Slow death and absent justice

Jordanian & Palestinian political detainees in Saudi prisons

The Euro-Mediterranean Human Rights Monitor

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Introduction

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About 800,000 Palestinians and Jordanians live in the Kingdom of Saudi Arabia, distributed in various cities. In the early 1950s, after years of displacement and following the Israeli-Arab war in 1948, Saudi Arabia attracted thousands of Palestinian and Jordanian health, education,
industry, engineering and agricultural professionals; they contributed to the Kingdom’s development during the second half of the last century. Over the years of their presence in Saudi Arabia, the Palestinians and Jordanians maintained their neutral stance on events the Kingdom witnessed. They did not try to form bodies or organize political entities, as they were keen to maintain a calm relationship with the Saudi authorities through positive integration into society, distancing themselves from issues that may pose a risk to their continued existence in the Kingdom if they interfered.

In June 2017, when Prince Mohammed bin Salman became the Crown Prince, Saudi’s domestic and foreign policies witnessed major changes. The first decision that affected the Palestinians and Jordanians, along with the rest of those arriving in the Kingdom, was an increase in the fees imposed on residents and visitors. The Kingdom applied large additional fees that increased annually for every expatriate, which affected the economic conditions of many Palestinian and Jordanian families whose living financial conditions had been stable.

However, Palestinians and Jordanians in Saudi Arabia have not only been affected economically, but also prosecuted and arbitrarily detained. Since February 2019, the Saudi authorities have launched a large-scale arrest campaign, targeting more than 70 Palestinians and Jordanians in the Kingdom. They have hidden Palestinian and Jordanian detainees for months,
before Euro-Med Monitor revealed their arrests in a report in September of the same year.

After months of enforced disappearance and detention, the Saudi authorities tried some Palestinian and Jordanian detainees before the Specialized Criminal Court, which is a “counter-terrorism” court. The trial came against the background of charges – seemingly fabricated – related to the anti-terrorism law, and in complete absence of fair trial procedures. Since a number of these detainees are elderly (some are over 80 years) their health conditions have caused serious concern, especially with the spread of the Coronavirus, the difficult prison conditions and the authorities’ unclarity regarding their status.

In this brief report, the Euro-Mediterranean Human Rights Monitor sheds light on the health conditions of Palestinian and Jordanian detainees in Saudi prisons. With testimonies, the report reviews the illegal practices the Saudi authorities committed, from their detention to their trial. The report also discusses the legal violations committed by Saudi Arabia such as enforced disappearance, detention and trial of civilians without clear legal grounds.
The Saudi authorities have maintained a policy of ambiguity and concealment on information regarding their arrest campaigns against citizens or expatriates on non-criminal backgrounds. Only in rare cases, do the Saudi authorities announce the arrests and after being pressured at various levels.
Similarly, the Saudi authorities did not present legal arrest warrants upon the arrest of the Palestinian and Jordanian detainees, which indicates lack of proper legal procedures and the illegality of the arrests. Also, the Saudi authorities did not officially announce the arrest of the Palestinian and Jordanian detainees until after they appeared in mass trials. Likewise, the Saudi authorities do not announce the reasons for the arrests when they carry them out, but they only do so when the detainees appear before the courts. In the indictment submitted by the Saudi prosecutor against dozens of Jordanian and Palestinian detainees in a group trial, nearly a year after their arrest, the main accusations were “belonging to a terrorist organization and collecting money”.

These loose accusations indicate that the reasons for the arrests are political and not security related, as the prosecution has not yet provided clear evidence to back these accusations. In addition, all those detainees have never participated in activities related to the charges against them, have been in the Kingdom for decades and have good relations with Ruling figures.
Detention conditions and medical neglect

In Saudi prisons, the Palestinian and Jordanian detainees are subjected to harsh conditions of detention, deprived of their basic rights and isolated from the outside world, and froze their accounts, and confiscated their money.
S.L., preferred to use his initials for safety, is one of the few detainees who were released from Saudi prisons after he was arrested in a detention campaign that targeted Jordanians and Palestinians: “I was detained for about 12 months in Al-Ha‘ir prison, including three months in solitary confinement. Throughout the period of my detention, no charges were presented to me, no one told me the reason for my arrest, and I was not brought before any court”.

“Prison conditions were exceedingly difficult. The prison administration used to intently disable the ventilation in the prison rooms, which are accumulated with prisoners beyond their capacity. We were only allowed to be exposed to sunlight once a month for just ten minutes. It was not permissible to buy from the prison grocery store except for extremely limited things and once every three months. We were only allowed to go to the bathroom for two minutes a day. In addition, the amount of food was too small, and the quality was very poor”.

The former detainee confirmed that he had been subjected to torture, he said: “I moved between different sections designated for torture inside the prison, and I also met detainees who told me that they had been beaten, suspended, electrocuted, and deprived of seeing light for months, although some of them were heart patients or have chronic diseases.”

In terms of communication with the family, he said: “We were allowed to call our families once a week for only ten minutes, but with an employee listening to the whole conversation, without the slightest regard for our privacy”.
Nevertheless, the most serious of the Saudi authorities’ practices against detainees is the deliberate medical negligence. The authorities ignore the conditions of the sick and elderly detainees and do not take into account the health risks resulting from the Coronavirus pandemic which has spread in some Saudi prisons. This policy seriously worsened the health status of some sick detainees. In this context, Euro-Med Monitor obtained testimonies from families of Palestinian doctor Muhammad al-Khudari, 83, and the Jordanian journalist Abd al-Rahman Farhana, 64. The health condition of both has recently deteriorated significantly as the prison admiration deliberately neglect their conditions.
Al-Khudari had been arrested in February 2019 when two members of the Saudi state security apparatus in civilian clothes came to his home in Jeddah and asked him to go with them to inquire about some matters. When he requested the medicines that he used to take after undergoing a medical operation because of his cancer, the two officers assured him that this is not important, because the interrogation will not take long. He has been under detention ever since in Dhahban prison, then transferred later to the notorious Asir prison.

About the health of detainee Abd al-Rahman Farhana inside Saudi prison, a relative of the Jordanian detainee told Euro-Med Monitor: “Abd al-Rahman suffers from several diseases, including high blood pressure, diabetes and poor brain perfusion, as he was prevented from taking the necessary medicines during his detention. During the arrest, his eyeglasses were broken, and the prison authorities did not allow him to wear glasses even until now”.

Farhana was arrested on February 2019,22, in Dammam city while he was on his way to the airport, where ten cars surrounded his vehicle and forced him to go to his home. Upon their arrival, they searched the whole house and confiscated the electronic devices in it before leaving with him. Ever since he has been detained without any charges being directed at him, and his whereabouts remain unknown.
Abdul Majid Al-Khodari, brother of detainee Muhammad Al-Khodari, told Euro-Med Monitor about his brother’s health condition in Asir prison: “My brother Muhammad suffers from prostate cancer and needs medical and health care and follow-up that is not available in the medical clinics in Saudi prisons. His condition worsened, especially in light of the outbreak of the Coronavirus pandemic due to medical negligence and lack of follow-up. My brother now has difficulties to walk, which made him dependent on a wheelchair. Some of his teeth fell out, and he cannot move his right hand”.

“Last May 2020, Muhammad obtained a court ruling of his release and home detention due to his difficult health condition, but the authorities did not implement the decision. During his detention, he was kept in solitary confinement, and because of his need for permanent assistance, the authorities transferred his son Hani, who is detained in Saudi prisons, to be by his side. He was prevented from communicating with his family for a long time, and now he is allowed to communicate with them once a month for a few minutes,
and his family is allowed to visit him once every three months for 20 minutes only”.

“The cancerous tumor has grown again due to willful negligence and the lack of treatment or medical specialization required in Saudi prisons. I finally brought my brother to the prison clinic, which lacks the facilities that are supposed to be in the medical clinic in a normal situation, and no noticeable medical assistance was provided.”
The Saudi authorities began mass secret trials of Palestinian and Jordanian detainees on March 2020, at the Specialized Criminal Court in Riyadh. The trials lasted for a whole year, spread over 14 sessions, at a rate of 5-3 detainees per session. During the sessions the court charged the detainees with a set of charges including affiliation with a terrorist entity and aiding a terrorist entity, without explaining the form or details of this entity. On February 15, the last session of these trials was held, the verdict hearing was supposed to take place two weeks after the last session, but suddenly the court postponed the decision for four full months, setting the date to...
next June 21.

Looking at the conduct of the trials and their procedures, it is clear that the authorities clearly violated the due legal process, as none of the detainees had legal representation, and a number of them were subjected to enforced disappearance and solitary confinement, and court sessions took place without the presence or participation of lawyers.

It appears through the trials that all charges against the detainees are based on a set of articles contained in the Saudi Anti-Terrorism Law of 2017, which includes vague and overbroad definitions of terrorism and related activities, which reinforce assumptions that the Saudi authorities intend to use these materials to incriminate the accused.

Also, the decision to postpone is not understood in a legal terms, especially since the trials took a long time, and originally began after a year of detention without trial, or giving the detainees the tools of defense that are legally guaranteed to them.

It is also important to note that the Criminal Court before which Palestinian and Jordanian detainees are being tried is specialized in trying political detainees and prisoners of conscience, and it has previously issued several unfair sentences, including death sentences based on vague and broad texts of the laws on combating terrorism and information crimes.
Legal background

The relevant international agreements and covenants prohibit practices committed by the Saudi authorities against Palestinian and Jordanian detainees, starting with their arbitrary detention, passing through harsh and unlawful detention conditions and not enabling them to exercise their right to legal defense for themselves, and ending with subjecting them to secret trials that do not meet the minimum conditions of justice.

• Arbitrary detention

The International Covenant on Civil and Political Rights forbids arbitrary detention of persons as Article 9 of it stipulates: “1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law”.

• Healthcare

The ninth principle of the Basic Principles for the Treatment of Prisoners, approved by the United Nations General Assembly, states: “Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation”. Article 10 of the International Covenant on Civil and Political Rights states:
“All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”.

• **Torture**

Article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment stipulates that “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture”.

• **Fair trial**

The Arab Charter on Human Rights, which Saudi Arabia ratified in 2009, guaranteed detainees the right to freedom and the right to litigate within a reasonable time. Article 14 of the Charter stipulates that “4. Anyone who is deprived of his liberty by arrest or detention shall have the right to request a medical examination and must be informed of that right. 5. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. His release may be subject to guarantees to appear for trial. Pre-trial detention shall in no case be the general rule. 6. Anyone who is deprived of his liberty by arrest or detention shall be entitled to petition a competent court in order that it
may decide without delay on the lawfulness of his arrest or detention and order his release if the arrest or detention is unlawful”.

The charter also stipulates that the trial must be public, as Article 13 reads as follows: “2. Trials shall be public, except in exceptional cases that may be warranted by the interests of justice in a society that respects human freedoms and rights”.

Article 14 of the International Covenant on Civil and Political Rights affirms the right of the accused to a fair trial without delay and in the presence of someone to defend him, as it stipulates: “All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law”.

Clause No. (3) of the same article, stipulates that “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing; (c) To be tried without undue delay; (d) To be tried in his presence, and to defend himself in person or through
legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;”
Recommendations

In light of the wide range violations that Palestinian and Jordanian detainees are subjected to in Saudi prisons, the Euro-Mediterranean Human Rights Monitor recommends the following:

1. The Saudi authorities should provide urgent medical care to the detainees, especially those who are sick, and stop the policy of deliberate medical negligence against them.

2. The Saudi authorities should end the arbitrary detention of the detainees in question and stop prolonging their suffering by postponing trials that do not meet the minimum standards of justice.

3. The UN Panel on Arbitrary Detention should intervene urgently to find out the conditions of the detainees concerned, explain the conditions and reasons for detention, and investigate all violations the detainees have been subjected to.

4. The international community should press Saudi Arabia to end the policy of arbitrary detention against its citizens and expatriates and respect the right of people to exercise their rights and freedoms in accordance with what is guaranteed by relevant local and international laws.
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