



## Mapping the Saudi State, Chapter 4: Media Censorship

### I. Introduction

Free expression and the unencumbered circulation of one's social, political, and religious views is a human right with near-global recognition. Article 19 of the Universal Declaration of Human Rights states:

*Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.<sup>1</sup>*

The Saudi government nominally guarantees this right. In practice, however, officials coordinating across several government agencies operate an apparatus of censorship which severely restricts the development of an independent Saudi media. Newspapers, television stations, and online news sites, whether publicly or privately-owned, must follow the unofficial and frequently arbitrary guidelines of the Ministry of Culture and Information (MoCI). Further, the Communications and Information Technology Commission (CITC) filters internet access for Saudi citizens, while the Ministry of Interior (MOI) and the Council for the Promotion of Virtue and the Prevention of Vice (CPVPV) and the courts arrest, prosecute, and sanction individuals who present information and opinions that transgress the prerogatives of the state, regardless of the validity of their content.

Vaguely-worded laws thinly legitimize this censoring apparatus, as the language of these laws prioritizes respect for government institutions and adherence to state-imposed "social norms" over journalistic integrity. Ambiguous statutes allow the government to arbitrarily criminalize any expression that crosses its own red lines. These laws, in the hands of state officials, engender a media environment that promotes a culture of self-censorship among Saudi journalists.

Chapter 4 of *Mapping the Saudi State* details this complex system of censorship, ultimately demonstrating the Saudi government's widespread violation of the right to free and unencumbered expression. Sections II and III provide background on the laws and government agencies that restrain official media and criminalize independent journalism. Part IV examines how these laws and agencies affect different sectors of the Saudi media. Part V offers a list of recommendations to bring the government's practices in line with basic international human rights norms in the field of speech and press freedoms.



## II. Legal Basis for Censorship

### A. The Basic Law

The Basic Law of Governance serves as Saudi Arabia's foundational system of governance, laying out the kingdom's political, economic, and social principles in addition to broadly outlining the state's authorities. King Fahad bin Abdulaziz al-Saud promulgated it by royal decree on 1 March 1992.<sup>2</sup>

While the law does not focus on issues pertaining to press freedom and individual freedom of expression, Article 39 states that mass media must be "civil and polite." The article further mandates, "It is prohibited [for mass media] to commit acts leading to disorder and division, affecting the security of the state and its public relations, or undermining human dignity and rights."<sup>3</sup>

### B. The Press and Publications Law

While the Saudi government promulgated several press laws before the turn of the century, The Press and Publications Law, established by royal decree in the early 2000s,<sup>a</sup> is the law that most comprehensively governs the circulation and content of printed materials, bookstores, foreign media offices, printing presses, television and radio.<sup>4</sup>

A number of the law's statutes mandate close oversight of the media. Other broadly-worded articles allow for the criminalization of nonviolent acts of free speech and expression:

- **Article 4** states that all forms of media (ranging from printed material to radio to photography), in addition to their sites of production and places of distribution, cannot operate without a license from the Ministry of Information.<sup>b</sup>
- **Article 8** states that freedom of expression is guaranteed "within the limits of Sharia rules and law," without defining those limits.
- **Article 9** sets additional limitations on Saudi media; among other restrictions, published material:
  - "shall not be conflicting with Sharia Rules;
  - "shall not lead to breach of public security, public policy or serving foreign interest that conflict with national interest;
  - "shall not prejudice the dignity and liberty of persons or lead to their blackmail or injure their reputation or commercial names;
  - "shall not lead to approval and incitation of criminal conduct;
  - "shall not injure the economic or health situation of the country;
  - "shall observe objective and constructive criticism that aims at public interest and which is based on facts and evidence."
- **Article 18** states that any external print will not be approved if the content "insults" Islam or the system of governance in Saudi Arabia.

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<sup>a</sup> The Royal Saudi Embassy in Washington DC [lists an October 2003](#) promulgation date, but an [Arabic copy](#) of the text states that the law was decreed in November 2000.

<sup>b</sup> Since changed to the Ministry of Culture and Information; see Section III (A) below.



- **Article 38** outlines the legal sanctions the government can impose on violators of the law. The government can fine an individual up to 50,000 Saudi riyals for breaking the law. Additionally, the MoCI can temporarily close a media establishment for up to two months or shutter it permanently.<sup>5</sup>

### C. Anti-Cyber Crime Law

Saudi Arabia's Council of Ministers issued the Anti-Cyber Crime Law on 26 March 2007, which was approved by royal decree the following day.<sup>6</sup> The original law couples robust protections for privacy rights (including protections for personal bank and credit data) with stiff penalties for violators: some crimes carry maximum fines of five million Saudi riyals (approximately US \$1.3 million), and a maximum prison term of up to ten years.<sup>7</sup> In 2014, the Saudi government amended the Anti-Cyber Crime Law to account for social media and social networking-based crimes.<sup>8</sup> In June 2015, Dino Wilkinson of the *Data Protection Report* stated that Saudi Arabia's cabinet approved changes to the Anti-Cyber Crime Law which allow authorities to publicly "name and shame" offenders.<sup>9</sup>

Like The Press and Publications Law, several of the Anti-Cyber Crime Law's statutes potentially criminalize nonviolent acts of expression:

- **Article 3** lists "defamation" as a crime for which the perpetrator can serve up to one year in prison.
- **Article 6** criminalizes online activity related to the "production, preparation, transmission, or storage of material impinging on public order, religious values, public morals, and privacy."
- **Article 7** criminalizes "unlawful access to a web site or an information system...with the intention of obtaining data jeopardizing the internal or external security of the State or its national economy."<sup>10</sup>

### D. Executive Regulation for Electronic Publishing

In 2011, Saudi officials in the MoCI passed the Executive Regulation for Electronic Publishing that "established legal ground to subject all forms of electronic news and information" to comply with The Press and Publications Law of 2000.<sup>11</sup>

The regulation mandates that all expressions and materials on social media must align with Sharia law, and Islam, and cannot provoke disorder or misconduct within the Kingdom. Anyone communicating or expressing themselves electronically must obtain a press license from the MoCI, and are prohibited from circulating material online that may "offend" others or interfere with Saudi Arabia's national economy and security.<sup>12</sup>

The Executive Regulation for Electronic Publishing not only accounts for websites, news sources, and broadcasting media, but it also covers blogs, phone messaging, and email groups.<sup>13</sup> Additionally, there are firm requirements for internet media users to obtain a license: individuals must be a Saudi citizen, be at least 20-years-old, and have received a high school degree. The MoCI must also approve editors-in-



chief for online editions of print media, online news sites, and other internet content.<sup>14</sup> The same punishments under The Press and Publications Law apply to violators of the 2011 executive regulation.<sup>15</sup>

### III. Agencies Responsible for Censorship

#### A. The Ministry of Culture and Information (MoCI)

The MoCI is the foremost censorship body in Saudi Arabia, as it monitors any forms of media allowed in the country. The ministry is responsible for overseeing television and radio broadcasting, press and publication of printed media, and relations with foreign press.<sup>16</sup> Additionally, the king tasks it with various obligations, including authorizing all websites registered to Saudi Arabia, distributing licenses to both foreign and domestic media sources and contributors, as well as appointing and dismissing all senior-level editors.<sup>17</sup>

In 1962, King Faisal bin Abdulaziz converted the then-Directorate General of Press and Publication to the Ministry of Information via royal decree.<sup>18</sup> In 2003, the Ministry of Information became the Ministry of Culture and Information at the authorization of the Council of Ministers, absorbing preexisting agencies including the General Administration for Public Libraries, the General Administration for Cultural Relations, and the King Fahad Cultural Centre.<sup>19</sup> The MoCI's website defines its official role as ensuring freedom of expression for all Saudi citizens within the limits of public policy and Islamic law.<sup>20</sup>

Several information-related divisions comprise the MoCI, each consisting of various sub-sections. The Internal Media division, which includes the Directorate-General of Publications, controls the content of all media information as well as the enforcement of The Press and Publications Act. This division also issues media licenses.<sup>21</sup> The International Cultural Affairs division mainly focuses on the Ministry's relationships with member states of the Gulf Cooperation Council (GCC), specifically in terms of media exchanges.<sup>22</sup> Other divisions include: External Media, Planning and Information Technology, Cultural Affairs, and Engineering Affairs.<sup>23</sup> The current minister of the MoCI is Dr. Adel bin Zaid al-Turaifi, the former general manager of Al Arabiya News Channel; King Salman bin Abdulaziz appointed him to the position in January 2015.<sup>24</sup>

Although the Ministry of Culture and Information is responsible for enforcing The Press and Publications Law and its appended Executive Regulation for Electronic Publishing, Sharia judges also rule on these laws during legal proceedings, exercising wide interpretive discretion in doing so.<sup>25</sup> However, the Ministry remains able to shut down any type of communication or media it classifies as "prohibited activity."<sup>26</sup>

#### B. The Communications and Information Technology Commission (CITC)<sup>c</sup>

The CITC's primary job is to provide internet filtering services, blocking a wide range of websites. According to Freedom House, the CITC filters pornography; sites related to terrorism, gambling, and drugs; and sites that advocate for political and social reform.<sup>27</sup> The CITC works within the Ministry of

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<sup>c</sup> The government originally established it as the Saudi Communications Commission in May 2001, but Council of Ministers Decision No. (123), dated July 2003, formally changed the commission's title.



Communications and Information Technology (MCIT). Its headquarters are located in the capital city of Riyadh. Two other branches exist in Dammam and Jeddah.<sup>28</sup>

The CITC's webpage states that it maintains two lists of filtered websites: commercial and local. The CITC's commercial filtering regime is extensive; the Commission declares that it blocks websites which fall under 90 different categories,<sup>29</sup> although further information about this classification system is not publicly available.

To manage the local list, the CITC encourages Saudi web users to flag websites containing inappropriate content.<sup>30</sup> The CITC claims that 90 percent of the sites on the local filtering list contain pornographic material.<sup>31</sup> The government does not make public its lists of blocked websites, however, and there is no way to independently verify this assertion. Individuals can also submit requests for a site to be unblocked, with the commission receiving hundreds of requests per day. It is unclear how many of these requests the CITC grants.<sup>32</sup>

The 2007 Anti-Cyber Crime Law directs the CITC to assist the Ministry of Interior in observing and investigating political activists and extremists.<sup>33</sup>

### **C. The Ministry of Interior (MOI)<sup>d</sup>**

The MOI oversees numerous agencies that work to maintain the kingdom's security and manage its internal affairs. The MOI also manages a host of supportive services, including a civil defense force (primarily fire response), passport and immigration services, and a prison administration. Distinct agencies execute each of these services, and each agency employs thousands of Saudi citizens.<sup>34</sup>

As the kingdom's primary law enforcement agencies, the various bodies of the Ministry of Interior enforce criminal penalties against violators of the state's media and censorship laws, including the arrest, prosecution and jailing of lawbreakers. According to a 2012 Freedom House report, The MOI has generally enjoyed impunity for abuses against bloggers and online commentators."<sup>35</sup>

### **D. The Commission for the Promotion of Virtue and the Prevention of Vice (CPVPV)<sup>e</sup>**

The CPVPV is the Saudi agency tasked with monitoring social behavior and enforcing the observance of Islamic moral code, including proper dress and gender segregation. Also known as the *mutaween* (the pious), the *hay'a* (the commission), or simply as the religious police, the CPVPV acts as the "executive arm of the *ulama*," or the collection of Saudi religious scholars with closest ties to the government. Ostensibly, the religious police exercise this power as an informal complement to standard law enforcement. Frequently, however, they have acted as their own self-regulating force.<sup>36</sup>

The CPVPV plays an ancillary role within the censorship apparatus, supporting the aforementioned government bodies in their monitoring work. On 19 February 2014, Sheikh Abdullatif Al al-Sheikh, then leader of the CPVPV, announced, "CPVPV staff regularly monitored electronic websites to forward to the Bureau of Investigation and Prosecution (BIP) cases of individuals who promoted 'witchcraft and

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<sup>d</sup> For more information on the MOI, see ADHRB's *Mapping the Saudi State* Chapters [2](#) and [3](#).

<sup>e</sup> See [Chapter 1](#) of *Mapping the Saudi State* for more information on the CPVPV.



immorality’ on social media sites such as Twitter.”<sup>37</sup> On 17 August 2014, the CPVPV also announced that it “actively coordinated with the CITC to block pornography and websites that promoted unorthodox or ‘ill informed’ views on religion.”<sup>38</sup>

## IV. Censored Media

### A. Censorship of Traditional Media

#### *Print Media*

Jonathon Green and Nicholas J. Karolides, authors of *Encyclopedia of Censorship*, write that much of the print media in Saudi Arabia is “privately owned but publicly subsidized and closely monitored by the government.”<sup>39</sup> Furthermore, the king must decree these privately-owned newspapers into existence.<sup>40</sup> Ruling family members and persons closely linked with al-Saud own all newspapers published within the country.<sup>41</sup>

This network of control, both direct and indirect, has resulted in a print media climate in which newspapers do not deviate far from the official line of the government-run Saudi Press Agency (SPA). While the MoCI does not pre-approve articles, it frequently comes down harshly on those publications which do overstep the government’s political and religious red lines.<sup>42</sup> The Culture and Information Minister is the ultimate arbiter of what sanctions individual journalists and entire publications do and do not receive.<sup>43</sup>

The MoCI has not hesitated to suspend or sanction the publications that it does permit to circulate within Saudi borders. It suspended *Al-Hayat*, a pan-Arab daily based in London and owned by Saudi ruling family member Khalid bin Sultan, for four days in August 2007 after one of its columnists, Abdulaziz al-Sowaid, commented on a confluence of poor economic conditions affecting many Saudi citizens.<sup>44</sup>

The MoCI does not carry out all print media censorship. In March 2014, the General Presidency of Scholarly Research and Ifta’—a council of senior religious scholars, headed by the Grand Mufti, which passes religious edicts—banned *The 99*, a children’s comic series popular throughout the region. *The 99* profiles characters “that each personify one of the 99 qualities that the Koran attributes to God.”<sup>45</sup> In justifying its ruling against the comic, the General Presidency reiterated that the personification of God’s attributes violated Islamic precepts. In an act of *takfir*, its members also accused the series’ author, Dr. Naif al-Mutawa, “of not being a Muslim.”<sup>46</sup>

In certain instances, material other than religiously or politically-sensitive articles prompted the government to suspend a publication. In May 2015, current Culture and Information Minister Adel al-Turaifi suspended the publication of *Arreyadi*, a sports-focused daily newspaper, for three days after it published a cartoon about Qatar deemed “unacceptable” by censors; the MoCI is currently taking steps to rein in the media practice of “inciting sports fanaticism.”<sup>47</sup>



## *Television and Film*

The government directly controls all television stations which broadcast from within the kingdom.<sup>48</sup> The MoCI oversees the Saudi Broadcasting Corporation (SBC), which operates nine television and six radio stations that transmit programming related to news, religion, sports, and entertainment.<sup>49</sup> The Department of State reports that although the government technically prohibits the possession and use of satellite dishes, this ban goes unenforced.<sup>50</sup> The BBC reports that Saudi Arabia “is a major market for pan-Arab satellite and pay-TV.”<sup>51</sup> Although foreign media channels like CNN, BBC, and Al Jazeera broadcast into the country, they are “subject to licensing requirements from the Ministry of Culture and Information and cannot operate freely.”<sup>52</sup>

The Saudi government bans movie theaters within the kingdom. Traditionally, the government has banned cinema because “movies are considered incompatible with the teachings of Islam, as they promote the mingling of sexes and show examples of immoral behavior.”<sup>53</sup> In recent years, the Shura Council, the CPVPV,<sup>54</sup> and the Ministry of Labour<sup>55</sup> have periodically debated softening or working around this ban, although no action has been taken. In 2009, then-Interior Minister Prince Naif bin Abdulaziz published an MOI regulation which reiterated the cinema ban and prohibited the licensing of any movie theaters.<sup>56</sup>

## *Sanctioning Journalists*

Various government agencies censor the content of traditional Saudi media by sanctioning journalists and editors for publishing material considered outside the bounds of acceptable discourse; these punishments can entail termination of employment and even legal action.

On 27 May 2003, the Ministry of Information (shortly before it became the Ministry of Information and Culture) forced Jamal Khashoggi from his position as editor of *Al Watan*, a Saudi daily with reformist leanings.<sup>57</sup> Khashoggi, a prominent Saudi journalist, had published editorial articles critical of the CPVPV and of the influence of the clerical establishment on society.<sup>58</sup> Khashoggi had only held the position for 52 days. In 2007, Prince Khaled al-Faisal, chairman of *Al Watan*'s board, rehired Khashoggi as Editor-in-Chief.<sup>59</sup> Khashoggi resigned three years later, however, after the newspaper ran an item critical of the Salafi School of Islamic thought.<sup>60</sup> Though Khashoggi denied that he resigned because of outside pressure,<sup>61</sup> multiple sources, including Human Rights Watch and the Columbia Journalism Review, attributed his departure to government interference.<sup>62</sup>

On 19 September 2011, a royal order suspended the employment of *Al-Madina* editor-in-chief Fahad al-Aqran and *Al-Madina* writer Abdulaziz al-Sowaid and referred them to the MoCI's judicial committee for investigation.<sup>63</sup> Al-Sowaid had written an article titled “The Civil Concept of Divinity” which, according to one Arabic news source, “exceeded the fundamentals of the faith.”<sup>64</sup> According to the U.S. Department of State, both men were eventually allowed to return to their positions;<sup>65</sup> al-Sowaid is currently a columnist for *Al-Hayat*.<sup>66</sup>

Other journalists have experienced harsher treatment. In late 2011, television journalist and Al-Fajr Media Group owner Wajdi al-Ghazzawi returned to Saudi Arabia after a self-imposed exile in Egypt. Al-



Ghazzawi had previously taken strong stances against the Saudi government; earlier that same year, he had hosted a show titled “Fadfada” (“Venting”) in which he criticized official corruption and accused the Saudi government of supporting terrorists.<sup>67</sup> According to the Saudi rights organization Al-Qst, then-Culture and Information Minister Dr. Abdulaziz al-Khoja, along with then-Interior Minister Mohammed bin Naif, offered al-Ghazzawi a safe return home and immunity from prosecution in exchange for pulling “Fadfada” from the air.<sup>68</sup> In August 2012, however, MOI forces arrested al-Ghazzawi. On 4 February 2014, the Specialized Criminal Court in Riyadh sentenced al-Ghazzawi to 12 years in prison and a 20-year travel ban<sup>69</sup> for, among other charges, “harming the reputation of the Kingdom” and “accusing the government of corruption.”<sup>70</sup> According to the Committee to Protect Journalists, the judge allotted five of the sentence’s 12 years based on Article 6 of the aforementioned Anti-Cybercrime Law, which “criminalizes the production of material impinging on public order and public morals.”<sup>71</sup>

In addition to sanctioning print and television journalists, the Saudi government has also targeted photographers. In July 2012, members of the *Mabahith* arrested dissident photographer Jassem al-Safar. The MOI brought his case before the Specialized Criminal Court in November 2013, where the public prosecutor charged him with “posting pictures of prisoners in public places,” “meeting a foreign journalist,” and “sending pictures and video clips” of demonstrations to television stations and online outlets.<sup>72</sup> On 18 June 2014, the Court sentenced him to seven years in prison and an additional seven-year travel ban.<sup>73</sup>

### *Censorship of Books*

Several Saudi agencies, the MoCI chief among them,<sup>74</sup> expend significant resources to both censor books and control what access citizens have to written works. According to Nuwwaf al-Qadimi, Director of the Arab Network for Research and Publishing, publishers must submit books to a lengthy approval process before they can be distributed within the country. The approval process is so time-consuming, and so frequently ends with the proposed book’s prohibition, that many authors and publishers are discouraged from submitting books to the MoCI at all.<sup>75</sup>

The MoCI’s book censorship process appears to be arbitrary, in addition to lengthy and strict. Saudi author Abduh Khal has stated that no official guidelines govern which books merit publication and which merit prohibition. Speaking to *al-Araby al-Jadeed*’s English website, Khal says, “The censor drew red lines on every page of one of the novels I sent to the ministry of information.”<sup>76</sup> Khal, who won the International Prize for Arabic Fiction in 2010, has had eight of his ten novels banned by Saudi censors.<sup>77</sup>

This censorship, according to al-Qadimi, has driven many authors and publishers to bypass the MoCI and market their novels directly at Saudi Arabia’s annual Riyadh International Book Fair.<sup>78</sup> Authors and publishers who attempt this, however, risk harassment and censorship from the religious police, who freely confiscate books during the event. In 2014, CPVPV members removed 10,000 copies of banned books from the fair, including works from popular Arab poets Mahmoud Darwish and Abdul Wahab al-Bayati, for containing “blasphemous” themes.<sup>79</sup>





As of December 2014, the publication *al-Araby al-Jadeed* had identified at least 247 books which the Saudi government currently bans. A number of these titles seemed to cross political and social red lines, such as *A Wahhabi Tale* (حكاية وهابية) by Abdullah Muflih; *Time for Prison...Times for Freedom* ( زمن السجن .. ) by Ali al-Damini; and *Longings of Freedom* (أشواق الحرية) by Nuwwaf al-Qadimi.<sup>80</sup>

The government not only silences outright dissension; it censors books that offer veiled social and political criticisms as well. The MoCI continues to enforce a ban on Abdul Rahman Munif's *Cities of Salt* (مدن الملح),<sup>81</sup> a work of historical fiction originally published in 1984.<sup>82</sup> The novel tells the story of a putatively-fictitious Arabian Peninsula kingdom whose officials turn corrupt after the discovery of oil.

While bans are enforced on the publication and circulation of censored books, possession of banned material can also invite government sanction. On 22 November 2011, the Saudi Specialized Criminal Court sentenced political dissident and former judge Sulaiman al-Rashoudi to 15 years in prison and a further 15-year travel ban. Among the charges brought against him, the public prosecution accused al-Rashoudi of possessing articles written by Dr. Madawi al-Rasheed, an academic and Saudi government critic who works at the London School of Economics.<sup>83</sup>

## B. Censorship of Independent Online Media

### *Limiting Publication*

The Saudi government periodically announces that its agencies have completed or are undertaking the blocking of large swathes of websites hosting controversial content. In February 2014, Abdulaziz al-'Aqeel, the MoCI's Director of Internal Media, announced that the government had begun the process of blocking 41 websites that covered local news and events.<sup>84</sup> The websites had failed to obtain licenses from the MoCI, making them noncompliant with the Executive Regulation for Electronic Publishing.

In August 2014, the *Saudi Gazette* announced that the government had shut down "850 websites that promoted atheism" since early 2013. According to the article, four separate government agencies participated in the campaign, including the CPVPV, the MOI, the Telecommunications Authority, and the King Abdulaziz City for Science and Technology.<sup>85</sup>

In addition to these sweeps, Saudi government agencies regularly target individual websites for filtering. In early October 2013, the CITC blocked the official website of the October 26 driving campaign. Women's rights activists organized the campaign to encourage Saudi women to defy the government's ban on women driving on October 26, 2013.<sup>86</sup> The Department of State also reported that in 2013 the CITC also blocked the website of Ali al-Demainy, a political dissident living in exile.<sup>87</sup>

### *Sanctioning Online Journalists and Commentators*

Over the past decade, Saudi authorities have arbitrarily arrested and otherwise punished numerous bloggers and independent online journalists.



On 7 December 2007, employees of the MOI arrested Fouad al-Farhan at his place of work in Jeddah.<sup>88</sup> Al-Farhan was the first blogger to be detained by an agency of the Saudi government.<sup>89</sup> Al-Farhan had criticized official corruption and advocated for “freedom, dignity, justice, equality, public participation and other lost Islamic values” on his personal website, [alfarhan.org](http://alfarhan.org).<sup>90</sup> MOI officials held him in detention without charge until 26 April 2008.<sup>91</sup> While his whereabouts are unknown, he is currently free and remains active on Twitter.

In the years following the conclusion of al-Farhan’s case, government targeting of bloggers and other online journalists increased, as did the severity of punishments imposed on them. In November 2009, the *Mabahith* arrested Munir al-Jassas after he refused to apologize for writing online posts that urged Shia citizens in Saudi Arabia to peacefully organize against government repression.<sup>92</sup> The *Mabahith* detained al-Jassas for 15 months without trial, releasing him in February 2011.<sup>93</sup> According to an ADHRB contact in Saudi Arabia, the government subjected al-Jassas to a series of hearings before the Specialized Criminal Court after his release from detention. In 2014, the SCC sentenced him to two years in prison for his online activism.

In June 2012, the MOI arrested Raif Badawi, a blogger and organizer of two forums for online discussion. Badawi founded “Saudi Liberals” in 2006 to “create a space in Saudi Arabia to discuss the need for a liberal reform agenda on every level;” “Saudi Liberals” had attracted 1,000 registered members by 2008, although Badawi closed it that same year due to government pressure.<sup>94</sup> Later, in 2010, Badawi founded a second forum, “The Free Saudi Liberal Network,” which hosted discussions and served as a platform for his secular views.<sup>95</sup> In July 2013, the criminal court in Jeddah convicted Badawi of violating the Anti-Cyber Crime Law, insulting Islam, and insulting Saudi Arabia’s religious police. The presiding judge sentenced Badawi to seven years in prison and 600 lashes, in addition to ordering the closure of “The Free Saudi Liberal Network.”<sup>96</sup> In May 2014, a second court increased the penalty to 10 years in prison, 1,000 lashes, and a 1 million riyal fine.<sup>97</sup> Badawi received his first 50 lashes in January 2015;<sup>98</sup> as of June 2015, however, the government has continually postponed the application of the remaining lashes.

## C. Censorship of Social Media

### *Censoring Messaging Services*

In June 2013, the CITC blocked Saudi residents from accessing Viber, an encrypted messaging service, after the company refused to hand over its private data to Saudi officials.<sup>99</sup> However, many users claim that they are still able to access the service even after the ban. The CITC stated that Viber may be providing a way to illegally access the service even with the ban. The ban on Viber remains in place, but sister services WhatsApp and Skype are still operational.<sup>100</sup>

Apart from Viber, the CITC threatened to block several encrypted messaging services in 2013, such as Skype and WhatsApp. The CITC claimed that the services did not comply with the government’s telecom laws and would be blocked if they failed to meet regulatory requirements.<sup>101</sup> Certain commentators within Saudi Arabia argued that the government wanted to rein in these applications in order to disrupt protest movements. Speaking to CNN, Saudi blogger Eman al-Nafjan stated, “I believe a big part of the



reason why this is happening...is because lots of demonstrations that were organized in Saudi Arabia were done through the use of WhatsApp.”<sup>102</sup>

That did not mark the first time that a government agency had threatened to block a communications service. In 2010, the CITC temporarily blocked Blackberry service because it could not access the company’s servers. The government restored Blackberry service, however, after Blackberry-producer Research in Motion (now BlackBerry Ltd.) “agreed to place some of its communication servers in the country.”<sup>103</sup>

### *Regulating Twitter*

In recent years, the number of Saudi Twitter users has increased dramatically, jumping from several hundred thousand<sup>104</sup> in 2011 to 5 million in 2013.<sup>105</sup> Due to the high volume of Twitter users in the kingdom, the MoCI mostly monitors influential profiles, including those of political and civil rights activists.<sup>106</sup> In 2013, then-Culture and Information Minister Abdulaziz Khoja stated, “the ministry cannot monitor everything published on Twitter” and instead stressed the need to “raise the consciousness of the active users of social networking sites and to assist the Ministry of Culture and Information in the monitoring process.”<sup>107</sup>

Despite the minister’s statement, the Saudi government has demonstrated that it has the capability and intent to intercept private messages on social media services, including Twitter. In May 2013, the Saudi telecom company Mobily sought to recruit “American security expert” Moxie Marlinspike, a blogger at the website “Thought Crime,” to help “intercept encrypted data from mobile applications such as Twitter.”<sup>108</sup> Marlinspike instead chose to publish the contents of his email conversation with Mobily.<sup>109</sup> He writes, “[Mobily] later told me they’d already gotten a WhatsApp interception prototype working, and were surprised by how easy it was.”<sup>110</sup>

Strict declarations from esteemed religious authorities also dissuade Saudi citizens from exercising their right to free speech by conflating social media use with religious disobedience. On 23 March 2013, Saudi Arabia’s Grand Mufti, the nation’s leading religious authority, called Twitter users a “council of clowns”<sup>111</sup> who “lack modesty and faith;” he added that Twitter is “a very dangerous practice which must be avoided by real Muslims.”<sup>112</sup> On 15 May 2013, the former head of the CPVPV, Sheikh Abdullatif Al al-Sheikh, “declared that Saudi citizens who use Twitter are risking damnation,”<sup>113</sup> and that the social media user has “lost this world and his afterlife.”<sup>114</sup>

The CPVPV also monitors social media to persecute LGBT Saudi residents. In its Saudi Arabia 2014 Human Rights Report, the Department of State noted that, in addition to tracking the social media profiles of persons spreading pornographic material, the CPVPV “used undercover agents to identify and arrest the owners of social media accounts that served as social networking tools for LGBT persons in the kingdom.”<sup>115</sup>



## *Sanctioning Twitter Users*

In October 2014, the Specialized Criminal Court sentenced three Saudi attorneys—Abdulrahman al-Subaihi, Bandar al-Nogaithan, and Abdulrahman al-Rumaih—to between five and eight years in prison for insulting the judiciary on Twitter.<sup>116</sup> The three men had published critical remarks concerning the progress of legal reforms within the kingdom and expressed frustration with one judge who had been undergoing disciplinary action.<sup>117</sup> Human Rights Watch reported that the presiding judge invoked Article 6 of the aforementioned Anti-Cyber Crime Law to convict the attorneys.<sup>118</sup> Additionally, in a separate proceeding, the MoCI's legal committee fined the attorneys an aggregate sum of 1 million riyals (over \$260,000).<sup>119</sup>

In January 2014, Souad al-Shammari, activist and cofounder, with Raif Badawi, of the “Free Saudi Liberals Network”, published a series of tweets that authorities claimed “incited women to oppose the guardianship system.”<sup>120</sup> Subsequently, in October 2014, MOI officials detained her for “using sarcasm while mentioning religious texts and scholars,” “calling for women's liberation,” and “demanding the end of male guardianship over women.”<sup>121</sup> After multiple interrogation sessions with the MOI's Bureau of Investigation and Prosecution, officials transferred al-Shammari to Briman Prison in Jeddah. After 90 days, MOI officials released her.<sup>122</sup> In order to secure her release, she had to sign a pledge to “reduce” her activism; her Twitter account, however, remains active.<sup>123</sup>

In February 2012, Saudi authorities charged poet and journalist Hamza Kashgari, then-23 years old, with blasphemy after he tweeted “a series of mock conversations between himself and the prophet Muhammad.”<sup>124</sup> One tweet read: “On your birthday I find you in front of me wherever I go.” In another, he stated, “I love many things about you and hate others, and there are many things about you I don't understand.”<sup>125</sup> After facing widespread resentment and condemnation for these remarks, Kashgari fled to Malaysia.<sup>126</sup> Within days of his arrival, Malaysian officials extradited him to Saudi Arabia to await conviction.<sup>127</sup> MOI officials detained Kashgari for 23 months without trial for his tweets.<sup>128</sup> In October 2013, MOI officials released him.<sup>129</sup>

In 2011, Manal al-Sharif, a Saudi women's rights activist and single mother, helped to organize a widespread social media campaign called “Women2Drive,”<sup>130</sup> which culminated in her getting behind the wheel and recording her drive through Saudi streets. After facing severe public criticism, loss of employment, arrest, and eventual release, al-Sharif continues to use social media to fight for women's right to drive in Saudi Arabia.<sup>131</sup> In a continuation of al-Sharif's efforts, 26 October, 2013 marked Saudi Arabia's largest anti-driving-ban demonstration.<sup>132</sup> The demonstration was accompanied with widespread use of hashtags like #Oct26Driving and, in homage to al-Sharif's activism, #Women2Drive.

In 2014, two Saudi women's rights activists, Loujain Hathloul and Maysaa al-Amoudi, were arrested by Saudi authorities and imprisoned until 2015. Hathloul had attempted to drive from neighboring UAE across the Saudi border, but was stopped by border guards who confiscated her passport. After tweeting for hours about her situation while stalled at the border, her UAE-based friend al-Amoudi joined her in solidarity.<sup>133</sup> Shortly after, authorities arrested the two women and placed them in



separate prisons, without naming any charges.<sup>134</sup> Al Jazeera reported, however, that “investigations appeared to focus on the women’s social media activities rather than the driving.”<sup>135</sup>

## D. Censoring Individuals Abroad

Various arms of the Saudi government have not only censored media content circulating within the kingdom’s borders, but have also leveraged their significant regional influence to effect sanctions against foreign journalists and private citizens for comments made outside Saudi soil.

On 12 June 2015, a Kuwaiti court upheld a six-year prison sentence for blogger and Kuwaiti citizen Saleh al-Saeed. In October 2014, al-Saeed had posted a series of tweets that “accused Saudi Arabia of carrying out land grabs in the neutral zone between it and Kuwait to exploit the area’s oil reserves, and criticized the Kuwaiti authorities for failing to speak out.”<sup>136</sup> Human Rights Watch reported that the Kuwaiti government only charged al-Saeed “after the Saudi embassy in Kuwait City complained to the Foreign Affairs Ministry and demanded his prosecution.”<sup>137</sup>

Human Rights Watch further reported that the Kuwaiti government has charged “at least five other people with insulting Saudi Arabia or its ruling family” since December 2014.<sup>138</sup> The men are Mohammed al-Ajmi, Nawaf al-Hindal, Musaed al-Musallam, Khaled al-Shatti, and Abdul-Hamid Dashti. One of the men, al-Ajmi, had lead Kuwait’s National Committee for Monitoring Violations;<sup>139</sup> another, al-Shatti, is a former parliamentarian.

## V. Recommendations

### For the Government of Saudi Arabia

- **Amend** vague laws which allow journalists to be jailed for disrupting public order, breaching public policy, or violating public morals;
- **Relax** regulations which allow the MoCI to monitor media activity, including ending the licensing requirements for online media and ceasing the practice of suspending newspapers;
- **Remove** the responsibility for hiring and firing editors from the MoCI and place it with private newspaper owners and shareholders;
- **Facilitate** the establishment of private television and radio stations within the kingdom.
- **Permit** universal access to messaging services;
- **Refrain** from blocking websites run by human rights activists, women’s rights activists, and nonviolent political dissenters;
- **Publish** the CITC’s criteria for filtering “commercial” content;
- **Permit** the establishment of cinemas within the kingdom and coordinate with the MoCI to phase in these theaters;
- **Cease** arresting and detaining professional and amateur journalists, and individual social media users;



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- **Prohibit** prosecutors from bringing the cases of professional and amateur journalists before the Specialized Criminal Court;
- **Prohibit** the CPVPV from monitoring social media sites to target members of Saudi Arabia's LGBT community.

## For the United States

- **Ensure** clear and consistent messaging from all levels of the U.S. Government encouraging the Government of Saudi Arabia to introduce and uphold basic press and media freedoms;
- **Engage** in high-level talks with the Culture and Information Minister on relaxing licensing restrictions for online media outlets and for external satellite television providers;
- **Advocate** for the release of imprisoned journalists.

## For the International Community

### *The United Nations*

- **Issue** a resolution formally condemning the human rights situation in Saudi Arabia, with specific mention of the lack of progress the country has made in allowing freedom of expression and rescinding unnecessary censorship measures;
- **Insist** that the Government of Saudi Arabia allow the United Nations Office of the High Commissioner for Human Rights to establish a permanent mission in Riyadh, complete with a full reporting mandate;
- **Re-extend and publicly announce** a request for country visit by the Special Rapporteur on Freedom of Religion and Expression.

### *International business*

- **Raise awareness** of the current situation of censorship in Saudi Arabia, especially as it conflicts with international conventions protecting the freedom of expression, including:
  - The Universal Declaration of Human Rights, and
  - The International Covenant on Civil and Political Rights;
- **Refrain** from doing business with Saudi-based and international enterprises, such as the telecom company Mobily, which develop software that infringes the privacy rights of Saudi residents.

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