



Saudi Arabia's Anti-Terrorism Law

Over the last two years, several Middle East countries have instituted laws designed to better combat terrorism. As popular demands for freedom and social justice have increased among the region's peoples, however, governments have used these laws to suppress nonviolent forms of political protest. This is true in Saudi Arabia, where the events of the Arab Spring encouraged citizens to speak up for their rights. In response, Saudi officials have utilized certain parts of the anti-terrorism law, formally known as the Penal Law for Crimes of Terrorism and Its Financing, to convict human rights activists and other nonviolent political dissidents on terrorism-related charges.

The Basics

- The new law was implemented in February 2014.
- It targets both the perpetrators of terrorist crimes and persons who fund terrorist activity or provide space for terrorist training.
- The law's definition of "terrorist crime" is broad. [According to Article 1](#), "disrupting public order," "risking national unity," and "harming the reputation or status of the country" are terrorist acts.
- The law gives Saudi authorities wide-ranging powers of arrest and detention. According to [Article 5](#), authorities can detain someone accused of a terrorist crime for one year without bringing him or her before a judge.
- The law also expands the power of Saudi Arabia's Specialized Criminal Court (SCC), originally established in 2008 to handle terrorism-related cases. [Article 9](#) permits the SCC to issue a verdict against the accused in absentia. [Article 12](#) permits the court to hear testimony from witnesses when the accused and his lawyer are not present.
- The law's protections for due process rights are incomplete. [Article 10](#) technically permits the accused to contact legal counsel, but empowers officials to decide when and how that contact takes place. [Article 16](#) requires investigators to acquire a warrant before seizing property or arresting individuals, but this requirement can be waived at the investigator's discretion.
- The law criminalizes a wide array of political dissent, as demonstrated by the cases listed below. The SCC's prosecution of both the attorneys critical of the Ministry of Justice and the women's rights activists reveals how the law endangers political speech and expression. The sentencing of Waleed Abu al-Khair shows how the government uses the law to constrict the space in which civil society organizations operate. Finally, the treatment of Sheikh Nimr al-Nimr demonstrates the manner in which the law further restricts freedom of conscience by linking certain beliefs (even atheism) to terrorism.

Targeting Human Rights Defenders

- In July 2014, the SCC in Jeddah [sentenced](#) Waleed Abu al-Khair, human rights lawyer and founder of the Monitor of Human Rights in Saudi Arabia, to 10 years in prison (with a further five suspended), a \$53,000 fine and a 15-year travel ban. A prominent activist who had previously [defended](#) other rights advocates during their trials, he was found guilty of "undermining the regime," "inflaming public opinion," "founding an unlicensed organization," and ["harming public order."](#) On January 13, 2015, the Saudi public prosecutor brought the imprisoned Abu al-Khair to court again, seeking a harsher penalty for his July conviction. After he refused to show remorse or recognize the SCC's legitimacy, the presiding judge [ordered](#) him to complete his 15-year prison sentence without the possibility of parole.
- In October 2014, the SCC in Riyadh sentenced Sheikh Nimr al-Nimr, a prominent Shia cleric and voice of Saudi Arabia's minority Shia community, to death. Al-Nimr, who had a record of advocating for nonviolent protests, was shot during his 2012 arrest. Authorities maintain that he was [armed](#)—a charge disputed by his family and other activists. The court convicted him of "seeking 'foreign meddling'" and ["disobeying' its rulers."](#)

- In December 2014, authorities [detained](#) Saudi women’s rights activists Loujain al-Hathloul and Maysa al-Amoudi after the former attempted to drive across the UAE-Saudi border and had her passport confiscated. Authorities then took al-Amoudi into custody after she attempted to deliver supplies to her stranded counterpart. Officials have [referred](#) them to the SCC in Riyadh, not for driving, but allegedly for their activity on social media. They remain in detention.
- In October 2014, the Specialized Criminal Court tried three Saudi lawyers—Abdulrahman al-Subaihi, Bander al-Nogaithan, and Abdulrahman al-Rumaih—after they had published tweets critical of the Ministry of Justice. The court [found them guilty](#) of “contempt of the judiciary, interfering with its independence, criticizing the justice system and the judiciary,” and sentenced them to up to between five and eight years in prison, in addition to travel bans of varying length and fines of varying amounts.