



C A R N E G I E E N D O W M E N T
for International Peace

Arab Reform Bulletin نشرة الإصلاح العربي

Saudi Arabia: Human Rights, Reform, and the Rule of Law

Muhammad Helmy

Many Arab regimes share a questionable commitment to the principles of human rights, but the Saudi ruling establishment's commitment is even weaker than that of others in the region. To date, the Saudi government's reform initiatives have had a negligible impact on improving respect for human rights in the Kingdom. On the contrary, peaceful Saudi reform activists have faced increased police brutality in recent years and continue to be denied the right to counsel and to fair trials. In addition to serving extended prison terms, many have been barred from leaving the country. Most recently, on August 19, Saudi police re-arrested two of the country's most prominent reform activists, university professor and attorney Abdullah al-Hamid and his brother activist Issa al-Hamid. Five women were arrested at the same time for demonstrating in favor of an expedited trial for their relatives. The arrests were made under the pretext of a legally dubious ban on peaceful demonstrations.

Since 2004, Saudi security forces have arrested hundreds of reform activists, and barred twenty-two from traveling, among them Abdullah al-Hamid, professor Matrouk al-Faleh, poet Ali al-Domaini, and Ibrahim al-Makitib--head of "Human Rights First". Many activists, including Said bin Zuir and Abdullah al-Hamid, have also lost their jobs because of their political views. Critical journalists, such as Khalid al-Dakhil and Saad al-Suwan, have not escaped either and have sometimes been banned from writing in the Saudi press. These violations constitute a sort of collective punishment for advocates of reform in the kingdom. As such, they are evidence that the government's limited reform initiatives, such as local elections, will count for little as long as Saudi citizens are prevented from freely expressing their views and debating the future of their country.

In addition to releasing jailed reformers, the Saudi government should begin abiding by its own laws. It should implement the criminal procedure code introduced in 2002, which guarantees the protection of human rights. Article 2 prohibits torturing or physically or psychologically harming defendants, as well as treating them in a degrading manner. Article 102 prohibits interrogators from influencing defendants' testimonies. Article 162 guarantees

the defendants' right to a fair trial and Article 4 gives them the right to counsel at both the investigation and trial stages. According to Article 182, trials must be public, and in the event that a case is reviewed privately, the court must announce its verdict publicly. Judges, police investigators, and other concerned agencies have yet to fully implement the code, in part due to the lack of executive regulations. The absence of such regulations has opened the door to personal interpretation and led to abuses and violations.

There are also important provisions in the Saudi Basic Law that need implementation and monitoring. For example, defendants must be afforded the right to a speedy trial, and Article 114 of the Basic Law, which permits detention of suspects for up to six months, must not be interpreted freely. Interrogators must also be monitored to prevent abuse of their right under Article 69 to investigate suspects in the absence of a lawyer when they deem appropriate. Ensuring protection of the rights provided by the Basic Law necessitates establishing a Saudi supreme court with the authority to overrule laws that contradict the Basic Law. The recently-announced Supreme Court, established as per the King's judicial reforms, seems to lack this authority. Ordinary courts are ill-suited for such a task, lacking both the expertise and the needed clout.

Political reform initiatives in Saudi Arabia will be meaningful only if the ruling establishment begins to allow for dissent, free circulation of information, improve respect for human rights, and take serious steps towards holding accountable those involved in torture and mistreatment of civilians.

Muhammad Helmy is managing editor of Rawaq 'Arabi, a publication of the Cairo Institute for Human Rights Studies. Dina Bishara translated this article from Arabic.