

HUMAN RIGHTS WATCH

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Appendix I: Letter to Her Royal Highness Princess Reema bint Bandar Al Saud from Human Rights Watch

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October 21, 2019

Her Royal Highness Princess Reema bint Bandar Al Saud
Ambassador
Embassy of Kingdom of Saudi Arabia
Washington, DC

Your highness,

We write to share with you the general conclusions of research Human Rights Watch conducted regarding Saudi Arabia's sweeping repression of critical voices since 2017 and to seek your government's response in advance of the publication of our report during the first week of November 2019.

As an international, independent, nongovernmental organization concerned with human rights issues in over 90 countries around the world, we regularly reach out to governmental authorities to seek their insights and input, to discuss concerns and identify opportunities for constructive engagement. It is important for us to hear your perspective and to make sure that we represent the Saudi government's views fairly and accurately.

Any response by the Saudi government will be posted to Human Rights Watch's website.

In June 2017, King Salman appointed his son Mohammed bin Salman crown prince, making him next in line to the Saudi throne and day-to-day ruler of the country. His elevation coincided with positive changes for

women and youth, fostering a positive image for the crown prince on the international political scene.

Behind the glamor and pomp of Prince Mohammed's newfound fame abroad and advancements for Saudi women and youth, however, lay a darker reality, as he moved to sideline anyone in Saudi Arabia who could stand in the way of his political ascension. In the summer of 2017, around the time of his promotion to crown prince, authorities quietly reorganized the country's prosecution service and security apparatus, the primary tools of Saudi repression, and placed them directly under the royal court and King Salman. Authorities then launched a series of arrest campaigns, targeting dozens of critics and potential critics of Saudi government policies. These arrest waves targeted prominent clerics, public intellectuals, academics, and human rights activists in September 2017, leading businesspeople and royal family members accused of corruption in November 2017, and the country's most prominent women's rights advocates beginning in May 2018. The arrests waves were often accompanied by defamation and slander of those arrested in the country's pro-government media.

Detaining citizens for peaceful criticism of the government's policies or human rights advocacy is not a new phenomenon in Saudi Arabia, but what has made the post-2017 arrest waves notable and different, however, is the sheer number of individuals targeted over a short period of time as well as the introduction of new repressive practices not seen under previous Saudi leadership.

These new tactics include cases of holding detainees at unofficial places of detention, such as the detention of so-called corruption detainees at the five-star Ritz-Carlton hotel in Riyadh from late 2017 into early 2018, as well as the detention of prominent women's rights activists at a "hotel" or "guesthouse" during the summer of 2018. While in unofficial detention centers, allegations have emerged that torture and mistreatment of detainees were rampant. For example, in March 12, 2018 the *New York Times* reported that 17 Ritz-Carlton detainees required hospitalization for physical abuse, including one man who later died in custody. In addition, in late 2018 Human Rights Watch received credible information from informed sources that authorities had tortured four prominent Saudi women activists while in an unofficial detention center, including by administering electric shocks, whipping the women on their thighs, forcible hugging and kissing, and groping.

Abusive practices also have included long-term arbitrary detention – over a year or longer – without charge, trial, or any clear legal process. For example, some of the so-called corruption detainees arrested in late 2017 remain at this writing in detention without charge or trial, including Turki bin Abdullah, the son of the late King Abdullah and former governor of Riyadh, and Adel al-Fakeih, a former minister.

Other abusive practices have included extorting financial assets of detainees in exchange for their release outside of any legal process and seeking the death penalty against detainees for acts that do not resemble recognizable crimes. For example, Saudi prosecutors are currently seeking the death penalty against reformist religious thinker Hassan Farhan al-Maliki on vague charges relating to the expression of his peaceful religious ideas, as well as against the widely known cleric Salman al-Awda on charges stemming solely from his peaceful political statements, associations, and positions. Both men were detained during the September 2017 crackdown.

The repressive side of MBS's domestic record, however, was not given the international scrutiny it deserved until October 2018, when the violent murder of Saudi journalist and *Washington Post* columnist Jamal Khashoggi at Saudi Arabia's Istanbul consulate shocked global opinion and led to a broader examination of the human rights situation in Saudi Arabia.

In mid-2019, while dozens of dissidents remained on trial and in prison, and with no clear accountability for allegations of torture of detainees or the murder of Khashoggi, Saudi authorities resumed efforts to improve the country's reputation and shift the international narrative away from the Khashoggi murder, in part by announcing major women's rights reforms. In late July, Saudi Arabia announced that Saudi women over 21 will be able to obtain passports without the approval of a male relative, register births of their children, and benefit from new protections against employment discrimination. In early August, Saudi Arabia announced further changes to regulations allowing women over 21 to travel abroad freely without permission of a male guardian.

Despite major advances for women, the arbitrary and abusive practices against dissidents and activists since mid-2017 and total lack of accountability demonstrate that the rule of law in Saudi Arabia remains weak and can be undermined at will by the country's political leadership.

In order to demonstrate that Saudi Arabia is truly reforming, King Salman and Crown Prince Mohammed bin Salman should introduce new reforms to ensure that Saudi citizens enjoy basic human rights, including by enacting the following recommendations:

- Immediately release all prisoners held solely for their peaceful practice of their rights to free expression and association, including prisoners convicted of alleged crimes, prisoners currently on trial, and prisoners held arbitrarily;
- Allow international monitors to enter the country and grant them unfettered access to detainees;
- Publicize all information about the ongoing trial of 11 individuals accused of the murder of journalist Jamal Khashoggi and implement recommendations by the United Nations Special Rapporteur on extrajudicial, summary, or arbitrary killings in her June 2019 report;
- Halt all acts of intimidation, harassment, and smear campaigns against rights activists, including those carried out by individuals invested with or claiming religious authority;
- Halt the imposition of arbitrary travel bans without justification or notification and enact changes to the Travel Documents Law ensuring that travel bans handed down by the Ministry of Interior can be challenged in court;
- Promulgate a penal code that clearly defines acts that give rise to criminal responsibility in line with international human rights standards. The penal code should also criminalize use of torture and cruel, inhuman, and degrading treatment or punishment;
- Rescind article 6 of the Information Crimes Law of 2007, which is regularly used to imprison dissidents for peaceful criticism;
- Permit detainees to challenge the lawfulness of their detention before a court, to guarantee access to legal counsel in a timely manner, and to make statements obtained under duress or torture inadmissible in court;
- Promptly, and prior to interrogation, allow a detainee to communicate with legal counsel of his or her choice, and informing him or her of this right at police stations, *Mabahith* offices, and other custodial settings of law enforcement agencies in compliance with the Law of Criminal Procedure;
- Videotape, all interrogations, and promptly make the full content of those tapes available to the detainee and his or her counsel;
- Halt practices requiring a detainee to pledge to abstain from certain acts or perform certain acts as a condition of release, unless such a pledge is part of a formal,

judicially sanctioned agreement and does not in any way inhibit the exercise of the detainee's human rights.

We would be grateful if your office could provide a response to these findings and recommendations, and any other comments, by November 1, 2019. Any written response sent to Human Rights Watch will be displayed in full on the Human Rights Watch website next to the upcoming report.

Sincerely,

Michael Page
Deputy Director
Middle East and North Africa
Human Rights Watch