis for the renaissance and progress of nations. We believe that our country's educational system is in need of comprehensive and fundamental reform to enable it to graduate faithful generations that are qualified to contribute positively and effectively in building the present and the future of the country, and to face the challenges of the age, enabling us to catch up with the caravan of nations that have vastly surpassed us in every field."**

reference to the chambers of commerce points to the unequal treatment of professional groups. While the chambers are allowed to operate in relative freedom, labor unions are banned and most other trade and professional organizations are restricted. For more details on these points, see the relevant sections in this report on elections, the Law of Provinces, and freedom of association.

³ Shi`a are excluded from Shari`a colleges. A degree from a recognized Shari`a college is required to serve as a judge or as an assistant.

⁴ The reference is to the controversial religious police popularly known as "the Zealots" (*al-Mataw`a* or *Mutawwa`in*). Their tactics are sometimes arbitrary and violent. Most of them are salaried civil servants who have the right to arrest, interrogate and detain those suspected of religious infractions.

THE "RELIGIOUS" PETITION, FEBRUARY 1991

This petition circulated after the first; its timing may have been prompted by the popularity of that petition. Although the first petition was signed by prominent religious scholars, it did not have the blessing of the vast religious establishment, who perhaps felt the need to assert its power in charting any new changes. This petition was signed by scores of top religious leaders, including Shaikh Abdel-Aziz ibn Baz, the most eminent religious figure in the country. Shaikh Ibn Baz is the head of the government-appointed Council of Senior Scholars and the Institution of *Ifta`* and Scholarly Research, an important government agency in charge of all religious matters. The petition was also signed by other members of the council as well as numerous judges, university professors and preachers.

The following is a translation of the petition⁵:

"In this critical period, everybody has recognized the need for change. We therefore find that the most requisite duty is to reform our present conditions that have caused us to suffer these tribulations. Consequently, we ask that the ruler of the nation check the deterioration of these conditions, which need reform in the following areas:

- 1. The formation of a consultative council to decide internal and external issues on the basis of the Shari`a.⁶ Its members must be honest, straightforward and representing all fields of expertise. They must be totally independent and not be subject to any pressure that may affect the authority of the council.**
- 2. All laws and regulations of political, economic, administrative or other nature must be reconciled with the principles of the Shari`a. Trusted committees with expertise in Shari`a should be authorized to repeal legislation not conforming to Shari`a principles.**
- 3. In addition to possessing specialized expertise, dedication and honesty, government officials and their overseas representatives must be unswervingly moral. Failing any one of these requirements for any reason is an abuse of public trust and a fundamental cause of injury to the national interest and reputation.**
- 4. Justice must be applied, rights granted and duties assigned in full equality among all citizens, not favoring the nobles or begrudging the weak. Abuse of authority by anyone whether by shirking obligations or denying people what is their right is a cause for the breakup and annihilation of**

⁵ Translation from Arabic by Middle East Watch. Unlike the "secular" petition, the religious appeal is prefaced by a much briefer introduction: "In the name of God, the Compassionate, the Merciful. Custodian of the Holy Shrines, may God guide his steps. May peace, God's mercy and His blessing be upon you. This government has been distinguished by declaring that it has adopted the Shari`a. Scholars have always performed their religious duty of providing counsel to their rulers."

⁶ The phrase "on the basis of the Shari`a" was added by His Eminence Shaikh Abdel Aziz Ibn Baz. (footnote in the original)

society.

- 5. All government officials, especially those occupying the highest positions, must be diligently scrutinized and must all be made accountable with no exceptions. Government agencies must be cleansed of anyone whose corruption or dereliction is proven, regardless of any other consideration.**
- 6. Public wealth must be distributed fairly among all classes and groups. Taxes must be eliminated and fees that have overburdened citizens must be reduced. Government revenues must be protected from exploitation and abuse; priority in expenditure must be given to the most urgent necessities. All forms of monopoly or illegitimate ownership must be eliminated. Restrictions imposed on Islamic banks must be lifted. Public and private banking institutions must be cleansed of usury, which is an affront to God and His Prophet, and a cause for stunting the growth of wealth.**
- 7. A strong and fully-integrated army must be built and fully equipped with weapons of all kinds, from any source. Attention must be given to manufacturing and developing arms. The goal of the army must be to protect the country and the Holy Sites.**
- 8. Information media must be remodeled according to the adopted media policy of the Kingdom. The goals must be to educate, serve Islam and express the morals of society. The media must be purged of anything conflicting with these objectives. Its freedom to spread awareness through truthful reporting and constructive criticism must be safeguarded within the confines of Islam.**
- 9. Foreign policy must be based on national interest without relying on alliances not sanctioned by the Shari`a. It must also embrace Muslim causes. The Kingdom's embassies must be reformed to enable them to reflect the Islamic nature of the country.**
- 10. Religious and proselytizing institutions must be developed and strengthened with financial and human resources. All obstacles preventing them from fully carrying out their objectives must be removed.**
- 11. Judicial institutions must be unified and granted full and effective independence. Juridical authority must apply to all. It is necessary to establish an independent body whose function is to ensure carrying out judicial orders.**
- 12. The rights of individuals and society must be guaranteed. Every restriction on people's rights and their will must be removed, to ensure the enjoyment of human dignity, within the acceptable religious safeguards." End of Petition**