

THE ROLE OF THE INTERNATIONAL COMMUNITY

European Union

Relations between the European Union (E.U.) and Morocco focused on economic and social issues following the Association Agreement that came into force in early 2000. Respect for human rights and democratic principles was an essential element of the legally binding agreement, but the E.U. did not publicly raise any human rights concerns at the time of the October 9 E.U.-Morocco Association Council meeting. European Union policy continued to be guided by a desire to curb migration, legal and illegal, from Morocco to member countries such as France, Spain, and Belgium. However, the E.U. provided 1.2 million euros for projects on freedom of expression, migration, promotion of women's rights in Morocco, as well as human rights education and prison reform.

United Nations

United Nations Secretary-General Kofi Annan, in his April 24 report on the Western Sahara conflict, urged the "parties to arrange the early repatriation of all prisoners." Security Council Resolution 1359 of June 29 asked the parties "to solve the fate of people unaccounted for" and to "abide by their obligations under international humanitarian law to release without further delay all those held since the start of the conflict."

SAUDI ARABIA

HUMAN RIGHTS DEVELOPMENTS

Saudi Arabia's human rights record remained poor and there were no discernible improvements in 2001. The government took no steps to ease restrictions in the key areas of freedom of association and expression, women's rights, and religious freedom, or move toward a more open and tolerant society. The continued absence of institutions independent of the government, such as political parties and nongovernmental organizations (NGOs), allowed the ruling royal family to maintain its historic franchise on power, beyond public reproach and accountability. A May 24 royal decree increased the members of the all-male Consultative Council from ninety to 120, although the appointed body remained toothless with respect to any substantive oversight of the executive branch of government. Workers, including millions of foreigners, were not permitted to form trade unions, strike, or engage in collective bargaining, and household servants—numbering an estimated one million foreigners—continued to be excluded from protection under the labor law. The kingdom also remained off-limits to international human

rights organizations, and no one inside the country dared to break the long-standing taboo on openly scrutinizing and reporting human rights abuses.

On October 1, the Council of Ministers approved a 225-article penal code, scheduled to come into force ninety days after its publication in the official gazette. The government said that the code prohibited “coercion, or infliction of physical or moral harm on those arrested,” granted criminal suspects “the right to receive legal assistance from a lawyer,” and prohibited “detention or imprisonment except in jails or special secure units, and then only on the issuance of a court order.” The law also set a five-day limit on detention by criminal investigators, specifying that detainees “shall be released if there is no justification or if there is not enough evidence,” although in cases of “serious crimes” the interior minister also had the right to detain suspects. The council also approved on October 1 a forty-three-article law regulating the legal profession.

The practical effect of these new laws, once in force, remained to be seen. Cases during the year involving detained foreign nationals continued to illustrate fundamental flaws in the Saudi judicial system that facilitate human rights violations, including prolonged incommunicado detention, inadequate safeguards against torture and ill treatment of prisoners during interrogation, denial of access to lawyers, and the lack of transparency of legal proceedings. Several foreign governments complained that Saudi authorities had not provided timely notification of the arrest of their nationals and in some cases had denied consular officials access to detainees for long periods. Twice during the year authorities used televised “confessions” to brand suspects guilty of violent activities before they were charged or tried, a practice at odds with the government’s affirmation in 2000 that “in the Islamic *shariah*, presumption of innocence is the fundamental principle in criminal proceedings.”

One person was killed and others injured in a series of bombing attacks in Riyadh and Khobar between November 2000 and March 2001, which the authorities said were a consequence of turf wars among expatriates involved in the illegal but highly lucrative alcohol trade. (See below.) Two other attacks followed in Khobar: on May 2, a U.S. citizen was seriously injured, and on October 6, a U.S. citizen and another victim who was not identified were killed and four foreigners wounded. Authorities announced on November 14 that the second person killed was a Palestinian dentist who worked in Riyadh, whom they alleged was the perpetrator of the bombing.

Three foreign residents of Saudi Arabia—Alexander Mitchell, British; William Sampson, Canadian; and Raaf Schifer, Belgian—appeared on Saudi state television on February 4, “confessing” to two separate car bombings in Riyadh that killed one Briton and injured others in November 2000. The videotaped statements were made after the detainees had been held incommunicado for over a month without their respective consulates being informed and were aired before completion of the criminal investigation or formal charging. According to the Canadian government, the Saudi interior minister confirmed on February 13 that Sampson had not been permitted to consult with a lawyer during the investigation stage of the proceedings. By November, the three men continued to be held in solitary confinement and a trial was several months away, according to one of their lawyers.

The videotaped “confessions” of three British citizens, who admitted involvement in three bombings between December 2000 and March 2001, were shown on Saudi television on August 13. James Lee, James Cottle, and Les Walker said they had “received orders” to carry out attacks in Riyadh on January 10 and March 15, and in Khobar on December 15. The Khobar bombing injured one person; the March explosion injured two. As was the case during the February “confessions,” the suspects did not disclose any motives for their actions, nor who had ordered the violence. The British government said it was informed by Saudi authorities about the “confessions” the day before the broadcast but was not told of the charges or a trial date. These men were also held in solitary confinement, and as of early November a trial was not expected for several months.

Two accused Chechen airplane hijackers, one of them a minor, were reportedly brought to trial in September but denied legal representation. On September 5, *Okaz* newspaper quoted Judge Sheikh Saleh bin Muhamed al-Luhaidan, chairman of the Supreme Judicial Council and a member of the Senior Council of Ulema (religious scholars), as saying: “A case such as this requires no defense lawyer because the hijacking occurred and the hijackers are known and have confessed their crimes.” The same day the Russian Foreign Ministry said that it had not received “official confirmation” of the trial nor a response from Saudi authorities to its request for the extradition of the two Chechens, named as Deni Magomerzayev, nineteen, and Eris Khan Arsayev, sixteen. The teenagers were apprehended following the abortive hijacking of a Russian passenger plane flying from Moscow to Istanbul on March 16. The aircraft was forced to land in Medina; three people were killed, including the third alleged hijacker, when Saudi forces stormed the plane to release the passengers and crew.

Trials continued to be conducted behind closed doors. A Riyadh court on May 26 sentenced four British citizens to flogging and prison terms for illegal alcohol trading, but British authorities said they were not notified until May 31. The court sentenced Kelvin Hawkins to two and a half years of imprisonment and five hundred lashes, while Paul Moss, David Mornin, and Ken Hartley received lesser terms and punishment of three hundred to five hundred lashes each.

Relations between the government and the minority Ismaili Shiite community remained tense in the wake of violent clashes with security forces that erupted in Najran province in April 2000 and resulted in scores of arrests. In April 2001, twelve Ismailis signed a petition to Crown Prince Abdullah, complaining about official discrimination, unfair trials, and prolonged imprisonment, and an Ismaili delegation delivered the petition and other documents to the palace in Jeddah on April 29. The next day, a security official arrived in a special bus, which the delegation understood to mean that the governor wished to see them. Instead, at least six members of the delegation were taken to security headquarters in Jeddah and imprisoned there; as of this writing, in November, it was unclear whether they were still being held.

Death sentences by beheading were carried out throughout the year, mostly for murder, rape, or drug-trafficking. By mid-November, at least seventy-five Saudis and foreigners had been executed, according to Reuters. Foreign governments rarely raised fair-trial concerns publicly when their nationals were sentenced to

execution. However, a sharp rise in the number of Indians beheaded on drug-related offenses (from one in 1998 to twenty-four in 2000, according to the Indian ambassador to Saudi Arabia) prompted some Indian officials to press for an Indian government investigation of the duping of Indian migrant workers, mainly from the state of Kerala, by drug dealers posing as job recruiters.

The government's highly publicized ratification in 2000 of the Convention on the Elimination of All Forms of Discrimination against Women prompted no initiatives to give Saudi women equal rights with men. Women were not permitted identity cards in their own name, only "family cards" in the name of their husband or father, did not enjoy freedom of movement, were not permitted to drive, and lacked equal rights with men with respect to the nationality of their children, among other discriminatory practices. On April 26, Prince Nayef stated that the government would not lift the ban on women driving: "It is not possible, and there are no studies on the subject at all."

The Saudi public gained access to the Internet in 1999 and the number of users reached an estimated 500,000 in 2001. The government continued to block what official censors viewed as objectionable web sites, ranging from pornography to politics. Ibrahim al-Fareeh, Internet supervisor at King Abdul Aziz Center for Science and Technology (KACST), which controlled access to the Internet, told the Associated Press in April that KACST was about to launch a new campaign, with advanced equipment, to block a further 200,000 sites, raising to 400,000 the number of sites off-limits to Saudi users

Some seven million foreigners worked in the kingdom, many of them from India, Egypt, Indonesia, Pakistan, the Philippines, and Bangladesh. Conditions were particularly difficult for the estimated one million women who were employed as domestic workers, a job category not covered by the labor law. Over 19,000 women domestics fled from their employers in 2000, a Labor Ministry official acknowledged in April, citing mistreatment, nonpayment of wages, and other grievances. The Philippines ambassador told his government that many Filipino workers in Saudi Arabia were "subjected to poor living conditions, salary underpayment, insufficient food, inhuman working conditions, and long hours of work without rest or day off," *Business World* (Manila) reported on March 2. He said Saudi employers illegally "sold" Filipino workers to new sponsors for 2,000 riyals (U.S. \$533) when employment contracts expired or the workers were no longer needed, although Saudi authorities had banned such transfers of sponsorship.

Some 370,000 Indonesians were employed in the kingdom, most of them reportedly women domestic workers. In July, the Indonesian government temporarily suspended sending workers to Saudi Arabia pending a formal memorandum of understanding (MoU) under which Saudi authorities agreed to afford greater legal protection to Indonesian migrant workers. Under the MoU, signed in September, the Saudi embassy in Jakarta was to provide the Indonesian Labor Ministry "a weekly list of laborers granted visas and the names of Indonesian recruitment offices handling the process." Also, all visa applications were to be processed through certified labor recruitment offices in both countries, and efforts made to prevent labor recruiters "from manipulating costs, official papers, medical reports and sending unqualified manpower."

The uncertain future of the remaining 5,200 Iraqi refugees in the Rafha desert camp near the Saudi-Iraq border received publicity when dozens of refugees began a hunger strike on June 23 to press demands for resettlement in third countries. Those at Rafha were the last of some 33,000 Iraqi refugees who had been held at the camp since the end of the Gulf war in 1991, of whom 25,000 were resettled in Europe, North America, and Australia, while some 3,000 voluntarily returned to Iraq. The suspension of resettlement programs for these refugees in 1997 left those who remained at the camp no option other than repatriation to Iraq, but the majority of them did not want to return there, according to the United Nations High Commissioner for Refugees (UNHCR). The government reportedly more than tripled the grant it provided to returnees to 10,000 riyals (U.S. \$2,666), but apparently without effect. In July, the government said the Iraqi refugees were "treated well," and denied "allegations of rioting, detention of refugees, or incidents of beating, insults or torture." It added that although the Defense Ministry supervised the camp, it was "UNHCR, not the Kingdom, that [was] in charge of resettlement demands by the remaining 5,000 refugees."

DEFENDING HUMAN RIGHTS

Saudi Arabia remained one of the region's embarrassing wastelands with respect to an openly functioning network of independent human rights lawyers, other activists, and institutions. As a result, victims of abuse and their supporters were left isolated and vulnerable, and the timely documentation of rights violations was exceedingly difficult. International human rights organizations were not granted access during the year, and foreign journalists based in the country rarely investigated and reported allegations of abuse.

In March, a seven-member delegation from the U.S. Commission on International Religious Freedom (see below) visited Saudi Arabia and interviewed senior government officials who, it reported, "expressed a desire to continue dialogue with the U.S. government on religious freedom issues."

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United Nations

In January, the U.N. Committee on the Rights of the Child examined the kingdom's initial report on compliance with the Convention on the Rights of the Child. In its concluding observations, the committee criticized the Saudi authorities' "narrow interpretations of Islamic texts," asserting that this "imped[ed] the enjoyment of many human rights protected under the convention." It cited in particular provisions of domestic law that discriminated against females and non-Muslims, and allowed flogging as a judicial punishment.

The committee found "direct and indirect discrimination against girls and children born out of wedlock, including in areas relating to civil status (e.g. lack of

identity cards for females) and personal status (e.g. inheritance, custody, and guardianship),” and expressed concern that the nationality law did not “grant equal citizenship status to children of Saudi women married to non-nationals.” The committee noted that the age of majority was not defined under Saudi law and commented that as a result the death penalty could be imposed for offenses committed when suspects were under eighteen years old, a violation of the convention. It further commented that persons under eighteen “may be sentenced to a variety of methods of cruel, inhuman or degrading treatment or punishment such as flogging, stoning and amputation, which are systematically imposed by judicial authorities.” The committee urged the government to “end the imposition” of such practices on “persons who may have committed crimes while under eighteen.”

The U.N. special rapporteur on the independence of judges and lawyers was scheduled to conduct a fact-finding visit to the kingdom from October 11-19, pursuant to an invitation that the government extended in 2000. The visit was postponed because of security concerns; as of November 5 it had not been rescheduled.

In 1997, Saudi Arabia became a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The kingdom’s initial report to the U.N. Committee against Torture, submitted in February, was scheduled to be examined by the committee at its November 12-23 session in Geneva but the government asked for a postponement shortly before the session.

United States

Ties between the U.S. and Saudi Arabia were cemented by long-standing mutual military and economic interests. The U.S. remained the world’s leading supplier of defense equipment and services to the kingdom, with military exports in 2000 totaling almost U.S. \$2 billion, according to the U.S. Department of Commerce. The department also reported that Saudi Arabia was the twenty-fourth-largest export market for U.S. companies, with merchandise exports of \$6.2 billion in 2000, and that U.S. investment in the kingdom climbed to \$4.8 billion in the same year. Saudi exports to the U.S. were \$14.2 billion in 2000 as oil prices increased.

Five U.S.-based multinationals were among the eight international energy companies selected in May for three major natural gas exploration and development projects and related water, power, and petrochemical facilities, with initial foreign investment estimated at \$20 billion. ExxonMobil, the kingdom’s leading foreign investor, was chosen to lead two of the ventures: the largest in South Ghawar, with Royal Dutch/Shell, BP, and Phillips Petroleum, and the Red Sea project, with the participation of Enron and Occidental. Participants in the third project, in the Rub al-Khali near Shaybah, were Royal Dutch/Shell, TotalFina Elf, and Conoco. The government signed preparatory agreements with the companies on June 3, with the Houston-based Marathon Oil Company replacing Enron, which withdrew on June 1.

In addition to the State Department’s annual country report, which once again bluntly described the broad pattern of rights abuses in Saudi Arabia, other reports contributed additional information and analysis. For example, the U.S. Commission on International Religious Freedom recommended to the State Department

on August 16 the designation of Saudi Arabia as one of nine “countries of particular concern.” In its accompanying report, the commission charged that Saudi Arabia “suppresses religious views of both Saudi and non-Saudi Muslims that do not conform to official positions,” including the minority Shiite and Ismaili communities. The commission dismissed the government’s claim that non-Muslims were permitted private worship. It said that the definition of the term was “vague,” and that individuals engaged in such activity have been “arrested, imprisoned, deported and harassed by the authorities.” The commission noted that “diplomatic personnel from Western countries face difficulties in their religious practice” and that the problems were “compounded for foreign guest workers who have no diplomatic standing and little or no access to private religious services conducted at diplomatic facilities.” The State Department’s 2001 international religious freedom report, published on October 26, found that freedom of religion “does not exist” in Saudi Arabia, but, as in 2000, the kingdom was not designated one of the countries of particular concern.

The State Department’s *Trafficking in Persons Report*, published in July, identified Saudi Arabia as one of the world’s destination countries for trafficked persons, and noted that workers from India, the Philippines, Indonesia, Thailand, Bangladesh, and the Horn of Africa “have reported being forced into domestic servitude and sexual exploitation.” The report said that the Saudi government did not acknowledge trafficking as a problem and authorities had not crafted legislation or undertaken other “significant efforts” to combat it.

In its annual patterns of global terrorism report, released in April, the State Department raised concerns that Saudi authorities were not enforcing consistently their requirement that NGOs and private voluntary agencies obtain government authorization “before soliciting contributions for domestic or international causes,” and over allegations that “some international terrorist organization representatives solicited and collected funds from private citizens in Saudi Arabia.”

Prior to the September 11 attacks on New York and Washington, there were clear strains in the U.S.-Saudi relationship over the Saudi government’s dissatisfaction with what it considered the pro-Israel stance of the Bush administration. A White House invitation to Crown Prince Abdullah to visit Washington in 2001 was rejected twice, in May and in July. The Saudi government also postponed indefinitely the Washington annual meeting of the joint Saudi-U.S. military committee, scheduled for August.

Another source of bilateral tension was the June 21 U.S. federal grand jury indictment of thirteen Saudis and one unnamed Lebanese for planning and carrying out the June 1996 bombing of the Khobar Towers military housing complex in Dhahran, which killed nineteen U.S. servicemen and injured another 372 Americans. The defendants included Hani al-Sayegh, who was arrested in Canada in March 1997, transferred to the U.S. in June 1997 on a pledge that he would cooperate with U.S. investigators, and then deported to Saudi Arabia in October 1999 after he allegedly reneged on his promise and was denied political asylum in the U.S. The indictment named the Saudi defendants as members of the Saudi Hizballah organization and identified most of them as Shi’a Muslims from Qatif. On June 21, U.S. Attorney General John Ashcroft said the suspects had received support from

unnamed Iranian officials. The indictment, he said, “explains that elements of the Iranian government inspired, supported, and supervised members of the Saudi Hizballah [T]he charged defendants reported their surveillance activities to Iranian officials and were supported and directed in those activities by Iranian officials.” Despite these serious allegations, no Iranian was named as a defendant in the indictment.

The indictment apparently caught the Saudi government by surprise and senior officials expressed irritation. Interior Minister Prince Nayef bin Abdel Aziz confirmed that eleven of the suspects were imprisoned in Saudi Arabia and would be tried in a Saudi court, but in an interview with the daily *al-Riyadh*, published on June 23, he said: “The Americans never informed us or coordinated with us on this issue.” He also disputed the existence of the Saudi Hizballah group mentioned in the indictment, saying there was no such group, although some individuals might be “linked to the Lebanese Hizballah.” Prince Nayef said on June 30 that the suspects in Saudi custody would never be sent to the U.S. for trial, adding: “We have nothing whatsoever to do with the U.S. court, and we are not concerned with what has been said or what is going to be decided by the U.S.”

Following the September 11 attacks on the U.S., Saudi officials announced “full support” for international anti-terrorist initiatives, and pledged to keep stable oil prices and supplies. But there were signs of further strain in U.S.-Saudi relations. In September, the government withdrew its diplomatic recognition of Afghanistan’s Taliban government for “defaming Islam by harboring and supporting terrorists,” but senior officials said they would not permit the U.S. to use its military facilities in Saudi Arabia to carry out offensive operations against Arab or Muslim states.

U.S. Defense Secretary Donald Rumsfeld visited the kingdom on October 4 and met King Fahd, Crown Prince Abdullah, and Minister of Defense Prince Sultan but he said nothing publicly about the Bush administration’s specific requests for Saudi government assistance in its global anti-terror campaign. After meeting Rumsfeld, Prince Sultan suggested that the U.S. had made no requests, and said that the question of Saudi support “was not a point of discussion.” Rumsfeld, however, stated that “there are any number of countries that are doing things that are public, there are any number of countries that are doing things that are exactly the same privately,” and said the U.S. appreciated the “public support” of Saudi Arabia and “the things they are doing to assist us.”

But tensions were evident, particularly following the FBI’s September 27 press release that described seven of the nineteen men suspected of the September 11 hijackings as “possible” Saudi nationals. In addition, the FBI list of twenty-two “Most Wanted Terrorists,” issued on October 10, included Osama bin Laden, who was stripped of his Saudi citizenship in 1994, and four other Saudi nationals implicated in the 1996 Khobar Towers bombing.

By mid-October, Saudi officials began to voice complaints publicly. Prince Nayef, quoted on October 15, said that the U.S. had provided no “material evidence” that Saudi nationals were among the hijackers. He similarly criticized allegations about private Saudi financing of terrorist groups and U.S. requests to freeze assets, saying it was “unacceptable to take any action without providing the evidence that there are some [suspicious] accounts in the kingdom.” He added that the

government had previously “requested the United States, Britain and some European countries to cooperate with us in this field, but found no [positive] response.”

The *New York Times* reported on October 25 that unnamed U.S. federal authorities were “now sure” that fifteen of the nineteen hijackers were Saudi citizens, based on “weeks of investigation” in the U.S. and Saudi Arabia, and that Saudi authorities “assisted” the U.S. in confirming their identities. On October 31, the *Washington Post* reported that eleven of the alleged Saudi hijackers had been issued U.S. visas in Jeddah and four others received visas in Riyadh, citing U.S. State Department documents made available to the newspaper.

SYRIA

HUMAN RIGHTS DEVELOPMENTS

President Bashar al-Asad’s government launched a crackdown on peaceful but outspoken advocates of reform in August, sending a clear message that it would tolerate a political opening only on its own terms and according to its own timetable. Authorities arrested leading critics and others active in the freewheeling discussion groups, or civil society forums, that emerged as Syrians sought to claim freedoms that had been denied them during the thirty-year rule of former president Hafez al-Asad. The arrests reversed a trend toward greater openness in a country long dominated by the ruling Arab Ba’th Socialist Party and institutions it controls, and followed earlier positive developments. These included the release of some six hundred political prisoners under a presidential amnesty in November 2000, a January 2001 announcement that the emergency law in force since 1963 was “frozen” and “not applied,” and the release in May 2001 of Nizar Nayouf, then the last remaining imprisoned human rights activist. In addition, the government initially relaxed some controls on the press, but in September introduced a tough new decree that regulated the press and other publications as part of a wider strategy to control critical expression.

The crackdown began with the arrest of Mamoun al-Homsi, an independent member of parliament, on August 9. Previously, the authorities did not acknowledge or give reasons for detentions, but in this case the Interior Ministry confirmed al-Homsi’s arrest on August 10, charging that a list of political demands that he had issued publicly on August 7, when commencing a hunger strike at his office, constituted “an attempt to change the constitution by illegal means, trying to stop the authorities from carrying out their duties mentioned in the law, trying to harm national unity, defaming the state and insulting the legislative, executive and judicial authorities.” The ministry also alleged that al-Homsi owed almost U.S. \$1 million in back taxes and had issued his call for political changes, ranging from the lifting of the emergency law to stronger anti-corruption measures, in order to portray himself “as a political victim whereas in fact he is someone accused of a crime.”