



The National Society for Human Rights

Comments On
**The First Human Rights Report in the
Kingdom of Saudi Arabia**

1427H

In the name of Allah the Merciful the
Compassionate

Introductcion

Acknowledgement

The National Society for Human Rights extends its hearty thanks to all the writers who had given concern to the first report on human rights to be issued in KSA. The Society appreciates their initiative in presenting the role of the Society that aims to participate in building up a society of justice and reign of law. The Society's appreciation is also extended to the editor-in-chiefs of the newspapers, who treated the report with special care displaying it in the front pages, especially Al Watan, Al –Eqtisadiyah, Okaz and Al Shaq Awsat newspapers. The Society regard the media a active participant in realizing the Society's objective as it represents the means for disseminating human rights culture, and acts as an effective observer in publishing and disclosing violations, thus it cooperates with the Society in forming up a public opinion that calls for cessation of infringements and respect of law.

President, National Society for Human Rights

**** Dr. Bandar Bin Mohammed Hajjar****

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Human Rights Report

*Hamoud Abu Talib **

We realize that the novelty of the experience does not enable the National Society for Human rights to meet or fulfill the huge and tangled aspirations of the society, especially the principle or the concept is not being welcomed by some categories for various irrelevant reasons, though the first Society's report published in the newspapers last Monday is brave, transparent, and touching on many major issues. Perhaps this initiative may support the Society against the criticism it has been subjected to during the past period, or it may point indirectly to the difficulties the Society has encountered.

We have been standing in need of a legal entity that is capable of bearing the responsibility of facing a great deal of accumulated problems which could not have been disclosed or tackled. On the one hand, people are not aware of their rights to ask for them, and if they happen to be aware of some of those rights, nobody or no concerned party is available to adopt or defend them. On the other hand, it is not in the interest of some of the people who are aware of these rights to acquaint people about them because if they do so, their abstract or materialistic gains which have been acquired through ignoring or violating those rights, will be harmed. We should not forget the effect of this on the domination of the custodianship that determines at its own discretion what is worthy and what is unworthy through

employing some particular religions aspects or concepts of submission and duties which become high-sounding because of this employment.

Most levels of responsibility have not been liable to account unless in limited instances and by using means that do not ensure realizing satisfactory results - absolute authorities which are unaccountable, or even not liable to review however harmful and non-rightful the practices under those authorities may be for the family guardian, an employer, an official at any department or administration, law enacting parties, the judiciary, control and investigation institutions, and others. Therefore it would be understood that it is hard to accept a new different situation that reconsiders the prevalent environment and breaches long-standing fortified boundaries protecting those who are required to submit to accountability. Naturally resistance to this new situation would be encountered by many means and methods. Consequently, the mission will not be easy for a nascent Society involved in this sensitive area, especially in the absence of effective helpful regulations.

The report points to affairs that have been banned to negotiate, and has also tackled what is considered to be prohibited, and has demanded what nobody could have asked for, and has disclosed wrongful practices which nobody could have revealed or declared. However, the Human Rights Society can not proceed, and hence the community can not much benefit, unless regulations are drawn up to help it to be influential, as well as to protect it so that nobody would disregard or ignore it.

** Al Watan Newspaper (6/5/1428H corresponding to 23/5/2007G*

The Awaited Government Action

*Saleh Mohammed Al Sheehi **

I think that the disclosure of the first report of the Society for Human Rights in KSA is a significant merit that can be generally credited to the nation.

In spite of the important recommendations and comments noted by the Society in the report, I contemplated over the following points disclosed by the report:

- Some governmental departments do not run competition for employment applicants.
- The criterion of employment varies in terms of the specialization of the applicants: some applicants are accepted on the basis of precedence of their respective applications, other applicants are taken in because of their experience or higher grade, and the others are accepted following intercession of persons acquainted with the influential officials or characters with distinguished social status.
- Employment advertising for public jobs does not follow the relevant rules in all instances.
- Certainly the above remarks have not been made arbitrarily or fancied by the members of the Society- surely such remarks are a result of studies, tour, and substantial lengthy research .

Now the question that arise is 'how those instances rules-breaking could have occurred without being spotted by the concerned control authorities?'

- Certainly the citizen will raise the question: 'As long as such violations occur in this shameful manner, what is use of having control commissions with subsidiaries and huge budgets, the role of which is limited to checking the attendance register.... only Allah Knows the mystery behind that!
- The paragraphs I picked up from the report prove that a great deal of citizens have sustained damage, which require that the government should hit with an iron fist all perpetrators as well as those who kept silent against these infringements. Certainly the Society possesses evidence of the authenticity of its report.

** Al Watan Newspaper (6/5/1428H corresponding to 23/5/2007G)*

The Society's Report & the Alphabet of Human Rights

*Walid Yousif Al Hilal **

The high-sounding voice of the civil institutions in any society is considered an effective indication to the civility of that society whose members receive equitable opportunities in terms of rights and duties. Muffling this high-sounding voice leads to losing those rights and duties in the face of the dilemma of personal vagaries and emotional inklings based on non-civil principles. Therefore, I am pleased that the Human Rights Society has released its first national report on human rights in KSA.

Regardless of the acceptance or rejection of the contents of the report, it is important to have it released regularly, making it part of the ethics of the Saudi community and not only limited to the elite. Most of the problems outlined in the report relate to the members of society who do not belong to the elite or wealthy category's which possess the means to claim their rights. For example, the report disclosed that the Society has received 8570 complaints over the past 3 years, 18% of which concerns prisoners' issues, 7% relates to personal issues, 8% focuses on family violence, 13% relates to labor issues, 6% associated with the judiciary, 7% refers to civil affairs, whereas 16% are about

miscellaneous issues. This report comes to bridge the gap in the availability of analyses about the status of the Human Rights of the Saudi citizen, of which we only hear from the reports of International Human Rights Organizations, and Amnesty International.

The Society should only satisfy itself with the release of this report, or with saving it on the shelf or to CDs, but should attempt to formulate and actuate a publicity plan in order to get the maximum benefit from the report. It is axiomatic that the Society shall forward copies of this report to the highest level of authorities in the Kingdom to intimate them on the affairs of their subordinates on a Saudi neutral viewpoint. The Society may also submit the report to the decision-makers at the Ministry of Interior, Ministry of Justice, District Governorates, and senior media officials. But, the efforts being made so far fall within a traditional context, and to break away wherefrom attempts should be made to spread the outcome of the report to people from all social strata and the other civil institutions. For example, the Society may complete its civil activities by seeking the support of another civil organizations such as the literary clubs, or through holding lectures Kingdom-wide to educate people about the outcome of the report, in general and human rights in particular. Moreover, the Society may approach the Saudi Broadcasting House or the Saudi TV to shed light on the report through interviews devoid of commendation expressions or personal courtesies, so as to delve deeply into the citizens' complaints received by the Society. On the other hand, the Consultative Council be the venue where the details of this report and the Society's activities should reverberate, for the simple reason that both agencies should care for welfare of the Saudi citizen.

Also the report has attracted my attention in that it calls for

maintaining transparency in media work, abstaining from limiting or banning media personnel from writing freely. I take this opportunity to invite the Society and the Saudi media agencies to enter into a partnership with the aim of disseminating awareness about the rights of the Saudi citizen by publishing a series of Articles on the basic rights of the Saudi citizen and citizenship, or otherwise assigning a weekly page for tackling this issue.

Coexistence or civil living is a result of accumulated, integrative activities in which all social institutions as well as the government participate. Our society has suffered a great deal, and is still suffering, from the problem of adaptation with the output of the civil society. But, as soon as these institutions have been allowed to function in line with their institutional principles, winds of civil change have begun to blow from within the mentioned institutions. For instance, the release of this Human Rights Report is deemed a simple civil right accomplishment, nevertheless it would have been kept in the dark if it required an issuance permit from any concerned Ministry! Meanwhile, some of the decisions of the Consultative Council come in the interest of the citizen despite the objection of some Ministries. On the other hand, literary clubs, Cultural and Arts Associations, and media have become areas of attraction to the layman not because of the absolute changes in their orientations and programs, but because of the simple reason that these institutions are attempting to come closer to the Saudi cultural society and to interact with it through their simple means, i.e. they have become more civil and consequently more human.

** Al Youm Newspaper (7/5/1428H corresponding to 24/5/2007G)*

Human Rights Report .. And Self-Confidence

(Released Quietly & Received Pleasurably)

*Abdelwahab Al-Fayez **

It is the first Human Rights report prepared by the National Society for Human Rights in Saudi Arabia.

It is incumbent upon us to extend our thanks to the Saudi Human Rights Society for its first report – an optimistic gesture and pleasant beginning. The report has been objective in terms of the responses which we sought to create in line with our concern about Human Rights. The report also outlines the negative aspects relating to the application of the valid rules, which resulted in violations held by the Society as transgressions on the Human Rights sponsored by the State under the prevalent rules.

The essence of this report lies in the fact that we do have the necessary regulations for the protection of basic human rights – it is obvious that no statutory void exists as the origin of jurisdiction is represented in Islamic Doctrine. Our faith offers an integrated civil and humane jurisdiction for maintaining basic human rights. This comprehensive report tackles a number of issues in a candid manner and calls on the concerned executive authorities to stop commission of infringements or to upgrade

their capabilities so as to eliminate the transgressions noted by the Society. This confers self-confidence upon the society, State, and government institutions. Now we have begun to step along the right path visualized and treaded by the founder, Abdelaziz, may Allah rest his soul, at the time when he proceeded to build the State of unified people who trust in their capabilities. The establishment of a National Society that aims to monitor the status of human rights is a civilized step towards reinforcing self-confidence. Perhaps we thought that this step would not have been possible, but it has become a reality, a Saudi Society that has commented criticized, and said in its report more than that has been said by the western Human Rights Associations. More than that the report is being issued and published in Riyadh, and most important of all we are pleased with this report and consider it as a practical step to redress and rectify our status.

The significant issue disclosed by the report is that we possess all the regulations protecting the rights and dignity of humans, parallel to the principles being propagated by the UN and all other major Human Rights Organizations.

Of course, nobody can claim perfection – the application inconsistencies shall remain standing for years to come, but until the desired situation is realized, we need to work into future to create the mechanism and capabilities to apply the relevant rules.\ In this respect the Society has pointed to the importance of laying down executive regulations relating to some principal systems, such as the punitive procedures statute to which the Society has referred frequently, i.e. in more than one context where it has stressed the significance of this system, the

importance of training the executive parties involved therein, and has also called on punishing any parties non-abiding by the mentioned punitive procedures whether those parties are individuals or governmental. The report stresses that laxness or inconsistency in applying the punitive procedures has led, in many cases, to weakening the protection assigned to many human rights.

Perhaps our interest as well as the intersect of establishing the pillars of the equitable society's call for the governmental departments, whose negative aspects are indicated in the report, to hold open discussion forums about the points raised by the report. Perhaps it would be a good gesture if the Council of Ministers directs the mentioned governmental department in this respect. The aim behind the setting the Society lies in completing the building of inherent tolerant society who recognizes its problems and uses all its will-power to solve these problems. After all we are not angels, but humans liable to err. Equally, the government institutions, having become aged, flabby, and with more than needed levels of decision-making is prone to commit errors and negligence and thus more inclined to cover its shortcomings. Therefore the establishment of Civil Associations and Organizations - presently encouraged by the State-is essential for exerting pressure on the government through certain mechanism.

For the sake of a State that looks forward to a better future, we must tolerate some pains and bitter remedies. This situation is the result of backlogs in ruling and administration. Over the past decades, the State and the society had been forming one front in the face of difficulties and both local and foreign

challenges. Presently only nominal challenges remain which we certainly can overcome to face the greater challenge i.e. the investment of the wealth we possess now to create a fully balanced State socially, economically and politically. King Abdullah, may Allah guard him, has launched the beginning of a stabilized era extending into the coming decades.

In conclusion we extend our thanks to the National Society for Human Rights for its first report., and for inviting the Saudi newspapers editor-in-chiefs to "exercise the right to express oneself within the limits allowed by the Islamic Doctrine." No doubting we, at the newspapers, face a national duty that calls for publicizing the responsible, objective opinion. This undertaking requires wisdom, thought, and understanding for sake of a spirited society, State, and national interests.

** Al- Eqtisadiyah (7/5/1428H corresponding to 24/5/2007G)*

About the Report of the National Society for Human Rights

*Dr. Samia AL Amoudi **

Looking at the report of the National Society for Human Rights, it becomes obvious that we as individuals are not actually aware of the our rights. Meanwhile there is a misunderstanding by some officials of the government directives and hence they are not abiding by them.

In continuation of the series of Articles entitled 'Explosive Areas', the explosive this time has been detonated by the National Society for Human Rights. In its first report published on 4th Jamada Al Aoula, the Society has warned against deepening the degrading attitude toward women. The report went further to criticize the practices that violate women's rights such as prohibiting an adult woman from taking action unless through a guardian or trustee. The report also warns against furthering women's detracting outlook in relation to their legal responsibility.

The report says that even if a woman desires to bring action at a court of law, she has to obtain her guardian's consent to acquire an ID or a Passport and that the presence of the guardian obligatory ... end of the part I quoted from the report.

Last week I wrote about the same subject and pointed to

how could a divorced woman who earns her children's bread be treated as an adult and legally responsible if she doesn't have the right to travel with her children, whereas the father who knows nothing about his children (thus unworthy of the title) owns the right to sign and to exercise domination over the sons. As an example of this situation, I happen to know a young woman who lives with her relatives whose father knows nothing about her, but possesses the power to subjugate her over official documentation, or travel or other. Here I reiterate the question I had raised last week: Is guardianship an absolute right? In reality the law, rules and regulations in force in this respect are quite obvious.

Then where does the fault lies? Does it lie within ourselves as individuals? It is true that we are not aware about our rights, but the report says the rules in force allow women or young women to obtain an ID and a Passport. The report discloses these facts which also point to the reality that some official misunderstand the government directives and hence they are not abiding by them.

Now it is time women learnt about their rights and duties. This is a wonderful development being experienced by women under the reign of King Abdullah Bin Abdelaziz - a development hardly intelligible to most social strata, but we do not have to await them and they have to catch up with the procession whenever they choose to.

The report is obvious for all women to look at, unless my reading of Arabic language hasn't helped me to understand this otherwise intelligible report.

- *Al Madinah Al Munwarah Newspaper (7/5/1428H corresponding to 24/5/2007G)*

The Report of the National Society for Human Rights

*Saud Al Balawai **

We have been used to go thorough international reports of Human Rights Organizations and the violations of these rights across the world. The look at these reports is surrounded with doubt if not prejudice because they are being issued by foreign parties whose neutrality can not be trusted.

Lately the National Society for Human Rights has published its first report (The Status of Human Rights in the Kingdom for the year 2006). This comes in line with the demand of the intellectuals and the concerned who called for preparing official human rights reports and holding media conferences in order to reflect the full picture of human rights issue in our country. This report is considered the first official reference which enables us to shed light on the human rights issues in the Kingdom away from outside influences. Although the National Society for Human Rights is being criticized from time to time, but this effort which is evident from the report is worthy of appreciation, and we hope that it will contribute to expediting the desired human rights reforms, and disseminating awareness about the human rights issues. The report stresses that the Society will be engaged during the coming period in realizing two objectives:

dissemination of awareness among the citizens, residents, and the governmental sector about human rights, and introducing human rights concepts into scholastic curriculum of various educational stages. This step comes after 3 years from the inception of the National Society for Human Rights.

It is worth mentioning that the report relies on the Basic Governance Act as the constitution of KSA, which is based on the Islamic Doctrine. Consequently the mentioned Act, besides the International Treaties and the International Declaration of Human Rights signed by KSA and approved by a Royal Decree, are considered by the report as basic sources for protecting rights, freedoms, as well as determining duties, and accordingly can take force and thus may act as direct references for lawcourts which may pass judgment thereunder. But still the judiciary in KSA must recognize those treaties in order to put them in force. This is presently being sought out by the Society in collaboration with the Ministry of Justice. On the other hand the report mentions the 'Generalities' outlined in Article 39 of the Basic Governance Act, which address the 'right of expression' in a general diction that allows for multiple interpretations including the one related to the limitation of this right, and "the power imparted by the Basic Governance Act to the other lower-ranking systems to determine means of protecting basic human rights approved by it". In view of the sensitivity of the right to expression, it is essential that pretexts are eliminated in the face of any relevant confusion. This is to protect writers and intellectuals against falling victims to the vagueness of the strategy limiting the freedom to expression. This is why the report stressed the importance of the establishment of a high court empowered with the authority of canceling any text or

paragraph in any system or decision non-complying with the constitutional rights. The ordinary courts can not carry out this mission effectively because, on the one hand they are not specialized, on the other they are not eligible to control the systems but apply them.

The report may be blamed for not focusing accurately and clearly on the issue of 'rehabilitation' of persons who sustain damage incurred because of human right violations by some governmental parties namely mentioned in the report despite the Punitive Procedures Act in force which is considered until now 'unintelligible or unapplied adequately by some judges and investigation authorities.' This calls for conducting comprehensive urgent revisions of the judiciary and government investigation departments so that human rights are considered. The report mentions that the Society has received many complaints concerning human rights and human dignity infringements. This requires that the perpetrators be brought to account for their follies through applying the punitive procedures in force. This reminds me of the case of the Saudi woman who had been molested by two officials belonging to the Commission for the Promotion of Virtue and Prevention of Vice. The lawcourt passed judgment that the officials of this Commission can not be brought to account because they are under immunity. This requires reform of the judiciary and the lawcourt regulations so as to apply the guarantees indicated by the report in compliance with Article 38 of the Basic Governance Act which states 'No crime or punishment exist unless provided for.'

The report mentions that the Society has noted that some apprehension parties break the rules relating to arrest and detention, thus contravening the rights of the detainee or prisoner, whether these parties belong to the Ministry of Interior or to other independent departments authorized under the apprehension, investigation and detention rules such as the Commission for the Promotion of Virtue and Prevention of Vice. The report says that the objectives of this Commission are indispensable to the society, but the authorities vested upon it are unlimited... which may cause the members of the Commission to violate the rules intentionally or unintentionally. This requires that the mentioned authorities be revised using an accurate language so as to avoid misuse of those authorities in such a way that violates human rights.

The conspicuousness of the National Society's report lies in that it has outlined the basic human rights in KSA such as the right to living, the right to equality and the right to freedom, in addition to the civil rights including the freedom of belief, freedom of identity, the right to bring action and the right to equitable swift adjudication. The Society has also noted some violations of the equitable adjudication controls such as inequality between men and women, which affirms men's domination over women and the degrading attitude of our society to women. At any rate, the first report of the National Society has pointed out a lot of human right issues in a candid manner, which raises optimism and hopes of cure. We need to apply today the slogan that 'nobody is above the law'. Whatever attachment we may have to the family, tribe or sect, our first belongingness must be to the nation without discrimination between the citizen of a one country. Therefore we are facing a

great challenge to reinforce national unity, repair the basic environment of human rights, and to back up the establishment of a real civil society. This may not be necessarily simultaneous or timely, but we must do that for our future generations.

Al Watan Newspaper (8/5/1428H – 25/5/2007H)

Inclusion of the Subject -Matter of Human Rights into Scholastic Curricula

*Dr. Ayisha Saeed Abu Al Jadayel **

The newspapers have published on 4/5/1428H the news relating to the inclusion of human rights as a subject matter in educational curricula. The first news came in Al Madinah newspaper quoting the President of the National Society for Human Rights, Dr. Bandar Al Hajar, as saying that the concepts of human rights shall be included in the various educational stages in the Kingdom. The other news came in Al Watan newspaper under the title 'The First Human Rights Report in KSA Suggests Formulation of a Compulsory Educational Curriculum at University Level under the Title; Human Rights in KSA'.

Teaching human rights at the general education or at university levels or at both levels is a step towards enlightening our sons on human rights at a time when the international arena is witnessing growing concern about human rights. The first step in teaching human rights should focus on an insight into the historical dimension of human rights in our Arabian heritage in the first place, and in the second place in our Islamic Doctrine. The Pre-Islamic era in our Arabian history had been

characterized by ignorance of faith i.e. the people of the Arabian Peninsula, especially the inhabitants of Makkah, had converted from the religion of Ibrahim (pbh) to the worshipping of idols. Therefore the era of ignorance had been a stage of idolatry in the land of Arab before the emergence of Islam. But the orientalist had interpreted the syllable "ignorance" as referring to the ignorance of the Arab of all the rudiments of human civilization. This is an absolute degradation of the Arab human being and an attempt to isolate him from human civilization.

The Arabs of the Arabian Peninsula had been well-versed in human rights, treaties and agreements. The Treaties which had been concluded in the era called 'the era of ignorance' had taken up and advanced place in human thought. The first-ever concept on human rights dates back to the reign of Querish tribe who had pioneered establishment of alliances (treaties and agreements) internally and across border. Herodotus says on Arab alliance "The Arabs are very keen in maintaining alliances. No other nation parallels the Arabs in this respect. Their respect to treaties and agreements borders on sacrilegious." The most conspicuous alliance (Al Fadoul Alliance) reached in Makkah before the advent of Islam, is considered to be the most remarkable jurisprudence of human rights ever to have been recognized in Makkah i.e. twenty years before the mission of the prophet had arrived into Makkah. In conclusion, a pilgrim, accompanied by his merchandise, had arrived in Makkah to perform pilgrimage. A tribesman from Bini Saham had purchased the pilgrim's merchandise and ran away. The pilgrim approached the tribesmen of Bini Saham to get them to redeem his stolen merchandise, but they turned him down. The pilgrim then toured around all Querish tribes to help him, but has

received no response. Getting despaired, he had waited until Querish people congregated in the Holy Square of Makah, then climbed up a Abi Qabs mountain and began petitioning them at the top of his voice. Querish people had denied knowledge of this matter and had decided to meet at Abdullah bin Jada'an house where the Prophet (pbh) had been present (before being sent by God), then concluded an alliance that anyone, whether a stranger, or an inhabitant, or slave who receives a grievance shall have the rest stand by him until they redeem for him his right, or otherwise redeem that right from themselves and others.

This alliance or treaty has been one of the first-ever treaties to have been known for realizing justice and ensuring human rights in Makkah society. Many narrations had given account that the Prophet (pbh) commended this alliance. One narration by Al Zubair quotes the Prophet (pbh) as saying "I had witnessed an alliance at the time of ignorance. If I am to be called upon to present myself in respect of it, I will respond. It is now more stronger by Islam, and is dearer to me than Hamr AL Naea'am." The Prophet said this in reference to Al Fadoul Alliance. If we look at the most of the statutes that had established human rights, we will not find a law that can parallel or border on this alliance even if enforced by the State itself (Redeem for him his grievance from themselves or from others.). On the other hand, Islamic Doctrine is based on human rights. The following Koranic verse encompasses all human rights concepts: " Allah commands that you should render back the trusts to those to whom they are due; and that when you judge between men, you judge with justice." Al Nisa Chapter (Verse 58). This verse constitutes one of the principal provisions

as it generalizes an ordainment for all people: judges and governors entrusted with judgment, police dealings, public prosecution investigations, treatment of the sick, teaching, orientation of boys and girls, performance of family duties, the relationship between husbands and wives, between mothers, fathers and sons, the relationship between the State and citizens etc.. Faith and all people affairs constitute trusts in the hands of trustee. The Islamic Doctrine is rich in similar concepts the description of which can fill in tens of thousands of pages.

Again we welcome the introduction of human rights in the educational curricula, whether at the general education level or at university level, and suggest that the subject matter of human rights be taught through historical dimension analyzing and firmly establishing our Arabian Islamic heritage in the area of human rights, and not by relying on UN Declarations i.e. a comprehensive comparison should be drawn to bring out the consistency between our Arabian Islamic heritage and the human heritage relating to human rights.

** Al Madinah Al Munwarah Newspaper (11/5/1428H corresponding to 28/5/2007G)*

Media Men Rights

*Musa Bin Marawi **

The National Society for Human Rights has expressed through its first human rights report fears at the media and publishing stipulations and provisions which allow for a wide margin of interference in various media functions, thus prompting individual intellectual struggle and personal vagaries. This remark on the part of the Society has been formulated in a bold, unprecedented manner. Although the Society's report has been prepared several months ago, the Society has been hesitant for a considerable period of time before it had finally published the report. This remark may have changed the image of the Society whose action has been characterized by bashfulness and hesitancy. So, from now on, the Society shall be shouldering heavy consequential responsibilities in relation to this report which has set down, to some extent, the human rights of the Kingdom's citizens, including media men, from a pure national view-point devoid of agreements or anti-Saudi interests. Those responsibilities include the Society's commitment to determine things, refer to objects by their names, convince the concerned authority to revise media and publishing stipulations and set them in a definite new framework that controls the relationship of various authorities with the media, determines a legal

mechanism for summoning media men to account and detention. Moreover, the Society should attempt to ensure that such mechanism is put in force. Shall the Society accomplish this task? Or shall its report remain a writing in ink.

** Al Riyadh newspaper (11/5/1428H corresponding to 28/5/2007G)*

Human Rights in Saudi Arabia

*Mohammed Sadiq Diab **

The first report issued recently by the National Society for Human Rights in Saudi Arabia has come up to the expectations relating to the role which should be performed by this Society. Many people praise the Society for the logical, wise, and balanced constructive manner in which it has put forward issues and remarks. This report tackles lucidly some issues such as women rights, national identity problems, unemployment, and control of the process of employment. The report recommends that foreign laborers' sponsorship should be cancelled to safeguard foreign manpower rights, and that Saudi Arabia should extend its membership in international Human rights Agreements. Moreover, the report suggests that the Punitive Procedural Act be identified, and those who break the controls thereunder be punished.

The report indicates that the Society has found out that some sectors of the society are involved in practices including discrimination between citizens in terms of district, tribe, sect, or origin, which could threaten the unity of the people and negatively affect the concept of belongingness. This takes place despite the efforts being exerted by the State to eliminate such practices. The Society suggests that punitive measures be enacted against those who act or release statements harmful to

unity. I believe that these remarks and suggestions are, in all, consistent with the State orientation and concerns. So, I am more optimistic about the possibility of adopting the mentioned suggestions in view of the understanding of the State of the Society's objectives and the trust it had in the creditability, loyalty and efficiency of the members of the Society. The Society realizes that its report will be useless if human rights have not become part of the citizen's culture. Therefore it has suggested that human rights be taught under a university curricula to be named "Human Rights in Saudi Arabia", provided that it be taught more extensively at Military and Security Colleges, and the High Judiciary Institute, in addition to organizing regular training courses on human rights for the concerned government authorities. I think this suggestion represents a basic step and a priority in educating the citizen about human rights so that he should maintain and preserves these rights from being violated – the ignorance of the citizen about his rights (sponsored by the State) makes him subject to violate them.

Now that I come to the end of this lengthy discussion about human rights, I would like to remind the reader that the duties (the other side of the formula) and the dignified living of a human being is the fruit of the balance between performance of duties and fulfillment of rights.

** Asharq Al Awsat newspaper (11/5/1428H corresponding to 28/5/2007G)*

The Racing of Forgiveness

*Mohammed Samman **

I have been contemplating, and may be others too, the significance of this racing published daily by the newspapers concerning blood kin forgiveness in the cases of premeditated crimes, i.e. forgiving perpetrators indicted by law. Many foreign circles have described sentencing to death by sword as cruel, thus they called upon all Organizations protecting rights of humans, animals, plants, and inanimate beings to intercede to stop this lawful punishment. But after those circles have studied Islamic culture, thought and the rudiments of Islamic Doctrine, and the wisdom behind its rules for safeguarding the Islamic society, their fears and criticism have abated. In my opinion this file has been finally closed, and still Saudi Arabia applies Islamic Doctrine.

Perhaps many people, even the Saudi themselves, do not know that the decision to sentence a criminal to death by severing his neck by sword in premeditated and unintentional murders take a long time before final approval by all concerned authorities is passed. I may add that the authority who is vested with conferring the final approval often intercedes and request that the file be returned for review so as to render an opportunity for propagating tolerance among the citizens. We have seen how the Districts Governors shuttle between themselves in order to

convince disputing families to save the killer from prosecution. The aim of this gesture is to spread the culture of tolerance among the people and to distinguish the fire of fury and revenge.

The Saudi newspapers have published tens of news stories about the intercession of the members of the senior Saudi leadership between rivals in some of the cases. For example the gracious intercession of Prince Sultan, the Crown Prince, Vice President of the Council of Ministers, Minister of Defense and General Inspector, in many cases across the Kingdom resulted in the blood kin ceding their right to the prosecution of the killer.

It is worth mentioning that the 'Political Will' plays an effective role in KSA, especially in death-sentence cases. We bear witnesses that these intercessions are being conducted devoid of any pressures or coercion, and that all involved parties accept intercession with good will, tolerance, good-heartedly.

I confirm that what has been published about the petitioning and kind intercession of the leaders backed by the District Governors is just a little part of what has not been publicized.

In my opinion, publishing such news may prompts families and stir competition among individuals of the society to be tolerant in line with the saying of the Prophet (pbh) "He who revives tolerance as if he revives all people."

On the other hand, while the stories of forgiveness of blood kins were being recounted, the stories of torture and family violence were being retold to remind us that we are not an angelic society. The Saudis, like any human beings, are human beings err. At this juncture the Private Governmental National Society for Human Rights has emerged, and thus we have been faced with the phenomenon.

The publishing of such stories and the interaction of the citizens therewith is a significant part of the cure. The Saudi Society has recently witnessed many changes which had an impact on the citizens. Violence is still considered as a phenomenon and could be cured if the real reasons thereof have been identified. Violence, especially family violence is a result of the modern life mode i.e, the social problems, which have not been known before in a traditional society, are the tribute for development and civilization.

In the pre-development era, family violence cases had been few because of the extended family mode. In this mode of living, which had been prevalent at that time, family roles are distributed semi-equally among family members, thus the family is being protected from the domination of a single member, and if a family member assaults another member, the victim will be socially supported, thus contributing to mitigating his wrath.

In my opinion, the reason for the spread of violence in the Saudi Society is attributed to the domination of man for more half a century over a society in which the woman role is negated in the family and economy. All studies (unpublished) point to the fact that the female (in her capacity as wife, sister, or mother) is the victim of family violence phenomenon in Saudi Arabia, and that the male is the assaulter.

According to unofficial statistics, it has been found out that 90% of family violence perpetrators are males, whereas 50% of the cases are associated with marriage of a second wife.

Perhaps the most important paragraph published in the first official report of the National Society for Human Rights is the one that warns against deepening the degrading attitude towards

women and their legal responsibility. Also the report, which has been published earlier last week, points to some other attitudes that detract from women's rights such as prohibiting them from taking action in some instances unless through their guardians.

The Human Rights report looks at the family violence as a sensitive issue – difficult to disclose, but ultimately the victims are females. The report says that violence against women and children constitute a large percentage of the complaints it has received, and affirms that investigations point to psychological ailments and drug abuse are among the reasons for violence, but still domination of males remains the main reason behind violence.

** Al Hayat newspaper (12/5/1428H corresponding to 29/5/2007G)*

Saudi Arabia and Human Rights, Literary Boldness

*Al Majallah **

The report issued by the National Society for Human Rights in Saudi Arabia reflects a quality development in the attitude towards the main issues in Saudi Arabia as it has disclosed that respect of human rights constitute a major part of the constituents of political thought and the principles of the Saudi society and the Saudi State based on the Basic Governance act. This indicates that the government, driven by its responsibility in the first place, has become more concerned about the issues of human rights.

Perhaps what is more pleasurable is the swift interaction with the Society despite its recent establishment. The Society has received appreciation because its program holds interest for the citizens and residents. We say this with the understanding the Society shall, as stated by it, focuses during the coming period on two main objectives: disseminating of human rights awareness among the citizens, residents, and governmental institutions, and the inclusion of human rights concepts in the curricula of the various educational stages.

The report discloses that the Society has made good progress in taking procedures for supporting and protecting human rights

based on the Society's concern for the importance of developing the individual and society according to the nature and requirements thereof, and not according to imported concepts and programs. The comprehensiveness of the report points to the self-confidence of the Saudi society as well as its confidence in the Saudi leadership which has exerted efforts to develop the society in terms of freedom and living.

Notwithstanding the figures and shortcomings of some of the government departments, the report has disclosed that despite the availability of the regulations protecting human rights at each department and institution, the non-availability of a mechanism to put those regulations in force at the departments having direct contact with the citizens (such as government departments, prisons or even independent individuals) has inflicted harm on human rights.

Moreover, the report discloses that some institutions, whether governmental or non-governmental, still mistreat the citizens, which inflicts damage on the interests and rights of some of the citizens having contact with those institutions, whose policies are devoid of human rights culture. These practices constitute shortcomings in the nature of the mentioned institutions' activity and functions, and a failure to make human rights a behavioral conduct associated with each practice, whether small or sizable.

What we should like to point out in relation to the report is that human rights in KSA, which is the focus of the National Society, are based on pure Islamic concepts devoid of any rules or even expression from other sources although the Society is aware that the West has organized those rights, but it is also

more aware that Islam has pioneered all that is connected with the preservation of the rights and dignity of human beings as stated by God "We have honored the son of Adam". The Islamic Doctrine has guaranteed the rights of a human since he is still in the womb of his mother and even after he is buried in his grave.

The present Saudi drive is positive whether in connection with the National Society for Human Rights or in relation to the Saudi conceptual and materialistic projects. This drive focuses on establishing human rights, making the issue of human rights a culture, conduct, and a reality as suggested by the Society that human rights should be included in the educational curricula so that through human rights society thought can be developed, and human rights actually practiced since childhood at households and schools, so that human right must not be looked at as a theoretical subject or an issue that is forgotten cessation of media propagation.

In conclusion, Saudi Arabia has, through the recent report, entered into wider horizons serving the huge developments it is witness sing in all areas. This comes naturally as Saudi Arabia has made human aspects a means for interaction between its citizens and the cultures of the world. Saudi Arabia's concern about the human being is affirmed through its established institutions and enormous projects for the welfare of the citizen and the resident – a balanced developing, inclusive of the Society, ensuring a safe happy present and future.

** Al Majallah Magazine, edition 1424 (16/5/1428H corresponding to 2/6/2007G)*

Human Rights Report Monitors the Banking Committee

*AL- Eqtisadiyah Editorial **

The National Society for Human Rights has issued its first report outlining the general situation of human rights in KSA. The report appreciates the Basic Governance Act and the principles therein for respecting rights, general freedoms, the independence of the Judiciary which performs the role of justice over private and public rights issues. But the report has focused on the efforts being exerted by the State to integrate national statutes, and thus has appreciated the systems relating to the Punitive Procedures, the Proceedings, and the bar, considering that these systems complement the requirements of the just national legislation.

The report includes a whole chapter about civil rights in KSA, considering that the right to bring action, just swift trial are among those civil rights which are guaranteed under the Islamic Doctrine and the other judicial rules to be enacted. Law is a legislation and a practical application of what ordained by God and desired by the guardian in terms of justice requirements that ultimately realize public interests. However the intellectual struggle in this respect may not be impeccable, therefore revision and corrections should be conducted by a neutral

objective party.

The first human rights report in KSA affirms that the State adopts self-criticism through its Agencies and Departments, and does vest absolute immunity on any party whatsoever. Going through the six-chapter human rights report one finds that a fact is a basic requirement, there is no room for bias or favoritism, so the truth must be revealed and even raised to the senior authorities through a report supported by evidence.

Now a fact exist, a fact not liable to be interpreted or deviated – the National Society for Human Rights considers that ‘semi-judicial committees, namely the Banking Arbitration Committee, non-respect to the principle of

Adjudication at two levels which is a guarantee for the rivals ‘ is a violation to the controls of a just trial. Also, the Society looks at this situation as ‘odd’ because the other semi judicial committees respect this principle i.e. the guarantee. The reason why the Society indicated the Banking Committee is that this Committee constitute an unfamiliar situation which has been temporarily set up to solve the problem of accumulated loans in view of the disorganized loaning process and the extension in funding of projects.

Most critics of this committee have not expected the National Society for Human Rights to have mentioned the Banking Committee in its report, but the committee’s refusal to have its administrative referenced to a higher-ranking level as well as its persistence in assuming banking adjudication individually prompted criticism. The National Society for Human Rights considers the situation relating to the mentioned committee as ‘odd’ or as a phenomenon worthy of the attention

of the judicial authority because it is one of the semi judicial committees who refuses to give the parties to the dispute the opportunity to appeal, whereas this right is granted by the ordinary court of laws.

But, the reason why the Banking Committee has been exempted from judicial control over its rulings is that this committee has been set up to solve the problem of Banks interests owed by the clients, which necessitated reconciliation under which a Bank concedes part of its interests provided that the involved clients agree to pay off on credit to avoid bankruptcy. Although the Islamic Banking system has become prevalent and thus the interest crisis has diminished, the continuation of the work of the Banking Committee raises a question to be answered through the judiciary development project.

** (Al – Eqtisadiyah newspaper (16/5/1428H corresponding to 2/6/2007G)*

The Report of the National Society For Human Rights – A Source of Reform

*Dr. Mohammed Salim Al Ghamdi **

The National Society for Human Rights - an independent non-governmental institution - has issued its first report for the year 2006, which outlines comprehensive observations on the status of human rights in KSA. The contents of this report, which is the first to be issued by the newly -established Society, is characterized by authenticity, neutrality and objectivity, in addition to the many sources on which the report relies such as the local Acts and regulations as well as the International Agreements.

The 40-page gives an accurate image of human rights in KSA in all aspects of life, such as the basic human rights including the right to living, the right to equality and freedom, and civil rights, for instance the right to belief, to acquire identity, to bring action in a court of law, as well as political rights such as the right to participate in politics, the right to establish associations or join them, the right to expression and expressing of opinion, in addition to social and cultural rights such as the right to security and health security, the right to education, the right to employment and dignified living, and the right to a healthy environment. The report also outlines the

rights of some other social categories in KSA such as rights of women, children, prisoners, foreign laborers. However in the first place the report discusses the legal framework of human rights in KSA, such as the human rights decreed by Islamic Doctrine, the relevant Saudi laws and regulations, and the International Human Rights Agreements to which KSA is a member.

The report generally covers most of human rights, significant issues, and outstanding problems over the past years, and the foreign publicity distorting the Saudi image, who obtain information from unreliable sources. This, in particular shall be challenged, and the intentional or unintentional motives thereof disclosed. This report is significant in that it represents the beginning of a new era of administrative and financial reform adopted by the Kings of hearts, Abdullah Bin Abdelaziz and his crown prince, Sultan Bin Abdelaziz who have already appreciatively advanced so far along this path. A second reading of this report shows that it has revealed many inconsistencies in the valid rules and regulation as well shortcomings at some of the public sector's agencies. The report discusses in detail the malfunctions at some of the religious-related institutions such as the judiciary, Islamic Propagation Dept., the Commission for the Promotion of Virtue and Prevention of Vice. On the other hand, the report outlines and discloses the inconsistencies relating to the foreign laborers rules and regulations and how to deal with the same. This later issue has received a lot of criticism, with negative repercussions, locally and abroad. At any rate, the report is lengthy, and to delve deeply into it we will need more space. But, of course, this report is a significant civilized leap, and can be beneficial in pushing forward the reform movement

in many areas adopted by our wise government.

The report is a civilized requisite falling into the category of urgent issues, and has been prepared by a neutral party to include the demands of the citizen of this blessed land. It remains for the concerned authorities to benefit from the report by pushing forward the reform movement. The other expected significant role lies with the newly-established governmental Human Rights Commission – who is expected to use the report to draw up missions and strategies in regard to the areas that need to be revised and activated in the short and long term. On the other hand, the citizen shall remain expectant of what the Commission shall offer in its first annual report.

** Al- Madinah Al Munawarh newspaper (17/5/1428H corresponding to 3/6/2007G)*

A Look at the First Report on Rights

*Abdullah Farraj Al Sharaf**

This is the first time in Saudi Arabia that a national recognize party (National Human Rights Society) publishes a report on human rights issue and putting forward suggestions besides human rights demands. The report is the fruit of a three-year effort during which the Society had investigated openly, without objection, the affairs of the citizens who raised complaints to it about grievances and breach of rights. By declaring these demands, the Society opens a door for us to discuss the issues it has raised, which have actually been revolving in the minds of a great deal of citizens. The first of these demands calls for a revision of the Basic Governance Act in terms of human rights so as to have precise provisions of which we should be proud. Although this demand had remained in our minds for a long time, no one had claimed it; so, if it is realized it will be in the interest of both the government and the citizen. The second demand focuses on the establishment of a High Constitutional Court to be vested with the authority of abrogating any provision, condition, or paragraph in any system, report, or circular conflicting with the constitutional rights set forth in the Basic Governance Act. This is because the public courts can not carry out this function being outside their

specialization as they are not concerned with controlling systems, but applying them. Until the systems have been rid of obstacles that prevent the citizen from acquiring his lawful rights, the above-mentioned constitutional court should have been existing as its absence makes it impossible for the citizen to have his rights. Also the Society has raised the issue of the Punitive Procedures Act which is supposed to protect the rights of the citizen against the investigation authorities, but its provisions are being misapplied or ignored while a citizen is being arrested, under arrest or investigations. In this respect, the Society states "the concerned authorities, such as the Judiciary, Police, Control and Investigation Commissions, the Commission for the Promotion of Virtue and Prevention of Vice should have no difficulty in abiding by the lawful practices relating to apprehension, the detainee's rights, and the detention term prior to referral to the Judiciary, as well as observance of the other provisions prohibiting maltreatment, physical and moral torture of the detainee". The Society has received a great deal of complaints in this respect. This issue is of today's great concern. The humanity of the citizen should be respected so that he feels proud of his citizenship, a strong hand that participates in the building of the nation. This can not be realized unless he is treated humanely even if he is undergoing investigations. On the other hand, the right of the society should be preserved in each case where a suspect is brought to investigation without having to break the controls protecting his rights.

Now we have to start a new era in which we have to realize that our viewpoints vary, but this does not mean we are hostile to each other – we should give those citizens who differ with us in opinion the opportunity to voice their opinions so as to find

out which is the best of all and to discard those which are not suitable or corrupt and because they have been put forward by a party or parties whom we think are rivals or adversaries. Certainly we are now in the process of achieving a breakthrough to be added to our national glories if we could establish basic human rights for each citizen.

In this case we will find that all citizens are capable of bearing the responsibility of building the nation in all spheres determinedly and with the due loyalty. Nobody shall feel aggrieved or oppressed. Today we are firming up our religion, applying its ordainments and principles. Islam raises the slogan "no coercion in religion" so what's wrong if people differ in a worldly opinion whether relating to political, economic, educational or social issue. On the other hand, if a party or group insist on keeping the situation as is, they will not be able to stop development or changes going on across the world today, where if a ruling is passed against breach of human rights anywhere it will be publicized within a short time all over the world. This calls for the judiciary procedures to be treated on the same lines as the apprehension or inspection procedures, I mean the punitive procedures, which have been enacted a long time ago. Shall we do that? I hope so.

** Al- Madinah Al Munawarh newspaper (18/5/1428H corresponding to 4/6/2007G)*

Doing Justice to the Saudi Woman

*A survey by Rua'a Magazine **

The Human Rights Society has noted some violations of the just trial controls such as inequality between male and female in some instances where a woman is denied attendance unless in the company of her guardian or an unmarriageable person, which damage her right to bring action in a court of law. Also the Saudi woman is regarded with suspicion in marital proceedings, and a claim that in some cases she creates problems in order to obtain divorce. However, if this takes place it will take a long time of proceedings and ultimately she may find herself obliged to cede some of her rights including alimony, deferred dowry, and nursing of children in order to get divorce.

Rua'a Magazine has noted a number of official confessions in relation to the credibility of the claims set forth in the National Society for Human Rights. A recent report of the Ministry of Labor reveals failings in the process of employing women at the Saudi Labor Market. The employed women represents 5% of the total workforce in KSA, which is the least worldwide according to International Organizations statistics. The Ministry of Labor has acknowledged the contrast in educational qualifications between men and women in labor

market. According to the reports issued by the Saudi Monetary Fund and the Human Resources Dept. respectively, 50% of the Saudi women workers are university graduates, whereas only 16% of male employees hold university certificates. On the other hand, the Society has noted that if a party to a dispute is a woman, she, most often, does not get her rights and suffers discrimination in favor of the male, and, even more than that, in some cases is not given the chance to say all what she has to say. Despite these failings, the Society has noted a remarkable progress in enabling women to have their full rights to bring action in a law of court. But this is limited to certain areas of KSA. However, the Ministry of Justice is exerting appreciative effort in this respect. The Society's report also points to other drawbacks in relation to women rights such as prohibiting an adult woman from taking action unless through her guardian or trustee, which damages the right of woman and deepens the degrading attitude towards her legal responsibility. A woman, regardless of her age or educational qualifications, has to obtain the consent of her guardian to get an ID or a passport, and despite the recent facilities ordered by the concerned authorities, still the presence of the guardian is conditional to issue an ID to a woman. Moreover, the Saudi Nationality Act discriminates between women and men as it gives the man the right to impart his nationality to his children from a foreign wife unconditionally, whereas it denies this right to the woman who is married to foreigner. Also the Act gives the man the right to grant his nationality to his foreign wife subject to fulfilling certain conditions, whereas it denies this right to the women who is married to a foreigner. As far as education is concerned, women suffer limitation in education opportunities because only

a few educational institutions are available such as Institutes, Colleges, Universities and Vocational and Technical Training Centers. Disciplines are also limited to Arts, Medicine, Nursing, Social Service, and recently, law.

However the labor market requires new skills and innovative technologists, therefore education should be expanded to take in these modern developments which suits the nature of women in conformity with the Islamic ordainments, so that women may enter the labor market. Women also suffer from the domination of men and sometimes are forced into marriage. On the other hand, a woman's education and activity are subject to domination of her husband regardless of his age or level of his education and regardless of her age or qualifications. Although divorce is a woman's legal right, some complications are still associated with that right including nursing of children and alimony, and the lengthy time it takes to conclude divorce actions. Therefore, controls should be enacted to bind the judiciary to conclude such cases on urgent basis. The Society's report states that family violence is on the increase, which could develop into a serious problem suffered by the Saudi society. In view of the sensitivity of family violence issue it is not easy to disclose particulars thereunder, thus most married women, sisters and children are prone to violence under the hands of fathers, husbands, brothers. Out of the complaints received by the Society, the share of violence complaints is considerable. Although some may inflict violence unconsciously as a result of drug addiction, we find that some fathers dominate members of their family, misuse their guardianship and inflict violence that can lead to permanent disability or death. The Society has called for enacting strict laws prohibiting violence. Also there is a need

for establishing more Social Houses at various areas of KSA to house the victims of violence and temporarily save them from wandering around driven by fear from violence.

We do not call for equality, but application is more important

The Sixth Chapter of the Society's Human Rights Report discusses women's rights and puts women as one of the social categories standing in need of special care, a sudden glimpse of light in a dark room. What has been revolving in whisper in closed sittings of women has now emerged to openness revealing the sufferings of women – the agony of discrimination for only being a woman. While we have been expecting a public opinion survey about the report, in particular the Chapter about women degradation, women crises came chasing each other inflicted by those authorities (Executives) who claim to have been preserving women's dignity

The writer and poetess, Zeinab Ghadib, says: "It is wonderful to have a Human Rights Society that monitors violations of women rights in KSA, especially when we realize that each woman suffers from more than a grievance outlined in the report.\ The Sixth Chapter which discusses women's right in KSA is a common women concern." She adds "But most important of all is the urgency of realizing the objectives of the report. Although KSA has signed the International Agreement for Non-discrimination against Women seven years ago, the Saudi woman is still suffering from discrimination. For instance, the education system grants a teacher an exceptional one month vacation to participate in evening cultural forums, symposiums, but this privilege is denied to a female teacher even if she

receives official invitation to attend any of the mentioned occasions. Why discriminating women in this situation? The Saudi woman still suffers from the degrading attitude of the society of men, the judicial ruling, the police – even if a woman sustains violence, the police won't hear her complaint; she is being discriminated against in the legal actions of divorce, alimony, nursing. Is it logical that the State forbids women from obtaining ID whereas all Businesses and Banks demand to be presented with an identifier even if be her driver who doesn't speak Arabic, just because he is (a man)."

Ghadib goes to say "We do not ask for equality, but we do want to have the Islamic Doctrine and the rights ordained thereunder applied. We want to have this in reality and not just writings on paper and formulation of reports that are published for sometime, then forgotten then re-publicized."

Media Campaign

Sana Muminah, the Programs Advisor at Jeddha TV, points to the report and its contents highlighting the sufferings of women. She says: "Most important of all is to have all concerned authorities cooperate to set up a items and a mechanism to overcome the obstacles that stand in the way of women. The question to raise is ' what is to be done following the report? She points here to the significance of the media role in enlightening the society so that the report shall receive more publicity to ensure that it goes through proper channels preparatory to application."

Through her concern and follow up of women's rights issue, Muminah affirms that media is to blame for neglecting women's

right issue, whereas the rulers are swift in responding to reasonable demands beneficial to the citizen without discrimination between males and females. Every Saudi woman wishes that the report would prompt all concerned to quick action. The State sponsors the same rights and duties, whereas religion has ordained rights for women for whom the report petitions protection, care and preservation of dignity.

Muminah further puts in that the society lacks seriousness and perseverance. The issues relating to human rights should be extensively publicized in order to bring about the sought-after social change. Since the officials in charge of media are males, they should rise up to these social challenges and not consider them mere women's affairs, given that the society is prejudiced against women and believes that discussing women is a taboo. The report should be taken seriously and the significance of the role of women in society and in developing human resources should be highlighted. We should learn lessons from other countries, for instance women in Europe of the middle ages had been suppressed and had suffered from all types of social oppression, but when they won their right, Europe had flourished. At any rate, the role of women is associated with development.

The writer, Dr. Amirah Kshagri, a lecturer at King Abdelaziz University, says: "The report is a positive step and may be described as lucid and to some extent bold. I believe that the obstacles facing women in regard to the issue of the guardian or the trustee are among the salient issues outlined in the report. The demands set out in the report are actually every

Saudi woman demands and the subject matter of discussions of women of all social strata Considering that those demands come out in the form of a report by the National Society for Human Rights is a positive step towards eliminating discrimination against women."

Dr. Kshagri proceeds to say: "But, more important than the lucid report itself is that we look forward to seeing the report being practically adopted. Many a report had been drawn up before, and many a recommendation had been raised but to no avail - the limitations on women grew more heavier than ever before. The issue to be put forward now should focus on the mechanism of application and execution of the decisions. There are official Ministerial Decrees affirming the government intention to push forward development with the awareness of the importance of involving women therein subject to enacting controls for overcoming social barriers impeding development ."

The State and Women

Dr. Nadiya Abdeljabbar, professor of English literature at King Abdelaziz University, believes that the responsibility for the execution of the recommendations and demands outlined in the report of the National Society for Human Rights lies in the first place with the government who should issue decisions consistent with the changes required by the report. She adds: "For example, the stipulation that a woman, regardless of her age or level of education, must obtain the approval of her guardian to allow her to travel. Is that logic? Can a woman ask her underage son to give her permission to travel because he is her guardian in the eye of the law? At any rate, this falls in the

category of degradation – insult to women's dignity and a breach of her rights. There might be another viewpoint under the law not yet discussed by intellectuals!

Dr. Abdeljabbar brings out another point relating to the guardian's approval for marriage, and raises the question: Why should a divorcee or a widowed woman is not allowed to marry herself to a would be husband? In this respect some intellectuals, such as Dr. Mohammed Al Ghazali, says that the origin is that a woman should choose to marry herself. But domination in our society precludes a great deal of women from having this right.

According to Dr Abdeljabbar a woman is also responsible for claiming and holding fast to her rights. She explains: "There are many unjust habits accepted by women with the passage of time." She cites an example that occurred to her personally: "Once I was summoned in court to finalize a sale contract, where the judge ordered that an adhesive be put on my face because it was uncovered, but he did not know that I was suffering from a sort of allergy that prevented me from doing so. Then I went down to the court's president who understood the situation and finalized my application. But when I went back to the judge to sign the papers he refused to have me sign the contract and asked me to thump on papers.'

She adds "These are some of the examples which can face women in our society, but not all women have had the courage to hold fast to their rights to be treated as human beings. The culture of submission to man in all situations whether right or wrong is the culture that we teach to our daughters. What right a man has to insult a Muslim woman having as much dignity as he does?"

The Trial of Habits

Business woman, Dr. Ayisha Nto, affirms the importance of coming up with plain objective from this report as well as from the meetings held by women with the different governmental sectors. She says: "We as women have been demanding for a long time that the guardian or trustee condition be canceled from the registration procedures. How can a woman who has been able to bring up and educate generations and generations unable to run her own business without a trustee. In past the woman had been patient and perseverant, but had failed. Difficulties accumulate and the new generation could not hold on." Dr. Ayisha went on to say that laws do not differentiate between men and women and are devoid of any explicit provision in this respect, but the authorities in charge create obstacles based on old traditions not originated in religion.

Dr. Ayisha pointed to the nationality system by saying that granting nationality to the sons of the Saudi who is married to a foreigner and denying the same to the Saudi woman who is married to a foreigner has brought harm to the Saudi women married to foreigners. She says that the Saudi woman is keen about her nationality and belongingness, but the problem lies with the executives and not the decision-makers or the rulers, so women should use all propagation means in order to have their voice heard so that matters are put to right.

The Religious Address

The model designer, Zaki Bin Aboud, affirms that the laws should be revised in order to be consistent with the third millennium developments. She says: "We are committed to the

ordainments of the Islamic Doctrine and demand that all provisions hereunder be applied, religion relies on intellectual struggle and juristic reasoning, therefore religious address should be renewed." Then she went on calling on every woman not to abide by laws not dictated by Islamic Shariah (Doctrine), despite all the changes around.

The Enabling Process

Basma Al Sioufy, the president of the Research and Development Consulting committee at the General Organization for Technical & Vocational Education, says that the report is good in itself and has revealed a great deal of the sufferings sustained by women. If this report raises hopes of enabling women to acquire their rights, this should be done with deep and proper understanding of the term 'enabling' which is being unacceptable to a great extent, whereas our true religion grants women full rights. This in itself is enabling, but withheld by reason of the many traditions and habits. All strata of society must be aware of the enabling under religion. Women of earlier Islamic era had taken charge of religious guidance, conducted their own affairs and businesses and other duties. Now, in reality, Saudi women participate effectively in the society's civil institutions and serve voluntarily at many sectors, but, alas, no reliable statistics are available to show the actual numbers of participants and their respective activity at the society's civil institutions. Awareness about the importance of women's role in society is growing, but it remains for legislations consistent with these development to be enacted so that the availability of women at work sites shall not be denounced by some categories.

Al Sioufy adds: "If the Saudi woman is not acceptable at the government sector or denied access to most government departments, special sections for women should be set up at those departments as the case with the Personal Status Department where women set the example of perfect women work at government departments. This means that there are some authorities who understand the citizen's requirements and serve him accordingly. Why shouldn't there be governmental departments for women? So that the presence of women shall gradually become acceptable and normal." Dr. Al Sioufy gives an account of an episode occurred at King Abdelaziz Airport at Jeddah by saying that when she had arrived at the airport to meet a guest, the security man prevented from waiting because she was a woman."

She adds: "Such matters require that legislations be formulated covering all disciplines to enable women to be treated as equally as men, especially with the availability of a great deal of family providers who have no guardian or trustee, and thus are obliged to conduct their affairs by themselves in which they are facing daily repulsion on the part of male employees. So if we call for the Islamic Shariah to be enacted, certainly the Shariah is binding to both men and women. Why should a woman is expected to abide while those why call for enforcing Shariah laws are not committed to do justice to women thereunder?"

The Available Opportunities

Some of the ladies who have been polled concerning the report issued by the National Society for Human Rights gave off

their opinions, for example, Norah Al Ahmedi comments in her capacity as a woman that her hopes for employment following her graduation from University had dissipated, and even worse than that her husband had died leaving her to face new circumstance with her children.

She adds: “What use is the degree for me being tucked away into a drawer completely forgotten. If I had found a job, my circumstances would have been better than now. It is not easy for a woman alone to bring up orphans without having a source of stable income or a job to sustain her or even an authority that care for cases such as mine. ”

Norah wonders how many women are facing such circumstances as hers, who find themselves deprived of the talked about rights, but in reality it seems that all are involved in depriving this weak creature dubbed a woman of her rights. On the other hand, Riham Al Amoudi says the pleasurable thing about the report of the National Society for Human Rights is that it carries good tidings for us, focuses on the violated rights of women under many pretexts. She adds: “If we look at the margin of freedom allowed to us, we will find that it is just a means for dominating us. An adult wise woman is not allowed to move alone to conduct her businesses unless under very limited cases. She is bound to be accompanied by her guardian regardless of his age, as if a woman is unable to act wisely if left alone or unable to be responsible for herself.”

Riham adds: “Women have been under submission to men for a long time, despite the fact that our true religion ordains the rights of each party. It seems women lost the ability to discriminate between rights and duties. Any decisions to be put

forward by men shall have to be immediately obeyed.”

Nawaf Al Ghhamdi raises the question: “Why should employment be limited to certain disciplines, in a very limited space?” “Whereas women can, under the Shariah rules, perform a positive role in building her career and society without violating Shariah or the prevalent tradition. The labor market needs skills and qualifications that can be provided women especially if consistent with women’s nature”

Nawaf wonders: “What use is the ID for a woman if getting it is stipulated by the approval of the guardian. Could she take action as an adult wise women if she got the ID?”

The Postponed Rights

Fatima Al Jahni points to the part of the report discussing disablement of rights in a great deal of instances such as judicial trials, marital disputes that are brought to courts of law. She adds: “Women rights can not be postponed in such instances under groundless pretexts aiming to procrastinate the time so as to oblige the involved woman to cede her legal rights to avoid trouble incurred by her holding to these rights. Despite the growing social awareness in this respect, still dominative attitudes appears in various forms which can not be totally eliminated.”

Samirah AL Salmi says: “The status of women shall remain surrounded by ambiguities and complications in a society nurtured on domination by man.” In this respect, she draws attention to the crises of the family violence with its varying degrees. The report has plainly outlined this phenomenon in our society.” Samirah invokes some family violence cases disclosed

by the media and wonders: “How could we exterminate family violence if we don’t have controls determining each party’s duties and right, which must not be breached under any circumstances?”

Ibtihal Al Shareef points to the violence phenomenon which emerged over the last few years. Wives and children are the victims of violence inflicted by guardians. She says that such violent conduct has been justified under some social pretext associated with guardianship or custodianship of which men are proud. We feel that we are not able to cure violence as it is attributed to behavioral conduct constituting a part of men’s culture.” She wonders about the number of cases in which victims run away to save themselves from oppression or severe sufferings.

Dr. Najiah Zunbughi, professor of parasites at King Abdelaziz University, says that the publishing of this report is a first step in the way of developing human rights in KSA in general, and particularly for women. She believes that the report has identified the main problems being faced directly. She goes on to affirm that the publishing of the report by the National Society for Human Rights, which is a Governmental Organization, makes it trustworthy, and gives the green light for the execution of the recommendations and suggestions thereunder. However Dr. Najiah adds: “We should not raise expectation above certain limits as the realization of any positive results relies on applying certain mechanisms and activating awareness of society on these recommendations preparatory to putting them into effect.”

Copying the West

Huda Kutubi, the activist at Women Centers, looks at the report of the National Society for Human Rights, as supporting women's rights, and touching on the day -to- day real grievances suffered by women in the Saudi society. She expresses hopes that the concerned Ministries and other governmental authorities shall respond with the report's recommendations and enact strict authentic (not formal) controls and rules binding to all.

Dr. Khadijah Badahdah, professor of chemistry at King Abdelaziz University, showed some reservations concerning the violation of the Saudi women rights as outlined in the report, affirming that women everywhere have issues and that oppression is available all over the world. She believes drawing up such report as this one is imitating the West. She said that Islamic Shariah had guaranteed women's rights, and that the failings of nation was attributed to the break-away from Koran and Sunnah. Dr. Khadijah adds that she hates the mode of muttering and slandering of the Saudi society on satellite channels, which, by occasion of this report, will take the initiative to insult the values of the Saudi society and propagate that. She demands that publishing of such reports be stopped.

In his first comments following release of the report, the on top responsible for the report, Dr. Bandar Hajjar, the President of the National Society for Human Rights, says: "The report has received wide positive response from all strata of society in KSA." He further affirms that the Society will proceed with its message and will not be only satisfied with this report as the Society will announce shortly the release of five more reports

now undergoing final review, which discuss election in KSA and women participation therein, the Guantanamo prisoners, the complaints received by the Society of which a large portion relates to women and their grievances. He points out that the Society is currently engaged in drawing up a plan for launching an extensive field survey concerning human rights practices in the general education sector (girls & boys), as well as preparing awareness TV programs, symposiums, lectures in order to entrench human rights culture in the Society.

The Saudi Woman & Development

Women in the Kingdom have rights preserved by religion and sponsored under rules. With a view to the differences in nature of male and females and the allowances made for that with respect to rights and duties, Islamic religion has come just in all aspects: it has equated women with men in regard to human value, worshipping, and recompense as ordained by the Holy Koran. Moreover Islam bestowed on a women eligibility to monetary trustworthiness as well as men, and has granted recognition to women to conclude sale and financial transactions,

in addition to the right to own, and inherit. Islam has also conferred on women independence, and has preserved their descent so that a woman may not lose her kinship by marriage.

Women education percentage in KSA is high at the various levels of education (preliminary, intermediate, secondary, university, and literacy). Women employment cover the fields of Education, Social Affairs, and Health. Also women preside over schools, education colleges, girl students sections at

Universities, and Outpatient Clinics at Hospitals. The Society also appreciates the effort made to exterminate illiteracy of women and to educate them, graduating thousands of Bsc. holders and post-graduate degree holders. Women began to take up jobs in education, health and social affairs sectors, as well as running businesses under commercial registration of the chamber of Commerce where women's registered businesses constitute a high percentage of the total number of registered businesses, and, even more than that women have been elected to senior positions in the leadership of Governmental and Independent Associations, in addition to women's participation in foreign- mission delegations.

Moreover, the Society appreciates the establishment of High Commissions, directly attached to the Council of Ministers, for the Affairs of Women and Families.

Now remarkable indications, Kingdom-wide, point to the growth of the participation of women in public activities such as the expected participation in the coming Municipal Elections, participation in the elections of the Civil Society Institutions, in addition to taking up leading position consistent with their nature. The Kingdom's joining of the Agreement of Extermination of all Forms of Discrimination against Women in 2000G is considered a giant leap in this field. As far as this Agreement is concerned, It is worth mentioning that the Kingdom has put in reservations relating to its objection to all that conflicts with the ordainments of Islamic Shariah, in addition to a limited reservation on paragraph (2) of Article (1) and Article (29) of this Agreement.

The Civil Service System and the Labor Act have put

women on equal footing with men in terms of wages and financial benefits, in addition to that women have been accorded confinement vacation of up to six months.

On the other hand, the relevant rules prohibit employing women on arduous jobs due to their delicate physical built.

Recently some Decrees concerning women employment have been issued, such as the Council of Ministers Decision No. 120 dated 12/4/1425H decreeing expansion of employment opportunities for the Saudi women, the Council of Ministers Decision No. 178 dated 17/7/1426H concerning issuance of women's work permits, the Ministerial Decision No. 1/793 dated 22/5/1426H concerning limiting employment on Women's Articles Shops/Markets to the Saudi woman, and the Council of Ministers Decision No. 63 dated 11/3/1424H outlining the procedures for employing women at the government, private and national sectors. All these decisions decree the expansion of participation of women in the development process, which is a positive step in the way of putting to right the status of the Saudi woman. However the mentioned decisions should still be followed up in order to abide by them within the framework of Islamic Shariah ordainments.

** Rua'a Magazine, edition no. 57 dated 19/5/1428H corresponding to 5/6/2007G*

The Poor Coverage of the Human Rights Report

*Dr. Tawfig Al Saif **

The report on the status of human rights in KSA issued by the National Society for Human Rights is worthy of more media concern than witnessed so far. The Society should have followed in the footsteps of similar Organizations which make the publishing of the annual report the most prominent event ever to have taken place through the year. Usually preparations for the release of the annual report take place well in advance. Then functionally specialized Units contact media so that the report receives wide-spread concern at informational, social and political levels. Publishing the Society's report on the internet is documentary rather than promotional. Publicity means that a report or piece of news reaches a number of targeted subjects equivalent to more than half the total number of newspapers readers and TV watchers. Of course this requires launching of a public relations campaign aimed to book a specified space, in terms of time and place, for advertising the both the report the issuer (the Society). We know, from the poor coverage of the report, that these procedures have not been followed as required.

The Society has noted in its report that human rights culture is not prevalent in the Saudi society and that the majority of the

Saudi people are not fully aware about the concepts of human rights as well as the concerned authorities including, of course the Human Rights Society itself. Therefore, we have expected the Society to take this opportunity to introduce itself and its activities. The first report on the status of human rights in KSA outlines an extremely significant subject-matter that no other local Organization had ever tackled so extensively and directly as the first report did. I believe that this subject-matter is very effective in gaining an insight into the concept of human rights as a personal or collective practice. It is understood that a great deal of people look with suspicion at the workability of the Society's project or its ability to redress failings in human rights system brought about by official or semi-official authorities. At any rate, the subject-matter of the report definitely indicate that the Society is able -despite obstacles and limitations – to approach the problem and to redress parts thereof, or at least to highlight it and isolate it of all justifications.

The Human Rights Organizations are not expected to play the role of the State as its main responsibility is supervisory focusing on follow up, drawing comparisons, highlighting actions of the basic human rights violations, and communicating with the concerned authorities to redress the spotted problem, whereas redressing failings is the responsibility of the concerned authorities.

Considering these limitations, what came in the report is worthy of appreciation. And I believe that those who read the report agree with me in this respect. The Society's effort will not be effective if the report is not communicated to a large number of people – I do not suspect that the officials in charge of the

Society are unaware of the importance of media in creating the desired influence and standing. Still there is time to launch an extensive promotional campaign concerning the report aimed at the public. The Society should also specify a quantitative value representing the minimum limit of a successful coverage, including a news section on the report and the Society, other news sections covering the relative material of the report, in addition to interviews with the members of the Society or with human rights experts or with the parties whose problems have been outlined in the report. This extensive propagation activity should be exceptionally organized outside the normal daily activities of the Society. The promotional campaign differs from the normal publicity activity in that the former aims to create a new environment, a new concept about the Society and its activity. This can be realized through a series of synchronized tasks relating to a certain event (i.e. the report) so as to realize a specific objective i.e. to reach a large audience of media followers.

** Okaz newspaper (20/5/1428H corresponding to 6/6/2007G)*

The Orbit is on the Move Human Rights Report

*Mohammed Salahuddin **

Considering the history of reformation dating back to the reign of King Fahad Bin Abdelaziz, may Allah rest his soul, when the Basic Governance Act had been issued followed by the establishment of the Consultative Council and the application of the provinces system, the first report of the National Society for Human Rights will no doubt be one of the milestones of this important era of reform and development.

The recently published Society's report is characterized by a high degree of transparency, objectivity, credibility and insight. This came as a surprise to those who held suspicions or reservations about the effectiveness of the Society or its ability to perform the highly sensitive functions thereunder. In my opinion, this responsive report, which discloses plainly in facts and figures the failings relating to human rights commitment, proves the sincerity of the political leadership in proceeding with the reform movement, and its readiness to accepting recommendations based on rights, in addition to its concern for every objective indication pointing to failings. Moreover, the report affirms that the trust placed on our youth is rightly set, who are worthy of shouldering intricate responsibilities as well as conducting complex missions.

Moreover, the report outlines the concepts of human rights, and delves deeply into all failings thereof, whether committed by governmental or non-governmental parties. On the other hand the report reveals the falseness of many foreign countries or foreign Organizations' reports i.e. their ignorance about the situation in our country, the qualities of our society and the ordainments of our true religion. It is evident that these Organizations rely on the falsehoods of ill-wishers. The national Society for Human Rights has firmly established itself as trustworthy reference for all Human Rights International and Parliamentary Organizations.

Further, the report of the National Society for Human Rights deeply delves into aspects relating to the Saudi Society, as well as the status of governmental and non-governmental authorities and departments, esp. the prisons, the police, the prosecution, and the judiciary, and has reached conclusions which could not have been reached by any foreign report; as the saying goes "the people of Makkah are the best knower of Makkah's mountain passages." This shows that we have nothing to hide or to feel bashful about.

Another important issue of paramount importance, affirmed by the report of the National Society for Human Rights, is that we do not import or derive human rights concepts from the cultures of the west as they constitute a basic part of the Divine Doctrine and a pillar of our religion. Human rights represents for fourteen centuries the uppermost goals and the indispensable principles in our true religion.

In conclusion I call upon all government authorities to give utmost care to all recommendations and remarks mentioned in

the report, because it represents, in essence, the will-power of the senior political leadership, its reformative policy and its concern for reform. We thank the President of the Society, Dr. Bandar Hamza Hajjar, and his honorable colleagues, with many wishes of success.

** Al Madinah Al Munawarh newspaper (21/5/1428H corresponding to 7/6/2007G)*

The Attorney and Human Rights Under the First Report

*Majid Mohammed Garoub **

The first report on the status of human rights in KSA came in a comprehensive form detailing all aspects relating to human rights as ordained by the Islamic Shariah and affirmed by the State under the Basic Governance Act, the International Agreements and Treaties joined lately by KSA, and the other related statutes and regulations such as the judicial systems represented in the legal proceedings, punitive procedures and the bar..

I would like to point to the role of the lawyer and the bar system in supporting judicial practice and rights. The Saudi legislator has been keen to respect the right of the accused in seeking the help of an attorney. Therefore, Punitive Procedures Act states that each accused has the right to appoint a lawyer or an attorney during investigations and trial. On the hand the Executive Regulations of the Bar Act provides that a lawyer may defend his client during investigations- the presence of a lawyer during investigations procedures imparts a sort of confidence and security during questioning and that the role of the lawyer is to guide the accused who may be unable to defend himself because of his ignorance of the systems.

Under the legal practice system, the lawcourts, the Bureau of Grievance, the Semi-Judicial Committees, the Official Departments, and the Investigation Authority should offer all facilities to the lawyer to enable him to carry out his duties, go through documents, and attend investigations. A lawyer application may not be turned down without legal justification. This has been expressly stated in the Legal Practice Act which gives exclusive right to licensed lawyers to defend their clients in front of Courts of Law, Bureau of Grievances, and Judicial Committees.

The Bar Committee at Jeddah Chamber, in collaboration with the National Society for Human Rights, have been able to realize some objectives and aspirations outlined in the report represented in organizing regular instruction sessions to train the related government departments and different strata of society on human rights, the Punitive Procedures Act, and the other systems related to adjudication, investigations, and trials.

We stress the importance of establishing an Academy to prepare and properly qualify lawyers. This is because of the weaknesses in the curriculum being taught to the students of Law & Shariah. On the other hand, the training required for acquiring the professional license is formal and does not necessarily represent a fully comprehensive training. It worth mentioning that the establishment of this Academy is logical in term of the reality of economy, human rights culture in business and administration environment, and even human rights authorities.

We, in our capacity as lawyers at the Bar Committee of Jeddah, will, following conclusion of the Cooperation

Agreement with the Law Department of King Abdelaziz University, seek to redress this issue to the extent possible, and shall discuss the whole report in our coming meetings to find out how mandate and activate the recommendations and suggestions therein relating to the role of the lawyer based on the Legal Practice System as well as the legal rights, and juristic practices, in addition to the establishment of an Institute for training lawyers as mentioned in the conclusion of the report, for the benefit of the society as a whole through developing the performance of lawyers in order to keep up with the expectation and challenges locally and internationally, considering that pleading (defense) before the judiciary requires knowledge of arts of litigation, legal proceedings, criminal and administrative science. This comes before looking into a case whether administrative at the Bureau of Grievance, or commercial or relating to labor disputes, or punitive or personal status at the Ministry of Justice, in addition to other minor specializations relating to committees who continue at the Insurance Companies, Banks, Banks, Capital Markets in accordance with new judiciary system.

In addition to the other aspects on the international level such as intellectual property, arbitration, and settlement of disputes are the International Trade Organization, the circumstances and challenges of Globalization, and the right of the foreign lawyer to establish consulting business at Saudi market; which in all necessitates that an Institute be established to train lawyers and develop lawyers' offices and management thereof.

In conclusion I extend my thanks to the Society for its first

report expressive of sincere real endeavors in the interest of the citizen and resident, and for opening a discussion about a great deal of human rights and judicial matters which will have a positive impact on the awareness and practice of human rights in KSA.

The president of the Bar Committee at Jeddah Chamber

** Al Watan newspaper (21/5/1428H corresponding to 4/6/2007G)*

Sometimes (Thanks to the Human Rights Report)

*Abdelaziz A l- Sewade **

Thanks an appreciation to the sisters and brothers who are members of the National Society for Human Rights for the great effort reflected in the first report of the Society. Certainly, the report has encountered difficulties, esp. when we realize that the Society is nascent. Of course the sensitivity experienced by some parties are well known. However, the observance, follow up and comprehensiveness contained in the report have been formulated in coherent language characterized by responsibility and refinement. In addition to the observance of the difficulties facing the citizens and residents, esp. with the security forces and similar authorities, the report includes significant indications relating to the failings and shortcomings which seem to me reflective of the reality at most of the government departments. People expect that each party indicated by the report shall receive a careful study so that attempts are made to redress the failings, inconsistencies, and violations of the individual's rights whether a citizen or otherwise.

We are used to having economic issues ignored when raised to be put to right. On the other hand, the concern of the Society is focused on human rights within the Kingdom, but there is a

dire need to for its concern to be extended to the citizens abroad, esp. where some have been subjected to abusive measures and violations of their rights. Incidents in this respect abound so that the Saudi Embassies are unable to cope with them, esp. summer vacation is drawing near.

Thanking the National Society for Human rights is insufficient to express our appreciation, esp. to those writers and journalists who are involved in these issues on day-to-day basis – myself is one them. We remain expectant of the balanced, flexible response of those government department indicated by the report.

Again my appreciation goes the dear member brothers who never hesitate to respond swiftly whenever a complaint or an issue is brought to their attention.

May Allah make your path successful

** Al Hayat newspaper (2/6/1428H corresponding to 17/62007G)*

Focus on the White bed Human Rights Report: Health Comes First

*Saad Al Dossari **

No doubting that the most important point outlined in the report of the National Society for Human Rights is the demand addressed to the Minister of Health concerning follow up of the existing situation of Hospitals. The complaints received by the Society in this respect might not be limited to medical errors, deteriorating health services, tardiness in surgical operations, or delay of doctor's appointments, but might lie in the adoption of the Hospitals of governmental procedures by asking visitors to fill in the green hanger file and all sorts of papers starting with the medical report and ending in a certificate from the Imam of the Mosques saying that the patient is a regular prayer performer.

To say the truth, the Minister of Health, Dr. Hamad Al Manie, is diligent and always ready to listen to the other party's opinion, but his problem is that he concentrates on the constructions and equipments, but neglects human beings who manage all these things. As far as health is concerned, we have a problem with the Hospital's Manager who delays people's interests and doesn't care about their needs or pains. If the Hospital's Manager was otherwise, the report of the Society would have come clear of complaints (I'm not talking about a particular Manager, but the model of the Manager who create problems for us).

** AL Watan newspaper (9/6/1428H corresponding to 24/6/2007G)*

The Freedom of Expression in the Report of the National Society for Human Rights

*Abdullah Mana'a **

Following publishing of an attractive abstract last Monday but one of the first report of the National Society for Human Rights in Al Watan newspaper, I received by chance the full text of the report through Jeddah broadcasting second program preparatory to discussing it on air with a group of concerned from both sexes through the 'dialogue arena' program prepared by the two broadcasting announcers Dalal Dhiya and Mohsen Al Otaibi respectively, and produced by Saad Al Mihaiwi. The first session was aired at 10 p.m. last Saturday, which will be followed by the remaining sessions over the coming 3 or 4 weeks so that all points mentioned in the lengthy committee's reports are discussed. The report succeeded to attract the attention of the reader as it gives an account of the basic human rights, including civil, political, social, cultural rights, in addition to women's, children's, prisoners' and foreign laborers' rights and the violations being committed thereunder over the past 3 years of the committee's age. First of all I was attracted by the length of the report which falls in 47 pages (foolscap size) with and an introduction, six chapters, and conclusion. All the

six chapters of the report discuss "the legal framework of human rights in KSA" covering civil, political, social and cultural rights, in addition to human rights of some of the other social strata in the Kingdom. This calls to my mind the International Declaration of Human Rights which consists of 30 Clauses including all four basic rights of a human being (his rights to: living, freedom, and security against arbitrary detention and exile, and a just open trial by a neutral judiciary), and the four basic freedoms: (freedoms of thought, faith, conscience, and formation of peaceful Associations consecutively) in addition to the four other basic rights recently added: (freedoms to employment, social insurance, education, participation in general artistic and scientific activities consecutively), which have been approved on 10th of Dec. 1948 by all world states with the exception of eight countries. Although an abstract of the report has been published in the daily newspaper on a quarter of a page, I have forgiven the Society and, its members, and administration for the elongation after I have read out the report over two continued days. In each of its six chapters, the report discusses the legal and juristic framework of each of the human rights outlined in the report, then monitors in detail and accuracy all occurrences relating to that right during the last 3 years. More important than that, contrary to what I have expected, the report came devoid of flattery excessive adulation expressive of false satisfaction or complacency about the proper respect of human rights, but has enumerated a great deal of failings and violations, indicating the involved parties by names, although it has omitted to mention other failings probably intentionally or by oversight or ignorance, which add to the credibility and appreciation of the report locally and abroad.

Despite the lengthiness of the report, I have discussed, on air, with Dr. Saleh Al Khathlan, who is a member of the Society and President of the Communication and Follow up Committee, some of the issues outlined in the report such as "the right of a human being to living", "the right to equality", and "the basic rights of the citizen", although I denounce the report's omission of the severe exaggerated reprehensive rulings decreeing whipping the convicted 300 or 500 or 1000 or even 2000 lashes in some cases. I will dedicate this Article to comment on a part of the 'basic human rights in KSA' as outlined in the report, esp. those relating to the freedom of opinion and expression, which are of paramount importance as they touch on the daily living of people, including the right to independent judiciary and public prosecution, and the right to equality. Nations can not secure decent living for their people unless these rights are honored. The freedom to genuine expression guarantees disclosure and support of facts devoid of falsehoods and hypocrisy. Hence freedom to expression represents the safety valve for our national unity, maintains equality, ward off hatred, defend human rights, and blockade corruption and corrupts; because the intimidation from disclosure by media of negative practices committed by or in which the authorities or other are involved intentionally or arrogantly represents a powerful means for checking various types of bold aggravated corruption. This reminds me of the reaction of the old American politician, Alexander Hamilton in response to the question "Do you want a magnificent constitution or a free press?" raised by Tomas Jefferson, while the American independence document had been debated. "We want a free press to give us a great constitution" was the answer of Alexander Hamilton. For truth's sake, the

report has in the first place pointed out that the right to freedom of opinion and expression is among the significant civil and political rights. Absenting or limiting this right may subject the other rights to violation., and that the right to expressing opinion is guaranteed to media under the juristic provisions and system controls. The report indicates boldly that these controls may give the concerned authorities a wide margin of discretion to interfere in media, and thus lead to individual intellectual struggle and personal vagaries!! The report appreciates the Saudi media by stating: “the Saudi media has witnessed a degree of openness which is reflected in the satisfactory press coverage of public issues, whether from a transparency viewpoint or due to publishing issues which have been prohibited in the past” The reader of the Saudi newspapers feels the transparency in the issues and opinions being discussed in the press. The report further observes: “the contrast in transparency among the local newspapers affirms that the respective editorships may be partially responsible for determining the area of free expression.” This reminds me of my friends the editor-in-chiefs who fear reading the articles of some writers let alone publishing them. The report stresses at the end of the paragraph: “this contrast drives us to call upon the editor-in-chiefs to give the opportunity for practicing free expression to the extent allowed under the Islamic Shariah ordainments.” This may acquit me from the feeling of injustice towards my colleagues when I had once said that most of them allow publishing articles and opinions about the Municipalities or Traffic or football championship or the high dowries or the rise in prices of consumer goods etc., but not above that ... you may ask the banned journalists and writers pointed out by the Society’s

report? On the whole, the report has been bold in discussing the freedom of opinion and expression, and accurate in the account on itself concerning conflicts in approval and disapproval. When the Society has sent a statement to the newspapers about the stance of the Society towards the terrorists actions and to how to redress this issue, the said newspapers have published this statement concisely and selectively, which have tarnished the Society's attitude in this respect. Whereas when the Society had transmitted a statement concerning the flooding that caused damage at various parts of the Kingdom, and that the failing of some government authorities had contributed to aggravate the damage, demanding that those authorities be responsible towards the citizens, the Society was struck when all newspapers abstained from publishing the statement! Nevertheless, the Society's report remains honest in its discussion regarding the freedom to opinion and expression, as well as fair to the press who chooses what it likes and rejects what it does not like of the Society's statements, or at times abstain publishing them all, for instance the newspapers have published the Society's statement in which it denounces the ban issued by the President of Riyadh High Court preventing the Society's representatives from attending the sessions of the trial of the opinion prisoners, which is an express violation of the provision of Article (182) of the Punitive Procedures Act, stating:" the sentence shall be announced in an open session even if the case has been deliberated in closed sessions." The right to freedom of opinion, as audaciously stated in the Society's first report, shall remind the generations – esp. the younger ones- of the tightly hidden facts under that right, which will prompt all strata of society including intellectuals,

journalists, media men, opinionists, to cry out: “No .. no to the enemies of the equality, no to the propagandists of discrimination .. no to injustice, to corruption and corrupts.” I say this in line with the wonderful prose of the deceased Egyptian poet, Amal Dangal: “who says ‘no ’ in the face of ‘yes, who teaches man to tear off nonentity -who says ‘no’ never dies and remains the spirit of genius of pain”. The damages that might be incurred if this right is violated are more severe than the risks of actually accepting that right and propagating it. This right comes on top of the reformations called for every morning and evening by the Head of State. Being aware of the difficulty of publishing a report this length, I would have asked all newspapers to publish it in full.

** Al Watan newspaper (13/6/1428H corresponding to 28/6/2007G)*

The Odd Situation – Contravention of A Just Trial Human Rights Report Affirms: The Arbitration Committee is Devoid of Judiciary Guarantees

*Lawyer: Ahmed Al Amri **

I have previously tackled in two articles the situation of Committee of Banking Disputes Settlement from the legal point of view. The first aspect was about the future of the banking judicature in the Kingdom and the second on the way of developing the banking committee to meet the situation of the other semi-judicial committees in the Kingdom.

On the other hand I was indenting to tackle the situation of the banking committee from two other sides which were. The continuity of the committee under those changed justifications that led to its creation and the other was about the adaptation of the banking committee resolutions to be legally meeting the international law point of view related to the implementation of foreign judgments passed for the settlement of international private rights.

That was so, and then came the resounding surprise out of the report of the National Society for Human Rights. In the sixth

chapter of that report came an express clause stating the standing of the National Society for Human rights towards the legal situation of the banking committee. What was contained in that clause was not casual nor a generalized implication, but, though concise, was very clear to any one who pays the minimum attention. That opinion has to be given utmost consideration being released not from an individual whatever respectable his opinion may be, but because it came from a serious, genuine and independent institution which is the National society for human rights. That institution was established in the year 1425H, to function in co-ordination with governmental and non-governmental agencies in order to realize a noble objective which is the protection of Human Rights against all infringements that they may ever face.

The articles of incorporation of that Society specified its objectives in the front of which was the consolidation and protection of human rights through a set of activities that shall enable the society to fulfill those targets. Those activities include the identification of the infringements, dissemination of awareness, studying the problems, forwarding the related recommendations, and studying he legislations and current laws and specifying their compatibility with the internationals standards. That was a very wide scope of movement for the Society within which it can decide whether or not the currently applicable legislations conform with the internationally recognized requirements of human rights.

I again return to the issue of the banking committee. In the sixth chapter of the Society Report there is a heading calling for “Human Civil Rights in the Kingdom”. Under that heading

came” the right of litigation, quick and equitable trials”, being a basic human rights. In that connection the report indicated the presence of real infringements and mentioned some of them. More important than that the report cited a phenomenon considered to be sheer violation of the right of litigation, quick and equitable trial. That phenomenon included the odd situation of the settlement of banking disputes board when reference was made to the state judicial institutions and even to the semi-judicial agencies as the report stated the following” (There is no respect from the part of semi-judicial committee which is banking disputes settlement committee, for the two stages litigation principle which is the basic guarantee of the rights of those in conflicts. That constituted an odd situation as most of the other semi-judicial committees respect that principle and that guarantee). The report further adds that: (The Society is hopeful that positive effects shall come forthwith to correct that add situation by issuing a Royal Decree for the re-structuring of the judicial system in the Kingdom and we hope that urgent application in that respect shall be made.)

After I have stated the context verbatim, from the society site <http://www.nshrsa.org>, I have to analyze it and specify the possible deductions in a scientific manner. It became clear to me after careful consideration, that the society considers the banking committee a semi-judicial agency and not a judicial one as it is not composed of judges officially related to the State judiciary. Actually that is the standard recognized by the jurists of pleading that differentiate between the judicial and semi-judicial committees. They consider the committee to be judicial if it is composed of regular judges and to be semi judicial if composed of government officials who are not themselves

judges. That differentiation is in reality the basic principle on which the judicial system ought to be functioning.

In modern societies, the judge is not subordinated to any director or official, but only to the rules of law, and that is the factor establishing the independence and impartiality of the judges and fair judgments. As for the committee that are run by government employees the above mentioned guarantee is not certain, as there those committees are actually only semi-judicial.

That situation is closely connected with the definition of judicial Judgment where the jurists opinions varied. Some of them valued to the subjective and procedural side only, meaning that the proper Judgment is that which is passed by a court composed of regular judges and that such a Judgment is a apt to be binding and executable. Other jurists were content with only the subjective issue, where the judicial Judgment related to settlement of disputes can be enforced even if it was passed by a court that is not composed of regular judges. But the latter opinion is considered by other jurist as non-judicial, but only a sort of administrative resolution that can be contested before the judicial authorities being passed by government employees and not by regular judges.

To avoid the inconsistency that may arise out of the judgments that may be passed by the judicial or by the semi judicial committees, the National Society for human Rights suggests that an appellate committee should be formed to look into the objections and contests against the preliminary committees resolutions and that the administrative law courts shall be banned from looking into the appeals against those

resolutions as they shall be final and binding. That is what is followed in reality by the Saudi judiciary with the exception of the banking committee where there is no second level of litigation a matter that may lead to absence of judicial fairness and in equitability of trials.

It seems that the National Society has taken a middle standing. It did not wish to negate the mandatory capacity of the banking committee judgments as that shall negate all its resolutions from the start and shall hinder all the legally acquired interests of several parties that were settled by that committee. On the other hand, The Society did not wish endorse the performance of the committee that continued for two decades, though a lot of people were convinced with the justifications that led to the formation of the committee.

That middle way standing indicates that those who prepared the report were well-aware of the involved administrative, legal and economic dimensions of the issue under consideration.

What the Society has been waiting for of correction decisions and resolution and some of them has been passed, gives great hope of diminishing that odd situation that negatively affected the right of litigation and quick and equitable trials.

The issuing of the Royal decree for re-structuring the judicial system for which the Society is so hopeful that it shall be perfectly applied, will certainly lead to the provision of more judicial guarantees whether on the proper judicial or on the administrative legal systems. It shall lead to the independency of the legal process when looking into disputes. The Society further suggests the increase of the members of judges, and

more than that the Society is also calling for the constitution of specialized courts such as the labor courts, the traffic courts etc. where those specialized courts shall be entrusted with the settlement of disputers that had previously been dealt with by the semi judicial agencies.

During the last two decades, the Saudi law witnessed great developments with respect to structural legislations and the judicial safeguards and guarantees so as to accommodate the requirements of vast economic and commercial upswing. Perhaps the international trade relations were more demanding for the initiatives which were taken by the executive authorities. Despite that the executive agencies preferred that the commercial disputes are better be resolved by their employees through the semi-judicial committees and that the situation of the settlement committee is preferred to remain as it is. That state of affairs needs some analysis, and the explanation could be that those executive agencies believe that since they are the responsible authorities for the finance and the banking system, then their employees are more capable than the others in the settlement of the banking disputes. That is what is going on in that field with its lack of guarantee for basic elements of impartiality, neutralism and qualification. In that situation it is clear that there is no judicial supervision and chances for appealing against judgments. It is evident that the financial and banking authorities are not prepared to understand that there is any difference between the administrative resolution and the judicial Judgment with respect to any banking disputes so long as what they are practicing is realizing the general interest as they see it. In fact there is great difference between the two procedures as far as justice is concerned. The administrative

resolution is practiced through the administration channels and subject to the directives of the department head, to the instructions and to the running norms, whereas in the judicial side, the judge is not subjected to any intervention or direction, but he shall practice his responsibility through the due process of law comprising the integrity of the dispute, the provision of proper evidence and giving chance to the parties to defend their claims and giving chance to the parties to defend their claims and give their answers and the judge will pass the judgment on sound legal grounds and after that there is the option of appeal against the judge decision.

The proper judge thinking is usually based on both the Islamic Sharia principles and the common law provisions and so he is qualified to pass the judgment without being affected by exterior factors or wasting time. That procedure is the best way of ensuring sound legal settlements and avoiding limitations, delaying and incorrect discretions and so the judge will be have to be very careful as he shall bear the responsibility.

As per the ultimate administrative reference which is the Saudi Monetary Agency and the Ministry of Finance, I hope that they shall look into what was stated in Society report and give the necessary consideration specially on what was mentioned towards the banking judicial system and I believe that the issue shall not be ignored. That report was the first national report on the subject in the Kingdom. It is understood that the report was issued by the National Society for Human Rights that was recognized by the governmental authorities and that report shall be referred to when the issue of Human Rights in the Kingdom becomes a subject for scrutiny or discussion at the international

level. Certainly that report is closely related to a number of international treaties and accords that the Kingdom had joined, such as the International Declaration of Human rights and other conventions like Cairo Declaration on Human Rights which was endorsed by the Islamic Congress Organization in 1990 G, and the Arabian Accord for Human rights which was approved by the Arab summit in Tunisia in the year 2004G, which stipulated that certain specified Rights must be incorporated in the local legislations and laws.

There is a fear that was what is contained in the report may be considered a mere opinion or a recommendation, but the reality is that it is more than that. The evidence of its effects is expressed in what is going on now with respect to right litigation and fair trials. Now there are preparations for the application of two new laws which are the Board of Grievances law and the new Judicial System and both are about to be issued and may be passed in the coming days as there is intensive work in that respect going on in the Ministry of Justice. The question now is what is the program of the Monetary Agency and the Ministry of Finance, through which they are going to face the criticism related to banking committee the situation of which has now becomes very clear and which can frankly be stated that the committee does not respect the two stages judicial procedure and thus constitute an odd situation and dissimilar to what is followed by the other committees functioning in the Kingdom.

There is only one option at the disposal of the Monetary Agency for the correction of the committee add situation. That option calls for the Monetary Agency to adopt a drastic step

towards its relation with that committee. They will have to subject the committee and all its functions to the absolute judicial supervision which is independent and neutral. Such step will ensure that there will be a two stages of judicial performance as a guarantee for fair judgment and not just a matter of formal routine and nothing else, otherwise criticism shall not cease. There was another way of rectification but it was too late to be adapted. That was giving the opponents the chance of appeal at the committee of Grievances against the judgments of the Banking committee. But that shall contradict with the jurisdiction of the Board of Grievances as the law scheme has stipulated that the Board of Grievances shall be an administrative authority only for the settlement of administrative disputes and the claims in which the government is a party, and can deal with public employees right as well and so forth. Hence, it is difficult to approve that suggestion as it shall conflict with the new judicial structuring.

It may be suggested that in the long term, the authority of the semi judicial committees should be shifted to the ordinary judicial system meaning the courts of law, and those committees shall include the Banking committee through a time plan that may take a long period due to the technical nature of the Banking system and the procedure that the courts may have to follow in addition to the required settlements of the Banks with their clients. Moreover, the matter may need some religious explanations. So the issue is controversial, but even if the justification is correct, that shall not deter the Monetary Agency adopting a law scheme for the banking performance in compatibility with the opinions of the majority of the religious scholars. Such a suggested law shall stabilize the procedures and

enhance the methods of disputers settlements and reach a conformity with what is followed in the other parts of the world and preserve the rights of the others. Such an arrangement may not be accepted by certain parties, but the service of the interests of the national economy cannot be ignored by the judicial system.

In this respect criticism should not be directed to the judicial system of the Kingdom as that phenomenon is connected with only one judicial committee which in the Banking Committee

The National Society for Human Rights report has praised that Basic law of Governance for the principles it contained that called for the respect of the rights, the public freedom and ensuring the neutrality of the judicial system. The report also made reference to what has been achieved by the State with respect to the comprehensiveness of the local legislations. The report also praised the penal law system, pleading law and the lawyers law as all of them are contributing to the satisfaction of the requirements of an equitable national legal system.

The implication associated with those new schemes of laws is that mistakes can be committed by any party and even by the State agencies and that criticism is important for putting right conditions wherever they are.

The Society report comprised six chapters on human rights a what can be basically inferred from it, is that the most serious problem is more evident on the application of laws rather than on the laws themselves though some of the laws need revision.

The concentration of the National Society on the semi-judicial Banking Committee is due to lack of fairness associated with the functioning of that committee and the absence of the

second stage of litigation which is an essential requisite for justice. The society describes that situation to be odd and ought to be corrected to meet the requirements of the present booming economic and banking activities.

The Banking committee is the only one semi-judicial one that closes the way of appeal in front of opponents, and for that the criticism of the National Society is quite justified and has the support of those who deal with that committee and necessity for rectification is now urgent and must be performed.

In conformity with the evolution of the Kingdom judicial system, I expect that the situation of the Banking Committee shall witness changes and shall have a second tire of litigation so that it may not be mentioned as an odd phenomenon in the coming second report. It is also possible that the committee function shall be shifted to the commercial courts that shall emerge as a part of the proposed development of the judicial stricture. But, the best approach will possibly be the constitution of a specialized banking court as the intended judicial structure does not prohibit that.

The specialized system of adjudicating has become a worldwide practice as the economic life has become more complicated and legislations have become very wide and diverse and will become very difficult for one judge to follow up all the details in one time and confusion may prevail and the interests of the people may be greatly affected.

In reality the common courts of law have become more interested in specialization and division of duties as the legislations have accumulated and become more detailed and justice is calling for quick Judgment. The same problem is also

faced by the lawyers who will have to expend more time and efforts to follow up all the details of every new legislations and equally their profession needs specializations. Also the opponents will face similar difficulties with respect to the increasing diversities of laws and accumulating legislations.

Experience has proved that dividing courts into specialized circles is the best way o serving justice and passing quick and equitable judgments.

In reality the semi-judicial committees are specialized institutions and the question can arise on what shall hinder the development of changing them to specialized proper courts of law. In my opinion the development is quite possible and viable and there will be no fear as far as the banking and financial systems are concerned. The commercial courts can start by some very specialized cases supported by the staff that has been engaged in the works of the Grievances Board commercial affairs as they are trained and competent. The Ministry of Justice can select those persons and transfer them from the administrative lists to the judicial lists, though some difficulties may be faced. It also not easy to seek the assistance of the lawyers and the academic experts whenever the required qualifications are available, though scarce.

** Al Eqtisadyah Newspaper: 16.6.1428H Corresponding to: 01.07.2007G*

Human Rights and The Organization of promoting Virtue and Combating Vice

*Lawyer: Khalid Mohammed Al Hussaini **

Al Bilad Newspaper had published the report related to the Organization of promoting Virtue and Combating Vice last Tuesday 18.6.1428H, and also the report related to the Society of Human Rights on its last page on Wednesday 19.8.1428H.

For those who were not following, the report of the Organization of promoting virtue and Combating Vice was about the incidence of “Killing” citizen Salman Al Horaisi in Riyadh Organization by one its co-operating members. The medical report concerning that citizen showed that the citizen was subjected a “Harsh” attack resulted in pulling out one of his eyes and the spelling out of his brains.

The Wednesday published report was about role of that Organization, at after that I received several phone contacts and I also followed the matter in the internet where the report was also published with some comments.

Before I refer to the contacts and the peoples question, I would like to register my surprise about the reactions that accompanied the publication of the report related to the

Organization though the incident is described to be an “individualistic” action. The contacts were pointed to the violations of some of the members of the Organization and also references were made to the medical report. I was not able to answer the questions as I thought they fell in the spheres of responsibilities of the security and judicial authorities. But I feel I have to comment on some certain questions. A person asked me whether or not the death penalty shall be applied on the Organization member for his killing that citizen, and I answered that what I know is The Sharia rules that death penalty must be applied on any killer when it is established that he is legally competent and intentionally killed another person and I also referred to the medical report that showed that the incident was really “horrible” and “tragic”. Another said to me that the accused is a “member of the Organization”, and I answered him in sort of blaming, that the Sharia Principles and our judges do not give consideration to names and professions when the matter is related to justice. I added that the member of the Organization is like any other citizen and the authorities do not differentiate between citizens in the matters of law application and I felt that the questioning person was about to apologize.

Most of the questions were about the role of the Organization and some of people stated that the Organization had ignored several very important issues and incidents and asked where is the Organization now, and the same question applied to the Society of Human Rights. My answer was that I believed that both institutions do not wish to publish all the reports they made and also referred to the first report of the Society. I added that the Society of Human Rights shall shortly publish a comprehensive report on its internal and external

activities and the people will understand what the Society is actually doing, with my wishes that both institutions shall succeed in playing their vital and necessary roles in all fields.

And nothing can be concealed from Allah the Almighty.

** Al Bilad Newspapers: 26.6.1428H, corresponding 11.7.2007G.*

Groundless Violations

*Abdo Khal **

Shortly before, the National Society of Human Rights released a report declaring the presence of violations committed by some government agencies. Those violations were impliedly recognized by those parties but not expressively and did not say they are “bare of truth” and the report left a side.

The standing of “Majlis Al Shora” was passive despite the callings for discussing those matters. No discussion had taken place and the Majlis took no action. Such a standing shall suspend the reformation process and the role of the Human Rights Society which is a civil institution entrusted with ensuring the credibility of the State achievements with respect to the international agreements which were ratified, signed and approved by the State.

Those agreements were four in number, and were:- eradication of all sorts of discrimination against women and opposing torture, and cruel, inhumane and degrading treatment in addition to the agreement on the child rights.

The application of those agreements is supposed to be followed up by the governmental Human Right Organization. The duties of that Organization include submitting reports to the

United Nations when the question is raised on what has the government done with respect to activating those agreements and applying their provisions. The United Nations is usually not contented with that role of the government, but they seek for shadow reports that used to be issued by the civil institutions that make their comments on the report of the governmental Human Rights Organization. The last year shadow report was submitted by a certain neighboring Arab State!

That makes the role of the National Society for Human Rights vital and necessary and deserves the support of the Civil institutions in order to be a competent body for writing the shadow report. As we do not have civil institutions in the manner that exist in other developed nations, the National Society should have an exceptional support with respect to its activities and to its reports so that it can be able to stand in equality with the other similar world institutions.

Moreover, Majlish Al Shura should give priority to the reports of the Society and discusses the contents and give the necessary consideration to what is related to the violations in particular.

If the Society is given such a support, its activity on endorsing the governmental organization reports will be strengthened and will meet more respect in the field of applying the international agreement that were ratified by the State.

If the Society reports are to be only a sort of press release, matters will become harmful for us at the international level and our civil institutions will loose their credibility, and organizations such as the United Nations shall ask for shadow reports in order to endorse the reports of our governmental

Human Rights Organization and also resort to the our neighboring countries for verification.

Our question herein is directed to the Majlis Al Shoura on whether or not the violations pointed to in the Society report shall be discussed and the required steps taken for rectification of affairs.

** Okaz Newspaper: 26.6.1428H, corresponding to: 11.7.2007 G.*

HUMAN RIGHTS REPORT

Citing Mistakes or a Reformation Role

*Talat Zaki Hafiz **

In the Holy Qur'an Allah had honored " The human being". That means, in accordance with the principles of Islam the rights of human beings must be protected against all sorts of infringements and against any acts that degrade the life and integrity of persons and disturb their life.

Upon those principles the National Society for Human Right was established as an independent and non-governmental organization on 18 Muharum 1425H, corresponding to 9/3/2004G. The objective was that the Society shall work together with the other related governmental and non governmental institutions to realize that noble goal which is the protection of Human Rights.

For the clarification of that role of the society in the filed of protecting the rights of the citizens and the residents in the kingdom, the articles of incorporation of the society has specified its objectives as follows : 1) protection of the human being and his right as set in the basic Governance law of the kingdom which is based on the principles specified in the Holy Qur'an and in the Traditions of our Prophet peace be upon him.

Principles of safeguarding human life and protecting human rights are also catered for in the kingdom laws and in the Declarations related to Human Right which was passed by the league of the Arab States, the Islamic Congress Organization and by the United Nations and its Agencies and its specialized Committees in the manner that does not contradict with the principle of the Islamic Sharia. 2) Co-operation with international organizations working in that field. 3) To stand against injustice, excessiveness, violence, torture and intolerance.

In applying the objectives for which it was established, the Society in the three previous years and according to its latest report, was able to identify several excessive actions and infringements over Human Rights in the Kingdom of Saudi Arabia. To make this clear, the Society had received over 8570 complaints which can be classified in the following percentages:-

18% from prisoners, 7% as personal affairs, 8% family violence, 22% administrative cases, 13% labor complaints, 6% complaints related to judicial agencies, 7% civil conflicts and 19% with respect to other different cases.

On the most important points that were incorporated in that report and which attracted any attention, was the remark on the penal procedures law which states that the law is not well-accommodated and not applied in a sufficient manner by some judges, by the police authorities nor by the related administrative institutions, and that is evidently a limitation in the protection of human rights. The report went on to explain that the limitation in the application of that law is due to the fact

that the law executive regulation was not yet issued which made the way wide for personal discretions that may not always be correct and often followed by excessives and infringements.

The report also pointed to cases of inequality in the chances of employment in the government service due to un-adherence with the provisions of article (28) of the Basic law of Governance. As a result of that, the criterion of employment was sometime based on experience, senioring and on specialization and in other times on some other factors such as intermediary by some influential personalities. In the sphere of equality between the citizen and the resident, the report contained and observation that there is great difference in the spheres of rights and freedom and that the freedom of the resident is more restricted than that of the citizen specially in the right of movement between the Kingdom cities and with relation to the resident affairs of traveling to his country and coming back. With regards to the issue of the woman rights the report specified a number of points diminishing in some cases the rights of the woman . Among those limitations as example the impossibility of the woman to dispose of some of her affair unless she does that through a guardian or an attorney. That situation is causing harms to the woman and is intensifying and degrading her situation and legal capacity.

In my opinion, the formation of a Society for Human Rights in the Kingdom is by all the international standards, considered a qualitative step forward in the way of developing the civil society institutions. Moreover, it is also considered a right endeavor from the part of the government for more involving the people in the administration of their affairs and safeguarding

their rights in justice and equality of chances through the path paved by the Islamic Sharia and the Basic Law of Governance.

On the other hand, in order that the society shall succeed in realizing its noble mission, it has to be supported by sufficient, able, qualified and specialized personnel for the specification of the problems and suggesting the suitable solutions. In addition to that, the Society has to be provided with sufficient means of enforcing the required changes specially in its relations with the government departments that do not abide by the provisions of the State Basic law which calls for quick settlements of disputes between people.

In the end it can also be said that the success of the society equally depends on the awareness of the people with regards to its role and objectives together with understanding their rights and duties.

The role of the society must be understood as it is, and should not be mixed up with roles of the other institutions.

I hope that the role of the society should not be a matter of citing the mistakes of the government agencies, but rather it should be a factor for reformation and changes to the better by suggesting solutions and forwarding alternatives that can assist the official authorities in enhancing their performance and ensure the protection of Human Rights as stipulated by the Islamic Principles and by the provisions of the State Basic law.

An Economic Consultant and A Banking Expert

Member of the Saudi Economic Society

** Al Eqtisadyah Newspaper 27/6/1428H corresponding to 12/7/2007G*

The Support of the Society of Human Rights is Required

*Abdul Hafiz Abdul Rahim Mahboob **

The National Society for Human Rights is only newly constituted in the Kingdom, and despite that it is considered a good start for an institutionalized work in the way of defending of Human Rights at all levels.

In the last three years, the society constituted a record containing 8570 complaints comprising cases related to prisoners, personal affairs complaints, family violence and some other administrative labor cases.

What attracts the attention is the large percentage of the administrative complaints that report amount to 22% of the total complaints. The greater obstacle for the settlement of the administrative cases, is the unresponsiveness of some government departments when contacted with respect to certain cases in which they are parties, and that situation led the Society to threaten to take other actions and contact the higher authorities.

That condition reveals the wrong attitudes in those government departments where the responsible official of the sector appears as if he personally owns the sector and has the right to give and take as he likes. The correct situation is that

there ought to be a reference in the department to deal with claims and equitably settle them instead of reference being made to the outside institutions, and that situation calling for a rectification of the excessive bureaucratic and irregular performance in some government circles.

The Human Rights Society is a corporate body and solution of problems is at the top of its priorities and it is in need for support from all the related entities. It is also in need for opening new branches in addition to those existing in Riyadh, Jeddah, Jazan and the Eastern regions to facilitate access of claimants.

The Society also needs to increase its membership which is at present 40 constituting members (10 women and 30 men).

* Al Madinah Al Monawarah Newspaper:

10/7/1428H corresponding to 24/7/2007

A law Graduate In an (Intermediate) Grade

*Abdul Rahman Mohammed Al Lahim **

In a T. V. encounter, I met a colleague who is a leader in the National Society for Human Rights. The talk was about the first report released by the Society about the situation of Human Rights in Saudi Arabia. In that report the Society tackled a number of cases in a detailed manner and referred to certain cited cases related to Human Rights with respect to practice and legislation.

The report is considered a good and positive effort and a participation for which the Society deserves thanks. The society discussed some certain sensitive issues and forwarded good recommendations for a number of legal cases. The report also pointed to some Human Rights infringements and we have some technical remarks what will be mentioned in another article later on as a participation in supporting the Society activities and enhancing its performance.

Aside from that, the talk with our colleague went to what is mentioned in the report about the right of (freedom of opinion and expression). The report tackled that issue from the legal and legislative point of view and mentioned a number of cases that the Society considers to constitute cases of infringement to that

right. But the report did not make any observations about some isolated performances that were witnessed by the Saudi Society during the last few months by some groups against a group of scholars, thinkers and intellectuals. Those performances were absolutely contradictory with the basic principles of human rights including (freedom of opinion and expression). The scene at the instance witnessed allegations of and prescriptions of departing form religion and, accusations of treason and even bodily assault on some intellectuals who participated in some activities. Those cases reached the courts and the infringements were established by judicial judgments. Those action represented violations to the right of opinion and expression as defined by the international agreements and accords and despite that nothing about them has been mentioned in the report in any way. The reason for disregarding those occurrences as explained by our colleague (an expert of law), is that, they, in the Society are inclined towards “moderation”. But that term is incompatible with the standing that ought to be taken with regards to the legal disputes. In those fields the standing should be on the side of human rights and not in the middle way and mediation ought not to be taken when the legal rights are at stake. Those rights have become integral parts of the international agreements on human rights and shall not in any way be threatened on confiscated in any way.

On the other hand the term “Mediacy” implies that the society is of the opinion that there are two extremist lines of thought and the Society has to stand in between, but that cannot be correct without scrutiny with regards to the principles adopted by each one of those currents of thinking. In any case a jurist has to believe that any person has the right to hold his

opinion and express his ideas with the provisions of law and that any assault on those rights is considered an infringement on human rights. The jurist role is not to evaluate ideas, but to ensure that the rights are preserved and if he takes a contrary standing he will be changed from a jurist to a preacher.

The speech about the middle standing leads to thinking about the a dilemma rifle amongst the Arab Jurists as most of them are mixing up between what is political and what is legal and for sure that situation shall have a negative effect on human rights as the standards are becoming loose and unspecific and neutrality will certainly be lost.

The situation of the whole issue of human rights requires more thinking and more study specially from the part of the national jurists, taking into consideration that the Society is of the opinion that continuous efforts among the people for raising the level of awareness is a necessary apriori for understanding the concept of human rights. That call is certainly essential so that the activities can be continued without difficulties and time should not be wasted in the similar way we have seen when our educational system was subjected to revision and rectification.

** Al Watan Newspaper: 12.7.1428H, Corresponding 26.7.2007G*

The First Report of The Society of Human Rights

*Dr. Fayiz Bin Saad Al Shihri **

I have visited the electronic site of the National Society for Human Rights (<http://www.nshrsa.org>) and read the details of the society first report. The report contained comprehensive information about human rights in the Kingdom in six chapters (the first chapter on the legal framework of human rights, the second about the basic rights, the third on the civil rights, the fourth about the political rights, the fifth on the social and Cultural rights and the six dealt with the rights of some social categories in the Kingdom).

The report was written in a very nice scientific and comprehensive way very useful for any one who may have a look on it. The report discussed “the right”, its basics, the concerned category, the related laws, the efforts made toward safeguarding it and their positive and negative outcomes and ways of facing difficulties. The report tackled the issues decently in a balanced, deep, transparent and impartial manner.

In the fifth chapter the report surveyed (the right of decent life) and stated that (of the most important factors for ensuring decent life for the citizens is the provision of accommodation, fighting unemployment, definition of the line of poverty and

provision of assistance and help for those who are under the line of poverty). The report went on to add (A big number of Saudis do not own houses and most of them face difficulties in possessing homes in the near future, and the situation necessitates exerting great care and efforts for providing the financial resources for resolving that problem. Grants of land for those who are entitled should be continued with efforts to prepare the land for building together will availing the necessary and required basic services. In this respect real estates loans ought to be expanded and should be granted without interests or providing other solutions that may realize that objective).

In the report the Society hailed and praised the initiative of the Custodian of the Two Holy Mosques in supporting the Real Estate Development fund, the support of the Charitable Housing Projects, the constitution of the National Fund for fighting poverty and for His instructions for building popular houses in of the Kingdom needy regions.

In the same chapter, the report in the sixth paragraph pointed to (the right in a sound environment). In that respect some complaints were surveyed and some of which were related to the (construction of stone crushers and cement factories in the proximity of populated areas). Other complaints included remarks about certain affairs negatively affecting the environment such as (Cutting trees for fire wood and sale of char coal, unwarranted grazing, extension of buildings, pollution, destruction of plant cover, installation of the mobile phones towers nearer to residential houses and even on their roofs and the scarcity of awareness about the dangers of pollution despite efforts to raise the level specially in the schools

and universities), and despite that the efforts followed for the protection of environment have to be appreciated and receive thanks).

What the Society was able to realize is certainly a good effort and ought to receive thanks for. The problems tackled are expected to have solutions and the steps that are to be taken towards solutions should be communicated to the citizens and the participation of the people should be sought for being a necessary factor for more success. The assistance of the various institutions involved the development programs is essential. Those institutions include (Rural and Municipal Councils, Societies combating corruption and societies of consumers protection). Such participation will speed up the process of the comprehensive development efforts.

In the end, we pray to Allah to help the Society Members and to grant them success.

Definitely, the report expressed the shape of how the human rights can be preserved on the basic of the Islamic principles in the land of Islam and peace, the Kingdom of humanity.

We call for the participation of all the citizens sectors to support the Society at present and in future for the protection and preservation of human rights.

** Al Youm Newspaper:13.7.1428H, corresponding to: 27.7.2007G*