



## **FOREIGN AFFAIRS COMMITTEE: INQUIRY INTO THE UK'S RELATIONS WITH SAUDI ARABIA AND BAHRAIN**

### **SUBMISSION OF THE REDRESS TRUST (REDRESS) 19 NOVEMBER 2012**

#### **SUMMARY OF SUBMISSIONS**

- The reported prevalence of torture in Bahrain and Saudi Arabia has been a long-standing concern. These concerns have become particularly acute in the context of uprisings across the Arab region, with mounting evidence of resort to systematic torture in response to demands for democratic reform.
- REDRESS is concerned that the overall picture given by FCO statements on human rights issues in Bahrain is one of gradual progress; however reforms, including on the prohibition of torture appear to have been piecemeal and superficial, and there are strong indications that the human rights situation is in fact again deteriorating.
- The FCO's interactions have sent mixed messages. Human rights concerns should inform FCO policy towards Bahrain, particularly in matters of cooperation, and should also be adequately reflected in diplomatic statements.
- There appears to be a willingness to accept Saudi Arabia's blanket denial of torture at face value even though the UK is aware of, and has repeatedly received credible evidence of systemic torture in Saudi Arabia, including of several UK nationals.
- Consistent reports over many years demonstrate the legacy and systemic nature of torture in Saudi Arabia, and the FCO's assertion that there have been incremental improvements is disconcerting.
- The UK's foreign policy should reflect a principled and coherent policy on human rights and torture specifically. While Saudi Arabia has been considered by the FCO as a country of concern, Bahrain has not. Objective criteria for such determinations should be devised and made public.
- The UK's foreign policy must avoid in any way condoning or being seen to condone torture by not speaking out clearly to condemn violations of the prohibition of torture and take other appropriate measures in response to allegations of torture.

## INTRODUCTION

1. The Redress Trust (REDRESS) is an international human rights organisation whose mandate is to seek justice for torture survivors. REDRESS' work has included making written submissions to UK's parliamentary committees, including recently<sup>1</sup> to the Foreign Affairs Committee (the Committee) for its 2012 *Annual Inquiry into the FCO's Human Rights Work in 2011*<sup>2</sup> on matters concerning torture.
2. REDRESS has an ongoing interest in seeing, in the states under review, the effective strengthening of the absolute prohibition against torture, the prevention of torture, its proper investigation when it occurs, accountability for perpetrators, and reparation for victims.
3. The UK's foreign policy towards Bahrain and Saudi Arabia should be principled and coherent and should include effective support for torture survivors. It should reflect UK values of respect for human rights and the rule of law, and should not be compromised because of counter-terrorism, economic and/or other concerns.
4. In Bahrain, torture had become a symbol of repression and humiliation whose exposure has acted as a rallying cry for protestors. While its use to suppress the 2011 protests has been well documented by the report of the Bahrain Independent Inquiry Commission (BICI), available evidence suggests that torture and ill-treatment are still used in response to ongoing protest. In Saudi Arabia, torture has long been of serious concern and amongst its victims have been UK nationals who to this day have not received reparation for their intense suffering.

## SUBMISSION

### A. AREAS OF CONCERN IN RELATION TO BAHRAIN

4. REDRESS is concerned that the overall picture given by FCO statements on human rights issues in Bahrain is one of gradual progress,<sup>3</sup> when to date reforms, including on the prohibition of torture and ill-treatment, appear to have been piecemeal and superficial, and there are strong indications that the human rights situation is in fact again deteriorating. Furthermore, any moderate criticism raised by the FCO in some of its statements, has not been reflected in the UK's ongoing cooperation on trade and security issues.
5. The Bahrain government has shown that it will respond to serious criticism on its human rights record, particularly from its allies, as demonstrated by the decision to set up the BICI. However, it has equally referred to UK statements and policies, which convey mixed messages, when seeking to justify continuing human rights violations. For example, on 11 November 2012, shortly after the Bahrain government imposed a complete ban on protests (which was strongly criticised by the Minister Burt<sup>4</sup>) and revoked nationality from 31 citizens who have been critical of the government, the official news agency reported "*British Ambassador in Bahrain condemns acts of violence in*

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<sup>2</sup> House of Commons Foreign Affairs Committee - Third Report: The FCO's human rights work in 2011, 11 September 2012, available at

<http://www.publications.parliament.uk/pa/cm201213/cmselect/cmfaff/116/116.pdf>.

<sup>3</sup> See for example 'Foreign Secretary discusses progress on political dialogue with Crown Prince of Bahrain', 12 October 2012, available at: <http://ukinbahrain.fco.gov.uk/en/news/?view=News&id=821501882>; FCO, 'Quarterly Updates: Bahrain', 30 September 2012 and 30 June 2012 available at: <http://fcohrdreport.readandcomment.com/the-arab-spring/case-study-bahrain/quarterly-updates-bahrain/>.

<sup>4</sup> FCO, 'Foreign Office Minister concerned at ban on protests in Bahrain', 30 October 2012, available at: <http://www.fco.gov.uk/en/news/latest-news/?view=News&id=828585982>.

*Bahrain; asserts cooperation with Bahrain in combating terrorism*".<sup>5</sup> The news agency's report referred to the Ambassador's condemnation of violence *"recently seen in ... Bahrain"*, ongoing UK cooperation in domestic security matters, and soon to be announced trade agreements between the UK and Bahrain.

6. We set out below some key concerns on the current human rights situation in Bahrain, which should inform FCO policy towards Bahrain, particularly in matters of cooperation, and should also be adequately reflected in diplomatic statements.

(i) *Bahrain's failure to hold officials of all levels to account for gross human rights violations, including systematic torture and ill-treatment*

7. In December 2011, the BICI delivered its report, finding that state agencies had been responsible for numerous and serious human rights violations during the period February to June 2011.<sup>6</sup> In particular, the Commission found that *"many detainees were subjected to torture and other forms of physical and psychological abuse while in custody"*, and that the use of torture and other mistreatment was a *"systematic practice"*.<sup>7</sup>

8. The Bahraini government accepted the recommendation of the Commission to hold those responsible for these violations to account,<sup>8</sup> and has made amendments to provisions of its criminal laws and introduced measures including the setting up of a special investigations unit within the public prosecution to *"investigate unlawful or negligent acts that resulted in deaths, torture and mistreatment of civilians"*.<sup>9</sup> However REDRESS has concerns that the reforms have not been matched by the required structural changes in the institutions already deeply implicated in the human rights violations concerned, including the public prosecution and judiciary, leading to serious questions about their independence and impartiality.<sup>10</sup>

9. Given the scale of the violations recorded in the report of the Commission,<sup>11</sup> these concerns are strengthened by the selection of charges and results of prosecutions to date, which have not yet led to any convictions for torture and have led to only one conviction in relation to the death of a protestor and one for causing permanent disability.

10. By August 2012, investigations had reportedly resulted in charges being brought against 22 state officials (although it was not reported on what charges),<sup>12</sup> in September 2012 the public prosecution brought charges against a further seven police officers in relation to allegations of torture and ill-

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<sup>5</sup> Bahrain News Agency, 'British Ambassador in Bahrain condemns acts of violence in Bahrain; asserts cooperation with Bahrain in combating terrorism', 11 November 2012, available at: <http://www.bna.bh/portal/en/news/532630>.

<sup>6</sup> For a summary see Report of the Bahrain Independent Commission of Inquiry, 23 November 2011, Chapter XII, General Observations and Recommendations, available at: <http://www.bici.org.bh/BICIreportEN.pdf>.

<sup>7</sup> Report of the Bahrain Independent Commission of Inquiry, 23 November 2011, *ibid*, para. 1694.

<sup>8</sup> See, for example, the speech of King Hamad on acceptance of the BICI report, 23 November 2011 (*"Officials who have not been up to their task must be held accountable, and be replaced"*), available at: <http://www.bna.bh/portal/en/news/481652>.

<sup>9</sup> Wording of Recommendation 1716 of the BICI Report, above. See the report of the National Commission on Implementation, progress on recommendation 1716, available at: <http://www.biciactions.bh/wps/portal/BICI>.

<sup>10</sup> See, eg. FIDH, 'Bahrain: Silencing Dissent', September 2012, pp. 26-7, available at:

<http://www.fidh.org/IMG/pdf/rapbahrain595a.pdf>; Human Rights Watch, 'Bahrain: Vital Reform Commitments Unmet', available at: <http://www.hrw.org/news/2012/03/28/bahrain-vital-reform-commitments-unmet>.

<sup>11</sup> For a summary see the BICI Report, above, Chapter XII.

<sup>12</sup> Human Rights Watch, 'Bahrain: Act on UN Human Rights Commitments', 19 September 2012, available at: <http://www.hrw.org/news/2012/09/19/bahrain-act-un-human-rights-commitments>.

treatment of a number of medical doctors detained in 2011 (although only two are being tried for torture).<sup>13</sup>

11. According to the information available to REDRESS,<sup>14</sup> trials to date have resulted in the following:

- In September 2012 a first lieutenant of the Ministry of the Interior was convicted and sentenced to seven years imprisonment for the “accidental death” of a an unarmed protestor who was shot at least three times while running away from police.<sup>15</sup> However, two other accused officers standing trial for murder of two other individuals (both unarmed protestors, one who was shot in the head at close range, and one shot at least three times in the thigh at close range<sup>16</sup>) were acquitted (the Public Prosecution has filed an appeal).
- One corporal was convicted in June 2012 of “*unintentionally causing permanent disability to a victim*”, and sentenced to five years imprisonment.<sup>17</sup> It has been reported that on 9 November 2012 that sentence was reduced to three years imprisonment, and suspended.<sup>18</sup>
- A police officer tried on charges of using force to extract a confession (from a France 24 journalist), was acquitted in October 2012 (the Public Prosecution has filed an appeal).<sup>19</sup> The journalist alleges that other named officials were directly involved in her torture,<sup>20</sup> but these individuals have not been prosecuted.
- Two officers were sentenced in June 2012 to three months imprisonment for mistreatment.<sup>21</sup>

12. The very small number of convictions on minor offences are in marked contrast to the numerous speedy trials and convictions of protestors, opposition leaders, trade union officials and human rights activists (see further section (iii) below) which have resulted in lengthy sentences of up to life imprisonment.

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<sup>13</sup> Al Jazeera, ‘Bahrain charges police officers with torture’, 18 September 2012, available at: <http://www.aljazeera.com/news/middleeast/2012/09/201291812655610450.html>. The two defendants facing the “most serious” charges were referred to the High Criminal Court over the “use of torture and threats against six medic detainees, for the purpose of forcing a confession”; while five officers were charged with offences before the Lower Criminal Court.

<sup>14</sup> REDRESS sought confirmation from the Attorney-General’s Office of the most up to date figures by letter dated 1 November 2012, but has not received a response as of 19 November 2012.

<sup>15</sup> Concerning the death of Hani Abdel Aziz in 2011. Middle East Online, ‘Bahrain policeman sentenced to 7 years for killing protestor’, 27 September 2012, available at: <http://www.middle-east-online.com/english/?id=54606>. See also: ‘Bahrain: Impunity for protesters’ killers: acquittal of 2 policemen and a light sentence for the third’, <http://abna.ir/data.asp?lang=3&id=353196>; report of the BICI Inquiry, above, paras. 945-949.

<sup>16</sup> Concerning the deaths of Ahmed Farhan Ali Farhan and Ali Ahmed Abdulla Moumen. See the report of the BICI Inquiry, above, at paras. 921-9.

<sup>17</sup> Human Rights Watch, ‘Bahrain: Act on UN Human Rights Commitments’, 19 September 2012, available at: <http://www.hrw.org/news/2012/09/19/bahrain-act-un-human-rights-commitments>; BBC, ‘Three Bahrain policemen face murder trial’, 27 June 2012, available at: <http://www.bbc.co.uk/news/world-middle-east-18606537>.

<sup>18</sup> Marc Owen Jones, ‘Friday 9th in Bahrain: The Crackdown Escalates’, 9 November 2012, available at: <http://marcownenjones.wordpress.com/2012/11/09/today-in-bahrain-the-crackdown-escalates/>.

<sup>19</sup> BNA, ‘Public Prosecution Appeals Court Rulings of 2 Cases in which Public Security Officers Were Involved’, 29 October 2011, available at: <http://www.bna.bh/portal/en/news/531061>.

<sup>20</sup> Committee to Protect Journalists, ‘Bahrain acquits officer on charges of torturing a journalist’, 24 October 2012, available at: <http://cpj.org/2012/10/bahrain-acquits-officer-on-charges-of-torturing-a.php>.

<sup>21</sup> Al Jazeera, ‘Bahrain charges 15 police officers with abuse’, 3 July 2012, available at: <http://www.aljazeera.com/news/middleeast/2012/07/201273131258783118.html>.

(ii) *Evidence of ongoing torture and ill-treatment*

13. There is significant evidence that torture and ill-treatment by security sector personnel continues in Bahrain, despite the commitments to reform, and that this is not limited to the excessive use of force in controlling protests.

14. A number of high profile cases since the release of the BICI report indicate the ongoing use of torture and ill-treatment and excessive use of force resulting in death. These include severe beating of protestors by police caught on camera on 16 December 2011;<sup>22</sup> the deaths in custody of Yousif Ahmed Muwali, Muntadher Saeed Fakhar, and Mohamed Ebrahim Yaqoob in January 2012;<sup>23</sup> the death of 22-year old citizen journalist, Ahmed Ismail, in March 2012;<sup>24</sup> the death of protestor, Salah Abbas Habib, in April 2012;<sup>25</sup> and the deaths of two protestors, Hossam Al Haddad and Hussein al-Ni'ma, in August and September 2012.<sup>26</sup> However, there has been no transparent investigation or accountability for these incidents. Most recently in the case of 16 year old Hossam Al Hadda, who was killed by birdshot wounds, charges against a police officer alleged to have been responsible were dropped on the grounds that the officer was acting in self-defence.<sup>27</sup>

15. Perhaps because of the increased outside scrutiny following the BICI report, it appears that torture and ill-treatment has largely been displaced from detention centres to deliberate targeting of protestors and bystanders during and after protests. On a five day visit to Bahrain in April-May 2012, REDRESS took statements from a number of individuals who described having been tortured or ill-treated in the following ways:

- deliberate targeting at the head and upper body with tear gas canisters;
- deliberate targeting at the face and eyes by bird shot pellets;
- being chased from protests and beaten in a field by riot police;
- being beaten after having been arrested while restrained and in a police car;
- being taken to a police training camp after being arrested at a protest and being tortured over the course of a night, including by successive beatings and being threatened with death.

16. Many of those interviewed still displayed visible injuries consistent with their testimony at the time these statements were taken.<sup>28</sup>

17. Although some protests have undoubtedly been violent, including the use of Molotov cocktails, there is no justification for deliberate disproportionate use of force in protests, and police beatings outside of them. In fact it appears likely that such actions by the security services have spurred on further violence and escalation.<sup>29</sup>

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<sup>22</sup> See, Human Rights Watch, 'Bahrain: Police Brutality, Despite Reform Pledges', 29 April 2012, available at: <http://www.hrw.org/news/2012/04/29/bahrain-police-brutality-despite-reform-pledges>.

<sup>23</sup> See FIDH, 'Bahrain: Silencing Dissent', September 2012, p. 16, available at: <http://www.fidh.org/IMG/pdf/rapbahrain595a.pdf>.

<sup>24</sup> Ibid, pp. 12-13.

<sup>25</sup> Guardian, 'Bahrain protester found dead on eve of grand prix', 21 April 2012, available at: <http://www.guardian.co.uk/world/2012/apr/21/bahrain-protester-dead-grand-prix>.

<sup>26</sup> FCO, 'Quarterly Updates: Bahrain', 30 September 2012, above.

<sup>27</sup> AFP, 'Bahrain court denies bid for activist's release', 8 October 2012, available at: <http://www.google.com/hostednews/afp/article/ALeqM5jZzhmn3IBUzvtkVTGarhQzb9EXVQ?docid=CNG.92c98774a8ff6a9d3c066e52b0b88c98.a71>.

<sup>28</sup> REDRESS conducted these interviews in tandem with doctors from the IRCT experienced in documenting allegations of torture and ill-treatment under the Istanbul Protocol.

<sup>29</sup> On this, see Human Rights Watch, 'Bahrain: Police Brutality, Despite Reform Pledges', 29 April 2012, available at: <http://www.hrw.org/news/2012/04/29/bahrain-police-brutality-despite-reform-pledges>.

18. In its more recent statements, the FCO has referred to “instances of excessive force” during protests by the police<sup>30</sup> but has not referred to the allegations of ongoing use of torture and ill-treatment within and outside that context. The FCO must take these allegations seriously, and press for access to independent medical expertise (that is, not institutionally tied to the public prosecution of security apparatus) in documenting such allegations.

(iii) *Restrictions on and retaliation against civil society and imprisonment for exercise of right to free speech*

19. The response to the protests of 2011 was a shutting down of political opposition and the already tightly controlled civil society, with the arrest of prominent opposition figures, human rights activists, lawyers, and trade union officials – many of whom remain in prison following trials over which serious concerns have been raised, including by the UK government.<sup>31</sup>

20. Again, despite commitments to reform following the adoption of the BICI report, severe restrictions on freedom of speech and freedom of association have continued. Some of the previously existing civil society organisations have either had leading members detained and prosecuted,<sup>32</sup> or their operation otherwise interfered with.<sup>33</sup> This is made possible by restrictive laws, such as Law no. 21 of 1989 on Associations, which makes the prior explicit approval of the Ministry of Human Rights a requirement for any association activity.<sup>34</sup>

21. Retaliation against those criticising the government hardened in the second half of 2012, and the failure of international actors, and most importantly its allies, to speak out clearly against such actions has contributed to a worsening human rights situation in the country. This has included:

- the arrest of prominent members of civil society including Nabeel Rajab, Zainab Al Khawaja, Mohamed Al Maskati and Said Yousuf al-Mahafdha;
- campaigns of intimidation and harassment of those participating internationally in UN human rights processes, including threats of legal action by state authorities against those participating in the UN Universal Periodic Review process in May;<sup>35</sup>
- the banning of all protests on 30 October 2012;<sup>36</sup>
- the revocation of citizenship of 31 Bahraini nationals, among them prominent political dissidents, on 7 November 2012.<sup>37</sup>

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<sup>30</sup> See, eg. FCO, ‘Quarterly Updates: Bahrain’, 30 September 2012, above: (“*The police generally continue to handle provocation professionally but instances of excessive force and the indiscriminate use of teargas continue*”).

<sup>31</sup> See, eg. FCO, ‘Quarterly Updates: Bahrain’, 30 September 2012, above.

<sup>32</sup> Such as the prosecution of former leaders of the Bahrain Teachers Association, Mahdi 'Issa Mahdi Abu Dheeb and Jalila al-Salman: Amnesty International, ‘Bahrain Teachers now prisoners of conscience’, 15 October 2012, <http://www.amnesty.org/en/appeals-for-action/JalilaAndMahdi>.

<sup>33</sup> For example, the election of the Board of Directors of the Bahraini Bar Association in November 2011 was annulled by the Ministry of Human Rights in December 2011.

<sup>34</sup> See FIDH, ‘Bahrain: Silencing Dissent’, above, p. 17.

<sup>35</sup> See REDRESS’s letter to the Minister of State for Human Rights, 27 May 2012, available at: <http://www.redress.org/downloads/country-reports/1105%20Letter%20to%20Bahrain%20Minister%20of%20Human%20Rights.pdf>.

<sup>36</sup> New York Times, ‘Citing Violence, Bahrain Bans All Protests in New Crackdown’, 30 October 2012, available at: <http://www.nytimes.com/2012/10/31/world/middleeast/bahrain-bans-all-protests-in-new-crackdown.html>.

22. Restrictions have also been placed on international human rights organisations wishing to visit Bahrain to carry out monitoring activities. This has included limiting the number of international organisations allowed to visit the country, restricting visas to five business days only, and limiting the types of human rights activities that non-governmental organisations are authorised to carry out.

*(iv) Deflection of criticism by reliance on international expertise without appropriate follow-up*

23. As a broader point, REDRESS is concerned that the Government of Bahrain has on a number of occasions deflected mounting criticism on its human rights record by bringing in international expertise to assist in implementing reform in the justice and security sectors. However, there has not been sufficient scrutiny built in to the process to allow the experts involved to follow up on the practical effect and implementation of their proposals or recommendations at regular intervals. Effective follow-up on implementation is an issue that should be addressed and specifically included in any future international cooperation on reforms to the security and justice sectors, and scrutiny of alleged human rights violations.

### **C. AREAS OF CONCERN IN RELATION TO SAUDI ARABIA**

24. Saudi Arabia is listed as a country of concern in the FCO's current annual human rights and democracy report,<sup>38</sup> but the extent to which torture and other ill-treatment has been a serious long-standing problem has not received adequate attention. The FCO reports that 'Confessions' are forced out of detainees by beatings, electric shocks and other forms of torture and ill-treatment,<sup>39</sup> adding that "reports of torture are difficult to verify."<sup>40</sup> The FCO also recalls that: "EU Ambassadors raised allegations of torture in their meeting with the justice minister in December. His response was that torture does not occur in Saudi Arabia and that any accusations relating to torture would be fully investigated."<sup>41</sup>

25. This extract suggests a willingness to accept Saudi Arabia's blanket denial at face value even though the UK is aware of, and has repeatedly received credible evidence of systemic torture in Saudi Arabia, including of several UK nationals. Ron Jones, Les Walker and Sandy Mitchell have been seeking justice from Saudi Arabia for the torture they suffered, and REDRESS has intervened in their case pending before the European Court of Human Rights.<sup>42</sup> Another UK victim, Bill Sampson, who was part of the same case, sadly died earlier this year without achieving his long fight for justice. REDRESS' founder, Keith Carmichael, who was tortured in Saudi Arabia in the early 1980s, has never been compensated. Saudi Arabia has failed to acknowledge what it has done to men such as these,

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<sup>37</sup> New York Times, 'In Crackdown, Bahrain Revokes the Citizenship of 31 People', 7 November 2012, available at: <http://www.nytimes.com/2012/11/08/world/middleeast/bahrain-revokes-citizenship-of-31-people-in-bid-to-quell-dissidents.html>.

<sup>38</sup> United Kingdom Foreign and Commonwealth Office, *Human Rights and Democracy: The 2011 Human Rights and Democracy Report*, April 2012, available at <http://fcohrdreport.readandcomment.com/wp-content/uploads/2011/02/Cm-8339.pdf>. Torture is referred to at pages 307-308.

<sup>39</sup> Ibid, page 308. The FCO refers to concerns recently raised by Amnesty International contained in its report *Saudi Arabia: Repression In The Name Of Security*, 2011, available at [http://amnesty.org.uk/uploads/documents/doc\\_22174.pdf](http://amnesty.org.uk/uploads/documents/doc_22174.pdf). The Amnesty International report states at page 4: "Torture and other ill-treatment facilitated by incommunicado detention remain rife because interrogators know they can commit their crimes without fear of punishment. The abuse is also encouraged by the ready acceptance by courts of "confessions" forced out of detainees using beatings and other forms of torture and other ill-treatment."

<sup>40</sup> United Kingdom Foreign and Commonwealth Office, *Human Rights and Democracy: The 2011 Human Rights and Democracy Report*, April 2012, page 307.

<sup>41</sup> Ibid, page 308.

<sup>42</sup> The intervention can be found at [http://www.redress.org/Jones%20v%20UK\\_%20Mitchell\\_and\\_Others\\_v\\_UK24%20February\\_2010.pdf](http://www.redress.org/Jones%20v%20UK_%20Mitchell_and_Others_v_UK24%20February_2010.pdf).

or to offer reparation, or to hold the perpetrators accountable. Furthermore, although there is no adequate and effective remedy in Saudi Arabia the UK has not considered espousing a claim on the basis of diplomatic protection in Mr Carmichael's case.

26. The FCO, when referring to the difficulty of verifying reports of torture fails to comment on *why* torture is difficult to verify – because of the repressive and political and legal framework, lack of a free media and independent judiciary, restrictions on civil society, and in sum a complete absence of democracy. There is overwhelming evidence of the widespread and systematic violation of human rights in Saudi Arabia in which the practice of torture, both of Saudi and foreign nationals, flourishes.<sup>43</sup>

27. Saudi Arabia is a state party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) which places an obligation on states to take effective legislative, administrative, judicial or other measures to prevent torture as defined in article 1, including by making it a criminal offence. However, there is no sign that Saudi Arabia has taken seriously the particular recommendations set out by the UN Committee against Torture (CAT) in its report on Saudi Arabia in 2002.<sup>44</sup>

28. Consistent reports over many years demonstrate the legacy and systemic nature of torture in Saudi Arabia. In 1997 REDRESS and the Parliamentary Human Rights Group published a comprehensive report<sup>45</sup> documenting “torture [as] one of the most cruel forms of the exercise of state power in Saudi Arabia.....[which] takes place in a context of arbitrary arrest, detention without trial, incommunicado detention and restricted access by prisoners to their families and lawyers.”<sup>46</sup> How little has changed in the interim is reflected by Saudi Arabia's failure to implement CAT's 2002 recommendations as referred to above and by the torture of more UK nationals, as well as more recently by the repression unleashed as a response to protests demanding reforms.

29. According to Amnesty International: “Since March 2011 the Saudi Arabian authorities have launched a new wave of repression in the name of security.”<sup>47</sup> Other organisations too have recorded how the Government invokes national security to justify repression of minorities and dissidents<sup>48</sup> and how its armed forces have used live fire and other repressive tactics to suppress the

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<sup>43</sup> In addition to the FCO's own reports, see for example the U.S. Department of State, *Country Reports of Human Rights Practices for 2011, and Saudi Arabia* available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

The report includes: “The most important human rights problems reported included citizens' lack of the right and legal means to change their government; pervasive restrictions on universal rights such as freedom of expression, including on the Internet, and freedom of assembly, association, movement, and religion; and a lack of equal rights for women and children, as well as for workers. Other human rights problems reported included torture and other abuses, poor prison and detention centre conditions, holding political prisoners and detainees, denial of due process and arbitrary arrest and detention, and arbitrary interference with privacy, home, and correspondence...Lack of governmental transparency and access made it difficult to assess the magnitude of many reported human rights problems...There were reports that some members of the security forces and other senior officials, including those linked to the royal family, committed abuses with impunity.”

<sup>44</sup> *Conclusions and recommendations of the Committee against Torture: Saudi Arabia. 12/06/2002. CAT/C/CR/28/5. (Concluding Observations/Comments)*, available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CAT.C.CR.28.5.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CAT.C.CR.28.5.En?Opendocument).

<sup>45</sup> REDRESS and the Parliamentary Human Rights Group, *Torture in Saudi Arabia: No protection, No Redress*, November 1997.

<sup>46</sup> *Ibid*, page 5.

<sup>47</sup> Amnesty International, *Saudi Arabia: Repression In The Name Of Security*, 2011, page 3, available at [http://amnesty.org.uk/uploads/documents/doc\\_22174.pdf](http://amnesty.org.uk/uploads/documents/doc_22174.pdf).

<sup>48</sup> United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Saudi Arabia*, 20 March 2012, available at: <http://www.unhcr.org/refworld/docid/4f71a673a.html>

protests.<sup>49</sup> It is in this climate that the risk of torture is increasing, and despite the difficulty of obtaining information enough is known for it to be said that “security suspects are generally held incommunicado...often for months [...]. Many are tortured or otherwise ill-treated.”<sup>50</sup> In the context described, it is disconcerting for the FCO to say that “[o]verall, the Saudi Arabian government’s approach to human rights, led by the king, has been to continue making incremental improvements, while recognising the tensions between reform and tradition in this inherently conservative country.”<sup>51</sup>

30. It is important for the FCO to take a more robust and consistent approach when drawing attention to torture abroad, *including* when it concerns its allies. This would not only be more principled but actually in the UK’s interests of developing credible policy in the region that is based on respect for human rights and the rule of law. The legacy of systemic torture in states in the region points to a failure of silent diplomacy to produce any enhanced protection or visible improvement. There is no reason to think Saudi Arabia is different in these regards.

## RECOMMENDATIONS

In respect of both Bahrain and Saudi Arabia the United Kingdom has an important part to play in responding to ongoing concerns with a view to strengthening respect for human rights. To this end the UK should:

- In ensuring a principled and coherent policy on human rights and torture specifically, devise objective criteria for identifying “countries of concern”, and should make such criteria public;
- Publicly condemn torture and other human rights violations;
- Not accept blanket denials of violations, as were made by Saudi Arabia with regard to allegations of torture; instead, it should systematically follow-up specific reports to seek responses to allegations of torture in line with international standards binding on the state concerned;
- Work bi-laterally and with other States and international and regional bodies to furnish material support and expertise in human rights to civil society to help such organisations expose and combat torture;
- Ensure that the implementation of its counter-terrorism strategies does not result in it being complicit, or seen to be complicit in torture and related violations;

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<sup>49</sup> Jamestown Foundation, *Repression Begets Rebellion in Saudi Arabia's Eastern Province*, 10 September 2012, available at: <http://www.unhcr.org/refworld/docid/505059ac2.html>.

<sup>50</sup> Amnesty International, *Amnesty International Annual Report 2012 - Saudi Arabia*, 24 May 2012, available at: <http://www.unhcr.org/refworld/docid/4fbe39142d.html>. See too Human Rights Watch, *World Report 2012: Saudi Arabia: “Detainees, including children, commonly face systematic violations of due process and fair trial rights, including arbitrary arrest and torture and ill-treatment in detention. Saudi judges routinely sentence defendants to thousands of lashes”*; available at <http://www.hrw.org/world-report-2012/world-report-2012-saudi-arabia>.

<sup>51</sup> United Kingdom Foreign and Commonwealth Office, *Human Rights and Democracy: The 2011 Human Rights and Democracy Report*, April 2012, page 303, available at <http://fcohrdreport.readandcomment.com/wp-content/uploads/2011/02/Cm-8339.pdf>.

- Properly investigate and, where there is sufficient evidence, prosecute torture suspects who come within the UK's jurisdiction in order to meet its international obligations in accordance with the UK's anti-torture strategy
- Actively protect UK nationals and others who can claim UK protection from torture abroad, within a coherent, well-publicised and effectively implemented policy of consular assistance and diplomatic protection.

Any inquiries should be directed to:

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