



Mapping the Saudi State Chapter 3: The Ministry of Interior (Part 2)

I. Introduction

As was outlined in Chapter 2 of *Mapping the Saudi State*,¹ the *Mabahith* (referred to in English as the General Security Service, or GSS) is the internal security service “in charge of domestic intelligence gathering and analysis, counterintelligence operations, [and] criminal investigations.” The agency has also taken on considerable counterterrorism responsibilities in recent years.²

The Specialized Criminal Court (SCC) was established in 2008 to expedite the legal proceedings of terrorism-related cases.³ The Saudi government did not formally specify the limits of its jurisdiction until 2014, with the enactment of the Penal Law for Crimes of Terrorism and Its Financing.⁴

While seemingly disparate, these two Saudi government bodies have driven what Adam Coogee of Human Rights Watch describes as a “massive onslaught against dissidents and human rights activists” enacted by the Ministry of Interior (MOI) of the Saudi government.⁵

This chapter is the second in a [two-part series on the MOI](#). Its first sections detail the General Security Service’s extensive record of human rights violations. The focus then shifts to the workings of the Specialized Criminal Court, which, while not a formal subsidiary of MOI, operates under its influence in processing the cases of both suspected terrorists and nonviolent proponents of governing reform. Throughout the chapter, the cases of human rights defenders and peaceful political dissidents, both prominent and little-known, are emphasized in order to demonstrate the MOI’s outsized role in stifling calls for reform within Saudi Arabia.

In the final section, ADHRB presents a list of recommendations for both the governments of the United States and Saudi Arabia on how to bring MOI in line with basic human rights norms.

II. The *Mabahith* (*al-Mabahith al-'Amma*)

A. General Human Rights Violations

1. Arbitrary arrest and enforced disappearance

Mabahith personnel arrest suspects and other accused persons in an arbitrary manner. The U.S. Department of State reports that “in practice warrants frequently were not used” by law enforcement officials in Saudi Arabia,⁶ a practice which extends to the *Mabahith*.

In March 2010, the *Mabahith* arrested Saudi citizen Thamer Abdulkareem al-Kather without informing him of the charges on which he was being detained.⁷ The day following the arrest, *Mabahith* officers searched and seized property at al-Kather’s family home without producing a warrant.⁸ Al-Kather previously “had advocated for prisoners’ rights and constitutional reform.” He was eventually released from government custody without charge in February 2012.⁹ (Up-to-date information cannot always be

readily located on the status of various former detainees, as many are forced by the government to sign a pledge upon release which states that they will not speak to international organizations, participate on social media or continue their activism in any other way.)

All arrests conducted without a warrant violate the Law of Criminal Procedure, enacted in 2001, which governs the Saudi law enforcement process. Article 101 of the law mandates that the investigator inform the accused of his or her charges when he or she “appears for the first time for an investigation.”¹⁰ Article 116 guarantees that the detained “shall be promptly notified of the reasons for his arrest or detention.”¹¹ Furthermore, Article 80 of the law stipulates that “dwellings shall not be entered or searched except as provided by law and pursuant to a search warrant issued by the Bureau of Investigation and Prosecution.”¹² Under Saudi law, the arrest of both Ali and al-Kather, and the search of al-Kather’s family home, were illegitimate.

Mabahith personnel also disappear persons forcibly, preventing the accused from contacting family members or letting others know of their whereabouts. On 20 March 2011, *Mabahith* officers arrested Syrian writer and activist Dr. Mohamed Aladdin al-Rashi while he and his wife visited Riyadh for the city’s international book fair. After Dr. al-Rashi did not return to their apartment, his wife called the local police, who refused to provide her with information on his whereabouts. On 21 March 2011, members of the *Mabahith* searched their place of residence without presenting a warrant, seizing several of Dr. al-Rashi’s personal effects. On 23 May 2011, the *Mabahith* allowed Dr. al-Rashi to briefly phone his wife. He was able to tell her that he was “alright,” but he was not permitted to inform her of his place of detention.¹³ At the time of his arrest, Dr. al-Rashi was a member of the Arab Commission for Human Rights, based in Paris, France.¹⁴ Saudi authorities later released him, although the circumstances surrounding this release are unclear. From November 2012 through September 2013, Dr. al-Rashi maintained a Twitter profile on which he periodically stated his support for specific human rights defenders in Saudi Arabia.¹⁵ In one tweet from March 2013, Dr. al-Rashi wrote: “When we find the *Mabahith* in Saudi Arabia passing above the citizen and above God, we realize that the rule of law is lost, and the rule of ignorance and tyranny is present.”¹⁶

In disappearing al-Rashi, the *Mabahith* violated multiple articles of the 2001 Law of Criminal Procedure. Article 35 of the law states that a detained person “shall be entitled to communicate with any person of his choice to inform him of his arrest.”¹⁷ Article 116 states that the detained “shall be entitled to communicate with any person of his choice, to inform him (of his arrest or detention).”¹⁸ While Article 119 permits the detaining authority to hold the accused incommunicado for a period of 60 days “if the interest of the investigation so requires,”¹⁹ al-Rashi was not allowed to contact his wife for 64 days following his arrest.

2. *Indefinite detention*

The *Mabahith* frequently holds persons indefinitely in their prisons and detention centers. Pre-trial detention periods are lengthy, lasting months or even years; additionally, convicted persons often remain in *Mabahith* custody after completing their legally-proscribed prison terms.²⁰

In a 2008 report on the state of the Saudi justice system, Human Rights Watch reported that unreasonably long pre-trial detention periods and the failure to release inmates who had served their sentences led to significant unrest in detention centers administered by the *Mabahith*. In July 2005, groups of detainees at prisons in the geographically disparate provinces of al-Jouf and ‘Asir staged hunger strikes “demanding that prisoners kept beyond the expiry of their sentences be released and that those in detention for more than one year be tried.”²¹

In a separate report from 2009, a former *Mabahith* detainee was quoted as saying “[t]here is a group of about 20 persons in [the *Mabahith* prison in] Juf, arrested for acts of violence [related to national security], whose sentence has expired, but they have not been released.”²²

In recent years, the Saudi government has implemented and expanded a counter-radicalization rehabilitation program for religious militants with the goal of reintegrating them back into Saudi society. Participants in this program, who are uniformly inmates in *Mabahith* detention facilities, lack due process rights.²³ While several hundred participants have been released, the MOI continues to detain inmates in *Mabahith* detention centers that have received “a positive recommendation [for release] from the consultation program.”²⁴ A RAND Corporation report states that, as of 2010, of the 3,033 overall program participants reported by the Saudi government, only 231 had been released.²⁵

Former militants, however, are not the only *Mabahith* prisoners to have been detained indefinitely; human rights defenders and nonviolent political dissidents routinely suffer similar maltreatment. In February 2007, the *Mabahith* arrested Dr. Saud Mukhtar al-Hashimi, along with eight others, in a private Jeddah residence as they met to discuss forming “a committee for the defense of civil and political freedoms.”²⁶ Dr. al-Hashimi was detained for over four years before being brought before the Specialized Criminal Court.²⁷ In November 2011, the court sentenced Dr. al-Hashimi to 30 years in prison.²⁸ Dr. al-Hashimi is currently serving his sentence.²⁹

Mabahith arrested Sulaiman al-Rashoudi, another proponent of governmental reform, during the same 2007 raid in Jeddah.³⁰ A former judge-turned-human rights lawyer, Mr. al-Rashoudi also remained in detention for over four years before being released on bail in June 2011.³¹ In November 2011, the Specialized Criminal Court sentenced al-Rashoudi to 15 years in prison.³² Mr. al-Rashoudi is in jail currently serving this sentence.

The prolonged detentions described above directly violate Saudi law. Article 114 of the Law of Criminal Procedure states that, for the purposes of an investigation, an investigative body may detain the accused for successive periods not exceeding six months; “Thereafter, the accused shall be directly transferred to the competent court, or be released.”³³ Even under Article 5 of the recently-promulgated Penal Law for Crimes of Terrorism and Its Financing, which provides the MOI with sweeping powers of detention, “successive periods” of pre-trial detention cannot exceed one year for suspected terrorists.³⁴

3. Inability to access legal counsel.

After detaining persons, the *Mabahith* often prevent them from accessing legal counsel in a timely manner. In some cases, *Mabahith* detainees are prevented from contacting a legal representative at any stage of the pre-trial investigation.

In March 2011, *Mabahith* arrested Khaled al-Johani, a teacher living in Riyadh. The U.S. Department of State reported that “between his initial detention and February 22 [2012] trial before the Specialized Criminal Court, authorities placed al-Johani in solitary confinement for at least two months, did not allow him to choose a lawyer, and did not inform him of the charges against him.”³⁵ The *Mabahith* arrested and held al-Johani after he gave an interview to BBC “in which he called for democracy and described the country as a big jail.”³⁶ The Department of State reported that Saudi authorities eventually released al-Johani on 8 August 2012, and that “there was no record he was charged with an offense.”³⁷

In January 2013, *Mabahith*³⁸ detained Khaled al-Natour, a Jordanian national, without charge.³⁹ He was held for three months, during which time he was not allowed “to contact his family or access a lawyer while detained.”⁴⁰ Saudi authorities later released him into Jordanian custody on 7 April 2013.⁴¹ Prior to his arrest, al-Natour had been affiliated with *Herak*, a Jordanian organization advocating for political reform. Jordanian authorities had arrested him in September 2011 for protesting in front of the Saudi consulate in Amman, Jordan.⁴²

With respect to the above cases, in addition to acts of arbitrary arrest and enforced disappearance which they entailed, the *Mabahith* have violated several articles of the Law of Criminal Procedure which guarantee the right of the accused to access legal counsel. Articles 4 and 64 explicitly stipulate that the accused has a right to “seek the assistance of a representative or attorney” during his or her criminal investigation.⁴³

4. Torture

Allegations have repeatedly surfaced that *Mabahith* agents torture detainees. These allegations often relate that torture is employed to coerce defendants into making false confessions.

Human rights groups have alleged that torture occurs in the form of neglected medical treatment. In March 2013, Saudi authorities arrested university student Hud al-'Aqil. He was transferred to the *Mabahith's* Turfiyya Prison in the city of Buraida. There, *Mabahith* personnel subjected him to torture and ill treatment, including denying him access to medical care for swollen kidneys and an inflamed urinal tract.⁴⁴ Al-'Aqil had previously participated in demonstrations protesting indefinite detention.⁴⁵ On 4 April 2015, Hud's sister Khawlah al-'Aqil tweeted⁴⁶ that Saudi authorities had moved Hud to a halfway house in preparation for his release, although there has been no update as to whether this process has continued.⁴⁷

In February 2012, Saudi police arrested 21-year-old Ali Abdullah al-Utal on suspicion of participating in protests. They turned him over to the *Mabahith*.⁴⁸ At their prison facility in Dammam, *Mabahith* personnel subjected al-Utal to torture. According to the European Saudi Organisation for Human Rights (ESOHR), they beat al-Utal with rubber hoses and sticks; they electrocuted him; they repeatedly kicked,

punched and slapped him; and they placed him in solitary confinement for over two months.⁴⁹ Based on statements he made under torture, the public prosecutor brought al-Utal to the Specialized Criminal Court on a number of charges, including disobeying the ruler, possessing weapons, and participating in protests.⁵⁰ In August 2014, the Specialized Criminal Court sentenced al-Utal to death; on 15 March 2015, however, an appellate court reduced the sentence to 25 years in prison and a 25-year travel ban.⁵¹

In 2007, the *Mabahith* arrested Hadi bin Saleh Abdullah al-Mutlaq, Awad bin Saleh Abdulah al-Mutlaq, Mufrid bin Jaber Zayd al-Yami, and Ali bin Jaber Zayd al-Yami on charges of drug trafficking. Amnesty International reported that, during their interrogations, *Mabahith* personnel allegedly beat the four men and deprived them of sleep in order to extract confessions. The men were then “referred to trial and sentenced to death” based on statements that they made under duress. The Saudi government carried out their executions in August 2014.⁵²

The use of torture in the course of a criminal investigation directly violates Saudi law. Article 2 of the Law of Criminal Procedure states that “[a] person under arrest shall not be subjected to any bodily or moral harm. Similarly, he shall not be subjected to any torture or degrading treatment.”⁵³ Article 35 of the same law states that any detained person “shall be treated decently and shall not be subjected to any bodily or moral harm.”⁵⁴ Additionally, the alleged actions of the *Mabahith* in these and similar cases breaches the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which the Saudi government acceded in 1997.⁵⁵ Article 1 of the CAT defines torture as “any act by which severe pain or suffering...is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession,” or for purposes of punishment or intimidation.⁵⁶ The aforementioned cases clearly meet these criteria.

B. *Mabahith* Prisons

Throughout the Kingdom of Saudi Arabia, the *Mabahith* manages its own detention centers separate from those of the MOI’s General Directorate of Prisons (GDP).⁵⁷ While the Saudi government publishes limited information on GDP prisons,⁵⁸ relatively little is known about this second set of MOI detention centers. Because exact information on the *Mabahith*, including its budget and personnel, is classified,⁵⁹ the number, capacities, and locations of its various prisons and detention centers are similarly obscured.

1. Facilities

Drawing from both Arabic and English-language sources, ADHRB can outline the existence of thirteen *Mabahith*-run detention facilities. It is likely, however, that more are in operation than are listed below. While some carry names, others are simply referred to by the village, city or province in which they are located:

- ‘Ulaysa Prison (located in Riyadh)⁶⁰
- Al-Hair *Mabahith* Prison (located near Riyadh; not to be confused with al-Hair Correctional Facility)⁶¹
- The *Mabahith* prison in Abha⁶²

- The *Mabahith* prison in al-Jouf⁶³
- Turfiyya *Mabahith* Prison (located in the city of Buraida)⁶⁴
- The *Mabahith* prison in Dammam⁶⁵
- The *Mabahith* prison in Dhahban⁶⁶
- The *Mabahith* prison in Jubail⁶⁷
- The *Mabahith* Prison in Ra's Tannura⁶⁸
- The *Mabahith* Prison in Ahsa⁶⁹
- *Rowwais* Prison (located in Jeddah)⁷⁰
- The *Mabahith* Prison in al-Taif⁷¹
- The *Mabahith* Prison in Najran⁷²

The scope of the *Mabahith* detention complex is not limited to larger prisons. As reported by Human Rights Watch, *Mabahith* detention facilities “range from holding cells of local intelligence offices to sprawling prison complexes such as al-Hair.”⁷³ It should be noted, however, that *Mabahith* officers do not limit their activities to their own facilities. For example, personnel have been known to conduct interrogations in general prisons.⁷⁴

2. Prisoners

Mabahith detention centers house a sizable yet seemingly unverifiable number of prisoners. As Yazan al-Saadi, writing in *Al-Akhbar English*, relates, “Information on prisoners is highly restricted...It is an opaque and willfully obscured subject. This is particularly true when examining prisons directly under the control of the Saudi Ministry of Interior – the *mabahith*, or secret police, prisons.”⁷⁵

Recent efforts by the Saudi government to clarify the status of thousands of prisoners have fallen short of instituting full transparency. In 2013, the MOI launched a website, *Nafethat Tawasoul* (“Communication Window”), in order to provide families of detainees with tools to track their imprisoned relatives, request visits, and provide financial assistance.⁷⁶

As of 18 May 2015, *Nafethah*, in its “Statement of Detainees in *Mabahith* Prisons,” claims that *Mabahith* detention centers currently hold 3,825 prisoners who have either been convicted, are currently awaiting trial, or whose cases are under various stages of investigation.⁷⁷ On that same date, the MOI stated to Saudi press that “high-security” (read, *Mabahith*) detention centers held 3,797 inmates “arrested for terrorism and for threats to national security.”⁷⁸ This number represents a significant increase from August 2014, when MOI officials acknowledged that 2,825 prisoners resided in *Mabahith* detention facilities.⁷⁹

While *Nafethah* and the MOI should provide a full list of detainees, human rights activists allege that the information posted online is incomplete. Waleed Abu al-Khair, a human rights lawyer currently serving a 15-year prison sentence, informed *Al-Akhbar* in 2013 that “When we saw these lists by Nafethah, we have many names that are in prison and weren’t there.”⁸⁰

This apparent lack of transparency illustrates a persistent problem plaguing the MOI's bifurcated system of prison management: lack of knowledge about the true condition and number of nonviolent political prisoners. Human rights groups have alleged that the number of detainees in *Mabahith* prisons well exceeds the several thousand periodically listed by the MOI. In 2011, The Saudi Civil and Political Rights Association (ACPRA) stated that *Mabahith*-connected prisons and detention centers were full, estimating that there were some 30,000 detainees behind bars for political reasons; a second rights group put the number at 12,000 to 15,000.⁸¹ For its part, the MOI has denied that it holds any "political" prisoners, labeling the detained as "militants" or as national security suspects.⁸²

While there is little doubt that the Saudi government has, in recent years, arrested significant numbers of militants and would-be terrorists,⁸³ several of the cases already mentioned in this chapter demonstrate that the MOI, and the *Mabahith* in particular, arrest and detain nonviolent dissidents for political reasons. Khaled al-Johani was held in 'Ulaysha and al-Hair prisons following his arrest.⁸⁴ Hud al-Aqil was held at Turfiyya prison.⁸⁵ Dr. Saud al-Hashimi was initially imprisoned at Rowwais.⁸⁶ Dr. Sulaiman al-Rashoudi was detained at al-Hair prison after his arrest 2012 arrest; as of February 2013, he was being kept in solitary confinement.⁸⁷ The *Mabahith* imprisoned all four inmates during or following their participation in peaceful protest or nonviolent oppositional organization.

3. Human Rights Violations in Mabahith Prisons

As can be gathered from previous sections of this chapter, human rights violations are prevalent within the larger prisons administered by the *Mabahith*. Below, ADHRB presents further examples of torture, ill-treatment, and indefinite detention as representative of the abusive practices which have occurred repeatedly in *Mabahith* detention facilities.

In April 2007, Saudi authorities arrested Emirati national Khalil al-Janahi and transferred him to the *Mabahith*'s 'Ulaysha prison. Prison personnel held him incommunicado for four months.⁸⁸ When his wife finally learned of his place of detention, she attempted to contact him and arrange a visit. Prison officials, however, initially denied that al-Janahi was being held at 'Ulaysha, and they rebuffed her first attempts to visit him in person.⁸⁹ After seventeen months, Saudi officials transferred al-Janahi to UAE custody, from which he was eventually released in June 2009. Saudi authorities never formally charged al-Janahi with a crime, nor did they arraign him before a judge.⁹⁰

'Ulaysha prison officials also subjected al-Janahi to severe ill-treatment during his detention. Al-Janahi's wife informed Amnesty International that he had been held in solitary confinement in a small cell measuring only one square meter. In addition, she reported that prison guards frequently prevented him from accessing a toilet.⁹¹

On 15 December 2010, Saudi authorities arrested Hanane Abdurrahman Samkari and her three children, Abdulrahman (age 4), Jana (age 8), and Namur (age 13), after they demonstrated in front of the Ministry of Interior to protest the ongoing detention of Hanane's husband.⁹² After a brief detention in Mecca, officials transferred the family to the *Mabahith* prison in Dhahban.⁹³ Alkarama Foundation, in a submission to the United Nations Office of the High Commissioner for Human Rights (OHCHR) regarding

the second cycle of Saudi Arabia's Universal Periodic Review, stated that Samkari and her children were subjected to insults, held in a “permanently-lit” cell, and that officials subjected her children to psychological abuse.⁹⁴ She was not brought before a court until May 2012, and she and her children were released the following month.⁹⁵

One of the most detailed accounts of torture and ill-treatment in a *Mabahith* prison comes from William Sampson, a dual British-Canadian national who worked as a marketing consultant in Saudi Arabia at the turn of the millennium.⁹⁶ Saudi authorities arrested Sampson in December 2000, accusing him of working as a British spy and connecting him to a series of car bombings which killed two British nationals.⁹⁷ After his arrest, authorities transferred him to ‘Ulaysha prison. During the period of his detention, Sampson was regularly removed from his cell and taken to an upper floor of the prison containing specialized interrogation rooms.⁹⁸ There, *Mabahith* officers beat him on his head and body with their hands,⁹⁹ repeatedly struck the soles of his exposed feet with a cane,¹⁰⁰ and hung him upside-down and assaulted him with a wooden axe handle.¹⁰¹ According to Sampson, the officers denied that they were committing acts of torture, instead informing him that they were “getting your mind right.”¹⁰² The repeated acts of torture to which the *Mabahith* subjected Sampson eventually coerced him into confessing.¹⁰³ He was eventually released by the government in August 2003.¹⁰⁴

C. Lack of Civilian Oversight

Despite knowledge of the significant human rights violations listed above, no effective civilian-oversight mechanisms exist to prosecute or discipline *Mabahith* officers and personnel who commit or enable these practices. Intra-MOI agencies responsible for overseeing processes of interrogation and pre-trial detention fail to exert their authority over *Mabahith* activities in this realm. Furthermore, private citizens whose human rights the *Mabahith* has violated lack effectual recourse for restitution.

Article 3 of the 1989 Law and Regulations of the Bureau of Investigation and Public Prosecution (BIP)¹⁰⁵ charges the agency with

Monitoring and inspection of prisons, detention centers and any places where criminal sentences are executed, as well as hearing complaints of prisoners and detainees, insuring the legality of their imprisonment or detention and the legality of their remaining in prison or the detention centers after the expiry of the period, taking necessary steps to release those imprisoned or detained without legitimate cause and applying the law against those responsible for such action.¹⁰⁶

According to information obtained from interviews that Human Rights Watch conducted with former judges, detainees, and families of detainees, BIP officials working within the Office for Prison Supervision and Execution of Sentences execute none of the stipulations outlined in Article 3 of the 1989 law with regard to *Mabahith* prisons and detention centers.¹⁰⁷

Mabahith personnel also operate outside the bounds of judicial oversight, routinely ignoring court orders which mandate restitution for wrongfully imprisoned persons. The Board of Grievances,

established by a 1982 law, is an “independent administrative judicial commission” charged with investigating official malfeasance and ruling on cases brought by aggrieved parties against government institutions.¹⁰⁸ In August 2008, the Board ruled that the *Mabahith* must release Imad al-Matrudi, a Saudi citizen who had been detained without trial since 2004. Ten months later, the *Mabahith* had failed to comply with this order.¹⁰⁹ In April 2009, the Board ordered the *Mabahith* to release Majid al-Husaini, another Saudi citizen who had been detained without trial since 2002. As of June 2009, the *Mabahith* had also refused to release al-Husaini.¹¹⁰ ADHRB could not locate any publicly-available information on the current status of these detainees.

Mabahith personnel have not only defied the orders of civil courts, but have also failed to comply with the rulings of criminal courts. In September 2014, a Saudi court ordered the release of prisoners’ rights activist Baheya al-Rashoudi, daughter of the aforementioned Sulaiman al-Rashoudi.¹¹¹ Al-Rashoudi, arrested in July 2014 for her involvement in demonstrations agitating for the release of political prisoners,¹¹² had been held at the *Mabahith*’s Turfiyya prison in the city of Buraida.¹¹³ Authorities at the *Mabahith*-run prison, citing the Eid holiday, refused to permit her release.¹¹⁴ According to ALQST, an independent Saudi human rights organization, al-Rashoudi remained in prison until her sudden release in March of 2015.¹¹⁵

Mabahith personnel have engaged in acts of intimidation against private citizens to prevent them from filing complaints over governmental wrongdoing. In June 2013, Saudi police wrongfully killed Ali Hassan al-Mahrous in the Eastern Province village of al-Khowayledeyah as they attempted to subdue another man. When Ali’s father attempted to bring charges against the police, local *Mabahith* officers “threatened to bury [Ali’s] body in an unknown location rather than return it to the family.”¹¹⁶ In response, “[a]uthorities closed the investigation regarding responsibility for the death.”¹¹⁷

III. The Specialized Criminal Court

A. Background

Since 2003, the MOI has conducted an intensified counterterrorism campaign that has produced more legal cases than the Saudi judiciary, at the time, could efficiently process. The U.S. Department of State, for example, has identified prison overcrowding as a problem in Saudi Arabia,¹¹⁸ and MOI officials have occasionally acknowledged the fact that many of their detention facilities are over capacity.¹¹⁹ Since the MOI’s stepped-up counterterrorism program began in earnest, the prisoner population in GDP facilities has increased from 28,612 in 2002 to roughly 47,000 in 2013.¹²⁰ Though less information is known about the number of *Mabahith* prisoners, it appears that this number similarly increased; in 2007, then-Interior Minister Prince Naif bin Abdulaziz stated that 9,000 persons had been arrested between 2003 and 2007 for national security purposes, but that a majority had been released.¹²¹ In 2008, Human Rights Watch reported that the *Mabahith* held 1,500 to 2,000 “dissidents and security detainees,” a number which “had increased...as the *mabahith* detained scores of Saudis returning from Afghanistan after 2001 and those suspected of heading to Iraq since 2003, as well as others suspected of involvement in a domestic bombing campaign that began in March 2003.”¹²²

As a result, the judicial backlog had swelled with waiting defendants, aggravating the overcrowded prison system. In December 2008, ostensibly in order to confront these problems, the Supreme Judicial Council of Saudi Arabia received royal approval to establish the Specialized Criminal Court (SCC), a non-Sharia judicial body specifically tasked with trying national security suspects.¹²³ Though it may have accomplished its aim to more effectively try terrorism-related cases, the SCC's jurisdiction was rapidly expanded to include the cases of activists, dissidents, and human rights defenders, alongside extremist militants.

This expansion did not happen instantaneously, however. The SCC did not hear its first major terrorism cases until June 2011, when it began the trials of 85 persons allegedly connected to the terrorist attacks which occurred in the Kingdom in 2003.¹²⁴ Later that same year, the SCC opened the trials of a number of human rights defenders and political dissidents, including ACPRA co-founder Mohammed al-Bajadi, detainee attorney Mubarak bin Zu'air,¹²⁵ and the aforementioned activists Sulaiman al-Rashoudi and Dr. Saud al-Hashimi.¹²⁶

B. Legal Jurisdiction

Initially, the SCC convened these trials in the absence of a written legal basis. At its inception, the SCC lacked a "statute or other law setting up the court or specifying its jurisdiction."¹²⁷ Its establishment generally followed Article 9 of the 2007 Law of the Judiciary, which states that "the Supreme Judicial Council may establish other specialized courts upon the approval of the King".¹²⁸ Nothing in the 2007 Law of the Judiciary, the 2001 Law of Criminal Procedure, or the 1992 Basic Law, however, clearly distinguished the jurisdiction of the SCC from that of the basic Summary and General Courts of First Instance.¹²⁹

It was not until the government promulgated the 2014 Penal Law for Crimes of Terrorism and Its Financing that the SCC was provided with its own codified jurisdiction. Under Article 8, the government stipulated that the SCC "shall rule on the crimes stipulated under this law [i.e. terrorist crimes], and may order revocation lawsuits and compensation lawsuits concerning its application".¹³⁰ Moreover, "rulings may be appealed at the specialized court of appeal, and may be subjected to objection in front of the specialized department at the Supreme Court".¹³¹ With the institution of the anti-terrorism law, as it is more colloquially known, the SCC was no longer a non-Sharia complement to the standard criminal court. The law gave it full authority to rule on a broadly-defined set of terror crimes, and even provided it with specific sentencing guidelines.¹³²

C. MOI Influence

Although the SCC was initiated by the Supreme Judicial Council, the MOI wields significant influence over its activities. The MOI, and not the Ministry of Justice, retains all prosecutorial powers in terrorism-related cases, as it does in criminal cases. The MOI's public prosecution determines which charges a suspect will face,¹³³ and thus which individuals will be sent before the SCC to be tried as terrorists. Moreover, the public prosecution cooperates closely with MOI security forces in the apprehension and investigations of terror suspects.¹³⁴

Furthermore, the law significantly circumscribes the authority of the SCC in relation to that of the MOI. The power to mandate the provisional release of a detainee belongs to “The Minister of Interior or his authorized representative,” and not to the SCC.¹³⁵ Article 15 prevents the court from suspending an MOI investigation to consider a formal complaint, mandating that the SCC only hear the grievance of the accused or his associate “upon completion of the investigation.”¹³⁶ Article 24 states that the Interior Minister may secure the release of a convicted person in the course of his sentence, without specifying whether the SCC has any role in reviewing the release.

Given the law’s ambiguous definition of terrorist crime, one that includes acts of “disrupting public order,” “risking national unity,” and “harming the reputation or status of the country” under Article 1, the MOI has legal grounds to charge any political activist or dissident with terrorism.¹³⁷ Once one of these individuals is declared a suspect by the Interior Minister, their case is managed wholly within the ministry until it is presented to the SCC. In fact, according to Articles 5 and 6 of the Law of Terrorism Crimes and Its Financing, the SCC can only intervene in this process to *extend* pre-trial detention periods for suspects, not curtail them. In this mutually reinforcing legal framework, wherein the SCC and the MOI facilitate the exercise of the other’s power, the SCC is incentivized to grant the MOI indefinite detention renewals in order to serve the “purpose of the investigatory process.”¹³⁸ Simultaneously, with the sanction of the SCC, MOI forces are encouraged to coerce suspects into false confession or testimony, ensuring that the case passes as smoothly as possible to trial.

There, under Articles 9, 10, 11, and 12 of the anti-terror law, the presiding judge or judges have discretionary power to dictate the procedure of the trial. The SCC may issue a verdict against the accused *in absentia* for any terrorist crime “if [the accused] was rightly informed through any method of communication or official media outlet [emphasis added].”¹³⁹ Though the accused ostensibly retains the right to hire legal counsel under the anti-terrorism law, the SCC has the authority to determine when this can take place. Often, this does not happen until after the trial begins, effectively allowing the SCC to determine whether or not the accused has access to legal counsel at all. Additionally, Article 12 of the law entitles the SCC to “receive testimony...without the presence of the accused and his lawyer, and in coordination with the public prosecution.” The law does not require the prosecution to reveal the identity of the expert or witness to the defense.¹⁴⁰

Both the MOI’s influence over the SCC and the SCC’s circumscribed jurisdiction enable the court to commit a host of due process violations. Such violations—including the convening of secret hearings,¹⁴¹ the preemption of access to legal representation, and the use of coerced confessions¹⁴²—amount to unfair trials. In recent years, these trials have led to lengthy jail terms and exorbitant fines for human rights defenders and nonviolent dissidents, all of whom the MOI has linked to supposedly “terrorist” activity of one kind or another. The cases of nine of these activists, and the unfair trials to which they were subjected, are outlined in the following section.

D. Human Rights Defenders and the SCC

1. Waleed Abu al-Khair

Waleed Abu al-Khair is a human rights lawyer and the founder of the Monitor of Human Rights in Saudi Arabia, one of the only independent organizations of its kind in the Kingdom. He also holds the distinction of being the first human rights activist sentenced under the specific Penal Law for Crimes of Terrorism and Its Financing.¹⁴³ In July 2014, the SCC tried Abu al-Khair under both the anti-cybercrime laws and the new anti-terror law, convicting him on charges of “undermining the regime,” “inflaming public opinion,” “founding an unlicensed organization,” and “harming public order”.¹⁴⁴ The court sentenced him to 10 years in prison (with a further five suspended), a \$53,000 fine, and an additional 15-year travel ban.¹⁴⁵ As he did not recognize the legitimacy of the SCC, Abu al-Khair refused to participate in the trial and did not sign the verdict.¹⁴⁶ Accordingly, he also refused to appeal the conviction. Despite this fact, the appellate division of the SCC reheard the case at the behest of the public prosecutor in 2015.¹⁴⁷ The court affirmed its initial decision, but overturned part of the initial sentencing, requiring Abu al-Khair to serve the full 15-year prison sentence without the possibility of parole.¹⁴⁸ At time of this writing, he has completed one year of his sentence.¹⁴⁹

2. Mohammed al-Bajadi

On 21 March 2011, security forces, some of whom were plain-clothes officers believed to be members of *Mabahith*,¹⁵⁰ arrested and detained Mohammed al-Bajadi, a co-founder of the Association for Civil and Political Rights (ACPRA). Saudi authorities charged al-Bajadi with participating in the founding of an unlicensed organization, harming the image of the state through the media, calling on the families of political detainees to protest and hold sit-ins, contesting the independence of the judiciary, having banned books in his possession¹⁵¹ and publishing material that “would prejudice public order”.¹⁵² On 10 April 2012, the SCC convicted al-Bajadi in a secret trial.¹⁵³ The Court sentenced him to four years in prison and a subsequent five-year travel ban. According to the U.S. Department of State, the court “denied observers access to hearings and refused to acknowledge his lawyer.”¹⁵⁴

Al-Bajadi was months away from completing his original four-year sentence when the appellate division of the SCC rejected the initial ruling. It sent the case back for retrial on 23 October 2014. The appeal division did not alert al-Bajadi or his newly-appointed legal counsel to these developments. On 5 March 2015, the Specialized Criminal Court, in a closed session, convicted al-Bajadi on the same charges as before. This time the Specialized Criminal Court sentenced him to ten years in prison.¹⁵⁵

3. Sheikh Nimr Baqir al-Nimr

On 8 July 2012, Saudi police assaulted and arrested Sheikh Nimr Baqir al-Nimr, a prominent cleric and vocal member of Saudi Arabia’s minority Shia community.¹⁵⁶ The public prosecutor brought Sheikh Nimr to the SCC on terror charges including inciting violence and sectarian strife; these charges, which the United States Commission on Religious Freedom recently called “unfounded”, were related to his non-violent dissent and religious activity.¹⁵⁷ The prosecution requested he be sentenced to death. Al-Nimr’s court proceedings lasted for 569 days and began on 25 March 2013, 265 days after his arrest. Scheduling was erratic; it was not until 29 April 2014 that the judge held the second hearing. The third hearing, held on 23 December 2014, lasted only five minutes. Similar irregularities marked subsequent hearings.¹⁵⁸ At the thirteenth hearing on 15 October 2014, the presiding judge issued a death sentence. Sheikh Nimr

submitted a 50-page handwritten appeal to the ruling on 16 November 2014. On 4 March 2015, Saudi newspapers announced that the Specialized Court of Appeal would not object to the ruling of the SCC.

4. Mekhlef bin Dahham al-Shammari

Mekhlef bin Dahham al-Shammari is a Sunni journalist and human rights defender who has documented discrimination suffered by the Shia minority community. Between 2007 and 2013, security forces detained al-Shammari on three separate occasions relating to his published critiques of the Saudi religious establishment; in one case he was charged with “annoying others” and “being in touch with international human rights organizations.”¹⁵⁹ While in detention at Dammam General Prison in July 2011, prison officials working for the MOI reportedly assaulted al-Shammari and forced him to ingest cleaning liquid.¹⁶⁰ After al-Shammari was hospitalized as result of this maltreatment, Interior Minister Mohammed bin Naif released him from prison so that he could stand trial at the SCC. There, the SCC permitted al-Shammari’s attorney to attend only one of the fourteen hearings constituting his trial, rendering him incapable of mounting a defense.¹⁶¹ The SCC convicted al-Shammari on charges of “harming the reputation of the kingdom,” “sowing discord,” “being in touch with disreputable organizations,” “appearing on foreign television stations,” “accusing government organizations of corruption,” “criticizing the Council of Religious Scholars”¹⁶² and “producing material...impinging on the public order”.¹⁶³ On 17 June 2013 the judge sentenced him to five years in prison and a subsequent 10-year ban on travel under Article 6 of the anti-cybercrime law.¹⁶⁴

5. Fadhl al-Manasif

Fadhl al-Manasif is a member of the Adala Center for Human Rights and a community activist in the Eastern Province of Saudi Arabia. When he was most recently detained by Saudi authorities on 2 October 2011, al-Manasif had already been arrested and released twice for his alleged participation in non-violent protests.¹⁶⁵ After his third arrest he was detained without trial for nearly two years and eventually charged with “disobeying the ruler by calling for demonstrations and participating in them,” “violating the country’s cybercrime law by recording, storing and sharing information,”¹⁶⁶ and “being in contact with foreign news agencies in order to exaggerate news and harm the reputation of the kingdom of Saudi Arabia and its people.”¹⁶⁷ Citing provisions in the anti-cybercrime law, the SCC convicted al-Manasif of these offenses in April 2014 and sentenced him to an SR 100,000 fine, 15 years in prison, and an additional 15-year travel ban upon his release. The Adala Center reports that throughout his detention, Saudi authorities have subjected al-Manasif to multiple forms of torture including beating, forced standing, and electrocution.¹⁶⁸

6. Fadhl al-Sulaiman

On March 17, 2011, Saudi authorities assaulted and arrested political activist Fadhl al-Sulaiman at a checkpoint in the Al-Ahsa Province. He had recently participated in non-violent demonstrations in the city of Hofuf, calling for “public freedoms and administrative reform”.¹⁶⁹ The Gulf Center for Human Rights suspects that the local security forces mistook al-Sulaiman to be the leader of the spontaneous protests. As such, the Saudi authorities held al-Sulaiman legally responsible not only for allegations against his own person, but also against the protestors at large. Consequently, he was charged with “demonstrating, resisting arrest and injuring the security forces, possession of books, electronic memory

and CDs, in addition to the charge of breaking a camera belonging to the General Intelligence Service.” Though his trial before the SCC was set for 13 March 2012, his hearings were initially postponed due to “the absence of the judge”; local activists believe that the Interior Ministry employed this excuse in order to arbitrarily prolong his pre-trial detention period.¹⁷⁰ According to the most recent information ADHRB could locate, authorities were subjecting al-Sulaiman to his thirteenth hearing as of October 2014.¹⁷¹

7. Abdulaziz al-Shubaily

Abdulaziz al-Shubaily is an attorney and another founding member of the Saudi Association for Civil and Political Rights (ACPRA).¹⁷² The MOI’s Bureau of Investigation and Prosecution (BIP) initially interrogated him for his human rights activities in November 2013.¹⁷³ In September 2014,¹⁷⁴ the public prosecutor brought his case before the SCC on a number of charges, including “spreading a statement which calls for continuous demonstrations,” “describing judges as unjust and lacking integrity,” and “accusing security forces and senior officials of suppression, torture, assassination, enforced disappearance and violating human rights.”¹⁷⁵ Though he must present himself for every trial, al-Shubaily has not been imprisoned.¹⁷⁶

Irregularities have marked al-Shubaily’s legal proceedings before the SCC. On 20 April 2015, the court’s presiding judge postponed the announcement of the verdict in order to allow the prosecution to present new evidence against al-Shubaily. The nature and origin of the evidence in question, however, was not clarified.¹⁷⁷ On 7 May 2015, the judge announced that he would again delay the trial’s conclusion, setting a new trial date for 20 May.¹⁷⁸

8. Loujain al-Hathloul and Maysaa al-Amoudi

Loujain al-Hathloul and Maysaa al-Amoudi are Saudi women’s rights activists who support the campaign to lift the Kingdom’s ban on female drivers; al-Amoudi is also a journalist based in the UAE. On 30 November,¹⁷⁹ security forces arrested al-Hathloul when she attempted to drive her vehicle across the UAE border into Saudi Arabia.¹⁸⁰ When al-Amoudi attempted to make the same journey in support on 1 December, security forces arrested her as well. Initially, al-Hathloul and al-Amoudi were set to stand trial at the standard criminal court for unlicensed driving, but in late December Saudi authorities cited their political activism on social media as grounds to transfer their case to the SCC.¹⁸¹ Although details regarding the specific charges against al-Hathloul and al-Amoudi are ambiguous, their case marks the first time female drivers have been brought before the SCC.¹⁸² After 10 weeks in custody, “the longest [detention] of female drivers in Saudi history”, both women were released without explanation.¹⁸³

IV. Recommendations

The following section details a list of recommendations which, if followed by all parties involved, would constitute significant first steps toward the Saudi Ministry of Interior bringing its activities in line with basic human rights norms. The recommendations are not exhaustive, but are rather meant to foster conversation about what is and is not within the Saudi government’s immediate power to accomplish

concerning the Ministry of Interior's troubling human rights record. They draw on information contained in both Chapter 2 and Chapter 3 of *Mapping the Saudi State*.

A. For the Ministry of Interior

1. Regarding the Public Security Administration (PSA)

- **Direct** both regular police forces and traffic police to no longer enforce the edict against women driving (which is not codified in law);
- **Direct** police forces to no longer disrupt non-Muslim religious gatherings in private residences;
- **Recruit** Shia into police forces at a level commensurate with that of the local population. Giving Shia citizens a stake in policing communities where they constitute a majority will diffuse tensions between this religious minority and the Saudi government;
- **Mandate** that police officers obtain a written warrant for all arrests;
- **Enforce** Articles 4 and 64 of the Law of Criminal Procedure, which stipulates that the accused has a right to access legal counsel during his or her criminal investigation;
- **Adopt and publicize a detailed code of conduct** that prohibits police officers from conducting arrests without warrants, detaining women for driving, preventing accused persons from accessing legal counsel, and discriminating against ethnic and religious minorities.

2. Regarding the Mabahith

- **Mandate** that *Mabahith* officers obtain a written warrant for all arrests;
- **Enforce** Articles 4 and 64 of the Law of Criminal Procedure, which stipulates that the accused has a right to access legal counsel during his or her criminal investigation;
- **Prohibit** the use of torture within *Mabahith* detention facilities and interrogation centers.
- **Terminate the employment** of *Mabahith* officers found to be involved in acts of torture;
- **Mandate** that *Mabahith* officers immediately inform family members of the accused's place of detention, and permit the detained to contact family members at any stage of the investigation or pre-trial detention period.
- **Publish** a detailed, annual report on the status of *Mabahith*-administered detention centers. The report should include an approximate number of total *Mabahith* inmates; the allotment of inmates throughout all the *Mabahith* prisons and related detention facilities; and the addresses, contact information, staff background, and hours of operation for every *Mabahith* detention facility;
- **Update** detainee-monitoring systems so that inmates are not imprisoned beyond the expiration of their legal sentences;
- **Immediately release** all prisoners of conscience and nonviolent political dissidents from *Mabahith* detention centers.

- **Adopt and publicize a detailed code of conduct** for PSA employees which prohibits officers from, among other activities, conducting arrests without warrants, engaging in the torture of detainees, and preventing accused persons from accessing legal counsel.

3. Regarding the Special Security Forces (SSF)

- **Cease** the use of Special Security Forces in raids on entire villages and towns in the Eastern Province. Criminal suspects can be apprehended with smaller deployments in more geographically-targeted operations;
- **Compensate** for the damage caused to private residences and businesses in Eastern Province towns and villages during previous SSF raids;
- **Invite** the Board of Grievances to investigate the extrajudicial killings of five Awamiyah residents last December, and **terminate the employment** of those officers found to be directly responsible for these deaths;
- **Adopt and publicize a detailed code of conduct** for SSF employees which prohibits officers from, among other activities, conducting arrests without warrants, using excessive force during arrests, and discriminating against ethnic and religious minorities.

4. Regarding the General Directorate of Prisons (GDP)

- **Publish** a detailed, annual report on the status of GDP-administered detention centers. The report should include an approximate number of total GDP inmates; the allotment of inmates throughout all the GDP's prisons and related detention facilities; and the addresses, contact information, staff background, and hours of operation for every detention facility;
- **Perform** a detailed assessment of all GDP prisons and detention facilities, prioritizing those which have been identified as over capacity. Utilizing this information, **fast-track the release** of any prisoners of conscience and other nonviolent criminals across the system.
- **Update** detainee-monitoring systems so that inmates are not imprisoned beyond the expiration of their legal sentences;
- **Prohibit** the use of torture within GDP detention facilities, and extend this ban to any police officers or *Mabahith* members who may use rooms within GDP facilities to conduct interrogations. **Terminate the employment** of GDP officials found to be involved in acts of torture;
- **Adopt and publicize a detailed code of conduct** which prohibits GDP employees from, among other things, subjecting detainees to torture and ill-treatment or discriminating against non-Saudi nationals.

5. Regarding the Bureau of Investigation and Prosecution (BIP)

- **Enforce** Articles 4 and 64 of the Law of Criminal Procedure, which stipulates that the accused has a right to access legal counsel during his or her criminal investigation;

- **Regularly conduct** visits to and assessments of *Mabahith* prisons;
- **Prohibit** prosecutors from utilizing confessions or other detainee statements given under torture or other forms of coercion;
- **Mandate** that investigators working under the BIP's jurisdiction promptly inform the detained of the reasons of his or her arrest;
- **Direct** investigators working under the BIP's jurisdiction to end the practice of incommunicado detention for detainees accused of nonviolent crimes;
- **Direct** investigators working under the BIP's jurisdiction to strictly follow the pre-trial detention limits as set forth by the Law of Criminal Procedure;
- **Adopt and publicize a detailed code of conduct** which prohibits investigators and prosecutors from, among other things, denying the accused the right to access an attorney; utilizing defendant testimony extracted from torture and coercion; and holding a detainee in pre-trial detention beyond the legally-proscribed limit.

B. For the Government of Saudi Arabia

1. Regarding Needed Structural Reforms

- **Direct** the Board of Grievances to investigate allegations of wrongdoing in various MOI agencies based upon their newly-publicized codes of conduct. **Empower** the Board of Grievances to make binding decisions on sanctions for MOI personnel, up to and including employment termination and referral to criminal courts;
- **Mandate** that both Sharia criminal courts and the Specialized Criminal Court postpone the completion of trials, or delay the start of hearings, if the defendant alleges that they supplied evidence against themselves under torture. In these cases, the court in question and the Board of Grievances must jointly investigate the allegations of wrongdoing, and must factor their findings into the remainder of the trial and the sentencing of the accused;
- **Remove** the Bureau of Investigation and Prosecution from the jurisdiction of the Ministry of Interior. Place the bureau within the Ministry of Justice, and ensure that prosecutors and investigators are responsive to the Justice Minister.

2. Regarding reforms to the Specialized Criminal Court (SCC)

- **Empower** the SCC to halt investigative or prosecutorial proceedings in order to examine complaints lodged by the accused against the prosecution, particularly regarding allegations of torture;
- **Empower** the SCC to intervene in, and set limits to, the pre-trial detention periods of accused persons;
- **Empower** the SCC to order the provisional release of the accused during an ongoing investigation;

- **End** the practice of letting the SCC hear testimony from witnesses and experts in the absence of the accused or their legal representative;
- **Prohibit** the SCC from sentencing the accused *in absentia*;
- **Prohibit** the SCC from convening hearings in secret.

C. For the Government of the United States

- **Stipulate** that renewal of the U.S.-Saudi Technical Cooperation Agreement is contingent upon the Saudi government taking serious steps to curb the MOI's human rights violations. Potential benchmarks could include shifting the BIP from the MOI to the MOJ, making Board of Grievances decisions binding, and releasing all prisoners of conscience from Saudi jails;
- **Utilize** the open lines of communication that top U.S. officials maintain with Interior Minister (and now Crown Prince) Mohammed bin Naif to press him on the serious human rights violations regularly committed by agencies under his authority;
- While maintaining all current security agreements, **affirm** that any future cooperative agreements between the MOI and various US agencies cannot be promulgated until the MOI takes significant steps to curb its human rights violations.

V. Notes

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