



Voice *for the* Voiceless

RELIGIOUS AND CULTURAL DISCRIMINATION IN SAUDI ARABIA



Americans for Democracy
& Human Rights in Bahrain

BIRD
BAHRAIN INSTITUTE FOR
RIGHTS & DEMOCRACY



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Americans for Democracy & Human Rights in Bahrain

The Bahrain Institute for Rights and Democracy

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The Bahrain Institute for Rights and Democracy (BIRD) is a London, UK-based non-profit organization focusing on advocacy, education, and awareness for the calls of democracy and human rights in Bahrain.

Americans for Democracy & Human Rights in Bahrain
1001 Connecticut Ave. Northwest, Suite 205
Washington, D.C. 20036
202.621.6141
www.adhrb.org

Bahrain Institute for Rights and Democracy
www.birdbh.org

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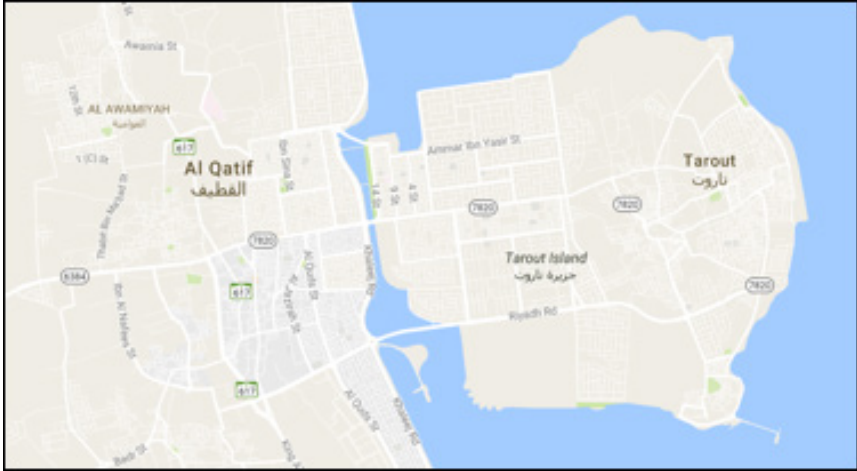
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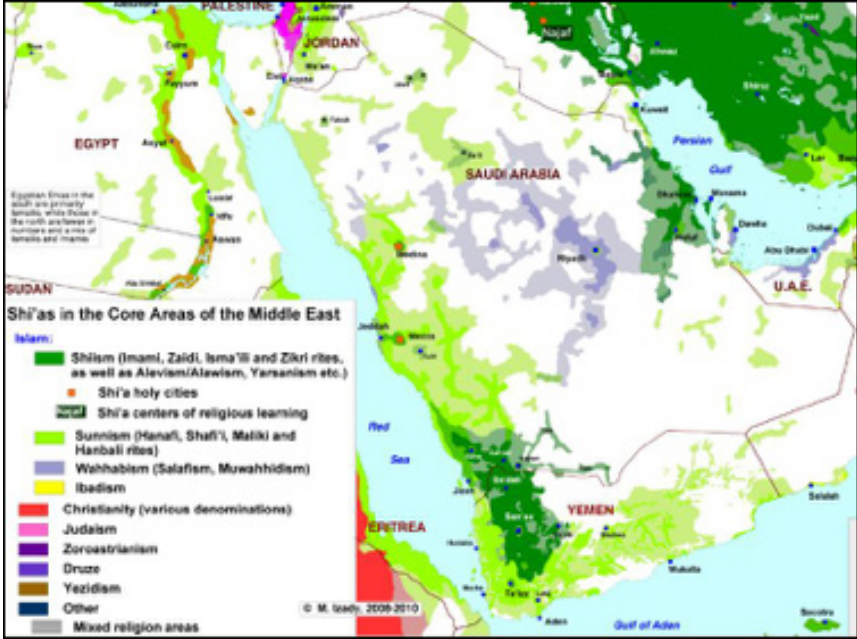
Saudi Arabia; source Wiki Commons.



Population Centers in the Eastern Province, including the Shia-majority towns of al-Qatif, Saihat, al-Mubarraz, and al-Hofuf; source: Google Maps.



Al-Qatif and al-Awamiyah; source Google Maps.



Concentration of Shia Muslims in Saudi Arabia; source: Reuters.

Introduction and Methodology

1. Introduction

Shia Muslims in Saudi Arabia have been the victims of systematic government abuse and discrimination since before the establishment of the kingdom in 1933. The abuse and discrimination is enshrined in Saudi Arabia's ideology and has continued in the practices of the modern Saudi state. Among these practices is the state-sponsored destruction of Shia places of worship and vandalism of Shia graves and mausoleums. The state's ideology also encourages targeted, physical attacks on Shia worshippers, particularly during Ashura celebrations. Government-appointed justices violate Shia defendants' internationally-sanctioned right to due process and often subject them to pre-trial torture, unfair trials, and execution. School textbooks teach that Shia Islam is not a true form of Islam and that Shia Muslims are unbelievers, while teachers degrade and insult their Shia students in class. Many corporations use discriminatory hiring and promotion practices to prevent Shia employees from ascending to senior positions. The country's political system excludes Shia citizens from influential posts and concentrates power in the hands of the royal family and a few Sunni politicians. These practices are not isolated incidents, but are products of legislation and social norms that work to keep Saudi Shia Muslims in subordinate positions throughout the kingdom.

Saudi Arabia's Shia population faces country-wide prejudice despite constituting only 10-15 percent of the kingdom's population of 27 million. These patterns of prejudice are a result of the eighteenth-century bargain between Muhammad ibn Saud and Muhammad ibn Abd al-Wahhab. The bargain gave al-Wahhab and his followers significant religious influence in the Saudi state and enshrined their interpretation of Islam as Saudi Arabia's official religion. In return, al-Wahhab and his followers gave the al-Saud family religious legitimacy to advance its political ambitions and strengthen its rule.

As a result of the bargain, Muhammad ibn Abd al-Wahhab's interpretation of Sunni Islam has become embedded in the fabric of the state. His interpretation is inherently discriminatory towards Shia Muslims. He believed that Shia practices were un-Islamic because they are "innovations" that differ from the Prophet's Islam. As the foundation of the kingdom's political, legal, and social structure, al-Wahhab's interpretation underpins the kingdom's prejudicial policies towards its Shia populace in a way that affects all aspects of daily Shia life.

Although structural discrimination exists against Saudi Arabia's Shia population, there are instances of individual Shia citizens overcoming the bias and achieving limited success within its confines. For example, Sheikh Ali bin Musallam became an advisor to King Fahd by marrying into the royal family. Saudi Arabia has had one Shia ambassador—Jamal al-Jishi who served to Iran from 1999-2003. Additionally, several Shia members sit on the *majlis al-shura*—an advisory body to the king. However, Shia mostly remain excluded from political posts with legislative power, as the *majlis* can only recommend legislation and al-Jishi did not make policy. In this way, the kingdom's decision-making process largely remains the province of the king, royal family, and Sunni politicians. Therefore, the entrance of limited numbers of Shia Muslims to the upper strata of corporate or government employment does not negate or lessen the systemic and systematic prejudice inherent throughout Saudi society.

Saudi Arabia's state-sponsored discrimination against its Shia Muslim population is a product of politics buttressed by religion. Muhammad ibn abd al-Wahhab's interpretation of Sunni Islam, and its inherent prejudice against Shia Muslims, is an important pillar of the state. The al-Saud family uses the religious establishment and its interpretation of Islam for political purposes. The government discriminates against its Shia residents on the basis of their religion, but it channels the prejudice so as to further its rule.

The government's widespread prejudice, structural discrimination, and exclusionary practices keep Saudi Arabia's Shia populace in subordinate social and political positions. However, the kingdom's oppressive practices towards its Shia residents have occasionally resulted in public demonstrations of dissent. In 1979, Shia residents of Qatif, in the Eastern Province, rebelled and rioted against the government. State security forces and the Saudi Arabia National Guard suppressed the riots, killing dozens, injuring hundreds, and driving many Shia clerics and activists into exile. In 2000, Ismaili Shia in Najran Province clashed with security forces, leaving several dead. In 2011, Shia residents and activists, inspired by pro-democracy movements around the Arab world, once again demonstrated their opposition to oppression in large numbers in the Eastern Province. One of their leaders was Sheikh Nimr al-Nimr, a prominent Shia cleric.

At a time when many clerics were reluctant to challenge the government and call for reforms, Sheikh al-Nimr preached forcefully for an end to government discrimination and oppression. He gave a voice to the Shia activists and residents who protested in the streets, and iterated their hopes for more political and religious equality, as well as an end to wide-spread and structural prejudicial treatment. The government executed him on 2 January 2016 due to his vocal stance against the government's treatment of its Shia minority and his image as a leader of the Shia demonstrators.

Despite his execution, Sheikh al-Nimr remains a symbol of Shia hopes in their struggle for equality. After his death, protesters demonstrated in countries with significant Shia populations—in Iran, Lebanon, Iraq, and Bahrain. Security forces in Saudi Arabia suppressed the Saudi protests, but tensions have remained high. The discriminatory legal and political structures against which Sheikh al-Nimr spoke out, are still in place. They will persist as long as the Kingdom of Saudi Arabia interprets Islam as Muhammad ibn abd al-Wahhab did and continues to ban freedom of religion. Likewise, human rights abuses against the country's Shia minority will continue as long as the Saudi royal family maintains its monopoly on political power.

2. Methodology

The Eastern Province is the home of the country's largest Shia population; roughly 80 percent of Saudi Shia Muslims live in the Eastern Province, around the oases of Qatif and al-Hasa, as well as in Dammam, al-Khobar, and Dhahran. Saudi Arabia has two major groups of Shia Muslims, Twelvers and Seveners.¹ The kingdom's Ismaili Shia community is primarily located in the country's southwestern Najran Province, where it makes up a majority of the province's more than one million inhabitants.² In addition to Shia populations in Najran and the Eastern Province, there is a Shia community in Medina called *nakhawila*.³

1 "Saudi Arabia 2012 International Religious Freedom Report," United States Department of State (US DoS), 2013, <http://www.state.gov/j/drl/rls/irf/2012/nea/208410.htm>.

2 "Saudi Arabia 2012 International Religious Freedom Report," US DoS.

3 Toby Matthiesen, "The Shi'a of Saudi Arabia at a Crossroads," Middle East Research and Information Project, 6 May 2009, <http://www.merip.org/mero/mero050609>.

Saudi Arabia's Shia communities are heterogeneous and have different historical experiences and cultures. Due to this, Ismailis, Eastern Province Shia, and *nakhawila* Shia have different relations with the Saudi government. For example, Saudi forces did not conquer Najran until 1934—more than two decades after they conquered the Eastern Province. When Abdulaziz bin Saud (Ibn Saud) conquered Najran, which was an independent sheikhdom, he pledged to respect Ismaili Muslim culture and religion. He did not make such a pledge to the Shia in the east. Partly as a result of this decision, among other factors, Eastern Province Shia have typically maintained more complex and contentious relations with the Saudi government than their Ismaili and *nakhawila* counterparts. Eastern Province Shia also face more discrimination and intolerance than other Shia communities. As a result of these differences, while this report will examine patterns of prejudice against all Shia in Saudi Arabia, it will focus on the prejudice experienced by the Twelver community.

In order to explicate the historic and structural nature of Shia discrimination in Saudi Arabia, this report first answers the question, “Why Shia?” in an attempt to discover the reason behind the state's policies towards its Shia population. As anti-Shia prejudice did not arise in a vacuum, this report incorporates a historical perspective that aims to trace the particular set of circumstances that gave birth to, and underpins, bias against Shia. To this end, the first section examines Muhammad ibn abd al-Wahhab and his understanding of Sunni Islam, because his beliefs and teachings are the foundation for contemporary patterns of bias in Saudi Arabia. The Saudi state's incorporation of al-Wahhab and his followers into its political bureaucracy sets the stage for the next several sections which each explore different facets of Shia discrimination.

The sections following the exploration of Muhammad ibn abd al-Wahhab's understanding of Islam examine discrimination in the religious and cultural, legal, political, and media spheres respectively. Like the report as a whole, these sections examine historic patterns of discrimination against Shia in addition to contemporary examples of prejudice. While these sections focus on the situations and experiences of Shia in the east, they also detail patterns of intolerance towards Ismailis in Najran. The purpose of this is not only to demonstrate that contemporary examples of prejudice arose in the context of changing times, attitudes, and political and social changes, but also to illustrate that Shia throughout the country face widespread systemic discrimination. The report asserts that examining contemporary patterns of bias without examining historic patterns would not tell the whole story.

The middle sections set the stage for the final section, which explores the life and legacy of Sheikh Nimr al-Nimr in the context of anti-Shia discrimination in many aspects of Saudi society. The last section explores Sheikh al-Nimr's early life as an exile in Iran and Syria following the failed protests in Qatif in 1979, his return to Saudi Arabia after the 1990 amnesty, and his emergence as a figure of Shia resistance to the government. It uses several of his sermons to illustrate his non-violent stance and opposition to all government oppression regardless of sect. The section demonstrates that Sheikh al-Nimr was a transformative figure among Saudi Arabia's Shia residents, particularly in the Eastern Province due to his forthright demand for equal rights for Saudi Arabia's Shia populace.

Muhammad ibn abd al-Wahhab and the religious establishment

1. Introduction: An Expeditious Alliance

In 1744, Muhammad ibn Saud, chieftain of the central Arabian town of Diriyah, struck a bargain with Muhammad ibn abd al-Wahhab.⁴ This bargain, and their alliance, would become the foundation of the modern Saudi state nearly two hundred years later. The agreement ensured that Muhammad ibn abd al-Wahhab's followers and successors would give religious legitimacy to the Saudi royal family's political rule and visions of territorial expansion. In return, the Saudi royal family would support al-Wahhab's teachings and give him, and the clerics who agreed with his interpretation of Islam, responsibility for religious concerns in the Saudi state.⁵ Al-Wahhab, his clerics, and their interpretation of Islam, provided justification for Muhammad ibn Saud and his successors' territorial conquests, as "those who resisted the 'House of Saud' were not just enemies, but infidels who deserved the sword."⁶

With the establishment of the modern Kingdom of Saudi Arabia, the Saudi royal family integrated al-Wahhab's interpretation of Islam and his supporters into the state bureaucracy.⁷ They became the state's religious establishment with control over the religious aspects of the state. Today, the religious establishment still follows the teachings of al-Wahhab and it uses its position to exhort Saudi citizens to support the government.⁸

The agreement was mutually beneficial for both parties. The Saudi family used Muhammad ibn abd al-Wahhab's theological teachings for their political gain, and al-Wahhab and his followers gained political power and the ability to propagate their teachings. The intertwining of politics and religion between the two parties has culminated in the incorporation and embedding of al-Wahhab's clerics in the Saudi state and rendered the clerical establishment as much political actors as religious actors.

2. Muhammad ibn abd al-Wahhab

Muhammad ibn abd al-Wahhab is credited with the founding of what some call Wahhabi Islam, a select interpretation of Sunni Islam.⁹ He was a Muslim religious scholar born in 1703 in the town

4 "Ibn Abd al-Wahhab, Muhammad," Oxford Islamic Studies Online, accessed 14 August 2016, http://www.oxfordislamicstudies.com/article/opr/t125/e916?_hi=0&_pos=16.

5 Ibid.

6 Ben Hubbard, "A Saudi Morals Enforcer Called for a More Liberal Islam. Then the Death Threats Began," New York Times, 10 July 2016, http://www.nytimes.com/2016/07/11/world/middleeast/saudi-arabia-islam-wahhabism-religious-police.html?_r=0.

7 Hubbard, "Saudi Morals Enforcer Called for a More Liberal Islam."

8 The king exerts significant control over the religious establishment, with the ability to appoint and remove senior religious leaders, who themselves, have a significant amount of influence and power within the country. See, Christopher Boucek, "Saudi Fatwa Restrictions and the State-Clerical Relationship," Carnegie Endowment for International Peace, 27 October 2010, <http://carnegieendowment.org/sada/?fa=41824>; Hubbard, "Saudi Morals Enforcer Called for a More Liberal Islam."

9 Christopher M. Blanchard, "The Islamic Traditions of Wahhabism and Salafiyya," Congressional Research Service Report for Congress, Order Code no. RS21695, 24 January 2008, <https://www.fas.org/sgp/crs/misc/RS21695.pdf>, pgs. 1-2; "Wahhabism" is a misleading term as many Muslims will say that there is no such thing as Wahhabism, but only one true Islam. See, Hubbard, "A Saudi Morals Enforcer Called for a More Liberal Islam."

of Uyaynah¹⁰ near present-day Riyadh. Al-Wahhab was born into a family of religious judges and scholars. As a young man, he traveled around the Middle East, before returning to Uyaynah.¹¹ Upon returning to Uyaynah, al-Wahhab began to teach an interpretation of Sunni Islam inspired by the writings of the fourteenth century Sunni Hanbali Muslim scholar Ibn Taymiyah.¹²

Muhammad ibn abd al-Wahhab was greatly influenced by the writings of Ibn Taymiyah. Drawing on the work of scholar Ahmad ibn Hanbali, after whom the Hanbali school of Islamic jurisprudence is named, Ibn Taymiyah promoted the doctrine that the basic sources for Islamic belief and practice are the Qur'an and the *Sunna*—the word or actions of the Prophet. As a result of this approach, Ibn Taymiyah was critical of practices and rituals that did not accord with the Qur'an or *Sunna*. Among those practices he criticized were many Sufi practices. He denounced their practices and rituals as condemnable innovations and heretical.¹³ Some Sufi and Shia rituals are similar, including the practice of visiting shrines and tombs of venerated imams and historical religious and social figures.¹⁴

In his own teachings, Muhammad ibn abd al-Wahhab sought to “return” to the “fundamentals” of Islam as embodied in the Qur'an and *Sunna*. In this manner, al-Wahhab drew upon Ibn Taymiyah's criticism of innovations in Islam. He adapted Ibn Taymiyah's work to reverse what he perceived as the moral decline of Muslim society.¹⁵ Al-Wahhab theorized that the Islamic world had deteriorated due to innovations, interpretations, and traditions that did not coincide with the Islamic practices at the time of the Prophet.¹⁶ He denounced popular innovations and localized Islamic beliefs and practices that moved away from what he regarded as the Islam of the Prophet's era as idolatrous.¹⁷ For example, al-Wahhab condemned the celebration of the Prophet's birthday because he argued that this practice elevated the Prophet to a level too close to God. Among the practices that he considered to be interpretations were Sufi and Shia practices such as the veneration of saints. He reached these conclusions by drawing almost exclusively upon the Qur'an and *Sunna* at the expense of *Qiyas* and *Ijma*, two other sources of Islamic law.¹⁸ This led him to consider anything not in the “fundamentals of Islam” from the Prophet's era as idolatrous and opposed to Islam.¹⁹

In response to a perceived deterioration of the Islamic world, al-Wahhab and his followers believed they had a religious obligation to spread the call for a restoration of pure monotheistic worship.²⁰

10 Harry St. John Bridger Philby, Joshua Teitelbaum, William L. Ochsenwald, “The Wahhabi Movement: origins and early expansion,” *Encyclopedia Britannica*, accessed on 16 August 2016, <https://www.britannica.com/place/Saudi-Arabia/The-Wahhabi-movement#toc45224>.

11 Philby, “The Wahhabi Movement: origins and early expansion.”

12 *Ibid.*

13 George Makdisi, “Ibn Taymiyah,” in *Encyclopedia of Religion (2nd edition)*, Lindsay Jones, Mircea Eliade, and Charles J. Adams, (ed.), (Detroit: Macmillan Reference, 2005), pg. 4276-4278, pg. 4277.

14 United Nations, Office of the High Commissioner for Human Rights, *Communication regarding the destruction of sites of religious, historical, and cultural importance in Saudi Arabia*, AL, 14 October 2015, [https://spdb.ohchr.org/hrdb/31st/public_-_AL_Saudi_Arabia_14.10.15_\(7.2015\).pdf](https://spdb.ohchr.org/hrdb/31st/public_-_AL_Saudi_Arabia_14.10.15_(7.2015).pdf).

15 Blanchard, “The Islamic Traditions of Wahhabism and Salafiyya,” pg. 2.

16 *Ibid.*, pg. 1.

17 Blanchard, “The Islamic Traditions of Wahhabism and Salafiyya,” pgs. 1-2; Hubbard, “A Saudi Morals Enforcer Called for a More Liberal Islam.”

18 Together the Qur'an, *Sunna*, *Qiyas*, and *Ijma* constitute the four major sources of Islamic law. Where the Qur'an is the word of God and the *Sunna* is word or actions of the Prophet, *Qiyas* is analogical reasoning and *Ijma* is consensus. “Uṣūl al-fiqh: Islamic Law,” *Encyclopedia Britannica*, 2016, accessed 14 August 2016, <https://www.britannica.com/topic/usul-al-fiqh>.

19 Blanchard, “The Islamic Traditions of Wahhabism and Salafiyya,” pgs. 1-2.

20 David Commins, *The Wahhabi Mission and Saudi Arabia*, (London: I. B. Taurus, 15 April 2009), pg. vi.

Reacting to the Arab idolaters who professed to believe in God, al-Wahhab promoted the idea that in order to qualify as a Muslim, one must devote their worship purely and exclusively to God. He believed that any act or statement that indicated devotion to a being other than God is to associate another creature with God's power, which would be tantamount to idolatry.²¹ He included in the category of such acts popular religious practices that made men into intercessors with God.²²

3. Opposition to Shia

Muhammad ibn abd al-Wahhab's teachings are inherently antithetical to Shia Muslim's practices and beliefs. Much of what he saw as innovations (*bid'a*) and interpretations are practices of other Islamic sects, including Shia. Among the Shia practices that he condemned are worshipping at shrines and graves and venerating saints and Imams.²³ Al-Wahhab and his followers disapproved of Shia Muslim's pilgrimages to sites other than Mecca and their reverence for Islamic figures other than the Prophet Muhammad.²⁴ In criticizing Shia Muslim's worship at graves and tombs, al-Wahhab cites a *hadith* barring believers from building an edifice over the Prophet's grave for fear they would turn it into a mosque. He cites another *hadith* forbidding imitating Christians and Jews in their custom of worshipping at prophets' graves. By analogy, al-Wahhab declares that one may not pray at any grave since to do so could lead to its conversion into a place of worship.²⁵ Shia make pilgrimages to cities and sites other than Mecca and Medina, including to the Sayyida Zainab in Damascus, the city of Najaf, Iraq, and to saints' tombs.²⁶ Shia continue to revere Imams after their deaths and visit their graves to ask favors of them.²⁷ Shia also hold feast days as commemoration of their saints.²⁸

These practices are significant elements of Shia worship, but al-Wahhab and his followers argue that their practice signifies that they are not Muslims. Moreover, he viewed Shia Muslim's reverence of Imams as heretical because it contradicts with the unitary understanding of God within Islam. According to Muhammad ibn abd al-Wahhab, there is only one God, and that God does not share his power with anyone, whether Imams or nature.²⁹ Further, al-Wahhab forbids "people from depending on any being but God, whether they are saints, holy men, trees, or idols."³⁰

4. al-Wahhab and the Saudi state

Muhammad ibn abd al-Wahhab's teachings and interpretation of Islam became the foundation upon which Muhammad ibn Saud based the political legitimacy of his conquests. When ibn Saud received al-Wahhab in ibn Saud's village of Diriyah in 1744, he granted him protection from

21 Ibid, pg. vii.

22 Ibid.

23 Blanchard, "The Islamic Traditions of Wahhabism and Salafiyya," pg. 2.

24 Azadeh Moaveni, "Here are Some of the Day-To-Day Differences Between Sunnis and Shiites," *Huffington Post*, 25 June 2014, http://www.huffingtonpost.com/azadeh-moaveni/differences-between-sunnis-shiites_b_5526484.html.

25 Commins, *The Wahhabi Mission and Saudi Arabia*, pg. 16.

26 Moaveni, "Differences Between Sunnis and Shiites."

27 "The Saud Family and Wahhabi Islam," *Country Studies*, accessed 2 August 2016, <http://countrystudies.us/saudi-arabia/7.htm>.

28 "What is Wahhabism? The reactionary branch of Islam said to be 'the main source of global terrorism,'" *The Telegraph*, 29 March 2016, <http://www.telegraph.co.uk/news/2016/03/29/what-is-wahhabism-the-reactionary-branch-of-islam-said-to-be-the/>; Moaveni, "Difference Between Sunnis and Shiites."

29 "The Saud Family and Wahhabi Islam," *Country Studies*.

30 Commins, *The Wahhabi Mission and Saudi Arabia*, pg. 17.

rival tribes that condemned al-Wahhab for his interpretation of Islam.³¹ Muhammad Ibn Saud also promised to work with Muhammad ibn Abd al-Wahhab to establish a state run according to Islamic principles as interpreted by al-Wahhab and his followers.³² With the support and legitimacy offered by al-Wahhab's clearly defined religious mission, Muhammad ibn Saud and his descendants succeeded in the early twentieth century in conquering most of the Arabian Peninsula. This allowed al-Wahhab's followers to attain uncontested supremacy over most of the Arabian Peninsula.³³ The mutually beneficial relationship between the two parties was solidified at the 1927 Riyadh Conference. By the conclusion of the conference, the al-Saud family retained the discretion to declare *jihād*.³⁴ This gave the al-Saud family control over the country's ability to expand in the future and thus its armed forces. In return, al-Wahhab's followers gained control over domestic affairs and significant influence over domestic policy, including the ability to set policy concerning the Shia populace in the east of the country.³⁵

After the conference, and by 1930, the government had officially integrated al-Wahhab's followers into the kingdom's new religious and political establishment.³⁶ They accepted their role as guardians of ritual correctness and public morality.³⁷ The clerics and their interpretation of Islam formed the basis of the rules and laws that govern the Kingdom of Saudi Arabia.³⁸

In this manner, al-Wahhab's anti-Shia bias has become a part of the state and the state's ideology. Thus, "while the clergy have, from the mid-eighteenth century onwards, seen Shia Islam as one of its main, if not *the* main, enemy,"³⁹ according to Saudi researcher Toby Matthiesen, this understanding has been embedded in the practices of the contemporary state. "While relations between Shia political leaders and individual members of the Saudi ruling family have fluctuated, and have improved at times, the attitudes of the clergy towards Shia Muslims [have] not [changed], and have remained adversarial."⁴⁰

In order to meet the needs of a modern state, the religious establishment has grown into a bureaucracy that permeates all levels of society and is controlled by the King. In this way, the state channels al-Wahhab's anti-Shia attitude into state and state-sponsored acts that discriminate against its Shia populace. The religious establishment consists of universities that train graduates in religious disciplines and a legal system reliant upon individual justices' interpretations of the Qur'an and the *Sunna*. It also consists of a council of clerics who advise the king and a network of offices that issue fatwas and religious opinions that supplement the kingdom's legal structure. It further consists of the religious police and imams who preach in government-subsidized mosques and who deliver speeches approved by the government.⁴¹ The religious establishment also influences the media, economic, and financial fields, allowing for anti-Shia bias in these spheres.

31 Madawi al-Rasheed, *A History of Saudi Arabia*, (New York: Cambridge University Press, 2002), pg. 17.

32 "The Saud Family and Wahhabi Islam," Country Studies.

33 "The Saud Family and Wahhabi Islam," Country Studies; See, Commins, *The Wahhabi Mission and Saudi Arabia*, pg. 71-103.

34 Commins, *The Wahhabi Mission and Saudi Arabia*, pg. 76.

35 Ibid.

36 Blanchard, "The Islamic Traditions of Wahhabism and Salafiyya," pg. 2.

37 Commins, *The Wahhabi Mission and Saudi Arabia*, pg. 72.

38 Blanchard, "The Islamic Traditions of Wahhabism and Salafiyya," pg. 3.

39 Toby Matthiesen, *The Other Saudis: Shiism, Dissent and Sectarianism*, (New York: Cambridge University Press, 22 December 2014), pg. 8.

40 Ibid.

41 Hubbard, "A Saudi Morals Enforcer Called for a More Liberal Islam."

5. Conclusion

The solidification of the bargain between the al-Saud family and al-Wahhab's followers and religious scholars in the 1927 Riyadh Conference entrenched al-Wahhab's interpretation of Islam into the fabric of the Saudi state. Al-Wahhab and the clerics who followed him adhered to an interpretation of Islam that was inherently discriminatory towards Shia. After the 1927 Riyadh Conference, this interpretation became the formal ideology of the Kingdom of Saudi Arabia. Al-Wahhab's interpretation of Islam has always been both political and religious because it used theology to sanction territorial expansion in the name of spreading faith. However, in becoming the official religion of the Kingdom of Saudi Arabia, his interpretation of Islam has become increasingly political. As part of the political, social, and religious fabric of the Saudi state, the Saudi royal family uses the religious establishment to support and legitimize its rule. Through appointments to the judiciary and the Council of Senior Religious Scholars, the al-Saud family retains significant influence over the religious establishment.⁴² The intertwining of politics and religion has led to state and state-sponsored prejudice towards Saudi Arabia's Shia residents.

⁴² Boucek, "Saudi Fatwa Restrictions and the State-Clerical Relationship."

Facets of Shia Discrimination: Religious and Cultural

1. Introduction: Systematic discrimination of Shia based upon their religion

The Government of Saudi Arabia sanctions religious and cultural discrimination against its Shia minority. Anti-Shia discrimination in the religious and cultural spheres manifests in the destruction of significant Shia religious and cultural sites, the closure of Shia mosques, the arrest and detention of Shia religious leaders and worshippers, and the government-sponsored and government-sanctioned disruption of Shia religious practices and festivals. This discrimination also takes a less tangible form in the use of sectarian and anti-Shia language in sermons and school textbooks that demean and degrade Shia and their practices and heritage. Anti-Shia sermon and textbook language underpins other aspects of Shia discrimination by propagating anti-Shia sentiment. In these ways, religious and cultural discrimination against Shia minimizes their cultural and religious heritage, violates their internationally-sanctioned right to exercise their freedoms of religion, expression, association, and assembly, and ultimately endorses violence against Shia.⁴³

The Saudi government's negative stance towards religion and worship that differs from its official interpretation of Islam sanctions discrimination against Shia. There is no freedom of religion or freedom of conscience in Saudi Arabia.⁴⁴ The Saudi state privileges its own particular interpretation of Islam over all other religions.⁴⁵ The practice or worship of any religion other than the state's official interpretation of Islam is a criminal offense.⁴⁶ The country adheres to Muhammad ibn abd al-Wahhab's interpretation of Sunni Islam, which is necessarily discriminatory towards Shia Muslims and Shia Islam.⁴⁷ This interpretation underpins authorities' discriminatory practices against the state's Shia populace.

2. Destruction of Religiously and Culturally Significant Sites

A. INTRODUCTION

The Saudi government has undertaken a systematic campaign to minimize Shia religious and cultural heritage in the country. Part of this campaign has entailed the Saudi state's destruction of ancient cultural and religious sites of significance to its Shia populace and authorities' subsequent efforts to de-emphasize the significance of these sites.⁴⁸

43 The Government of Saudi Arabia may not intend to endorse violence against Shia, but in systematically denigrating Shia cultural and religious sites and practices, the government creates an atmosphere wherein similar citizen action may be seen as acceptable.

44 "Saudi Arabia 2015 International Religious Freedom Report," United States Department of State (US DoS), 2016, <http://www.state.gov/documents/organization/256499.pdf>, pg. 1.

45 "2016 International Religious Freedom Report," United States Commission on International Religious Freedom (USCIRF), 2016, <http://www.uscifr.gov/sites/default/files/USCIRF%202016%20Annual%20Report.pdf>, pg. 57.

46 See, "Saudi Arabia 2015 International Religious Freedom Report," US DoS, pg. 1.

47 See Part 1 for a more in depth discussion.

48 "Mapping the Saudi State, Chapter 7: The Destruction of Religious and Cultural Sites," Americans for Democracy & Human Rights in Bahrain (ADHRB), 5 October 2015, <http://www.adhrb.org/2015/10/mapping-the-saudi-state-chapter-7-the-destruction-of-religious-and-cultural-sites/>, pgs. 4, 5.

The destruction of religious and cultural sites dates back to 1925, seven years prior to the formal creation of the kingdom. However, since the 1990s the state has increased the pace of the demolition of religious and cultural sites. The contemporary expansions of the grand mosques of Mecca and Medina, begun in 2011, in particular, have entailed the demolition of hundreds of buildings, including ancient mosques and graves.⁴⁹ Many of the sites the government has destroyed affect all Muslims regardless of sect, as well as non-Muslims.⁵⁰ Despite the intra-sectarian and non-sectarian nature of the demolitions, the destruction of these sites disproportionately affects Saudi Arabia's Shia population. Visiting tombs, shrines, and holy sites is an important part of Shia culture and faith,⁵¹ and the demolition of these sites thus inhibits Shia's ability to practice their faith in ways that do not inhibit Sunni worshippers' practices.

B. HISTORY

Since 1925, the Government of Saudi Arabia has destroyed about 98 percent of religious and historic sites in the country, including sites in Jeddah, Medina, Mecca, and the Eastern Province towns of al-Khobar and Awamiyah.⁵² In 1926, the al-Saud family demolished the Mu'alla cemetery in Mecca, and partially destroyed the al-Baqi cemetery in Medina. At the time of their destruction, both cemeteries contained the graves of significant Islamic figures. The Mu'alla cemetery predates Islam and contains the graves of the Prophet Muhammad's great-great-grandfather, grandfather, uncle, and first wife. The al-Baqi cemetery in Medina contains the graves of Ibrahim (Abraham of the monotheistic faiths), the Prophet's daughter, a number of Shia imams, and others related to the Prophet.⁵³

The state's demolition of religiously significant cultural sites continued in the late twentieth century. In 1989, Saudi authorities removed and transferred the body of the Prophet's father to the remnants of the al-Baqi cemetery in Medina. That same year, the state bulldozed the Prophet's house to accommodate an expansion of the Grand Mosque in Mecca. In 1998, authorities bulldozed and burned the grave of the Prophet's mother.⁵⁴

The 2011 plan to modify and expand the Grand Mosque in Mecca has entailed the destruction of many religious, historic, and cultural sites of significance. In particular, authorities turned the house of Khadija bint Khuwalid, the Prophet's first wife, from a library into a row of toilets for visitors to the Grand Mosque. In 2012, authorities demolished the Ottoman and Abbasid columns of Dar al-Aqram, the first place where the Prophet taught Islam, in order to expand the mosque's plaza.⁵⁵ In an October 2014 report, the Ministry of Islamic Affairs and Endowments (MoIA) stated that 95 properties and 126 mosques will be destroyed before the Grand Mosque renovations are complete. A January 2015 report by the Ministry of Finance (MoF) revised that estimate, identifying up to 10,000 properties for demolition.⁵⁶

49 "Mapping the Saudi State, Chapter 7," ADHRB, pg. 5.

50 United Nations, Office of the High Commissioner for Human Rights, *Communication regarding the destruction of sites of religious, historical, and cultural importance in Saudi Arabia*.

51 Ibid.

52 "Mapping the Saudi State, Chapter 7," ADHRB, pg. 1.

53 Ibid, pg. 3-4.

54 United Nations, Office of the High Commissioner for Human Rights, *Communication regarding the destruction of sites of religious, historical, and cultural importance in Saudi Arabia*.

55 Ibid.

56 "Mapping the Saudi State, Chapter 7," ADHRB, pg. 4.

Destruction of Shia Sites in Najran

Saudi authorities have destroyed important Shia religious and cultural sites around the country since before the kingdom's founding in 1932, including in Najran. The destruction of these sites is sanctioned by the kingdom's interpretation of Islam, which holds that Shia sites are idolatrous and their demolition helps Muslims concentrate on their faith. To this end, from the late 1990s to the mid-2000s, Saudi security forces closed or destroyed a number of Ismaili mosques. These include the Fudhaih Mosque of Imam Ali bin Abi Talib, the Shams Mosque, and the al-Aridh Mosque—which dates to the Umayyad times.⁶⁷

67 “The Ismailis of Najran,” Human Rights Watch (HRW), 2008, <https://www.hrw.org/sites/default/files/reports/saudiarabia0908web.pdf>, pg. 66.

C. DESTRUCTION OF SHIA SITES

The Saudi state's destruction of significant religious and cultural sites is prompted by the government's particular interpretation of Islam and by religious and religious-political-business interests.⁵⁷ Saudi Arabia's Permanent Committee for Scholarly Research and Ifta⁵⁸ has claimed that that destroying the sites will prevent idolatry and allow Muslims to concentrate on their faith.⁵⁹ The destruction of these sites also serves a broader commercial purpose, supported by political and religious reasons.⁶⁰

Members of the Permanent Committee for Scholarly Research and Ifta have also issued 38 fatwas relating to graves, shrines, and mosques. This view is based upon the government's particular interpretation of Islam, which not all Saudis share. Moreover, this interpretation is notably antagonistic towards other interpretations of Islam, and towards Shia Muslims in particular.⁶¹

As a result of this antagonistic attitude, the government's interpretation of Islam and the actions it sanctions disproportionately affect Shia. The Saudi government has not only destroyed broadly-understood “idolatrous” Islamic sites, but specifically targeted Shia sites of significance.⁶² When the al-Saud family destroyed most of the al-Baqi cemetery in Medina in 1926, it demolished the graves of four Twelver Shia imams and an Ismaili Shia imam—Ismail ibn Sadiq, the imam for whom the Ismaili sect is named.⁶³

The government's policies towards significant Shia sites have endured in the institutions of the contemporary Saudi state.⁶⁴ In 2012, the government destroyed the Ein Imam Hussein Mosque in Awamiyah.⁶⁵ In 2014, the government destroyed the house of Ali ibn Ali Talib, the cousin and son-in-law of the Prophet and the first Shia imam.⁶⁶

57 Aya Batrawy, “MECCA-HATTAN: Islam's Holiest City is Being Overhauled, and People are Furious,” *Business Insider*, 1 October 2014, <http://www.businessinsider.com/mecca-is-being-overhauled-and-people-are-furious-2014-10>.

58 A religious body closely affiliated with the Senior Council of Ulema, the Kingdom's highest religious body, whose members are appointed by the king. See Boucek, “Saudi Fatwa Restrictions and the State-Clerical Relationship.”

59 United Nations, Office of the High Commissioner for Human Rights, *Communication regarding the destruction of sites of religious, historical, and cultural importance in Saudi Arabia*.

60 “Mapping the Saudi State, Chapter 7,” ADHRB, pgs. 5-6.

61 Matthiesen, *The Other Saudis*, pg. 8.

62 “Mapping the Saudi State, Chapter 7,” ADHRB, pg. 7.

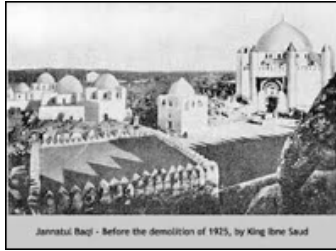
63 *Ibid*, pg. 3.

64 *Ibid*, pg. 7.

65 *Ibid*, pg. 8.

66 *Ibid*, pg. 5.

An essential part of Shia religious practices involves visiting, and making pilgrimages to, shrines and other holy sites. These sites are associated with important religious figures, family members, and descendants of Prophet Muhammad, where Shia pilgrims will gather soil from the sites and touch or kiss the shrines.⁶⁸ Authorities' demolition of these sites thus directly affects and impedes Shia religious practices. In addition, authorities will destroy sites and post signs trivializing the sites' historical and religious significance, stating that the areas are forbidden as places for prayer.⁶⁹



*Al-Baqi cemetery before 1925*⁷⁰



*Al-Baqi cemetery today*⁷¹

In 2013, the government used concrete to fill in the gap at Mount Uhud, north of Medina, where the Prophet Muhammad was nursed after being wounded in battle. The authorities subsequently fenced off the base of the mountain and warned visitors there was nothing special to see.⁷² In 1951, the government built a library over the rooms of the House of Mawlid, where the Prophet Muhammad was born and closed the site to pilgrims. Signs warn pilgrims against praying, saying “there is no proof that Prophet Muhammad (peace be upon him) was born in this, so it is forbidden to make this place specific for praying, supplicating or get blessing [sic].”⁷³

In addition to offering religious explanations for the destruction of ancient culturally and religiously significant sites, particularly concerning preventing idolatry, the Saudi government offered religious-business reasons for demolishing ancient sites in Medina and Mecca. The demolition of the sites has benefited the country's religious establishment and financial elite. The Saudi government faces demographic and economic trends, such as rapid population growth, increased urbanization, and declining oil revenues. Facing these problems, it has offered these trends as reasons to expand the Grand Mosque in Mecca, develop new commercial centers, and construct skyscrapers and luxury hotels. In this manner, the destruction of significant religious and cultural sites has benefited the country's religious establishment and financial elite.⁷⁴

Expanding a major Islamic site such as the Grand Mosque benefits the religious establishment's

68 United Nations, Office of the High Commissioner for Human Rights, *Communication regarding the destruction of sites of religious, historical, and cultural importance in Saudi Arabia*; Matthiesen, “The Shi’a of Saudi Arabia at a Crossroads;” “Shias view on grave worship,” All About Shias, 2014, <http://allaboutshias.com/shias-view-on-grave-worship/>.

69 Andrew Johnson, “Mecca under threat: outrage over plan to destroy the ‘birthplace’ of Prophet Muhammad,” *Times of India*, 13 November 2014, <http://timesofindia.indiatimes.com/world/middle-east/Mecca-under-threat-Outrage-over-plan-to-destroy-the-birthplace-of-Prophet-Mohamed/articleshow/45135342.cms>; United Nations, Office of the High Commissioner for Human Rights, *Communication regarding the destruction of sites of religious, historical, and cultural importance in Saudi Arabia*.

70 Picture from “Jannat al-Baqi,” 26 September 2010, <https://jmbatcha.wordpress.com/2010/09/26/137/>.

71 Picture from “8th Shawwal - Destruction of Baqi cemetery opposite Prophets mosque in Medina,” <http://www.duas.org/baqi8shawwal.htm>.

72 “Mapping the Saudi State, Chapter 7,” ADHRB, pg. 4.

73 Johnson, “Mecca under threat.”

74 “Mapping the Saudi State, Chapter 7,” ADHRB, pg. 1.

wider proselytization mission.⁷⁵ The expansion of the mosque has entailed the destruction of old neighborhoods and their replacement with apartment buildings, hotels, and skyscrapers,⁷⁶ satisfying the country's financial elite. This development is meant to attract wealthy pilgrims and tourists to the country. In addition to apartments, hotels, and skyscrapers, authorities also construct megamalls.⁷⁷ Through this demolition and construction, Saudi authorities have restructured and rebuilt Mecca and Medina's central districts.

In November 2014, authorities destroyed seven separate mosques in Medina. One mosque belonged to Islam's first caliph, Abu Bakr al-Siddiq. Authorities bulldozed the mosque to make room for an ATM.⁷⁸ His house is now the site of a Hilton hotel, and his grandson's house lies beneath the king's palace. In 2014, authorities razed the house of the Prophet Muhammad's uncle to clear space for a hotel.⁷⁹ Saudi officials also announced plans to destroy the Prophet Muhammad's birthplace, and replace it with a royal palace.⁸⁰

CONCLUSION

The demolition of ancient cultural and religious sites and their subsequent trivialization not only denigrates Shia religious practices but also makes it significantly more difficult for them to practice their faith, as Shia Muslims hold these sites in high regard as places of great importance. By destroying significant Shia sites and preventing its Shia populace from practicing their faith, the Kingdom of Saudi Arabia signals that Shia religious practices and cultural and religious heritage are unimportant and of little or no consequence. This attitude demonstrates that the Kingdom of Saudi negatively views its Shia populace. Government-sponsored attempts to minimize the religious and cultural practices of its Shia minority represent only one facet of its efforts to marginalize the Shia community.⁸¹

3. Closure and destruction of Shia places of worship

In addition to the Saudi state's destruction of religious and cultural sites, the Saudi government has closed and destroyed Shia prayer centers throughout the country. Its actions are attempts not only to prevent its Shia populace from worshipping and engaging with their faith, but also to halt any nascent political activity emerging from these prayer centers.⁸² Unlike the government's destruction of ancient sites, its closure of Shia mosques is a relatively recent phenomenon. Many of the closings have taken place since the 2000s. The closing of mosques operates in conjunction with the government's long-standing restrictions on the building of new Shia mosques, including the withholding of funds to build new Shia mosques. These practices have resulted in driving Shia religiosity underground. The government's actions have led its Shia populace to hold private prayer gatherings and to the proliferation of informal prayer centers, called *hussainiyas*. Authorities target *hussainiyas*, not only because they are gathering places and centers of Shia worship, but also

75 Ibid.

76 Batrawy, "MECCA-HATTAN."

77 Ibid.

78 Carla Power, "Saudi Arabia bulldozes over its heritage," *Time Magazine*, 14 November 2014, <http://time.com/3584585/saudi-arabia-bulldozes-over-its-heritage/>.

79 "Mapping the Saudi State, Chapter 7," ADHRB, pg. 5.

80 Power, "Saudi Arabia bulldozes over its heritage."

81 See, "Saudi Arabia 2014 Human Rights Report," United States Department of State, 2015, <http://www.state.gov/documents/organization/236832.pdf>, for many of the numerous ways in which the government discriminates against its Shia populace.

82 Shia movements like the *Shiraziyyun* were political-religious organizations centered based political Shiism, and centered around religious schools and prayer centers. See, Matthesen, *The Other Saudis*, pgs. 76, 94-100, 102-103.

because they operate without a license. As a result, security forces close the centers and arrest the attendees.⁸³

A. RESTRICTIONS ON MOSQUES

The government requires all mosques in Saudi Arabia to receive approval before they can be built. All new Sunni mosques require the permission of the MoIA, the local municipality, and the provincial government, which is functionally part of the Ministry of Interior (MoI). The MoIA supervises and finances the construction and maintenance of most Sunni mosques.⁸⁴ It also assists in the hiring of clerical workers for Sunni mosques. Thousands of government-supported and financed Sunni mosques are located prominently throughout the country,⁸⁵ even in Shia-majority areas. For example, the government built a Sunni mosque in Qatif, which is almost entirely Shia.⁸⁶

On the contrary, the government does not finance the construction or maintenance of Shia mosques. In its 2014 annual international religious freedom report, the United States (US) Department of State noted that, unlike the clear approval process for obtaining a license for Sunni mosques, the process for obtaining the required government license for a Shia mosque remained unclear.⁸⁷ In addition to requiring government approval before constructing Shia mosques, Shia communities must receive permission from all of the neighbors before mosque construction can begin.⁸⁸ This makes it difficult for Shia to receive permission to build Shia mosques in mixed Sunni-Shia areas. Because of these laws, the government has barred nearly all existing Shia mosques in the Eastern Province from obtaining an official license to operate. This subjects them to the threat of closure at any time.⁸⁹

83 “2016 International Religious Freedom Report,” USCIRE, pg. 58.

84 The MoIA is headed by Salih ibn Abdulaziz ibn Muhammad al al-Sheikh. He is a direct descendant of Muhammad ibn abd al-Wahhab and a member of Saudi Arabia’s religious establishment. See, Simon Henderson, “Institutionalized Islam: Saudi Arabia’s Islamic Policies and The Threat They Pose,” Senate Judiciary Committee Subcommittee on Terrorism, 10 September 2003, http://www.islamdaily.org/Media/Documents/091903_henderson.pdf for the connection between al al-Sheikh and al-Wahhab and “The Ministry Plan,” Ministry of Islamic Affairs, Da’wah, and Guidance, 2009, <http://www.moia.gov.sa/Eng/TheMinistry/Pages/MainMinister.aspx> for information about the MoIA and al al-Sheikh’s position as minister of the agency accessed 23 November 2016.

85 “Saudi Arabia 2014 International Religious Freedom Report,” United States Department of State (US DoS), 2015, <http://www.state.gov/documents/organization/238688.pdf>, pg. 12.

86 Scott Wilson, “Shiites See an Opening in Saudi Arabia, Municipal Vote in East Could Give Suppressed Minority Small Measure of Power,” *Washington Post*, 28 February 2005, <http://www.washingtonpost.com/wp-dyn/articles/A58262-2005Feb27.html>.

87 “Saudi Arabia 2014 International Religious Freedom Report,” US DoS, pg. 12.

88 Ibid.

89 Ibid.

Restrictions on Mosque Construction

The Saudi government regulates the construction of religious buildings—like mosques—by requiring residents to obtain a set of permits from several different agencies, including the Ministry of Islamic Affairs. Though there is no legal provision barring the agencies from granting the permits to Shia for the construction of Shia mosques and religious centers, Saudi Shia are often denied the permits.⁹⁰ These informal restrictions on Shia buildings are not confined to the Eastern Province, where Shia constitute a large minority: the Saudi government has generally prohibited the construction of Shia mosques in Najran Province. However, while Shia in the Eastern Province and in Najran are denied building permits, the government helps to fund and construct Sunni mosques around the country. Because of this, in Najran Province, for example, the main street of Najran city is lined with government-financed and -constructed Sunni mosques, even as Ismailis constitute the majority of the town’s inhabitants.⁹¹ The situation in Najran has changed since 2008, when the Saudi government relaxed these restrictions for the Najran Ismaili community. Subsequently, Ismailis have reportedly faced fewer obstacles to building and renovating mosques.⁹²

90 Ibid.

91 Robert F. Worth, “Muslim Sect Sees Struggle Through Christian Lens,” *New York Times*, 20 October 2010, <http://www.nytimes.com/2010/10/21/world/middleeast/21saudi.html>.

92 Ibid.

In addition to restrictions concerning mosque construction, the government requires Shia mosques to broadcast the Sunni call to prayer.⁹³ The government allows Shia mosques in some predominantly Shia areas of al-Ahsa Governorate in the Eastern Province to forgo the Sunni call to prayer and recite the Shia call to prayer.⁹⁴ However, in mixed Sunni-Shia areas, mosques—even Shia mosques—must recite the Sunni call to prayer. This is significant because of the centrality of the call to prayer in Islam, as well as in daily life. In Saudi Arabia, the call to prayer signals a halt in daily activities and a summoning to worship. The United States Department of State noted that there were reports of authorities forcing Shia businessmen to observe this work stoppage and close their shops during the five prayer times. This accords with Saudi's official Sunni practices, even though the country's Shia Muslims only observe three of the five daily prayers that Sunnis observe.⁹⁵

B. CLOSURE OF MOSQUES AND RESORT TO HUSSAINIYAS

In July 2008, the Saudi government closed many Shia mosques in the Eastern Province city of al-Khobar. By 2009, many mosques in al-Khobar remained closed as Saudi authorities restricted Shia citizens from praying. Authorities prevented Shia Muslims from performing congregational prayers, citing the mosques' lack of an official license.⁹⁶ In April 2010, the MoI announced that the mosques would not reopen due to security reasons.⁹⁷ In 2012, the Saudi government closed the largest Shia mosques in the al-Ahsa district. Authorities closed the mosque during the month of Muharram, the Islamic month dedicated to commemorating the death of Mohammed's grandson, Hussein. The government's closure of mosques and restrictions surrounding the building of new mosques has had the effect of pushing Shia religiosity underground and leading Shia to use *hussainiyas*—informal prayer centers.

Hussainiyas have played an important role in spiritual, cultural, political, and civic life in Saudi Shia communities. *Hussainiyas* were historically significant in the development of modern Shia civil society in the 1970s and 1980s as the Saudi government had forbidden the building of Shia mosques since at least the late 1970s.⁹⁸ The state did not provide Shia charities or religious infrastructure with the same funds as it did for Sunni organizations.⁹⁹ As a result, *hussainiyas* became the focal point of Shia political, cultural, spiritual, and community development. Meeting in *hussainiyas*, Saudi's Shia constituency developed community networks and a semi-autonomous civil society and public sphere.¹⁰⁰

93 "Saudi Arabia 2015 International Religious Freedom Report," US DoS, pg. 10.

94 Ibid.

95 Ibid.

96 "Saudi Police Surrounds a Shiite Mosque in Khobar and Prevents Performing Friday Service," Saudi Shia, 17 July 2009, <http://www.saudishia.com/?act=artc&id=148>.

97 United Nations, Office of the High Commissioner for Human Rights, *Communication regarding the destruction of sites of religious, historical, and cultural importance in Saudi Arabia*.

98 Toby Jones, "Rebellion on the Saudi Periphery: Modernity, Marginalization, and the Shia Uprising of 1979," *International Journal of Middle East Studies*, Vol. 38, No. 2 (May 2006), pg. 213-233, pg. 216.

99 Toby Matthiesen, "The Local and the Transnational in the Arab Uprisings: The Protests in Saudi Arabia's Eastern Province," in *The Silent Revolution: The Arab Spring and the Gulf States*, May Seikaly and Khawla Mattar (ed.), (Berlin: Gerlach Press, May 2014), pg. 105-144, pg. 107.

100 Ibid.

The Holiday Inn Events of 2000

In January 2000, Prince Nayef bin Abdulaziz, the Minister of Interior, ordered authorities and Ismaili imams to close all Ismaili mosques in the city of Najran. He additionally ordered security forces to arrest worshippers. The decision led to a series of clashes between armed Ismaili protesters and Saudi security forces.¹⁰¹

Human Rights Watch speculated that one of the reasons for this order was religious doctrinal and calendar differences over the approaching Eid al-Fitr holiday. Ismailis and Sunnis have different calendars and they sometimes celebrate Eid al-Fitr on different days. Because the Saudi government's policy towards holidays and religious observance privileges state-sanctioned religious practices to the exclusion of other religious practices, some officials view Ismaili traditions as heretical and have encouraged the interference of security forces.¹⁰²

Interior Minister Nayef's decision to target Ismaili mosques and worshippers created tension that ultimately came to a head in April 2000, when security forces arrested Ismaili cleric Sheikh Muhammad al-Khayyat in a mosque on sorcery charges. During the arrest, authorities also confiscated around 40 religious texts. When Ismaili students in the mosque resisted the authorities' confiscation of the texts, a security officer shot and wounded one student.¹⁰³

In response to Sheikh al-Khayyat's arrest, protesters and an Ismaili delegation of clerics visited the temporary residence of the Governor of Najran Province, Mish'al bin Saud, at a Holiday Inn in Najran city. The delegation, as well as the protestors, called on the governor to release Sheikh al-Khayyat. The governor refused to meet with the demonstrators. This caused a standoff between the demonstrators and security forces that lasted several hours. According to several Ismailis who were interviewed by Human Rights Watch, the standoff ended when security forces began to fire into the protesters, killing two Ismailis. Other accounts, by non-Ismaili Saudi human rights activists, state that Ismailis with weapons may have fired at or above the Holiday Inn.¹⁰⁴ In response to growing protests, army troops entered Najran city and cordoned off the neighborhood near an important Ismaili religious center. Though the troops initially left without incident, within the next several days soldiers and security forces began arresting hundreds of Ismaili men for their alleged role in the demonstrations. Witnesses estimated that security forces arrested between 400 and 500 Ismailis. Security forces tortured many of the detainees and coerced them into signing false confessions. Courts used these confessions to sentence 17 people to death and 65 to life in prison.¹⁰⁵

101 "The Ismailis of Najran," HRW.

102 Ibid, pgs. 19-20.

103 Ibid, pg. 21.

104 Ibid, pg. 23.

105 Ibid.

C. CLOSURE OF *HUSSAINIYAS* AND INTIMIDATION OF PRAYER LEADERS

As centers of Shia life, Saudi authorities have taken steps to close *hussainiyas*. In June 2008, authorities closed three Shia private prayer buildings in al-Khobar, some of which had operated for 30 years. Security forces also briefly arrested the owners of the buildings and some frequent Shia attendees.¹⁰⁶ In 2009, local police forces aided the MoI in closing nine Shia houses of worship in the cities of al-Ahsa and al-Khobar.¹⁰⁷

The government's closure of mosques and *hussainiyas* has come in conjunction with its arrest of prayer leaders and religious figures. On 25 May 2009, Saudi authorities arrested Abdullah Muhanna, a prayer leader in al-Khobar. He had refused to sign a pledge to close the private prayer building adjacent to his house, to which Shia came to perform communal prayers. Authorities released him later that year on 1 July 2009.¹⁰⁸ On 15 July 2009, police in Riyadh arrested Zuhair Bu-Salih, another al-Khobar prayer leader. Authorities arrested Bu-Salih in order to pressure his father, Husain, into signing a pledge to stop holding communal prayers in the al-Thuqba Shia prayer hall.¹⁰⁹

Authorities also pressure, intimidate, and persecute prayer leaders and their families. In addition to arresting Abdullah Muhanna and Zuhair Bu-Salih, authorities threatened, summoned, or detained eight Shia religious leaders in al-Khobar between 2008 and July 2009. The government persecuted them in connection with places of worship that they attended or hosted.¹¹⁰ In addition, in October 2009, authorities repeatedly arrested Sayed Yousif al-Hashim for hosting Friday prayers in his house in al-Khobar. A court sentenced him to one-week's imprisonment without trial. He was released upon completing his sentence.¹¹¹ In al-Ahsa, in the southern part of the Eastern Province, Saudi authorities have consistently arrested and pressured Shia prayer leaders into closing private facilities, that for years had provided both religious and cultural services to Shia communities.¹¹²

CONCLUSION

The Saudi government has erected a number of barriers and restrictions for Shia to practice their faith and take part in cultural and political life. Authorities withhold funding for its Shia populace to construct mosques. They must apply for a government license to construct mosques, but the application process is unclear, and the government rarely grants them the license. Authorities have closed and demolished a number of Shia mosques. Due to these factors, the government has pushed Shia religious and cultural life underground, forcing them to turn to unlicensed, informal community and worship centers. However, due to their unlicensed nature, they are exposed to government intervention and their leaders are targeted for prosecution and intimidation. These tactics are part of a larger pattern of government-sponsored discrimination against its Shia citizens.

106 "Denied Dignity: Systematic Discrimination and Hostility Toward Saudi Shia Citizens," Human Rights Watch (HRW), 3 September 2009, <https://www.hrw.org/report/2009/09/03/denied-dignity/systematic-discrimination-and-hostility-toward-saudi-shia-citizens>.

107 "Mapping the Saudi State, Chapter 2: The Ministry of Interior (Part 1)," Americans for Democracy & Human Rights in Bahrain (ADHRB), 1 May 2015, <http://www.adhrb.org/2015/05/mapping-saudi-state-chapter-2-the-moi-part-1/>, pg. 7.

108 "Denied Dignity," HRW.

109 Ibid.

110 Ibid.

111 "Saudi Arabia July-December 2010 International Religious Freedom Report," United States Department of State, 2011, <http://www.state.gov/documents/organization/171744.pdf>, pg.17.

112 "Denied Dignity," HRW.

4. Disruptions of Shia religious activities

Saudi authorities seek to minimize Shia religious and cultural practices and marginalize Saudi Shia by disrupting and restricting public expressions of faith. The Saudi government restricts public Shia practices, rituals, and festivals. The Committee for the Promotion of Virtue and the Prevention of Vice (CPVPV), known as the religious police, intimidates, harasses, and occasionally attacks Shia pilgrims and worshippers. They restrict access to Shia holy sites, and persecute Shia Muslims during the *hajj*. The government's actions have created a general atmosphere of permissibility in regards to disrupting public Shia events. Private citizens also interfere in public Shia expressions of faith.

A. COMMITTEE FOR THE PROMOTION OF VIRTUE AND THE PREVENTION OF VICE

King Abdulaziz al-Saud (Ibn Saud) founded the Commission for the Promotion of Virtue and the Prevention of Vice (CPVPV) in 1926¹¹³ as the Saudi agency tasked with monitoring social behavior and enforcing its specific interpretation of Islamic moral law. Known as the religious police, *mutaween*, or the *haya'*,¹¹⁴ its duties include ensuring Saudis follow a specific dress code, enforcing gender segregation, the observance of prayer times, and prohibiting the consumption of drugs and alcohol¹¹⁵ in accordance with Saudi Arabia's interpretation of Islamic moral law.¹¹⁶ The CPVPV reports to the MoI and the king.¹¹⁷ It is not subject to judicial review.¹¹⁸ Historically, it operated without procedural rules and wielded considerable extrajudicial power.¹¹⁹ Prior to April 2016, the CPVPV, as an semi-autonomous 5,000-member force, conducted patrols in parks, streets, and shopping centers, worked to combat drug use, stopped unrelated men and women from mingling in public, and ensured stores closed for daily prayers.¹²⁰

On 14 April 2016, the government issued regulations for the CPVPV.¹²¹ The regulations advised members of the CPVPV to “be gentle and kind” in their dealings with the public, wear visible public identification badges, and to no longer chase people down a street, demand to see a person's identification, or arrest people.¹²² Saudi law obliges authorized police officers to accompany religious police when making arrests or detaining individuals, although this regulation is not always observed.¹²³ The amendment prohibits the religious police from detaining individuals who are accused of social misconduct.¹²⁴ Although the new law prohibits the religious police from

113 “Saudi Arabia 2008 International Religious Freedom Report,” United States Department of State (US DoS), 2009, <http://www.state.gov/j/drl/rls/irf/2008/108492.htm>.

114 “Mapping the Saudi State, Chapter 1: Commission for the Promotion of Virtue and the Prevention of Vice,” Americans for Democracy & Human Rights in Bahrain (ADHRB), 1 April 2015, <http://www.adhrb.org/2015/04/mapping-the-saudi-state-ch-1-the-commission-for-the-promotion-of-virtue-and-the-prevention-of-vice/>, pg. 1.

115 “Saudi Arabia: A Move to Curb Religious Police Abuses,” Human Rights Watch (HRW), 18 April 2016, <https://www.hrw.org/news/2016/04/18/saudi-arabia-move-curb-religious-police-abuses-0>; “Mapping the Saudi State, Chapter 1,” ADHRB, pg. 1

116 “Mapping the Saudi State Chapter 1,” ADHRB, pg. 1.

117 Ibid, pgs. 2, 7.

118 “2014 International Religious Freedom Report,” United States Commission on International Religious Freedom (USCIRF), 2014, <http://www.uscifr.gov/sites/default/files/USCIRF%202014%20Annual%20Report%20PDF.pdf>, pg. 80.

119 Will Worley, “Saudi Arabia strips religious police of powers of arrest and says they must be ‘kind and gentle,’” *Independent*, 14 April 2016, <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-strips-religious-police-of-powers-of-arrest-and-says-they-must-be-kind-and-gentle-a6983816.html>.

120 Ibid.

121 “Saudi Arabia: A Move to Curb Religious Police Abuses.” HRW.

122 Worley, “Saudi Arabia strips religious police of powers of arrest.”

123 “Saudi Arabia 2008 International Religious Freedom Report,” US DoS.

124 “Saudi Arabia: A Move to Curb Religious Police Abuses,” HRW.

following and interrogating individuals, the law has not yet been fully put into practice.¹²⁵

I. CPVPV AND SHIA

The CPVPV has played an important role in the Saudi government's restriction of free exercise of religion,¹²⁶ including Shia Islam. The CPVPV has systemically targeted and harassed members of the Shia community, particularly Shia worshippers and restricted access to holy sites. At cemeteries, the religious police prevent Shia pilgrims and worshippers from gathering soil and praying over the tombs and shrines of significant figures.¹²⁷ The CPVPV also discriminates Shia during *hajj*, including foreign Shia on their visits to Mecca and Medina.¹²⁸ Furthermore, CPVPV members have also been known to disrupt Shia prayer meetings.¹²⁹ In fulfilling its mandate, the Commission for the Promotion of Virtue and the Prevention of Vice targets Shia and prevents them from peacefully and safely engaging with their religion.

II. HOLY SITES

Some of Shia Islam's integral religious practices include visiting graves and shrines during pilgrimages, and giving respect to significant deceased figures. Saudi Arabia's religious establishment and the government view these practices as heretical. Thus, members of the religious police patrol cemeteries and watch over the graves. They threaten and intimidate Shia pilgrims who visit the cemeteries and pay homage to the interred figures.¹³⁰ The Government of Saudi Arabia has restricted the accessibility and visitation rights of Shia to important graves and landmarks. These sites were once open to the public and without much regulation.¹³¹ Now, cemeteries and graves are open twice per day, but are only accessible to men. Shia women are not permitted to visit the gravesites.¹³² At the al-Baqi cemetery, the current location of the Prophet Muhammad's grave, the religious police have told Shia pilgrims to lower their voices and stop religious chants.¹³³

In 2009, Shia pilgrims in Medina clashed with Saudi security forces, citizens and the CPVPV. Reportedly, members of the CPVPV filmed Shia women in a Medina cemetery, angering Shia men, who asked them to stop filming. When the religious police declined, the pilgrims clashed with the CPVPV and security forces.¹³⁴ During the clashes, the religious police and Sunni citizens attacked the Shia worshippers, stabbing several.¹³⁵

125 Ibid.

126 See, "Religious Freedom in the Kingdom of Saudi Arabia," Institute on Religion and Public Policy, 14 September 2015, https://www.justice.gov/sites/default/files/pages/attachments/2015/09/14/saudi_arabia_immigration_report.pdf.

127 Matthiesen, "The Shia of Saudi Arabia at a Crossroads."

128 "Saudi religious police accused of beating Shi'ites," *Reuters*, 6 August 2007, <http://www.reuters.com/article/us-saudi-iraq-pilgrims-idUSL0616474320070806>.

129 "Mapping the Saudi State Chapter 1," ADHRB, pg. 5.

130 "Sectarian hostility lies beneath hajj spirit, pilgrims say," *The Guardian*, 16 November 2010, <https://www.theguardian.com/world/2010/nov/16/sectarian-hostility-hajj-spirit-pilgrims>; "Saudi Interference With Muslims During the Hajj," Gatestone Institute, 22 January 2010, <http://www.gatestoneinstitute.org/1003/saudi-interference-with-muslims-during-the-hajj>.

131 "Sectarian hostility lies beneath hajj spirit, pilgrims say," *The Guardian*.

132 Ibid.

133 "Saudi Interference With Muslims During the Hajj," Gatestone Institute.

134 "Saudi religious police pick on Shiite women," *France 24: The Observers*, 6 March 2009, <http://observers.france24.com/en/20090306-saudi-arabia-religious-police-picks-shiite-women-religion-islam-mutawa>; Matthiesen, "The Shi'a of Saudi Arabia at a Crossroads."

135 Matthiesen, "The Shi'a of Saudi Arabia at a Crossroads."

III. HAJJ

Many Shia Muslims follow the Sunni practices of *hajj* out of fear of discrimination, ill-treatment, and persecution.¹³⁶ In 2015, Saudi Arabia's Ministry of *Hajj* introduced an application for *hajj* pilgrims which openly questioned the pilgrim's religious sect affiliation. The application asked whether the applicant is a Shia.¹³⁷ Pakistani government officials stated that "Saudi Arabia will not entertain any *hajj* applicant from aspirants that fail to specify whether the applicant is a Shia or Sunni."¹³⁸

Saudi and international Shia pilgrims have faced discrimination and persecution while they perform *hajj*. In 2009, the religious police arrested a group of Shia pilgrims. A 15-year-old pilgrim was shot in the chest, and a civilian stabbed a Shia sheikh in the back, shouting "kill the rejectionist [a derogatory term for Shia]."¹³⁹ In 2010, a British Shia person stated that he has "been called a heretic and a nonbeliever." He also stated that the religious police have disrupted Shia prayer meetings in the Grand Mosque in Mecca.¹⁴⁰

IV. DISRUPTING PRAYER

Members of the CPVPV disrupt Shia prayer meetings and intimidate Shia worshippers. In 2001, the religious police arrested Turki al-Turki, a Saudi Shia man from Tarut in the Eastern Province, as he exited the mosque of the Prophet Muhammad in Medina. The CPVPV later charged him with insulting the companions of the Prophet. A court in Qatif later convicted al-Turki of that charge and passed down a suspended sentence of 350 lashes and eight months in prison.¹⁴¹ In November 2005, the religious police briefly arrested an 82-year-old Saudi Ismaili man in Medina for carrying an Ismaili prayer book.¹⁴² On 5 August 2007, Sayed al-Qazwini, an American Shia, was praying in the Grand Mosque in Mecca when a member of the religious police insulted him. The officer told al-Qazwini that "[y]ou are all cowards and we will purify the holy mosque from the Shia" before arresting him.¹⁴³

In late 2007, seven CPVPV officials reportedly harassed Shia worshippers praying in a Sunni mosque in the Eastern Province. Three of the officials criticized the way that a Shia man was praying and then physically attacked him. The other four officials allegedly coerced witnesses to fabricate testimony. The government disciplined the officials after the mosque's imam found out about the coerced false testimony and reported it to the authorities. The officials reportedly received lashes and jail sentences. Though the officials were punished, their actions demonstrate the CPVPV's hyper-vigilant and aggressive attitude toward the country's Shia populace. They also demonstrate the permissiveness of Saudi Arabia's atmosphere towards harassing Shia worshippers.¹⁴⁴

136 "Sectarian hostility lies beneath hajj spirit, pilgrims say," *The Guardian*.

137 "Saudi Arabia: Hajj application for Muslim pilgrims asks 'are you Shia?'" *International Business Times*, 30 April 2015, <http://www.ibtimes.co.uk/saudi-arabia-hajj-application-muslim-pilgrims-asks-are-you-shia-1499231>.

138 *Ibid.*

139 Syed Jaffar, "The Persecution of Shia Muslims in Saudi Arabia," *CNN iReport*, 4 August 2013, <http://ireport.cnn.com/docs/DOC-1015700>.

140 "Sectarian hostility lies beneath hajj spirit, pilgrims say," *The Guardian*.

141 "Denied Dignity," HRW.

142 *Ibid.*

143 *Ibid.*

144 "Saudi Arabia 2008 International Religious Freedom Report," US DoS.

B. RESTRICTIONS ON ASHURA

Historically, Saudi authorities have not allowed Saudi Shia to publicly engage with their rituals and ceremonies, particularly Ashura. Since 2005, the state has relaxed its restrictions and allowed Shia in majority Shia towns of the Eastern Province, like Qatif, to publicly engage in Ashura.¹⁴⁵ However, public Ashura and religious ceremonies are confined to those areas where the population is almost completely Shia Muslims.¹⁴⁶ In mixed Sunni-Shia areas, security forces suppress such ceremonies. Moreover, security forces and the religious police abuse, detain, and arrest Shia who sell or promote Ashura celebrations.¹⁴⁷ Despite the government's relaxation of its Ashura policy in areas of the Eastern Province, some Sunni Muslims attack Shia religious processions and ceremonies. In November 2014, Sunni gunmen attacked a *hussainiya* in the Eastern Province village of al-Dalwa.¹⁴⁸

Even as the government has relaxed its policies concerning Ashura in very specific areas, Shia citizens around Saudi Arabia are ultimately unable to practice their religion safely and free of restrictions. While certain practices are allowed in specific areas, the Saudi government maintains tight control over social spaces, and security forces use intimidation to discourage people from joining demonstrations. Security forces have also fired live ammunition in the air to disperse crowds.¹⁴⁹ Even when the government does not prevent Shia from holding their ceremonies, the country's atmosphere of government-sanctioned antipathy towards its Shia populace means that private citizens may react with violence towards Shia. For example, in 2015, five individuals were killed and nine were injured when an armed individual opened fire on a group of Shias worshippers commemorating the death of the Prophet Muhammad.¹⁵⁰

5. Anti-Shia language by clerics and in sermons

Anti-Shia language plays an important role in the marginalization of Shia communities in Saudi Arabia, particularly clerics' language and language in Friday prayer sermons. Due to the close ties between the al-Saud family and the religious establishment, clerics' words hold significant weight, and can influence or reflect officials' opinions or government directives. In addition, imams' words and sermons can be influential due to their ties to the government. The government and MoIA appoint all government-employed and review and approve all government-employed imam's sermons.¹⁵¹ In this manner, sermon language echoes the government and religious establishment's negative attitude towards Shia. Prominent themes reflecting the government and religious establishment's belief that Shia Muslims are not true Muslims or are not true Saudis include calling Saudi Shia infidels and state enemies and describing Shia Islam as sacrilegious and unorthodox.¹⁵²

145 "Denied Dignity," HRW.

146 "Saudi Arabia 2015 International Religious Freedom Report," US DoS, pg. 10.

147 "Denied Dignity," HRW.

148 "Saudi Arabia 2014 International Religious Freedom Report," US DoS, pg. 10.

149 "Saudi Arabia 2015 Human Rights Report," United States Department of State, 2016, <http://www.state.gov/documents/organization/253157.pdf>, pg. 25.

150 "Saudi Arabia Shia attack: Five killed at Ashura event," *BBC*, 17 October 2015, <http://www.bbc.com/news/world-middle-east-34555014>.

151 "Saudi Arabia: Religion," Global Security, 15 March 2015, <http://www.globalsecurity.org/military/world/gulf/sa-religion.htm>.

152 "Open sectarianism in Saudi Arabia frightens Shi'ites," *Reuters*, 26 October 2015, <http://www.reuters.com/article/us-saudi-shiites-idUSKCN0SK2C520151026>.

For years, prominent Sunni imams and clerics have used derogatory terms to describe Shia Muslims.¹⁵⁶ Discriminatory and derogatory language against Shia date to the early days of the Saudi involvement in the Eastern Province. Sheikh Abd al-Rahman and his son, Sheikh Abd al-Latif were prominent clerics of the second Saudi state in the 1800s. Both called on the Saudi government to remove “deviant” practices from Shia-inhabited areas of al-Ahsa and Qatif. Al-Latif specifically called for Saudi rulers to rid what he saw as corrupt practices of idolatry prevalent in these Shia communities.¹⁵⁷

In 1927, the clerics of the Senior Council of Religious Scholars issued a *fatwa* directed towards the Shia populations of al-Ahsa and Qatif. It stated,

The *rafidha* of the Hasa [al-Ahsa] be obliged to surrender to true Islam and should abandon all their defective religious rites. We asked the Imam, Ibn Saud, to order his viceroy to summon the Shi'is to Shaikh ibn Bishr, before whom they should undertake to follow the religion of God and his Prophet and to cease the invocation of the saintly members of Ahl al-Bayt, and to abandon other innovations in their public assemblies, and to conform to the rule of prayer five times daily in the mosque. ... The people are also to study the three principles of the Wahhabi tenets; their houses of worship are to be destroyed and those that object to this will be exiled.¹⁵⁸

The term *rafidha* is a derogatory term for Shia Muslims, applied by some Sunni Muslims who view Shia as not practicing the true Islam. Similarly, significant Shia religious practices include invoking saints and religious figures. The Saudi government's particular interpretation of Islam deems this practice to be heretical, just as it deems Shia “innovations” as heretical. Sheikh Abd al-Rahman and Sheikh Abd al-Latif also called upon the government to demolish Shia places of worship and persecute any who resist.

More recently, in 2009, Sheikh Adel al-Kalbani, who was then the Imam of the Grand Mosque in Mecca, stated live on BBC Arabic television that he considered Shia to be heretics.¹⁵⁹ In 2011, the Institute for Gulf Affairs, a Washington, D.C.-based non-governmental organization, quoted Sheikh Mohammed al-Arifi as saying, “today the evil Shias

156 “Still Invisible: the stigmatization of Shia and other religious minorities in Saudi Arabia,” Minority Rights Group International, 3 December 2015, <http://minorityrights.org/publications/still-invisible-the-stigmatization-of-shia-and-other-religious-minorities-in-saudi-arabia/>, pg. 9.

157 Raihan Ismail, “The Saudi Ulema and the Shi'a of Saudi Arabia,” *Journal of Shia Islamic Studies* 2012 (Vol. 5, No. 4: 403-422), pg. 405.

158 *Ibid*, pg. 406; Shia Islam does not demand praying five times a day, but three times a day.

159 Habib Trabelsi, “Saudi Shiites Call for Sheikh Kalbani Dismissal,” *Middle East Online*, 12 May 2009, <http://www.middle-east-online.com/english/?id=32011>.

Discriminatory Language Against Ismailis

Saudi Arabia's religious establishment has promoted discriminatory positions that deride and question Ismailis' fidelity to Islam and that draw upon historical biases. On 8 April 2007, the Permanent Committee for Religious Research and Opinion, a subsidiary body of the Council of Senior Religious Scholars, which is tasked with mediating the kingdom's official understanding of Islamic faith, ritual, and law, issued a *fatwa* that declared that the founder of the Ismaili faith “was a magician” and that “he and his followers are corrupt infidels, debauched atheists.”¹⁵³

The roots of this *fatwa*—as well as anti-Ismaili sentiment more generally—date to the 10th and 11th centuries, when Ismaili Shiism was the faith of the Fatimids of Egypt, the leading Islamic power of the time. The Permanent Committee's ruling declared that “to call that state Fatimid [after the Prophet Muhammad's daughter, Fatima] is a false label,” because “its founder was a magician” and atheist.¹⁵⁴ According to interviews conducted by Human Rights Watch, many contemporary Ismailis still feel connected to the Fatimids. They feel that the government's derogation of the Fatimids is a derogation of Ismailis, and an attempt to delegitimize their history, culture, and religion.¹⁵⁵

153 “Ismailis of Najran,” HRW, pg. 47.

154 *Ibid*.

155 *Ibid*.

continue to set traps, for Monotheism and for Sunnis” and continued, claiming that all Shia Muslims’ loyalty is to Iran and that Shia wish to do violence against Sunnis, by “[skinning] Sunnis and [boiling] them in water.”¹⁶⁰ In 2012, one Sunni sheikh preached that Shia Muslims are “our brothers in the homeland, but they are our enemies in religion.” He concluded his sermon with an ultimatum for the audience and mused about whether Saudi Shia would side with the state or their religion.¹⁶¹ Some Sunni clerics make more overt claims and accuse the state’s Shia populace of being Iranian agents on a mission to undermine the stability and security of Saudi Arabia.¹⁶²

In 2015, Saad bin Ateeq al-Ateeq, a Saudi preacher, called on God to “destroy Shia, Alawites, and Christians and Jews.”¹⁶³ On 27 March, he appeared on Saudi state news channel *al-Ekhbariya* and, speaking about the conflict in Yemen, argued that Yemen’s lands “may not be polluted, neither by Houthis nor Iranians.” He labeled the Houthis and Iran as *rawafidh* and stated that “we are cleansing the land from these rats.”¹⁶⁴ According to *Foreign Policy*, calling for the destruction of other religions is one of his favorite refrains.¹⁶⁵ Al-Ateeq serves as a supervisor for Islamic awareness at the Saudi Education Ministry and directs an Islamic awareness council at the Riyadh regional government’s Department of Education. He is also connected to the Ministry of Interior’s security forces and has lectured at Riyadh’s King Khaled Mosque.¹⁶⁶

In recent years, the Saudi government has attempted to sanction clerics who use sectarian and anti-Shia language. The MoIA, which monitors all government-paid clerics and received complaints from the public, has dismissed 3,550 imams since 2003 for propagating “extremist ideologies.”¹⁶⁷ However, many clerics who use sectarian and anti-Shia language go unpunished. Saad Ateeq al-Ateeq, for example holds positions with prominent government agencies.¹⁶⁸ This is due to the fact that anti-Shia sentiment is deeply rooted in the historical and religious fabric of the state’s official mechanisms.

6. Education policies

Saudi Arabia’s educational policies discriminate against its Shia populace. In the early days of the Saudi state, the country’s religious establishment exerted significant influence over state educational institutions and was able to shape many aspects of the country’s education.¹⁶⁹ As a result of its influence, the government does not allow Shia to teach religion, Shia students are prohibited from learning about or studying Shia Islam, school materials openly denigrate Shia Islam, and teachers insult Shia students. These forms of discrimination are widespread, because public schools at all levels country-wide receive mandatory religious instruction based

160 Bayan Perazzo, “On Being Shia in Saudi Arabia,” Institute for Gulf Affairs, 28 October 2012, <http://www.gulfinstitute.org/survey-of-shia-life-in-saudi-arabia/>, pg. 2.

161 Fahad Almutairi, Twitter Post, 29/May 2015, 12:53 pm. Translation by Annas Shaker.

162 Raihan, “The Saudi Ulema and the Shi’a of Saudi Arabia,” pg. 409.

163 Oren Adaki and David Andrew Weinberg, “Preaching Hate and Sectarianism in the Gulf,” *Foreign Policy*, 5 May 2015, <http://foreignpolicy.com/2015/05/05/preaching-hate-and-sectarianism-in-the-gulf-saudi-arabia-qatar-uae-saad-bin-ateeq-al-ateeq/>.

164 Ibid.

165 He has called on God to destroy Christians, Jews, Alawites and Shia Muslims, in speeches in February 2013, October 2013, and February 2015, see Adaki, “Preaching Hate and Sectarianism in the Gulf”

166 Ibid.

167 “Saudi Arabia 2013 International Religious Freedom Report,” United States Department of State (US DoS), 2014, <http://www.state.gov/documents/organization/222523.pdf>, pg. 5.

168 “Still Invisible,” Minority Rights Group International, pg. 9.

169 Ibid, pg. 4.

on the country's particular interpretation of Islam. Private schools must also follow the official government-approved religious curriculum.¹⁷⁰ In interviews with the Institute for Gulf Affairs in 2011, Shia mentioned that there are no existing universities for men and women in Shia-majority cities, while small Sunni-majority villages have had local campuses open in recent years.¹⁷¹

A. TEACHING STAFF

Discrimination against Shia is reinforced by Shia teachers' limited representation among school teaching staff. Shia cannot teach religious lessons, and also face barriers to becoming school principals. According to the US Department of State's 2013 Religious Freedom Report, in al-Ahsa, which has a large Shia population, there are 200 girl's schools, none of which have a Shia principal. Shia representation in boys' schools is marginally better: out of 200 schools, 15 have Shia principals.¹⁷² The dearth of Shia teachers extends to higher education. For example, at a prominent university in al-Ahsa, only five percent of faculty members are Shia Muslims, even though the area's population is at least 50 percent Shia.¹⁷³

In addition to being underrepresented among school staff, the government does not allow Shia to teach religion or history in schools.¹⁷⁴ This is presumably due to the fear that Shia teachers will instruct Sunni students in Shia Islam. Circumstances differ slightly in Qatif, where Shia constitute approximately 90 percent of the population. In Qatif, there are many Shia male principals and even some Shia male religious teachers. However, there were no Shia religious teachers in the public girls' schools.¹⁷⁵

B. TEXTBOOKS

The Ministry of Education functions as the official coordinator of Saudi Arabia's national educational curricula¹⁷⁶ and thus has influence over school textbooks and curricula. Many schools use textbooks in their curricula that discriminate against those who do not ascribe to the government's particular interpretation of Sunni Islam, particularly Saudi Arabia's Shia population.¹⁷⁷ Textbooks used in grade school depict Shia Muslims as polytheists,¹⁷⁸ who reject the oneness of God.¹⁷⁹ They often characterize Shia Islam as a form of heresy worse than Christianity and Judaism.¹⁸⁰ A 6th grade Saudi textbook explicitly outlines forbidden Sunni religious practices, though these forbidden practices are unique to, and pertain only to, Shia Islam. One of the textbook's chapters states that true Islam forbids crying and praying at burial grounds, a distinctly Shia practice.¹⁸¹ Other textbooks denounce the Shia practices of visiting shrines and celebrating

170 "Saudi Arabia 2015 International Religious Freedom Report," US DoS, pg. 4.

171 Perazzo, "On Being a Shia in Saudi Arabia," pg. 8.

172 "Still Invisible," Minority Rights Group International, pg. 8.

173 "Saudi Arabia 2013 International Religious Freedom Report," US DoS, pg.14.

174 "Denied Dignity," HRW.

175 "Saudi Arabia: Shia," Global Security.

176 See, "Saudi Arabia's Curriculum of Intolerance," Freedom House Center for Religious Freedom, 2006, <https://freedomhouse.org/sites/default/files/CurriculumOfIntolerance.pdf>.

177 "Saudi Arabia's Curriculum of Intolerance," Freedom House Center for Religious Freedom, pg. 12.

178 *Ibid*, pg. 13.

179 Anya Clarkson, "Saudi Arabia: Anti-Shia Discrimination in Employment and the Work Place," The Center for Academic Shia Studies, July 2014, <http://www.shiaresearch.com/Doc/Anti-ShiaDiscrimiantionintheWorkplace-SaudiArabia.pdf>, pg. 5.

180 Jaffar, "The Persecution of Shia Muslims in Saudi Arabia."

181 "Saudi Arabia's Curriculum of Intolerance," Freedom House Center for Religious Freedom, pg. 23.

historical religious occasions.¹⁸² A copy of a 2005 exam, administered to a middle school history class, asked students to discuss why “the *ahl al-Sunna* [Sunnis] prefer to characterize Shiites as *al-rafida*.”¹⁸³ In this manner, Shia children are not allowed to learn about their own religion, cultural practices, and heritage in schools.

C. INSULTS

Shia students face insults and derogatory comments from their teachers and professors. In 2004, Shia activists described an incident at a Riyadh primary school where a teacher “vilified” a Shia student and “described Shia as [guilty of] apostasy.”¹⁸⁴ Human Rights Watch documented instances in 2006 when Sunni teachers in schools in al-Ahsa called Shia students “unbelievers” on several occasions.¹⁸⁵ There have been instances in Dammam, where teachers told Shia classrooms that they are heretics. Shia constitute three quarters of Dammam’s population.¹⁸⁶ Additionally, in interviews with the Institute for Gulf Affairs in 2011, Shia stated that “In public school [Shia] are taught religion by people giving the government’s version of Islam, therefore many of our children sit in class and are told that they are non-believers by their teachers.”¹⁸⁷

Saudi Arabia’s discriminatory education policies play a significant role in promoting and perpetuating anti-Shia sentiment in the country. Schools’ lessons, textbooks, the insults Shia students receive function to denigrate Shia Islam, Shia practices, and Shia heritage. Sunni students grow up learning that Shia are not Muslims. Shia students grow up being taught that they are not Muslims and that their traditions and history are of no consequence.

7. Extremist attacks on Shia mosques

Through its practices and laws, the Saudi government has sought to impose its interpretation of Islam on its otherwise diverse population.¹⁸⁸ Its approach to Shia Islam, in particular, sanctions violence against them. Government-sponsored sermons denigrate Shia Islam, Shia Muslims, and their practices. The government destroys Shia mosques and cultural sites, its religious police insult and attack Shia citizens, and language in school textbooks teach students across the kingdom that Shia Muslims are inferior. As a result, the government fosters an environment in which popular violence against Shia is acceptable.

In May 2015, a suicide bomber detonated his explosives during Friday prayers at a Shia mosque in the al-Anoud area of Dammam, killing four.¹⁸⁹ On 26 January 2016, a suicide bomber detonated his explosives at a Shia mosque in al-Ahsa. He killed at least four people and wounded 18 others. Saudi authorities prevented two more suicide bombers from entering the Imam Rida Mosque

182 “Still Invisible,” Minority Rights Group International, pg.8.

183 “The Shi’ite Question in Saudi Arabia,” International Crisis Group, 19 September 2005, <http://www.refworld.org/pdfid/43bd1ce24.pdf>, pg. 9.

184 Ibid.

185 “Denied Dignity,” HRW.

186 Jaffar, “The Persecution of Shia Muslims in Saudi Arabia.”

187 Perazzo, “On Being Shia in Saudi Arabia,” 23.

188 There are several different Islamic sects in the country. See, “Saudi Arabia 2015 International Religious Freedom Report,” US DoS, pg. 2-3.

189 Rori Donaghy, “Four Killed in Fresh Suicide Attack on Shia Mosque in Saudi Arabia’s Dammam,” *Middle East Eye*, 29 May 2015, <http://www.middleeasteye.net/news/fresh-bombing-attack-shia-mosque-saudis-eastern-province-eyewitness-285696461>.

in al-Ahsa during Friday prayers.¹⁹⁰ In 2015, an attack on the Imam Ali mosque killed 21 Shia worshippers.¹⁹¹ In 2016, two suicide bombers attempted to enter the Shia Imam Rida Mosque in al-Ahsa. Saudi security forced stopped them from entering the mosque, however, one deployed his explosive killing four individuals and injured 18.¹⁹² In another instance, extremists bombed a Shia mosque in al-Najran city. One Shia was killed and 16 others were injured.¹⁹³

Conclusion: Comprehensive violations of Shia's right to exercise their freedom of religion

The Saudi Arabia constitution does not guarantee freedom of religion or worship. The official religion is the government's particular interpretation of Islam. As such, the practice of any other religion is illegal. Shia Muslims, in particular, are denigrated due to the government and religious establishment's historical antipathy towards them. Therefore, not only are Saudi Arabia's Shia minority not guaranteed the same religious rights and freedom that their Sunni counterparts have, but the government, in conjunction with the religious establishment, actively vilifies and denigrates Shia Muslims and Shia practices. The Saudi government does not recognize Shia religious observations as national holidays. It only recognizes *Eid al-Fitr* and *Eid al-Adha*.¹⁹⁴ It does not recognize the Shia holidays of Ashura or *Arbaeen*.¹⁹⁵

The government violates its Shia populace's internationally-sanctioned right to freedom of religion through its demolition of Shia holy sites, restrictions to Shia holy sites, and closure of Shia mosques. The government places restrictions on Shia mosques making it harder for Shia to receive permits to construct mosques, and making it impossible to build Shia mosques outside specific areas of the Eastern Province, not allowing them to give their call to prayer. The state arrests and detains preachers and worshippers, and harasses, intimidates, and assaults Shia worshippers, including during the *hajj*. The CPVPV works to enforce morals in public Saudi life, which includes oppressing Shia pilgrims, worshippers, and adherents. The CPVPV are joined by vigilante citizens whose action are sanctioned by a general atmosphere of permissibility fashioned by the government and religious establishment. Violence against Saudi's Shia citizens, while illegal, frequently takes place. This atmosphere of permissibility, assisted by the proliferation of school textbooks and religious sermons filled with anti-Shia discrimination and hate-speech, drives some Sunnis into the arms of groups like the Islamic State in Iraq and the Levant. While attacks on mosques and Shia are illegal, the government's demonstrated and vocal antipathy towards Shia set a precedent of impunity.

190 "Deadly Attack Rocks Mosque in Saudi Arabia," *Al-Jazeera*, 29 January 2016, <http://www.aljazeera.com/news/2016/01/attack-rocks-mosque-saudi-arabia-160129101738777.html>.

191 "Saudi Arabian mosque hit by bomb attack," *BBC*, 29 May 2015, <http://www.bbc.com/news/world-middle-east-32929928>.

192 "Deadly attack rocks mosque in Saudi Arabia," *Al-Jazeera*.

193 "ISIL claims Saudi mosque suicide bombing," *Al-Jazeera*, 26 October 2015, <http://www.aljazeera.com/news/2015/10/blast-hits-mosque-southwestern-saudi-city-151026163722229.html>.

194 "Saudi Arabia July-December 2010 International Religious Freedom Report," US DoS, pg.8.

195 Dan Murphy, "Shiite and Sunni: what are the differences: holidays," *Christian Science Monitor*, 15 January 2012, <http://www.csmonitor.com/World/Middle-East/2012/0115/Shiite-and-Sunni-What-are-the-differences/Holidays>.

Facets of Shia Discrimination: Legal

1. Introduction

Saudi Arabia's legal system is founded upon an understanding of law that is inherently discriminatory towards Shia.¹⁹⁶ Its legal system is based on the Quran and the *Sunna* as interpreted by the Council of Senior Religious Scholars (*ulama*). The *ulama* supplements its interpretation with legal opinions and fatwas. The *ulama* is composed of 20 scholars, 17 of whom are Sunni scholars from the Hanbali school of Sunni Islamic jurisprudence. There are no Shia scholars on the *ulama*.¹⁹⁷ Because there are no Shia on the Council to mediate anti-Shia prejudice, the Saudi government's interpretation of the Quran, *Sunna*, and Hanbali school of Islamic jurisprudence reflects this broader religious intolerance towards Shia.¹⁹⁸ The Saudi state's judicial system's interpretation of Islamic law stems in large part from its understanding of Sunni Hanbali jurisprudence.¹⁹⁹ As a result, the Saudi state's judicial system places its Shia populace at a disadvantage.²⁰⁰ Furthermore, the king and the *ulama* appoint all the judges and maintain significant control over the judiciary.²⁰¹ Justices also apply specific pieces of legislation in discriminatory ways to target Shia Muslims. The result of this three-tiered system—legal theory, judicial structure, and legislation—is a legal system that is comprehensively biased against Shia.

2. Legal Theory

The Government of Saudi Arabia's legal theory, which underpins its judicial structure and promulgation of legislation is prejudiced against Shia. The kingdom follows the Quran and *Sunna* and accompanying legal opinions and fatwas by the *ulama*.²⁰² This means the *ulama* is a significant body within the government's legal structure. There are no Shia clerics on the *ulama*. As a result, the government's interpretation and view of Islam and Islamic law excludes Shia, their practices, and their understandings of Islamic law and Islam. For example, an important Shia practice is visiting the graves of significant religious figures, and collecting soil from the graves. The Hanbali school of Islamic jurisprudence as adjudicated by the Council of Senior Religious Scholars and practiced by the Government of Saudi Arabia, has determined this practice to be un-Islamic and has worked to suppress the practice.²⁰³ In this manner, Islam is understood and interpreted in such a way as to exclude Shia practices. This interpretation serves as a basis for the country's courts and laws.

3. Structure of the legal system

A. JUDICIAL DISCRETION

Saudi Arabia's interpretation of the Hanbali school of Sunni Islamic law rests upon interpreting only two of the four sources of Islamic law: the Qur'an and *Sunna*, while disregarding *Qiyas* and

196 "Denied Dignity," HRW.

197 "Saudi Arabia 2014 International Religious Freedom Report," US DoS, pg. 3.

198 "Denied Dignity," HRW.

199 "Saudi Arabia 2014 International Religious Freedom Report," US DoS, pg. 1.

200 "Denied Dignity" HRW.

201 "A Midterm Report on Saudi Arabia's UPR Second Cycle: Analyzing Saudi Arabia's Refusal to Reform," Americans for Democracy & Human Rights in Bahrain (ADHRB), 16 June 2016, <http://www.adhrb.org/2016/06/midterm-report-saudi-arabias-upr-second-cycle-analyzing-saudi-arabias-refusal-reform/>, pgs. 23-24.

202 "Saudi Arabia 2014 International Religious Freedom Report," US DoS, pg. 3.

203 Matthiesen, "The Shi'a of Saudi Arabia at a Crossroads."

Ijma.²⁰⁴ As a result, the country's legal system relies upon a small and old body of legal source material that is sometimes silent on contemporary legal issues. *Qiyas* and *Ijma*, which allow for the creation of precedent in Islamic law, would be able to address issues the Quran and *Sunna* cannot, but the Saudi legal system disdains them. Because the Saudi legal system bypasses these precedential sources of Islamic law and draws upon legal sources whose scopes do not always address contemporary issues, Saudi justices have extraordinary discretionary powers when ruling on convictions and sentencing criminals.²⁰⁵

B. GOVERNMENT INFLUENCE

In addition to their extraordinary discretionary powers, justices are closely linked to the Saudi government and royal family. This is due to the fact that the king appoints them and all high-ranking judicial officials in the country to their posts.²⁰⁶ This includes members of the Supreme Judicial Council²⁰⁷ and the Ministry of Justice (MoJ), which oversees all the courts. The king also possesses the power to unilaterally remove judges from their positions. As a result, politically-sensitive cases are often foregone conclusions, with the trials biased towards the state.²⁰⁸

In 2007, King Abdullah promulgated the Law of the Judiciary.²⁰⁹ This law overhauled the judicial system and linked the MoJ to the MoI and the Bureau of Investigation and Public Prosecution (BIP)—the public prosecutor's office. It reconfigured the Supreme Judicial Council, substituting several appellate justices with the High Court's chief justice and the chairman of the BIP.²¹⁰ This move allows the BIP to play a direct role in the judiciary's personnel determination, as well as the judiciary's formulation of regulation and inspection regimes. The law thus ensures that the BIP and MoI—the institutions responsible for issuing arrest warrants, apprehending suspects, and securing convictions—have a significant level of oversight over the Supreme Judicial Council and the Saudi judicial system more broadly.²¹¹ The Minister of Interior is a member of the royal family: Prince Mohammed bin Nayef, the current minister, is the grandson of Abdulaziz ibn Saud and the nephew of the current king, King Salman.²¹² In this manner, the royal family has two means through which to influence the country's judicial system.

204 Abdullah F. Ansary, "Update: A Brief Overview of the Saudi Arabian Legal System," New York University Hauser Global Law School Program GlobalLex, August 2015, http://www.nyulawglobal.org/globalex/Saudi_Arabia1.html.

205 "Sacrifice to the State: Capital Punishment in Bahrain and Saudi Arabia," Americans for Democracy & Human Rights in Bahrain (ADHRB), 9 April 2015, <http://www.adhrb.org/wp-content/uploads/2015/04/Sacrifice-to-the-State-Capital-Punishment.pdf>, pg. 2.

206 Government of the Kingdom of Saudi Arabia, "Law of the Judiciary," World Intellectual Property Organization, 19 Ramadan 1428H (1 October 2007), <http://www.wipo.int/edocs/lexdocs/laws/en/sa/sa052en.pdf>; "Mapping the Saudi State, Chapter 8: The Judiciary and the Ministry of Justice," Americans for Democracy & Human Rights (ADHRB), 3 November 2015, <http://www.adhrb.org/2015/11/mapping-the-saudi-state-chapter-8-the-ministry-of-justice/>, pg. 1.

207 The Supreme Judicial Council has wide-ranging powers over the court system, including the mandate to appoint, promote, discipline and terminate justices. The king appoints nearly all of its members, giving him significant levels of influence over the judiciary. See, Government of the Kingdom of Saudi Arabia, "Law of the Judiciary."

208 "Mapping the Saudi State, Chapter 8," ADHRB, pg. 1.

209 Government of the Kingdom of Saudi Arabia, "Law of the Judiciary."

210 *Ibid.*

211 "Mapping the Saudi State, Chapter 8," ADHRB, pg. 7.

212 Pamela Engel, "Here's a who's who of the Saudi royal family," *Business Insider*, 2 February 2015, <http://www.businessinsider.com/a-whos-who-of-the-saudi-royal-family-2015-2>.

Legal Repercussions Following the Holiday Inn Events of 2000

Ismailis in Najran also face discriminatory legal practices and court trials. After the mass arrests following the Holiday Inn events in 2000, security forces imprisoned, tortured, and summarily sentenced hundreds of Ismailis.²¹³ In 2001, security forces took 70 detainees to Riyadh. They placed the prisoners in al-Hair prison, where the interrogation and torture continued. Some of the prisoners were presented in court in groups of ten without prior notice of their trials or legal representation.²¹⁴ Even though former detainees stated they had been tortured until they signed a false confession, the courts did not acknowledge the reports of torture when they handed down sentences. According to Human Rights Watch, “courts sentenced 17 Ismailis to death and around 65 to life in prison.”²¹⁵ After the trials, officials did not present defendants copies of their verdicts. While a series of royal pardons commuted the death sentences to prison terms, many prisoners did not know they had been sentenced until they were told their sentence was commuted to prison terms.²¹⁶

213 “The Ismailis of Najran,” HRW, pg. 1.

214 Ibid, pg. 30.

215 Ibid, pg. 34.

216 Ibid, pg. 37.

C. SPECIALIZED CRIMINAL COURT

There are a two court systems in Saudi Arabia that appear to operate in a manner contrary to the state’s al-Wahhab-influenced Sunni ideology. One of them is the system of Specialized Criminal Courts, which purports to be non-Sharia. The other is the limited system of Shia courts in the Eastern Province. Despite their nominal appearance outside this ideology, they, in fact, reinforce it. The government has used the Specialized Criminal Court system to prosecute and incarcerate members of its Shia populace.

In 2008, the Supreme Judicial Council established the Specialized Criminal Court (SCC) system. The SCC is a non-Sharia judicial body specifically tasked with trying national security suspects and terrorist suspects.²¹⁷ As a non-Sharia court with ties to the government and royal family, the SCC operates in the realm of politics rather than religion, as it does not have any ties to the religious establishment. The government uses the SCC to try political and national security suspects. Many such suspects had been incarcerated in domestic jails for years without charge, trial, or prospect of release.²¹⁸ The government later expanded the SCC’s jurisdiction to include cases of activists, dissidents, human rights defenders, and Shia protesters and clerics.²¹⁹ The MoJ oversees the SCC, but the MoI wields significant influence over the court. Article 1 of the 2014 Law on Crimes of Terrorism and Its Financing—the anti-terrorism law—grants the MoI the legal grounds to charge any political activist or dissident with terrorism.²²⁰

While justices in the SCC retain significant powers, the counterterrorism law cedes powers typically ascribed to criminal courts to the MoI in ways that compromise judges’ independence. As such, unlike in Saudi Arabia’s standard judicial system, judges operating within the country’s counterterrorism framework operate with less independence than their criminal counterparts.²²¹ Among the MoI’s powers concerning the SCC and counterterrorism cases, is the mandate to issue search and arrest warrants. It has the authority to prevent suspects from submitting complaints to the court concerning their legal proceedings until the end of the investigation. It also has the authority to order the provisional release of detainees and to

217 “Mapping the Saudi State, Chapter 3: MoI Part II,” Americans for Democracy & Human Rights in Bahrain (ADHRB), 2 June 2015, <http://www.adhrb.org/2015/06/mapping-the-saudi-state-chapter-3-the-moi-part-2/>, pg. 10.

218 “Saudi Arabia: Abolish Terrorism Court,” Human Rights Watch (HRW), 27 April 2012, <https://www.hrw.org/news/2012/04/27/saudi-arabia-abolish-terrorism-court>.

219 “Mapping the Saudi State, Chapter 3,” ADHRB, pg. 10; See also, “A Midterm Report on Saudi Arabia’s Second UPR Cycle,” ADHRB, pg. 30.

220 “Mapping the Saudi State, Chapter 3,” ADHRB, pg. 11; “Pretense of Progress: A report on the implementation of Saudi Arabia’s recommendations from the Special Rapporteur on the independence of judges and lawyers,” Americans for Democracy & Human Rights in Bahrain (ADHRB), 10 March 2015, <http://www.adhrb.org/2015/03/adhrb-publishes-report-on-saudi-arabias-judiciary/>, pgs. 37-45.

221 “A Midterm Report on Saudi Arabia’s Second UPR Cycle,” ADHRB, pg. 24

secure the full release of convicted persons.²²² In this manner, the MoI has significant power in regards to terror suspects and detainees.

The MoI has prosecutorial powers in both terrorism and criminal cases, including the jurisdiction to determine what charges a suspect will face. It decides which individuals are sent before the SCC to be tried as terrorists and which individuals are sent before the standardized court system to be tried on criminal charges.²²³ Moreover, the MoI oversees the public prosecution,²²⁴ and the two institutions cooperate closely in the apprehension and investigation of terror suspects.²²⁵ Thus, the MoI has a significant level of influence throughout the investigation, apprehension, sentencing, and conviction processes in both terror and standard cases.

According to the anti-terror law, the SCC's presiding judge or judges have the discretionary power to dictate the procedure of the trial. The SCC may issue a verdict against the accused *in absentia* for any terrorist crime if the accused was informed of their crimes.²²⁶ The accused ostensibly retains the right to hire legal counsel under the anti-terrorism law, but often this does not happen until after the trial begins. This effectively allows the SCC to determine whether or not the accused has access to legal counsel at all. The anti-terror law also entitles the SCC to "receive testimony [...] without the presence of the accused and his lawyer, and in coordination with the public prosecution."²²⁷ Nor does the law require the prosecution to reveal the identity of the witness or testifying expert to the defense.²²⁸ These measures decrease the transparency of the court and trial proceedings.

Under the influence of the MoI and through the anti-terror law, the government uses the SCC to prosecute Shia protesters, clerics, and normal citizens. In such cases, the court convicts citizens, demonstrators and clerics of terror or treason crimes even if they are participating in non-violent protests and calling for government accountability or release of political prisoners.²²⁹ Due to the influence of the government, through the MoI, the court denies defendants of their legal and due process rights, making it easier to secure convictions.

D. SHIA COURTS

I. INTRODUCTION

The majority of courts in Saudi Arabia are staffed by Sunni judicial officers and run according to the state's interpretation of Sunni Islam. However, several Shia courts operate in the Eastern Province. The Shia courts ostensibly appear as counterweights to the state-run Sunni courts.

222 Ibid.

223 "Mapping the Saudi State, Chapter 3," ADHRB, pg. 10.

224 "Precarious Justice: Arbitrary Detention and Unfair Trials in the Deficient Criminal Justice System of Saudi Arabia," Human Rights Watch (HRW), March 2008, https://www.hrw.org/sites/default/files/reports/saudijustice0308_1.pdf, pg. 134; Government of the Kingdom of Saudi Arabia, "Law of the Bureau of Investigation and Public Prosecution, Royal Decree No. M/56," 24 Shawwal 1409 (29 May 1989), <https://boe.gov.sa/ViewSystemDetails.aspx?lang=en&SystemID=124&VersionID=154>.

225 "Mapping the Saudi State, Chapter 3," ADHRB, pg. 10.

226 "Pretense of Progress," ADHRB, pgs. 37-45.

227 Ibid.

228 Ibid.

229 "Saudi Arabia: Spy Trial a Mockery of Justice," Human Rights Watch (HRW), 17 May 2016, <https://www.hrw.org/news/2016/05/17/saudi-arabia-spy-trial-mockery-justice>; "UN Committee against Torture: Review of Saudi Arabia," Human Rights Watch (HRW), 26 April 2016, <https://www.hrw.org/news/2016/04/26/un-committee-against-torture-review-saudi-arabia>.

However, their jurisdiction is limited. Because of this, almost all significant cases involving Shia are heard in state-run courts that operate under the country's Hanbali Sunni legal system.

The government permits these Shia courts to operate and adjudicate cases concerning family law, inheritance, and endowment management according to the Jafari school of Shia Islamic law.²³⁰ The courts date to the early days of the Saudi state and the government has allowed them to continue to operate due to historic factors dating to the establishment of the Saudi state and the interplay between the al-Saud family, religious establishment, and Shia population of the Eastern Province.²³¹ The courts play an important intermediary role between the Saudi state and Shia society in the Eastern Province. Historically, the courts have been a central topic in Shia notables' petitions to the government and in their meetings with officials.²³² Shia courts are the only government-sponsored institutions that provide jobs for Shia clerics in the country,²³³ and are therefore symbolically important. This importance, however, belies numerous structural limitations on their jurisdiction. In a 1997 letter, to Crown Prince Abdullah, Shia complained that the courts faced constant government interference, their rulings and certificates are not recognized, and Sunni justices can annul their judgements.²³⁴ In 2008, Shia leaders argued that the one Court of Appeals over which Shia justices preside, has no real authority and only verifies documents.²³⁵

II. FUNCTIONING

On 20 August 2005, the MoJ issued new regulations concerning the functioning of Shia courts in Qatif and al-Ahsa. King Abdullah also appointed three Shia justices to a newly-created Appeals Committee in Qatif. This increased the number of Shia judges in the country to seven.²³⁶ The justices' served in two Qatif courts of first instance, a Qatif appeals court, and a court of first instance in al-Ahsa. As sitting justices on these courts, their jurisdiction was limited to ruling on cases of personal status, inheritances, and endowments.²³⁷

Initially, these regulations and appointments appeared as if the government and King Abdullah, who had only recently ascended to the throne, were making concessions to Shia. However, that same month, in August 2005, despite appearing conciliatory, King Abdullah signed a royal decree that significantly curtailed the already limited jurisdiction of the two Shia courts of first instance. The decree gave Sunni courts the authority to supervise the Shia courts and to take up cases pending therein.²³⁸ Other provisions of the decree gave standard Sunni courts jurisdiction over cases involving a dispute between two parties. The decree mandated that Sunni courts would automatically have jurisdiction over all cases where one of the parties was not Shia.²³⁹ Seven

230 Frederic Wehrey, "The Forgotten Uprising in Eastern Saudi Arabia," Carnegie Endowment for International Peace, June 2013, http://carnegieendowment.org/files/eastern_saudi_uprising.pdf, pg. 5.

231 Matthiesen, *The Other Saudis*, pg. 55. According to Matthiesen, "Ibn Saud allowed Shia courts to continue to function in the Eastern Province as part of his policy where he would leave in charge the local leaders who did not oppose his rule." The Shia judges who sat on the courts were from families that accepted Ibn Saud's reign, at least tacitly.

232 Ibid, pg. 173.

233 Ibid, pg. 174.

234 Ibid, pg. 173.

235 "Saudi Arabia 2008 International Religious Freedom Report," US DoS.

236 Matthiesen, *The Other Saudis*, pg. 175.

237 "Denied Dignity," HRW.

238 Ibid.

239 Ibid.

months later, the government used the appointment of a new pro-government justice to assert more control over the Qatif courts.²⁴⁰ A former Shia official stated that the government engaged in a deliberate strategy of judicial appointments to weaken the Shia courts.²⁴¹ A US diplomatic cable concurred and argued that this appointment was an effort to deal a setback to Shia efforts to gain more autonomy over their own affairs.²⁴²

The 2005 decree led to fears among the Shia justices that Sunni courts would use the decree to take over cases previously under Shia court jurisdiction. Due to these fears, Shia justices announced their intention to resign should the decree's provisions come into force. In September 2007 the Shia justices briefly suspended their work, but ultimately resumed working without achieving any concessions.²⁴³ Despite these fears, and Shia justices' announcement of intended resignation, Shia courts continued to function. In 2014, they remained at the same capacity as in 2005, with seven justices.²⁴⁴ By 2015, however, the number of Shia justices was reduced to five.²⁴⁵

4. STRUCTURAL DISCRIMINATION

The nature of Saudi Arabia's court system and legal system is inherently discriminatory against Shia. The legal and court system is founded upon a theory of jurisprudence associated with an interpretation of Islam that is fundamentally hostile to Shia. The judges' extraordinary discretionary powers in conjunction with the government's interpretation of the Hanbali Sunni legal system means that laws concerning Shia are enforced more harshly. This system manifests itself broadly in widespread denial of access to justice, arbitrary arrests, and discriminatory verdicts against Shia.²⁴⁷ Many of the offenses with which Saudi officials charge Shia are related to religion. Shia allege, and many Sunnis agree, that false claims against Shia based upon religiously motivated charges, such as cursing god or the Prophet, are common examples of discriminatory acts.²⁴⁸

Shia Courts

The government restricts the operation of Shia courts to Qatif and al-Ahsa, where Shia constitute the majority of the population. It does not allow Shia courts to function elsewhere in the country. As a result, Shia populations in Medina and Najran remain subject to the jurisdiction of Sunni courts. Ismailis must therefore go before Sunni judges in Hanbali-influenced courts. Among the discrimination perpetuated by this system are issues of marriage ceremonies. Ismailis who want to be married according to their own tradition, must marry twice: once in private according to their own traditions and once officially before a Sunni judge.²⁴⁶

²⁴⁶ "The Ismailis of Najran," HRW, pg. 73.

²⁴⁰ Matthiesen, *The Other Saudis*, pg. 175.

²⁴¹ *Ibid.*, pg. 176.

²⁴² Oberwetter, "Shia Courts in Saudi Arabia," Wikileaks, Wikileaks Cable 06RIYADH5949_a, 1 January 1970, https://wikileaks.org/plusd/cables/06RIYADH5949_a.html.

²⁴³ "Denied Dignity," HRW.

²⁴⁴ "Saudi Arabia 2014 International Religious Freedom Report," US DoS, pg. 13.

²⁴⁵ "Saudi Arabia 2015 International Religious Freedom Report," US DoS, pg. 13.

²⁴⁷ "Dignity Denied," HRW.

²⁴⁸ *Ibid.*

Religiously Motivated Charges

Ismailis in Najran also face religiously motivated charges in Sunni courts. For example, in 1994, a Sunni judge sentenced Hadi al-Mutif, an Ismaili, to death for allegedly insulting the Prophet Muhammad.²⁴⁹ During his trial, the judge insulted his religion and security officials physically beat him in court. He could not file an appeal because the court did not give him a copy of the verdict. Though there was international outcry in support of his release, the sentence remained in force. As a crime against God, the king did not have the power to pardon him.²⁵⁰

In another instance of anti-Shia discrimination in the Saudi judicial system, a judge barred an Ismaili lawyer from representing a Sunni client in court.²⁵¹ In a different case, a judge forcibly divorced a Sunni woman from her Ismaili husband, after deeming the husband religiously “inadequate.”²⁵² There are reports that authorities confiscate religious texts that are not sanctioned by the government, sometimes resulting in criminal prosecution.²⁵³ Authorities have used confiscated, unsanctioned religious texts as “evidence” that Ismailis are practicing “witchcraft” or “sorcery.” In June 2002, authorities arrested and later executed Najran resident Muree bin Ali bin Issa al-Asiri on witchcraft-related charges of possessing books and talismans.²⁵⁴

249 “The Ismailis of Najran,” HRW, pg. 52.

250 “The Ismailis of Najran,” HRW, pg. 52; see, “Hadd,” Oxford Islamic Dictionary, 2017, <http://www.oxfordislamicstudies.com/article/opr/t125/e757>.

251 “The Ismailis of Najran,” HRW, pg. 3.

252 Ibid, pg. 70.

253 Ibid.

254 <http://www.bbc.com/news/world-middle-east-18503550>

For example, in 2001, Saudi Arabia’s religious police arrested Turki al-Turki, an Eastern Province Shia cleric. The religious police arrested him as he exited the mosque of the Prophet Muhammad in Medina. They charged him with insulting the companions of the Prophet. A Sunni judge in Qatif convicted al-Turki of this charge, and gave him a suspended sentence of 350 lashes and eight months in prison. In October 2006, the Ministry of Education suspended al-Turki, who is a teacher, from his work, and police arrested him in February 2007 to enforce the sentence.²⁵⁵

In November 2005, the religious police briefly arrested an 82-year-old Ismaili man in Medina for carrying an Ismaili prayer book. In February 2006, a judge in al-Khobar told a Shia worker whose Sunni boss had asked him to be a witness to his child’s wedding that he refused to accept him as a witness because of his Shia faith.²⁵⁶ Saudi courts consider Shia testimonies to be less valid than Sunni testimony, meaning courts give Shia witness testimony less weight.²⁵⁷ In March 2006, Ala Amin al-Sadeh claimed that a Sunni judge refused his testimony in court because he is Shia.²⁵⁸

In April 2006, religious police officers allegedly arrested a Shia student in Riyadh following an argument she had with a fellow Sunni student about differences in Sunni and Shia Islam.²⁵⁹ On 4 June 2007 a school in al-Ahsa expelled Khadija al-Said, who was 15-years-old, for “trivializing any part of God’s word or any Islamic ritual. Al-Said had allegedly made insulting remarks about Prophet Muhammad.”²⁶⁰ In late 2008, Saudi authorities detained Wafiqat al-Hazza’, a Shia woman from al-Ahsa. Authorities had arrested her at the Jordanian-Saudi border in Quraiyat as she was returning from Syria. A court later sentenced her to six months for witchcraft and sorcery. Her trial did not take place until after the Saudi Human Rights Commission intervened in the process, and prompted a judicial review of her case. The authorities released her on 23 June 2009.²⁶¹ Also in 2009, a Sunni judge in Qatif sentenced a Shia man to three months in prison and 400 lashes for cursing God. The man’s Sunni coworker made the allegations. In his sentencing the judge used disparaging language about the Shia faith.²⁶²

255 Ibid.

256 Ibid.

257 “The Crisis of Religious Freedom in Saudi Arabia,” Institute for Gulf Affairs, 13 April 2011, <http://www.gulfinstitute.org/wp-content/uploads/2011/04/The-Crisis-of-Religious-Freedom-in-Saudi-Arabia.pdf>, pg. 6; “Saudi Arabia 2009 International Religious Freedom Report,” United States Department of State (US DoS), 2010, <http://www.state.gov/j/drl/rls/hrrpt/2009/nea/136079.htm>.

258 “Saudi Arabia 2008 International Religious Freedom Report,” US DoS.

259 “Dignity Denied,” HRW.

260 Ibid.

261 Ibid.

262 Ibid.

In al-Ahsa, between January and July 2009, authorities arrested at least 20 Shia for their religious or cultural practices. Among those practices are Shia women's Quran studies or selling special clothing for ceremonies. The security forces held the arrested Shia women under extrajudicial sentences for periods ranging from a week to a month. Such religiously motivated arrests in al-Ahsa date back to at least 2001.²⁶³

Many of the charges leveled against Shia on religious grounds are charges that target Shia because of their faith. These charges are due to the inherently discriminatory nature of the state's interpretation of Islamic law stemming from Hanbali jurisprudence. This discriminatory legal framework is exacerbated by the legal decisions of individual justices who have extraordinary discretionary power to decide cases. Indeed, the judges are inclined to convict Shia due to subtle pressure from the religious establishment and government who appoints them, while the king has the power to remove them. This pressure, in conjunction with anti-Shia bias leads Saudi authorities to target and sentence Shia for their religious beliefs.

A. ANTI-TERRORISM LAW

Anti-Shia prejudice in the legal system is supplemented by individual legislation, particularly the 2014 anti-terror law, the Law Against Terrorism and its Financing. The law defines terrorism in broad and vague terms. Article 1 of the law defines terrorism as "any act carried out [...] towards the purpose of disrupting public order; harming the security and stability of the community; risking national unity; [or] harming the reputation or status of the country."²⁶⁴ Article 5 allows authorities to detain someone for a year before taking them before a judge.²⁶⁵ The law thus gives Saudi authorities wide-ranging power of arrest and detention. Article 4 gives the MoI the authority to issue arrest warrants.²⁶⁶ The anti-terror law thus gives the MoI jurisdiction in terrorism-related cases rather than standard trial judges.

The government has used the anti-terror law to suppress Shia protests and prosecute Shia clerics. One of the most prominent Shia the government has prosecuted is cleric Sheikh Nimr al-Nimr. In 2014, authorities charged him with inciting sectarian strife, defaming the monarchy, and banditry.²⁶⁷ They tried him in the Specialized Criminal Court, and sentenced him to death.²⁶⁸

The Saudi government has also charged Shia human rights activist Fadhil al-Manasif in the SCC under the anti-terror law. Al-Manasif is a photographer and member of the Adala Center for Human Rights, a human rights organization that worked in the Eastern Province. Security forces have arrested him three times since 2009. On 2 October 2011 security forces arrested him at a checkpoint and transferred him to a MoI-run prison in Dammam where they placed him in solitary confinement for four months, and he is currently detained. He faced charges including "breaking the allegiance of the king," "sowing discord," and "inciting public opinion against the

263 "Saudi Arabia: Treat Shia Equally," Human Rights Watch (HRW), 3 September 2009, <https://www.hrw.org/news/2009/09/03/saudi-arabia-treat-shia-equally>.

264 "Pretense of Progress," ADHRB, pgs. 37-45.

265 Ibid.

266 Ibid.

267 "Sacrifice to the State," ADHRB, pgs. 4-5.

268 "Saudi Arabia: Prominent Shia Cleric Sentenced to Death," Human Rights Watch (HRW), 16 October 2014, <https://www.hrw.org/news/2014/10/16/saudi-arabia-prominent-shia-cleric-sentenced-death>.

state.”²⁶⁹ In April 2014, the SCC sentenced him to 15 years in prison and a 15-year travel ban.²⁷⁰

Saudi authorities also prosecuted Shia cleric Sheikh Tawfiq Jaber Ibrahim al-Amr under the anti-terror law. In January 2015, the Specialized Criminal Court confirmed Sheikh al-Amr’s eight-year prison term and subsequent 10-year travel ban. It confirmed his sentence on charges of delivering religious sermons and speeches deemed to incite sectarianism, defame the ruling system, ridicule religious leaders, show disobedience to the ruler, and advocate change.²⁷¹

The government has also applied the anti-terror law against Shia protesters, mainly in the Eastern Province. Charges against Shia protesters are often terror charges related to committing treason and endangering national security. For example, the Specialized Criminal Court convicted seven non-violent Shia protesters of charges including “breaking allegiance with the ruler” and “harming the government of the kingdom.” The convictions come for acts such as calling for or inciting protests and marches and attending demonstrations.

Saudi Arabia also charged three Shia minors for non-violent protesting under the anti-terror law. Authorities arrested Ali al-Nimr, Sheikh al-Nimr’s nephew, in February 2012, when he was 17-years-old, Dawood al-Marhoon on 22 May 2012, and Abdullah al-Zaher, on 3 March 2012. Dawood was 17-years-old and Abdullah was 16-years-old when security forces arrested them. The government alleges that Ali, Dawood, and Abdullah took part in anti-government protests, attacked security forces, and carried out an armed robbery.²⁷² In 2014, The Specialized Criminal Court sentenced them to death²⁷³ in trials that did not conform to international due process guidelines.²⁷⁴

The Saudi government also applies the law to silence Sunni human rights defenders and civil society organizations. On 15 April 2014, the Specialized Criminal Court ordered the detention of prominent human rights lawyer Waleed Abu al-Khair.²⁷⁵ In July, the court convicted him on charges including “insulting the judiciary,” “trying to distort the reputation of the kingdom,” and “inciting public opinion against the state.”²⁷⁶ The Saudi government also convicted 11 members of the human rights organization Saudi Arabian Civil and Political Rights Association (ACPRA) to long prison terms using the anti-terror law in conjunction with the Press and Publications Law and Anti-Cybercrime Law.²⁷⁷

269 “Challenging the Red Lines: stories of rights activists in Saudi Arabia,” Human Rights Watch (HRW), 17 December 2013, <https://www.hrw.org/report/2013/12/17/challenging-red-lines/stories-rights-activists-saudi-arabia>; “Saudi Arabia 2014 International Religious Freedom Report,” US DoS, pg.8.

270 “Saudi Arabia 2014 International Religious Freedom Report,” US DoS, pg. 8.

271 “Annual Report: Saudi Arabia 2015/2016,” Amnesty International, 2016, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>.

272 “Saudi Arabia: Fears grow that three young activists could soon be executed,” Amnesty International, 16 October 2015, <https://www.amnesty.org/en/latest/news/2015/10/saudi-arabia-three-young-activists-could-soon-be-executed/>.

273 “Saudi Arabia: execution announcement raises concern over fate of three young activists,” Americans for Democracy & Human Rights in Bahrain (ADHRB), 14 March 2016, <http://www.adhrb.org/2016/03/saudi-arabias-impending-execution-announcement-raises-concern/>.

274 “Ali al-Nimr, Sheikh al-Nimr and 50 Other Prisoners at Risk as Saudi Announces an Imminent Mass Execution,” European-Saudi Organisation for Human Rights (ESOHR), 27 November 2015, <http://www.esohr.org/en/?p=685>.

275 “World Report 2015: Saudi Arabia,” Human Rights Watch (HRW), 2015, <https://www.hrw.org/world-report/2015/country-chapters/saudi-arabia>.

276 “Challenging the Red Lines,” HRW.

277 “Saudi Arabia’s ACPRA: How the Kingdom Silences its Human Rights Activists,” Amnesty International, 10 October 2014, <https://www.amnesty.org/en/documents/MDE23/025/2014/en/>.

5. Conclusion

Saudi Arabia's judicial and legal system are biased towards Shia. Its legal framework is rooted in an interpretation of Islamic Hanbali jurisprudence that is built on the foundation of anti-Shia beliefs. The Council of Senior Religious Scholars, appointed by the king, is in charge of structuring the legal system, and excludes Shia. The country's Basic Law does not allow for religious freedom, or the practice of any form of Islam aside from the government's particular interpretation of Islam.

Saudi Arabia's legal structure and the structure of its judiciary are fundamentally anti-Shia. Justices' near-complete discretion in sentencing, coupled with close ties to the government, means Shia receive harsh sentences as a result of their faith. The government uses the SCC to prosecute Shia activists and clerics on terrorism charges based upon their protest and demonstration actions. The flexibility of the anti-terror law allows the government to bring terror charges against Shia demonstrators and protesters for expressing themselves non-violently. It allows MoI prosecutors to charge Shia clerics with sedition and terrorism for criticizing the government. These discriminatory practices stem from the government and religious establishment's antagonism towards Shia inherent in the legal and judicial framework.

Facets of Shia Discrimination: Political

1. Introduction

The Government of Saudi Arabia's political system promotes and supports discrimination against its Shia population. The country is an absolute monarchy where power is centralized in the ruling al-Saud family, and legitimized by the religious establishment. The combination of the anti-Shia religious establishment and the royal family's centralization of power Riyadh, has produced a political system in which Shia have little or no space for political involvement.

The Government of Saudi Arabia has periodically opened the political arena and held municipal elections, in the 1950s-1960s and from 2005 until present, and its Shia citizens have used these opportunities to try and enter politics. They participated in local politics and actively campaigned for office during the municipal elections held between 1954 and 1962. However, they faced significant barriers that prevented them from entering political office. These included the lack of electoral regulations, skewed candidate slates, and government interference. Ultimately, these barriers prevented Shia candidates from achieving office proportional to their engagement in politics. As a result of King Faisal's centralization of power in Riyadh, from the mid-1960s to 2005, the government did not hold municipal elections.

King Abdulaziz al-Saud established the *majlis al-shura* in 1926,²⁷⁸ however, Shia were not represented in it until 1993. In 1993, King Fahd appointed the first Shia member to a seat on the *majlis al-shura*, the royal consultative body.²⁷⁹ Since then, a number of Shia have been appointed to the *majlis*, but their representation within the body has been negligible. Shia constitute five members out of 150²⁸⁰ or three percent of the *majlis*, while Shia constitute 10-15 percent of the country's populace.²⁸¹ Shia again participated in electoral politics with the resumption of municipal council elections in 2005, claiming some seats. From the 2005 elections until 2016, government officials have appointed Shia to several nationally significant government positions, including to the Council of Ministers. Despite this success, Shia entrance into Saudi politics has led to limited success in changing structural patterns of discrimination against them. Individual appointments to senior government positions does not negate the Government of Saudi Arabia's hegemonic political structure. In this environment, power remains the exclusive province of a royal family and religious establishment that promote policies that sanction and enable Shia discrimination.

2. Notable Politics

Early Eastern Province Shia politics, from the region's conquest by Abdulaziz al-Saud until the municipal elections of 1954, were dominated by Shia notable families. Notable families were the traders, landowners, and religious and tribal leaders who held power and influence over Shia life.²⁸² The notable families resided in the city and used their position to dominate the outlying

278 Mohammad Zaid al-Kahtani, "The Foreign Policy of King Abdulaziz: a study in the international relations of an emerging state," (Doctor of Philosophy dissertation, University of Leeds, October 2004), http://etheses.whiterose.ac.uk/529/1/uk_bl_ethos_412035.pdf, pgs. 22, 84-108.

279 Matthiesen, *The Other Saudis*, pg. 187.

280 "Saudi Arabia 2015 International Religious Freedom Report," US DoS, pg. 13.

281 Lionel Beehner, "Shia Muslims in the Mideast," Council on Foreign Relations, 16 June 20016, <http://www.cfr.org/religion/shia-muslims-mideast/p10903>.

282 Matthiesen, *The Other Saudis*, pg. 30.

villages and rural areas.²⁸³ These families served as interlocutors between Shia society and the ruling powers. As the elites of Shia society, the notable families were more resistant to social and political change.

3. Early Barriers to Political Entry

Formal Saudi government-sanctioned political discrimination against its Shia population in the Eastern Province dates to the 1930s.²⁸⁴ The Eastern Province's governor, Amir Saud bin Abdullah, largely excluded natives of the Eastern Province from the central administration of the region. This policy affected both Sunni and Shia residents of the Eastern Province, but disproportionately affected the province's Shia population. The Amir controlled the membership of the appointed municipal councils and did not appoint Shia to significant or sensitive government positions.²⁸⁵ If Shia citizens wanted to enter the municipal government they did so either by taking lower level jobs in the municipality²⁸⁶ or hoping for an appointment. However, the Amir appointed Shia to less prominent positions.²⁸⁷ This gave these notable families significant influence within Shia villages. However, their influence faded due to corruption scandals,²⁸⁸ the popular perception that the families were too close to the authorities,²⁸⁹ and their inability to improve the livelihoods of the Eastern Province's Shia population.²⁹⁰ Frustration among Eastern Province Shia residents over continued discrimination became coupled with growing politicization in the mid-1950s within the Shia community.²⁹¹

4. Oil and Shia Politicization

The politicization of Eastern Province Shia began with the discovery of oil in the Eastern Province in 1938 and continued into the 1950s. It stemmed in large part from frustration with traditional notable-led politics and an influx of radical leftist ideologies brought by migrant workers and laborers. The discovery of oil in the Eastern Province led to the area's industrialization and urbanization as laborers migrated to the Kingdom in search of employment. The influx of migrant laborers to the region disrupted the traditional forms of Shia livelihood, which had been centered around the villages of Qatif and Hofuf.²⁹²

283 Ibid, pg. 30-31.

284 The modern Saudi state was established in 1932, though Matthiesen notes that Shia have faced anti-Shia sentiment since at least Ibn Saud's conquest of the eastern regions of the country. See, Matthiesen, *The Other Saudis*, pgs. 8-10, 45-65.

285 Toby Matthiesen, "Centre-Periphery Relations and the Emergence of a Public Sphere in Saudi Arabia: The Municipal Elections in the Eastern Province, 1954-1960," *British Journal of Middle Eastern Studies*, 11 November 2014, pg. 3.

286 Ibid.

287 Ibid, pg. 3.

288 Matthiesen, *The Other Saudis*, pg. 78.

289 Matthiesen, "Centre-Periphery Relations," pg. 8, see footnote 40. In a commission of inquiry launched into the Qatif municipality's finances and inner workings, young activists discovered widespread corruption and misappropriation of funds. Despite the evidence, the Ministry of Finance only rebuked the director of the municipality. One of the activists claims this was because of the director of the municipality's personal ties and pleas to the central authorities.

290 Ibid, pg. 10.

291 Jones, "Rebellion on the Saudi Periphery," pg. 214.

292 Matthiesen, "Centre-Periphery Relations," pg. 4.

Oil exploration took place far established Shia settlements and gave birth to new towns like Dammam, Dhahran, al-Khobar, and Rahimah. In the diverse milieu of these new cities, migrant workers, students returning from abroad, and newspapers filled with Arab nationalist and leftist ideas contributed to the basis for widespread political mobilization. The distribution of pamphlets and proliferation of informal study centers, libraries, newspapers, and cultural journals aided the growing culture of political awareness.²⁹³ Due to the social and economic disruption caused by the discovery of oil and concomitant influx of foreign laborers, Shia areas of the Eastern Province became fertile ground for the spread of revolutionary ideologies including socialism, Arab nationalism, and anti-colonialism.²⁹⁴

Discourses and ideologies of Arab nationalism and leftism appealed to Shia because they promised solutions to the widespread discrimination they faced in many facets of Saudi society, and the Eastern Province more specifically.²⁹⁵ One idea that gained significant traction in the region was the notion that more oil wealth should stay with developing countries.²⁹⁶ This resonated with Shia due to the poverty of older Eastern Province towns like Qatif and Awamiyah. The newer oil towns of Dammam, al-Khobar, and Dhahran received government services not available in Shia-majority towns. The uneven development between these towns and areas became fuel for the activists.²⁹⁷ Increased awareness among Saudi Shia of economic discrimination led to the growth of a political culture and the incorporation of political parties in an effort to compete in electoral politics.²⁹⁸

Revolutionary ideologies brought the conflict between the old notable families and those from less-distinguished backgrounds, particularly in the outlying villages, into focus.²⁹⁹ The introduction of elected municipal councils in 1954 gave Shia space to express these ideologies and wrestle with these class conflicts.³⁰⁰ The intra-Shia conflict in the Eastern Province between traditional centers of power and outsiders is a significant theme in the Eastern Province Shia population's attempts to engage with politics in a manner that could result in national social and political change. For example, Sheikh al-Nimr's rise to prominence is partly the result of the failure of traditional Shia centers of power to end long-standing discrimination against Shia.

5. Shia Participation in Municipal Council Elections

A. 1954 ELECTIONS

With the emergence of a vibrant Eastern Province Shia political culture, the 1950s and 1960s municipal elections became important arenas for political expression.³⁰¹ The Saudi government held several elections throughout the 1950s, including in 1954, 1956, 1957, 1960, and 1962.³⁰² Shia used these elections to voice grievances such as uneven economic development and longstanding religious and political discrimination. These grievances were the product of long-standing feelings

293 Matthiesen, *The Other Saudis*, pgs. 72.

294 Ibid, pg. 66-67.

295 Ibid, pg. 67-68.

296 Matthiesen, "Centre-Periphery Relations," pg. 6.

297 Jones, "Rebellion on the Saudi Periphery," pg. 214.

298 Matthiesen, "Centre-Periphery Relations," pg. 7.

299 Ibid, pg. 10.

300 Ibid, pgs. 6.

301 Matthiesen, *The Other Saudis*, pg. 76.

302 Ibid, pg. 78-79; Consistent election tampering throughout each election, widespread labor strikes, mass arrests, and dysfunction within the councils necessitated that the Saudi government dissolve the municipal councils continuously and hold new elections, resulting in five elections over the space of eight years.

of neglect which pervaded the region. During the 1954 elections, in particular, Shia and Sunni activists worked together and won a number of seats in the Qatif, al-Khobar, and Dammam.³⁰³ However, the elections did not produce the results and representation Shia wanted. During the al-Ahsa municipal elections Shia parties put a lot of effort into campaigning and spreading their message. The electoral results in Shia-majority towns and municipalities did not reflect their effort. This was a result of the Amir's interference in the electoral system.³⁰⁴

B. 1960 ELECTIONS

The 1960 Eastern Province municipal elections appeared marred by electoral interference as well. Shia political activists actively campaigned for the 1960 elections. However, it was clear even before the votes were counted that Shia politicians would be underrepresented in municipal offices even in majority Shia districts.³⁰⁵ Shia citizens asked the Amir for confessional representation on the municipal council.³⁰⁶ The Amir did not listen to their demands for equal representation. On the contrary, since elections were held in much the same manner, the Amir retained a significant amount of leverage to control the outcome. Consequently, Shia boycotted the elections, producing a conservative, all-Sunni council.³⁰⁷

C. MARRED ELECTORAL PROCESS

The municipal elections that took place in the Eastern Province in the 1950s and 1960s, including the 1954 and 1960 elections, were marred by government intervention in the electoral process. There was no clear electoral register and no electoral law. The Amir directly appointed the electoral committee and the committee counted votes in secret. Additionally, the Amir removed names of candidates he disliked and disqualified some candidates after they had been elected. These methods ensured that few Shia candidates were elected to municipal office.³⁰⁸

6. Shia Participation in 2005 Municipal Elections and the National Dialogue

A. CONTINUED SHIA POLITICAL ENGAGEMENT: RELIGIOUS MOVEMENTS, EXILE, AND RETURN

In 1964, King Faisal ascended to the throne and moved to consolidate power in Riyadh, abolishing the elected municipal councils. Between 1962 and 2005, the government did not hold any municipal council elections. Despite their subsequent lack of opportunity to participate in electoral politics, the lessons Eastern Province Shia learned from the years of campaigning and political involvement did not dissipate.³⁰⁹ They remained politically active even as formal avenues for political engagement remained closed.³¹⁰

303 Matthesen, "Centre-Periphery Relations," pg. 7.

304 Matthesen, *The Other Saudis*, pg. 77.

305 Matthesen, "Centre-Periphery Relations," pg. 16.

306 Matthesen, *The Other Saudis*, pg. 77-78.

307 Matthesen, "Centre-Periphery Relations," pg. 16.

308 Ibid, pg. 19.

309 Matthesen, *The Other Saudis*, pg. 81.

310 In *The Other Saudis*, Matthesen traces continued Shia political engagement even after 1962 from Chapter 3 onwards.

Shia politicization remained alive through the efforts of religious groups as throughout the 1950s and 1960s, Shia political, left-wing, and labor activists faced government repression and mass arrests.³¹¹ The arrests of activists and co-optation of Shia notables into the Saudi government after King Khalid's 1975 amnesty³¹² opened the political space for other opposition movements. Religious groups, such as the *Shirazi* movement—a religious-political organization led by cleric Muhammad Mahdi al-Shirazi and Hassan al-Saffar—moved to occupy this space. These groups gained strength after the government violently suppressed public celebrations of Ashura in the Eastern Province in 1979. Because of many Saudi Shia Muslim's emotional attachment to Ashura celebrations, public Shia dissent against the government was channeled into political Shia Islam. The government's repression of these practices had the effect of uniting Shia residents in the Eastern Province.³¹³ The 1979 events and violence in the Eastern Province was a turning point for Saudi Shia and cemented the mobilizing power of Shia Islamism.³¹⁴ The *Shirazi* movement was one of the most prominent Shia movements in the country, with a network throughout the Arab world. Its transnational aspect was due to the fact that many of its members were in exile after the Saudi government suppressed the Ashura celebrations and protests in 1979.³¹⁵

Within Saudi Arabia, Shia politics were split between many different factions. Some were militant organizations opposed to engaging with the government, such as Hezbollah al-Hijaz, Soldiers of Justice, and Islamic Jihad Organization in the Hijaz.³¹⁶ Others, such as members of the *Shirazi* movement, and Reform Movement in Saudi, were more open to engagement with the government. It was members of these two groups who worked with the government to allow Saudi political exiles to return to the country in 1993 under a general amnesty.³¹⁷ The 1993 amnesty remained politically divisive among Shia, as many who first opposed the amnesty, including Sheikh al-Nimr, remained opposed to working with the government.³¹⁸

In response to calls for political reform from groups like the Reform Movement in Saudi and the *Shirazi* movement, and amidst outbreaks of sectarian violence,³¹⁹ Crown Prince Abdullah announced the convening of a National Dialogue in August 2003, the expansion of the *majlis al-shura*, and the holding of municipal elections.³²⁰ King Fahd subsequently reestablished elected municipal councils, with the first elections since 1962 held in 2005. However, it took a petition by Qatif residents for the government to allow the Qatif Municipality to have their own council.³²¹ Despite the re-establishment of the elections, the government only opened half of the seats in the local councils for election. The king appointed the other half of the seats.³²²

311 Matthiesen, *The Other Saudis*, pgs. 78, 80, 81, 84.

312 Ibid, pg. 86.

313 Ibid, pg. 102.

314 Ibid, pg. 113.

315 Ibid, pg. 113-139.

316 Ibid, pg. 137.

317 Ibid, pg. 156-161.

318 Ibid, pg. 161.

319 Ibid, pg. 183.

320 Ibid, pg. 185.

321 Ibid, pg. 189.

322 "Low turnout in Saudi Arabia's local polls," *Al-Jazeera*, 22 October 2011, <http://www.aljazeera.com/news/middleeast/2011/09/20119298149855126.html>.

B. NATIONAL DIALOGUE

The 2003 National Dialogue was a significant event for Shia and generated considerable excitement, and all major Shia groups participated. The Dialogue gave a voice to Shia from parts of the country other than the Eastern Province, like the *nakhawila* of Medina and Ismailis from Najran Province.³²³ The Ismaili's participation, in particular, was symbolically important. Several years earlier, in 2000, relations between the state and Ismailis had deteriorated significantly after security forces closed several Ismaili mosques and Ismailis clashed with security forces.³²⁴

Ultimately, many participants were dissatisfied with the actual outcomes of the Dialogue. Despite their disappointment, though, when Crown Prince Abdullah ascended to the throne in 2005, many Shia were optimistic that their demands for political reform would be met.³²⁵ They thought King Abdullah had demonstrated a willingness to introduce religious and political reforms.³²⁶

C. 2005 ELECTIONS

The 2005 elections were the first opportunity for male Saudis, including Shia, to vote since the municipal elections of 1962. Despite being the first elections in nearly half a century, the voter turnout for the municipal council elections was low around most of the country. 1.08 million Saudi men out of the country's 18 million eligible voting population registered to vote.³²⁷

Contrary to the rest of the country, turnout was high in Shia areas of the Eastern Province. In Damman, where Shia make up three-quarters of the residents,³²⁸ the police were forced to close the gate to the voting booth because of overcrowding.³²⁹ In some polling stations in Qatif, almost 82 percent of registered voters had cast their votes by 1:00 P.M. in the afternoon, by the end of the day turnout was around 90 percent.³³⁰

The high voter turnout rate among Eastern Province Shia was propelled by the sense that, after years of marginalization and neglect, Shia citizens could have their voices heard. Despite the limited nature of the 2005 elections, and the limited powers of the municipal councils, Saudi Arabia's Shia population hoped that the elections would help end discrimination against them.³³¹ Eastern Province Shia citizens had long complained of exclusion from local and national government posts, but the 2005 elections allowed them to enter local politics and dream of entering national politics.³³² Standing outside a polling station in Qatif, Sheikh Mohammad al-Taieb stated that "in the future, we hope to vote in parliamentary elections."³³³ Indeed, Shia clerics urged voters to cast the ballots, calling them "valuable." They cited the Iraqi elections in January 2005 as an example of the importance of participation.³³⁴ Prominent Shia cleric Hasan al-Saffar, who had returned

323 Matthiesen, *The Other Saudis*, pg. 186.

324 Matthiesen, *The Other Saudis*, pg. 186; Toby Jones, "The Iraq Effect in Saudi Arabia," Middle East Research and Information Project, 2005, <http://www.merip.org/mer/mer237/iraq-effect-saudi-arabia>.

325 Matthiesen, *The Other Saudis*, pg. 185.

326 Ibid.

327 "Low turnout in Saudi Arabia's local polls," *Al-Jazeera*.

328 Jaffar, "The Persecution of Shia Muslims in Saudi Arabia."

329 "Saudis vote in force in Shia area," *BBC*, 3 March 2005, http://news.bbc.co.uk/2/hi/middle_east/4313761.stm.

330 "Shias vote in large numbers in Saudi local bodies poll," *Dawn*, 4 March 2005, <http://www.dawn.com/news/384353/shias-vote-in-large-numbers-in-saudi-local-bodies-poll>.

331 "Saudis vote in force in Shia area," *BBC*.

332 "Denied Dignity," HRW.

333 "Saudis vote in force in Shia area," *BBC*.

334 "Shias vote in large numbers in Saudi local bodies poll," *Dawn*.

to Saudi Arabia in the 1990's after fifteen years in exile,³³⁵ urged Shia residents to participate in voting. He compared Saudi Arabia and Iraq and implied that just as Iraqi Shia had risked a lot to cast their vote, so should Saudi Shia.³³⁶

In the 2005 elections, Shia candidates won all six contested seats in Qatif, and five out of six in al-Ahsa.³³⁷ The government appointed four Sunnis and one Shia to the Qatif municipal council.³³⁸ The government disqualified the sixth Shia male candidate in al-Ahsa. Shia residents speculated that his disqualification was because he could have won in a majority Sunni district.³³⁹ Though they constituted a significant minority of the population in Dammam, al-Khobar, and Dhahran, no Shia candidates were elected from these cities.³⁴⁰

D. RECENT ELECTIONS

Participation decreased around the country during the September 2011 municipal council elections. In the Eastern Province, this decrease was due to the councils' struggle against the power of the bureaucracy and as a result of infighting.³⁴¹ These struggles negatively influenced the councils' reputation, which already suffered from marginal levels of importance and influence.³⁴²

Participation was also low in Shia areas, which had previously seen high participation levels in the 2005 council elections.³⁴³ As with the 2005 elections, only half of the seats were contestable. The king appointed the other half of the seats. Shia candidates won the majority of seats in Qatif, and the king appointed four Sunnis and one Shia to the Qatif council. Though several Shia candidates were elected in al-Ahsa, not enough won to offset the king's Sunni appointments. This resulted in a Shia minority on the council.³⁴⁴

In the 2014 municipal elections, Shia candidates won six of 11 elected seats on the Eastern Province municipal councils and an elected Shia headed the Qatif municipal council. Despite this, only three of the 59 government-appointed municipal council members in the whole Eastern Province were Shia.³⁴⁵ But by 2015, five of the 12 government-appointed municipal council members in Qatif and al-Ahsa were Shia. Shia politicians also held 16 of the 30 elected seats on the Qatif and al-Ahsa municipal councils.³⁴⁶

E. DISCRIMINATION IN VOTING

Shia candidates won the majority of seats in Shia-majority areas in the 2004 and 2011 municipal council elections. However, the voting system discriminates against Shia politicians. While Shia candidates can succeed in Shia-majority municipalities, they are at a disadvantage when Shia-

335 Fraker, "Sheikh Nimr Baqir al-Nimr's political engagement and speeches," Wikileaks, Wikileaks Cable 08RIYADH371_a, 1 January 1970, https://wikileaks.org/plusd/cables/08RIYADH371_a.html.

336 Vali Nasr, *The Shia Revival: How Conflicts Within Islam Will Shape the Future*, (New York: W. W. Norton & Company, 17 April 2007), pg. 239.

337 "Denied Dignity," HRW.

338 Matthiesen, *The Other Saudis*, pg. 190.

339 Ibid, pg. 191.

340 Jaffar, "The Persecution of Shia Muslims in Saudi Arabia," Matthiesen, *The Other Saudis*, pg. 191.

341 Matthiesen, *The Other Saudis*, pg. 192.

342 Ibid.

343 Ibid, pg. 192.

344 Ibid, pg. 193.

345 "Saudi Arabia 2014 International Religious Freedom Report," US DoS, pg. 13.

346 "Saudi Arabia 2015 International Religious Freedom Report," US DoS, pg. 14.

majority districts are part of Sunni-majority municipalities.³⁴⁷ In such cases, Shia candidates' success in their districts is negated by the demographics of a Sunni-majority municipality. In addition to this, some Sunni candidates campaigned on openly anti-Shia campaigns. Other Sunni candidates urged Sunnis to vote in order to keep Shia out of the municipal councils.³⁴⁸

F. FACTIONAL DIFFERENCES CONCERNING VOTING

Different Shia factions have contrasting views concerning the efficacy of electoral politics as a way to end Shia discrimination. More traditional factions, led by clerics who returned from exile in the 1990s after the failed 1979 Eastern Province uprising, embraced elections as a way to work within the system.³⁴⁹ They advocated working with the government to end anti-Shia discrimination.³⁵⁰ Other Shia leaders and factions advocated less engagement with the government and electoral politics.³⁵¹ Some advocated non-violent opposition to the government. Among them was Sheikh al-Nimr, who was particularly vocal about his rejection of working with the government. He had opposed the 1990's amnesty law that allowed exiled Saudi Shia activists to return to the country if they disavowed confrontational stances towards the authorities.³⁵² Other factions, like Saudi Hezbollah, were more militant. Saudi Hezbollah was also opposed to working with the government, and demonstrated its opposition to the authorities through violence, until the security forces forced the organization to close.³⁵³

7. Participation in the *Majlis al-Shura* and Council of Ministers

The *majlis al-shura* is a consultative council responsible for advising the king. Its members are appointed by the Council of Ministers to four year terms, and are limited to three consecutive terms.³⁵⁴ It has the power to debate and propose legislation.³⁵⁵ The *majlis* submits legislation for approval to the Council of Ministers, the de facto cabinet.³⁵⁶ It does not have the power to override decisions made by the king or Council of Ministers. The *majlis* thus lacks legislative and executive powers, and is unable to freely discuss political or religious issues.³⁵⁷

The Saudi government held its first municipal elections since 1962 in 2005. But by that time, Shia had re-entered politics via royal appointment. In 1992, King Fahd established the *majlis al-shura*, a royal consultative body.³⁵⁸ King Fahd created the *majlis* in response to a 1991 petition by a group of 52 religious figures demanding the creation of a royal consultative body, respect for human rights, and stronger religious institutions. The establishment of the *majlis* came with the introduction of two other statutes: the Basic Law of Government, a constitution and the Law of

347 Matthiesen, *The Other Saudis*, pg. 191.

348 Ibid.

349 Ibid, pgs. 200-205.

350 Ibid.

351 Ibid.

352 Orlando Crowcroft, "Sheikh Nimr al-Nimr: Who is Saudi Arabia's most vocal Shia critic sentenced to death and crucifixion for dissent?" *International Business Times*, 26 October 2015, <http://www.ibtimes.co.uk/sheikh-nimr-al-nimr-who-saudi-arabias-most-vocal-shia-critic-sentenced-death-dissent-1525781>.

353 Matthiesen, *The Other Saudis*, pg. 160-164.

354 "Saudi Arabia 2014 International Religious Freedom Report," US DoS, pg. 4.

355 Matthiesen, *The Other Saudis*, pg. 187.

356 "Saudi Arabia 2014 International Religious Freedom Report," US DoS, pg. 4.

357 Matthesen, *The Other Saudis*, pg. 187.

358 Ibid, pg. 150.

the Provinces.³⁵⁹ One year after he established the *majlis*, King Fahd appointed one Shia member to the body in 1993. In 1994, he created new local councils and appointed two Shia members to serve on the new Eastern Province council. As a result, Shia constituted two out of 15 Eastern Province council members.³⁶⁰

The king appointed one Shia member to the 1993-1997 *majlis al-shura*. When the king appointed the second *majlis* in 1997 to serve until 2001, he appointed two Shia members to the council, where they joined 88 Sunni members. King Abdullah increased the number of Shia in the fourth *majlis* (2005-2009) to three or four out of 150 members. The king appointed five Shia members to the 2009-2013 *majlis*.³⁶¹ The current *majlis* (2013-2017) is composed of 150 members,³⁶² and includes 30 women and six Shia members, two of whom are women.³⁶³

There is conflicting information regarding Shia representation on the Council of Ministers, Saudi Arabia's *de facto* cabinet which has the power to significantly influence legislation. In its 2015 international religious freedom report, the United States Department of State notes that in June 2014, King Abdullah appointed the first Shia minister to the Council of Ministers.³⁶⁴ It also notes that there are no Shia governors or deputy governors in the country, and that there are no ministry branch directors in the Eastern Province.³⁶⁵ However, in January 2016, Toby Matthiesen stated that there has never been a Shia minister.³⁶⁶ According to Matthiesen, Saudi Arabia has had one Shia ambassador in its history: Jamil al-Jishi served as the kingdom's ambassador to Iran from 1999-2003.³⁶⁷ Then Crown Prince Abdullah requested al-Jishi's appointment in an attempt to repair relations with Iran.³⁶⁸

A. EMPLOYMENT DISCRIMINATION

Barriers to Shia citizens' political employment and political involvement extend to public and private sector employment. Shia are not only largely excluded from significant and influential political positions, they experience systematic discrimination in hiring, promotion, and firing practices. There is no formal policy concerning Shia employment or restrictions to employment.³⁶⁹ However, the dearth of Shia in powerful positions in the military, government-owned companies, government agencies, demonstrates that there is a tacit "glass ceiling" preventing Shia from these positions.³⁷⁰

The US Department of State's 2015 International Religious Freedom report notes that there is significant Shia representation in the ranks of the traffic, police, municipal government, and

359 Ibid.

360 Ibid, pg. 151.

361 Ibid, pg. 188.

362 "Saudi Arabia 2015 International Religious Freedom Report," US DoS, pg. 13.

363 "Saudi Arabia 2014 International Religious Freedom Report," US DoS, pg. 4.

364 "Saudi Arabia 2015 International Religious Freedom Report," US DoS, pg. 13.

365 Ibid.

366 Zachary Laub, "What's Driving Saudi Actions?" Council on Foreign Relations, 8 January 2016, <http://www.cfr.org/saudi-arabia/driving-saudi-actions/p37420>.

367 Matthiesen, *The Other Saudis*, pg. 60.

368 Ali al-Ahmed and Christopher Denbow, "Who is Sectarian? Comparative Analysis between Iraq & Saudi Arabia," Institute for Gulf Affairs, June 2014, <http://www.gulfstitute.org/look-whos-talking-sectarianism-between-iraq-and-saudi-arabia/>.

369 "Saudi Arabia 2015 International Religious Freedom Report," US DoS, pg. 13.

370 "Still Invisible," pg. 7.

public schools.³⁷¹ However, Shia presence in these fields is confined to predominantly Shia areas in the east.³⁷² The report also notes that a very small number of Shia occupy high level positions in government-owned companies and government agencies.³⁷³ Among the fields in which Shia are significantly underrepresented are national security-related positions in the Ministry of Defense, the National Guard, and the Ministry of Interior.³⁷⁴ According to Human Rights Watch, “Shia students generally cannot gain admission to military academies.”³⁷⁵ This contradicts government officials’ assertions that there are no official obstacles to Shia enrollment.³⁷⁶

When Shia do gain admission to these fields, they face discriminatory practices in the workplace and barriers to career advancement. For example, the Ministry of Interior strictly monitors the recruitment process for senior positions.³⁷⁷ Moreover, some companies do not allow Shia employees time off work to attend religious holidays during the month of Muharram or for Ashura.³⁷⁸ In interviews with the Institute for Gulf Affairs, all of the Shia respondents felt that they were the victims of discriminatory employment policies, including policies regarding promotions. All of the respondents answered “no” to the question “do you feel there is equality between Sunnis and Shias in Saudi Arabia in job opportunity? If no, explain.” All the respondents agreed that access to jobs and promotions was much easier for Sunnis, and that Shia employees were often victims of discriminatory actions in the workplace.³⁷⁹ Many mentioned that even though a Shia employee may be better qualified than a Sunni colleague, their salary would be significantly lower.³⁸⁰ Some Shia employees claimed that their Sunni colleagues are favored for promotions, even when they are less qualified.³⁸¹

Ismaili Employment Success

Although Ismailis have also been largely marginalized from politics, several have managed to enter the upper echelons of Saudi Arabia’s government and military. Some have become colonels in the armed forces, high officials in government ministries, successful lawyers, and managers of profitable businesses.³⁸² For example, Sheikh Ali bin Musallam became an advisor to King Fahd and gained significant influence by marrying into the royal family. However, because of this, many Najran Ismailis do not view him as an entirely trustworthy representative for their community.³⁸³ Muhammad Faisal Abu Saq also attained a significant level of influence within the government after the king appointed him to the *majlis al-shura*. Similarly, however, despite his position on the council, Najran citizens do not view Abu Saq as a strong advocate for them.³⁸⁴

382 “The Ismailis of Najran,” HRW.

383 Ibid, pgs. 53-54.

384 Ibid.

371 “Saudi Arabia 2015 International Religious Freedom Report,” US DoS, pg. 14.

372 “Saudi Arabia: Shia,” Global Security, 1 April 2016, <http://www.globalsecurity.org/military/world/gulf/sa-shia.htm>.

373 “Saudi Arabia 2015 International Religious Freedom Report,” US DoS, pg. 14.

374 “Saudi Arabia: Shia,” Global Security.

375 “Saudi Arabia: Treat Shia Equally” HRW.

376 “Denied Dignity,” HRW.

377 Ahmad K. Majidyar, “Saudi Arabia’s Forgotten Shi’ite Spring,” American Enterprise Institute, 17 August 2013, <http://www.aei.org/publication/saudi-arabias-forgotten-shiite-spring/>.

378 Clarkson, “Saudi Arabia: Anti-Shia Discrimination in Employment and the Work Place,” pg. 7.

379 Perazzo, “On Being Shia in Saudi Arabia,” pg. 5.

380 Ibid.

381 Ibid.

In order to avoid discriminatory employment practices, some Shia hide their religious affiliation and town of origin.³⁸⁵ Many Shia have stated they faced discrimination in the recruiting process once the potential employer discovered their religious identity.³⁸⁶ Many of the respondents to the Institute of Gulf Affairs survey responded to a question about hiding their Shia identity by acknowledging the risk of persecution and discrimination. One Shia respondent stated that one company his father worked for targeted and laid-off a number of Shia employees.³⁸⁷

Employment Discrimination Against Ismailis

In 2005, Najran Province governor Prince Mish'al claimed that Ismailis did not face any discrimination in employment. He stated that a large proportion of Najran's government workers were Ismailis and that there is a high number of Ismailis in the armed forces, national guard, and police. While this may have been true prior to the events of 2000, since Ismaili protesters clashed with police they have faced broad discrimination in employment practices. Ismailis currently face some of the most significant barriers to entry in the security sector.³⁸⁸ For 15 years, authorities have barred Najranis from attending military colleges, institutes, and training centers. There are no Ismailis in the army or air force college, because the government alleges that Najran's proximity to Yemen makes this a security threat.³⁸⁹ Thus, while Ismailis reportedly serve in all branches of the Saudi military, few reach positions of seniority, as the upper ranks of the military are restricted to those who graduate from military academies.³⁹⁰ This policy has effectively blocked Ismailis from studying in fields like aviation science, reportedly leading them to travel to neighboring countries pursue these fields. For example, more than 100 Ismailis have traveled to Jordan for this purpose.³⁹¹ Beyond these limitations, there are more informal restrictions on Ismailis entering the upper echelons of the armed forces. Because Ismailis face bigotry based on their ethnic and religious origins, their names can sometimes betray their descent, rendering them vulnerable to discrimination in advancement and employment.³⁹²

Nevertheless, while Ismailis face barriers to high-level government and military positions, they have been able to attain low-level positions in provincial and municipal government. Despite these achievements, some Ismaili government officials described how their advancement was blocked due to their religious beliefs. Some cannot get good jobs because of vague "security reasons."³⁹³ As a result, in 2006, an Ismaili related to Human Rights Watch

388 "The Ismailis of Najran," HRW, pg. 60.

389 Ibid, pgs. 59-60.

390 Ibid, pg. 61.

391 Ibid, pg. 60.

392 Ibid, pg. 61.

393 Ibid, pg. 59.

385 Leo Kwarten, "Why the Saudi Shiites won't rise up easily," Conflicts Forum, June 2009, <http://www.conflictsforum.org/2009/why-the-saudi-shiites-won%E2%80%99t-rise-up-easily/>, p. 6.

386 "Still Invisible," Minority Rights Group International, pg. 7.

387 Perazzo, "On Being Shia in Saudi Arabia," pg. 21.

that Najranis occupied no more than two percent of senior positions in the province's government.³⁹⁴

Since 2000, the situation for Ismaili civil servants has deteriorated further. The Saudi government has forced at least 449 Ismaili employees from their positions in government, arresting, firing or relocating them to positions around the country. In 2003, several Ismaili sheikhs wrote to then-Crown Prince Abdullah complaining of the transfer of Ismaili employees outside of Najran and the lack of employment for people from the region. They protested against discriminatory treatment and the false charges used by the authorities in order to legitimize the lay-offs and transfers.³⁹⁵ One border guard recalled that, two months after the events at the Najran Holiday Inn in 2000, authorities transferred him and 50 other border guards to the Kuwaiti border. The transfer was ostensibly to last only three months, but it was not until 2003 that he was able to transfer to 'Asir Province. When he requested to be posted back in Najran Province, officials in Riyadh denied him the transfer.³⁹⁶ Similarly, one day after the Holiday Inn events, authorities arrested Badi, a hospital worker, from his workplace. When they released him from detention, they transferred him to al-Baha, south of Mecca. Badi was one of 40 people from the Ministry of Health transferred from Najran. In 2001, he was sent to Jeddah, and in 2005 sent to 'Asir.³⁹⁷

Additionally, the Saudi government has undertaken a concerted effort to naturalize Sunnis from Yemen in an effort to reduce Ismailis' demographic weight in the province.³⁹⁸ Due to political strife in Yemen, thousands of Yemenis have fled to Saudi Arabia. The Saudi government has expedited the placement of Sunni Yemeni refugees in various jobs throughout Najran, at the expense of Ismailis. The state has found them jobs as teachers and judges in Najran even as authorities have detained, laid off, and transferred Ismailis from these positions.³⁹⁹ This discriminatory practice also manifests in the province's agriculture policy. Many Ismailis have waited years, sometimes a decade or more, for land grants. Despite this, the government has provided distributed land to the Yemeni refugees and given them free housing and municipal services.⁴⁰⁰

394 "The Ismailis of Najran," HRW, pg. 62. According to the interviewer, the figure of "two percent" was meant figuratively to indicate a low percentage.

395 Ibid, pg. 37.

396 Ibid, pgs. 38-39.

397 Ibid, pg. 39.

398 Ibid, pg. 47.

399 Ibid, pg. 46-47.

400 Ibid, pg. 47.

The Government of Saudi Arabia's restrictions on Shia entering politics is mirrored in the barriers Shia face in the public and private economic spheres. Shia face discriminatory practices in employment, including barriers to high-ranking, powerful positions in nation-wide public and private businesses. The barriers stem from their Shia faith, and manifest themselves throughout their careers, from hiring to promoting to firing.

8. Conclusion

Shia have consistently attempted to enter the government through electoral politics. Shia political engagement began in the 1930s and increased with the discovery of oil and influx of migrant laborers who brought revolutionary political ideologies to the Eastern Province. Despite their campaigning efforts, their attempts to enter municipal government in 1954 and 1962 were met with government interference. In Qatif and Awamiyah, they entered municipal politics, but their electoral successes were disproportionate to their population in these towns. Authorities' interference and the Shia community's frustration led to widespread dissatisfaction towards those who advocated engagement with the government and its political process. Before their grievances could be channeled into formal politics, King Faisal centralized power in Riyadh, and the government did not hold municipal council elections again until 2005.

In the 1990s King Fahd accepted demands among the Saudi populace to re-establish the *majlis al-shura*. In 1993, he appointed the first Shia to the *majlis*. When King Abdullah ascended to the throne in 2005, he re-instated elected municipal councils and increased the number of Shia representatives on the *majlis*. He also appointed the first Shia to the Council of Ministers.

Despite these gains—the inclusion of Shia in the *majlis*, Council of Ministers, and the re-establishment of municipal councils—Shia remain politically marginalized. Political power remains centralized in Riyadh in the hands of the king and the Council of Ministers. The centralization of political power aids the Government of Saudi Arabia's continued practice of wide-spread discrimination against its Shia population. In this manner, the elections of 1954, 1962, and 2005 onward demonstrate the limits of formal Shia political activity within the defined borders of Saudi Arabia's narrow political system, and the limits of Shia attempts to end discrimination against them through traditional political outlets.

Facets of Shia Discrimination: Media

1. Introduction

Government-sanctioned discrimination against Saudi Shia in the media appears in interviews with Shia, books, newspapers, Twitter, and television shows. The discrimination takes the form of marginalizing Shia in the media, portraying them in a negative light, defaming them, or questioning their loyalty to the kingdom, and covering Shia political activism, protests, and demonstrations in a manner that casts Shia as “vandals” and “riot agitators.” Additionally, Saudi television does not broadcast Shia prayers or religious rituals, though it broadcasts Sunni prayers and religious rituals. By not reporting on Shia, the media create a narrative wherein the kingdom appears devoid of Shia. Marginalization of Shia in this manner also demeans Shia by sending the message that their religious and cultural practices are inconsequential. The media negatively portrays Shia, defaming them and their religious beliefs, and questioning their loyalty to the kingdom. Moreover, the media takes its cues for covering Shia activism, protests, and demonstrations from the Saudi government. The media follows the lead of the Ministry of Interior’s account of events. This approach makes Shia appear to be enemies of the state or “riot agitators.”

The persistent portrayal of Shia in such a negative manner has significant influence on how the broader Saudi society views its Shia populace. In this way, discrimination against Shia in the media perpetuates other forms of discrimination against Shia, and the presence of widespread discrimination against Shia sanctions discriminatory media content. This wide-spread negative coverage, or lack of coverage, of Shia not only perpetuates demeaning views of Shia Muslims, but signifies that Shia citizens are not entirely worthy of respect. This creates an atmosphere of general permissibility that allows Saudi citizens to discriminate against Shia. In an atmosphere that degrades Shia and their practices, the media implicitly signifies the worthlessness of Shia. This helps create a society where violence against Shia Muslims and against Shia sites, such as mosques or cemeteries, is seen as acceptable, even if it is, strictly speaking, illegal. Anti-Shia discrimination in Saudi Arabia is rooted in the mutually reinforcing alliance between the royal family and religious establishment. Thus, though there are instances in which the government closes media programs, or sanctions media figures for discriminatory language, these instances do not negate the structural foundation of this discrimination.

2. Saudi Arabia’s Media Environment

The Saudi government maintains a tight control on the media in the country.⁴⁰¹ The Saudi Broadcasting Corporation (SBC) is affiliated with the Ministry of Culture and Information (MoCI), and operates almost all domestic broadcasting outlets, including the country’s television and radio broadcasting services.⁴⁰² Because the government controls the country’s media through the SBC, news reports and programs do not deviate from official government positions. The Saudi

401 “Mapping the Saudi State, Chapter 4: Media Censorship,” Americans for Democracy & Human Rights in Bahrain (ADHRB), 1 July 2015, http://www.adhrb.org/wp-content/uploads/2015/07/2015.06.30_MSS-Ch.-4_Media-Censorship_Final.pdf, pg. 1; “Freedom of the Press 2015: Saudi Arabia,” Freedom House, 2015, <https://freedomhouse.org/report/freedom-press/2015/saudi-arabia>.

402 “وزير الثقافة والإعلام يرأس الاجتماع الثاني لمجلس إدارة هيئة الإذاعة والتلفزيون,” Ministry of Culture and Information, [Minister of Culture and Information Leads the Board Meeting of the Saudi Broadcasting Corporation.] <http://www.info.gov.sa/Details.aspx?id=2029><http://www.info.gov.sa/Details.aspx?id=2029>, translation by Annas Shaker; “Saudi Arabia profile – Media,” *BBC*, 23 January 2015, <http://www.bbc.com/news/world-middle-east-14703480>.

government allows only SBC and SBC-approved channels to broadcast from Saudi soil. It does not allow other television channels to broadcast from Saudi Arabia.⁴⁰³ However, Saudi Arabia remains a major market for pan-Arab satellite television. Many Arab television channels have offices in Saudi Arabia, including Sunni religious stations such as Wesal TV, al-Resalah, and al-Majd TV. Shia pan-Arab satellite television stations broadcast in Saudi Arabia, but none are allowed to have offices in the country.⁴⁰⁴ Saudi businessmen and members of the royal family own some of the most popular TV stations in the kingdom, such as Middle East Broadcast Channel, al-Arabiya, and Rotana.⁴⁰⁵

Newspapers in the kingdom are privately owned, but publicly subsidized and closely monitored by the government.⁴⁰⁶ The king must approve the creation of any new newspapers⁴⁰⁷ and the MoCI must approve the appointment of editors-in-chief.⁴⁰⁸ Furthermore, all online news outlets or bloggers must obtain a permit to operate from the MoCI.⁴⁰⁹ As a result, Saudi authorities have significant levels of control and influence over the media. Due to the 2003 Press and Publications Law and the 2007 Anti-Cybercrime Law, which work to regulate media content, many news and media outlets practice self-censorship.⁴¹⁰ Newspapers in Saudi Arabia follow the editorial lead of the government news agency (Saudi Press Agency).⁴¹¹ This reflects the government's control and influence over the media and news content.

Two prominent themes in the discriminatory media coverage of the country's Shia populace are the questioning of their loyalty to the kingdom and their suspected ties to Iran, and their supposed polytheism.⁴¹² These two issues are often intertwined, as when some Saudi Sunnis criticize Shia citizens for their supposed "Zoroastrian" and Persian religious beliefs.⁴¹³ The Saudi government does not allow religious freedom, and the state's official religion is a particular interpretation of Islam as set down by Muhammad ibn abd al-Wahhab. This understanding does not acknowledge any other interpretation as legitimate. The implication that Saudi Arabia's Shia populace has Persian ancestry and practices Zoroastrianism, is to suggest they are not true Muslims. Because adherence to the state's interpretation of Islam is important to being considered a full citizen, such an implication undermines their legitimacy as full Saudis with the attending rights and privileges granted to them therein.

403 "Saudi Arabia profile – Media," *BBC*.

404 The government excludes Shia perspectives from religious media and broadcast programming. See "Saudi Arabia 2004 International Religious Freedom Report," United States Department of State (US DoS), 2005, <http://www.state.gov/j/drl/rls/irf/2004/35507.htm>.

405 Naomi Sakr, "Media 'Globalization' as Survival Strategy for Authoritarian Regimes in the Arab Middle East," in *Global Media and National Policies: the return of the state*, Terry Flew, Petros Iosifidis, and Jeanette Steemers (ed.), (Palgrave Macmillan, 2016), pgs. 173-189, pg. 178; Simon Kerr, "Bahrain pulls plug on Saudi media tycoon's TV station," *Financial Times*, 20 February 2015, <https://next.ft.com/content/c1a07e68-b8ea-11e4-a8d0-00144feab7de>.

406 *Encyclopedia of Censorship*, Jonathon Green and Nicholas J. Karolides (ed.), (New York: Facts on File, Inc., 2005), pg. 493-494.

407 "Saudi Arabia profile – Media," *BBC*.

408 "Saudi Arabia: Rescind New Online Restrictions," Human Rights Watch (HRW), 7 January 2011, <https://www.hrw.org/news/2011/01/07/saudi-arabia-rescind-new-online-restrictions>.

409 "Freedom of the Press 2015: Saudi Arabia," Freedom House.

410 "Freedom of the Press 2013: Saudi Arabia," Freedom House, 2014, <https://freedomhouse.org/report/freedom-press/2013/saudi-arabia>; "Mapping the Saudi State, Chapter 4," ADHRB, pg. 1.

411 "Saudi Arabia profile – Media," *BBC*.

412 "Saudi Arabia July-December 2010 International Religious Freedom Report," US DoS, pg. 6.

413 Matthiesen, "The Shi'a of Saudi Arabia at a Crossroads."

3. Interviews with Prominent Shia

When Saudi media outlets interview Shia leaders and religious scholars, one of the frequent lines of questioning concerns their loyalty to Saudi Arabia. This line of questioning implies that Shia Muslims are not Saudi citizens, thus alienating them in their own land. For example, on 3 April 2011, *al-Asr* magazine asked the Shia writer Muhammad al-Mahfoudh what Saudi's Shia citizens have done to prove they are not agents for foreign countries.⁴¹⁴ *Al-Asr* also asked al-Mahfoudh if Shia Muslims' calls for revenge for Imam Hussain on Ashura are hidden calls to attack Sunni Muslims, an accusation, and a stereotype, that al-Mahfoudh refuted.⁴¹⁵ On 7 February 2006, Turki al-Dakhil started his interview with Hassan al-Saffar, a prominent Shia cleric, by asking him about the "strange rituals" Shia Muslims practice during Ashura.⁴¹⁶ On 17 July 2013, Tawfiq al-Saif, a political activist, was asked in an interview if he practices *taqiyya* for personal gains.⁴¹⁷ *Taqiyya* is the principle of practicing outward conformity that Muslims use in a hostile environment for the sake of their personal safety whereby they might deny their faith to avoid persecution.⁴¹⁸ On 23 June 2015, journalist Abdulla al-Modifer asked Shia cleric Adel Bu Khomsain, "how can Saudi Shia live with the contradiction between their loyalty to [Iran] and [Saudi Arabia]?"⁴¹⁹

These inquiries question Shia religious practices and their loyalty to the Kingdom of Saudi Arabia, thereby demeaning Shia Muslims' religious practices, faith, and cultural heritage. These questions place Shia in the media on the defensive and force them to explain their connection to Islam and their loyalty to Saudi Arabia. On the contrary, media outlets do not subject Sunnis to this type of questioning, thereby equating government-sanctioned Sunni Islam with the Muslim community as a whole.

One of the "provocative"⁴²⁰ questions Saudi columnist Ahmad al-Hilal asked Shia cleric Adel Bu Khomsain in an interview concerned the rise of hate speech against Sunni Muslims in the "Shia street."⁴²¹ Bu Khomsain responded, "I do not know how you flip things around. We [Shia] are the victims of this inflammatory discourse. We are the victims of the Takfir discourse. We are the victims of those who attack us, accuse us of blasphemy and being evil, and those who want to exclude us from society. We are the victims of [language of the] media, on TV and radio and published books and fatwas. We are the victims and now you are asking us about our discourse? We need to get together to address this discourse in the media and ensure it is not inflammatory toward any groups including Shias."⁴²²

414 "الأكثرية مسؤولة عن انعزال الشيعة" [The Majority Are Responsible for excluding Shias], Aafaq Center for Research and Studies, 3 April 2011, <http://aafaqcenter.com/post/587>.

415 "الأكثرية مسؤولة عن انعزال الشيعة" [The Majority Are Responsible for excluding Shias], Aafaq Center for Research and Studies.

416 *Al-Arabiya* اصفاار :حسن الصفاار [Ida'at: Hasan Al-Saffar], Youtube video, 7 February 2012, https://www.youtube.com/watch?v=Ax-R9Qmjf_s.

417 Rotana Khalijia, الشيعة في السعودية مع د.توفيق السيف [Saudi Shias with Dr. Tawfiq Al-Sayf], Youtube video, 17 July 2013, <https://www.youtube.com/watch?v=HUGOBOR4aaA>.

418 "Taqiya," Merriam-Webster Dictionary, accessed 20 August 2016, <http://www.merriam-webster.com/dictionary/taqiya>.

419 Rotana Khalijia, "الشيخ عادل بوخمسين," [Sheikh Adel BuKhumsain] YouTube video, 23 June 2016, <https://www.youtube.com/watch?v=vf2hz1vqbY>.

420 Ahmad al-Hilal, "نحن مع الوطن," [We are with Saudi Arabia], *Al-Yaum*, 26 June 2015, <http://www.alyaum.com/article/4075461>.

421 Rotana Khalijia, "الشيخ عادل بوخمسين," [Sheikh Adel BuKhumsain] YouTube video, 23 June 2016, <https://www.youtube.com/watch?v=vf2hz1vqbY>.

422 Ibid.

4. Discrimination in Books

The Saudi government discriminates against Shia, and sanctions discrimination against Shia, in books. Authorities ban Shia religious books and punish those who possess them.⁴²³ The government prohibits Saudi Shia Muslims from publishing books about their history or culture.⁴²⁴ In contrast, the government does not ban Sunni books, even when the texts contain anti-Shia material. For example, in 1937, Abdullah al-Qasemi⁴²⁵ wrote *The Conflict Between Islam and Paganism*, a polemic against Shia Muslims. In Islamic religious texts, particularly concerning Saudi Shia Muslims, “paganism” is a derogatory term for those who do not follow the state’s interpretation of Islam. In Saudi Arabia, the government’s interpretation of Islam is one that precludes any other interpretation and that is inherently discriminatory against its Shia citizens. In this manner, “paganism” represents the antithesis of Islam. By calling Shia Muslims pagans, al-Qasemi accuses Shia of committing blasphemy and he excommunicates them from the global Muslim community. Al-Qasemi’s text does not accuse Saudi Shia of treason, or suggest they are treasonous, but it discusses Shia Muslims and Shia Islam in a negative and demeaning manner. One section is titled, “Incidents of Foolishness of Shia.”⁴²⁶ Another section accuses Shia of deceiving Sunnis in “every way possible,” saying that their Shia faith encourages them to steal from, assassinate, and betray Sunnis.⁴²⁷

In 1980, the government published, through the General Presidency of Scholarly Research and Ifta, a state institution tasked with issuing Islamic legal opinions,⁴²⁸ a book by Ibrahim al-Jabhan entitled *Eliminating Darkness and Reminding Sleepers of the Dangers of Shia Faith on Islam and Muslims*. Throughout his text, al-Jabhan accuses Shia Muslims of treason for following a blasphemous religion. He also accuses them of being disloyal to their home countries. In the book’s introduction, al-Jabhan pleads with Arab political leaders to be wary of the dangers of their Shia populace because they “will never be loyal to any political regime they live under. If anything they are constantly seeking to cause trouble and waiting for the right moment to attack and take over any part of the Muslim lands as a first step to dominate the whole Muslim world.”⁴²⁹

In 1984, the government, again through the General Presidency of Scholarly Research and Ifta, published a book by Abu Bakr al-Jazairi, entitled *My Advice to All Shia*.⁴³⁰ In his text, al-Jazairi demeans the Shia faith by suggesting that it is not truly Islamic, and contends that Shia are not true Muslims. He insists that his book shows Shia the truth about Islam. Thus, he states, Shia who read his book and remain adherents to Shia Islam upon finishing the text are either stubborn, sectarian, or lying to themselves.⁴³¹ He also writes that Shia Islam and its rules are the product of “deceptive criminals” and “immoral evil people.”⁴³²

423 Graham E. Fuller and Rend Rahim Francke, *The Arab Shia: the forgotten Muslims*, (New York: St. Martin's Press, 1999).

424 Ibid.

425 Abdullah al-Qasemi was a leading Wahhabi scholar before becoming an atheist.

426 Abdullah al-Qasemi, *Al-Sira' bayn Al-Islam wa Al-Wathania [The Conflict Between Islam and Paganism]*, (Cairo, 1982), Pg. 42.

427 Ibid, pg. 498.

428 The General Presidency of Scholarly Research and Ifta is a religious body closely affiliated with the Senior Council of Religious Scholars, the Kingdom’s highest religious body, whose members are appointed by the king. See Boucek, “Saudi Fatwa Restrictions and the State-Clerical Relationship.”

429 Ibrahim Al-Jabhan, *Tabdid Al-Dhalam wa Tanbih Al-Niyam Ila Khatar Al-Tashayo' Ala Al-Islam wa Al-Muslimeen [Eliminating Darkness and Reminding Sleepers of the Dangers of Shia Faith on Islam and Muslim]*, (Riyadh: General Presidency of Scholarly Research and Ifta, 1980), pg. 13-14.

430 Abd Al-Qadir Al-Jazairi, *Haddeh Nasihati Ila Kul Shi'i [My Advice to all Shia]*, (Riyadh: General Presidency of Scholarly Research and Ifta, 1984/1985), pg. 5-6.

431 Ibid.

432 Ibid.

In the 1980s, Muhammad Surur, a Syrian-born cleric living in Saudi Arabia, wrote an anti-Shia text entitled *The Era of the Majus Has Come*. The term *majus* is Arabic for Zoroastrians and is a derogatory term for Shia Muslims in Saudi Arabia, as it suggests that Shia do not have Saudi ancestry and are not Muslims.⁴³³ Surur's book became a best-seller in Saudi Arabia after its release.⁴³⁴ Abd al-Aziz ibn Baz, the head of the Council of Religious Scholars,⁴³⁵ praised the book and ordered the distribution of 3,000 copies to religious scholars and members of the General Presidency of Scholarly Research and Ifta.⁴³⁶ In his book, Surur states that "Shia and Iranians have from the earliest times been nefarious enemies of Sunni Islam and the Arabs."⁴³⁷ Surur also describes Shia Muslims who protest their government in Saudi Arabia as "Persian," thereby dismissing them as foreign elements working for Iran.⁴³⁸ His book was influential in many anti-Shia circles, and was quoted extensively by al-Qaeda's leader Abu Mus'ab al-Zarqawi.⁴³⁹

In 1992, Nasser al-Umar, a Saudi cleric, wrote a book entitled, *The Lives of the Rafidha in the Land of Monotheism*. *Rafidha* is a term that refers to Shia Muslims who reject the caliphate of the Prophet Muhammad's two successors, Abu Bakr and Umar, in favor of Ali as Muhammad's successor.⁴⁴⁰ *Rafidha* is a derogatory term used by many anti-Shia clerics, scholars, and politicians in the Arab world.⁴⁴¹ In his text, al-Umar warned Saudi Sunni of Shia infiltration of Saudi government ministries, universities, schools, and government-owned oil companies such as the Arab American Oil Corporation (ARAMCO). Al-Umar specifically warned his readers of the supposed dangers of allowing Saudi Arabia's minority Shia population to control the country's majority Sunni population. He recommends that the Saudi government "find a solution to curb the growth of their birth rates," "ensure that no Shia is hired in high government positions," and "put Shia clerics under house arrests."⁴⁴² Al-Umar laments that the Saudi government "gave" the al-Anood mosque in Dammam to Shia, and that Shia worship at it in large numbers.⁴⁴³ On 29 May 2015, a suicide attack targeted the mosque and killed four people.⁴⁴⁴ Following the attack, al-Umar was asked in a television interview about his reference to the mosque in his book and whether his comments were an inspiration for the attack.⁴⁴⁵ Al-Umar denied that his rhetoric, whether in the book or otherwise, was incendiary. However, he has repeatedly talked about the dangers of allowing Shia in Saudi Arabia to control and dominate the country's Sunni population.⁴⁴⁶

433 Fanar Haddad, "A Sectarian Awakening: Reinventing Sunni Identity in Iraq After 2003", Hudson Institute, 4 August 2014, <http://www.hudson.org/research/10544-a-sectarian-awakening-reinventing-sunni-identity-in-iraq-after-2003>.

434 Bernard Haykel, "al-Qa'ida and Shiism," in *Fault lines in global Jihad: organizational, strategic and ideological fissures*, Assaf Moghadam and Brian Fishman (ed.), (New York: Routledge, 2011), pg. 187-188.

435 The highest religious body in the country, whose members are appointed by the king, and who are authorized to issue official *fatwas*. See Boucek, "Saudi Fatwa Restrictions and the State-Clerical Relationship."

436 Muhammad Surur, *Wa Ja' Dawr Al-Majus [The Time of Majus has Come]*, (London: Dar Al-Jabiya, 2009), pg. 12.

437 Haykel, "al-Qa'ida and Shiism," pg. 187-188.

438 Muhammad Surur, *Wa Ja' Dawr Al-Majus [The Time of Majus has Come]*, pg. 12.

439 Jerrold D. Green, Frederic Wehrey, Charles Wolf, Jr. "Understanding Iran," RAND Corporation, 2009, pg. 121.

440 "Rafidah," Encyclopedia Britannica, accessed 5 August 2016, <https://www.britannica.com/topic/Rafidah>.

441 Fanar Haddad, "The Language of anti-Shiism," *Foreign Policy*, 9 August 2013, <http://foreignpolicy.com/2013/08/09/the-language-of-anti-shiism/>.

442 Nasser Al-Umar, *Waqi' Al-Rafidha Fi Ard Al-Tawhid [The Lives of the Rafidah in the Land of Monotheism]*.

443 Nasser Al-Umar, *Waqi' Al-Rafidha Fi Ard Al-Tawhid [The Lives of the Rafidah in the Land of Monotheism]*.

444 Donaghy, "Four killed in fresh suicide attack on Shia mosque in Saudi Arabia's Dammam."

445 Zayd Al-Khamshi, "ناصر العمر: لم أحرص ضد الشيعة وتهديد 'داعش' بتصفيتي ليس جديداً" [Nasser Al-Umar: I did not incite against Shia and ISIS's threat to kill me is not new], *Sabq*, 19 June 2015, <https://sabq.org/mV9gde>.

446 Ibid.

5. Discrimination on Television

Saudi religious television stations produce and air programs dedicated to attacking Shia and Shia Islam. While some programs discuss theological differences, some call for violence against Shia, and accuse Shia of blasphemy and treason to Saudi Arabia. These programs routinely use derogatory terminology, including words like *majus*, *safavids*, and *rafidha*, among others. One such television station is Wesal. Wesal's website states that the station's goal is to "show to the Muslim world . . . the Shia discourse and clerics as they are in order to expose them and uncover their errors."⁴⁴⁷ Journalist Khalid al-Ghamdi, who hosts a talk show on Wesal, has repeatedly called for the killing of Shia in Saudi Arabia. On 29 September 2013, after a video of Shia praying in a mosque in Medina was widely circulated on the internet, al-Ghamdi stated on his show, "I swear by God, I said this before many times and I say it again, that if we were able to, we would prevent you [Shia] from visiting [Mecca] and [Medina]. Not just that, we will behead you before you even make it to [Mecca] and [Medina]. I swear to God, killing you is a way to get nearer to God and obtain his approval. . . . Can you believe those filthy worshippers of fire visiting [Mecca] and [Medina]?"⁴⁴⁸ Following the Shia protests in Awamiyah in the Eastern province in Saudi Arabia in 2011, al-Ghamdi stated, "This is a message to [Awamiyah] and those brainless people there! . . . We would have marched our armies toward your towns and [instigated] the tribes against you and [would] eat you alive if we are allowed to do so [sic]."⁴⁴⁹ On 4 November 2014, following an attack on a Shia *hussainiya*⁴⁵⁰ in the Eastern Province that killed five and injured nine, and in response to al-Ghamdi's rhetoric, Abd al-Aziz Khoja, then Minister of Culture and Information, tweeted that he ordered the closure of Wesal's television station offices in Saudi Arabia. Khoja cited Wesal's inflammatory language as the reason for the closure.⁴⁵¹ Despite this, the station continues to operate its Saudi offices.⁴⁵²

Wesal's anti-Shia rhetoric is particularly strong. While other religious television stations do not share its aggressive tone, they host guest speakers who attack Shia. On 24 February 2015, al-Resalah TV aired a debate between Shia activist Tawfiq al-Saif and Abd al-Rahman al-abd al-Karim, a consultant at the Ministry of Islamic Affairs, Da'wah, and Guidance, concerning the question of Shia citizenship. Al-abd al-Karim argued that Saudi Shia Muslims plead allegiance to people outside Saudi Arabia by virtue of being Shia. His argument is based on the opinion that Shia Islam is a foreign element in Saudi Arabia.⁴⁵³ He questioned how "those who seek knowledge from the Persians can be called citizens," referencing Shia who study religion in Iran. He called for revocation of citizenship of Saudi Shia who travel abroad for religious studies. Al-abd al-Karim also argued that even if Shia do not leave the country to study, they do not deserve their Saudi citizenship. This, he contended, is because following true Islam and the religious beliefs of the king, are the only necessary conditions for obtaining Saudi nationality.

447 Wesal TV, "About Us," accessed 5 August 2016, <http://www.tvwesal.com/about.php>.

448 "قناة الصابرين," *الارهابي مقدم قناة وصال يحرض على من يقرأ دعاء كميل* Youtube, 12 December 2015, <https://www.youtube.com/watch?v=PJPcd4AkjZM>.

449 "الحر الصفواني," *الناصرى خالد الغامدي يهدد بالارهاب لوقف المد الشيعة* Youtube, 8 January 2013, https://www.youtube.com/watch?v=X4a1NjGFg_M.

450 Informal Shia prayer centers.

451 "السعودية تغلق مكتب قناة وصال التلفزيونية لتأجيجها الفتن" [Saudi Arabia closes al-Wesal television channel's office because it fueled sedition], *Reuters Arabic*, 5 November 2014, <http://ara.reuters.com/article/topNews/idARAKBN0IP1MK20141105>.

452 This is apparent from its website. See tvwesal.com

453 In *The Other Saudis*, Matthiesen demonstrates that Shia have a long heritage in Saudi Arabia, particularly in the Eastern Province, see pg. 24-26.

Anti-Shia language is also prevalent on non-religious television stations. On 4 November 2014, television host Dawood al-Shirian responded to the attack on a Shia *hussainiya*, and accused Shia media and Shia clerics of creating the environment that led to attacks in the village of al-Dalwa in the Eastern Province.⁴⁵⁴ The attack happened one day earlier on 3 November 2014, when three gunmen attacked a Shia *hussainiya*, killing five and injuring nine.⁴⁵⁵ He repeatedly asked his guests about the role of Shia rhetoric in instigating the violence that they were victims of.⁴⁵⁶ When some of his guests disagreed with this, he stated, "I repeat, [the attacks] are a result of the sectarian language used by the Shia media."⁴⁵⁷

6. Discrimination in Newspapers

Members of the royal family also use anti-Shia sectarian rhetoric. *Al-Yaum* newspaper covered an event on 8 April 2015 where Prince Saud bin Nayef al-Saud, governor of the Eastern Province, gave a statement to the press. Prince Saud praised the people of Qatif for being part of the kingdom's social fabric. However, he also stated that "just like there are good men [in Qatif], there are evil ones. At the time their country is facing what it is facing we see the descendants of Abdulla ibn Saba, the deceitful Safavid, showing their ugly side in an attempt to divide us."⁴⁵⁸ *Safavid* is a derogatory term used against Shia, and refers to a Shia dynasty that once ruled Iran. Abdulla ibn Saba is a Jewish figure whom some Saudi Sunnis consider the founder of the Shia faith. In his speech, Prince Saud suggests that there is a conspiracy between Jews, Iranians, and Shia Muslims against Sunni Muslims and Saudi Arabia.⁴⁵⁹

Prince Faisal bin Mishal bin Saud, the governor of Qasim Province, has also used anti-Shia sectarian rhetoric. On 10 September 2015, he wrote an op-ed piece in *al-Jazeera* newspaper entitled, "The Historical Dimensions of anti-Salafism and Attacking the Saudi Salafi Path, Why?"⁴⁶⁰ In the article, Prince Faisal describes Shia Islam as old Persian mythology and paganism recycled in Islamic form. He ascribes Shia animosity towards Salafi Islam to the sixteenth-century conflict between the Shia Safavid Empire and Sunni Ottoman Empire. In this manner, Prince Faisal suggests that Shia Muslims are foreign elements infiltrating Saudi Arabia.⁴⁶¹

Anti-Shia language in newspapers manifests in slighting and insulting Shia based on their religion and also in demeaning the Shia community politically and socially. The 2011 Eastern Province protests, inspired by regional pro-democracy demonstrations, were a response to systematic injustices and discrimination against Shia in the economic, political, and religious spheres. However, Salman al-Dosari, the former editor-in-chief of *Al-Eqtisadiya* newspaper, portrayed peaceful Shia protestors, including Sheikh Nimr al-Nimr, in a negative manner, calling them

454 ar3ood2, "الثامنة مع داود الشريان يناقش جريمة الاحساء", Youtube, 5 November 2013, <https://www.youtube.com/watch?v=98xmKj5PUuI>.

455 Ian Black, "Attacks on Shias fans fears of jihadi blowback in Sunni Saudi Arabia," *The Guardian*, 4 November 2014, <https://www.theguardian.com/world/2014/nov/04/attack-shias-fears-jihadi-blowback-sunni-saudi-arabia#img-1>.

456 ar3ood2, "الثامنة مع داود الشريان يناقش جريمة الاحساء", Youtube.

457 Ibid.

458 "أمير الشرقية: الشرفاء لن يسمحوا لـ «شردمة» قليلة بالإخلال بأمن بلادنا" [Eastern Amir: honest people will not allow a handful few to breach the security of our country], 8 April 2015, <http://www.alyaum.com/article/4058928>.

459 Aaron Y. Zelin and Phillip Smyth, "The Vocabulary of Sectarianism," *Foreign Policy*, 29 January 2014, <http://foreignpolicy.com/2014/01/29/the-vocabulary-of-sectarianism/>.

460 Prince Faisal bin Mishal bin Saud bin Abdulaziz, "الأبعاد التاريخية للعداء على السلفية والتهمج على النهج السلفي السعودي لماذا؟" [The Historical Dimensions of anti-Salafism and Attacking the Saudi Salafi Path, Why?], *Al-Jazeera*, 10 September 2015, <http://www.al-jazirah.com/2015/20150910/ar9.htm>.

461 Ibid.

“extremists.” He declared in one of his columns that he does not feel “sorry, responsible, or sad for those extremists that are trying to put the whole country on fire specially Nimr Al-Nimr.”⁴⁶²

In a different article, he discussed Shia “extremism” in Saudi Arabia, and wondered why it is not a topic of discussion among Shia leaders. He likened Shia “extremism” to a disease that is “spreading around them [Shia] in their communities.” According to al-Dosari, this “disease” explains why the “riots” led “vandals” to “shoot innocent children and women, attack schools, prisons, courts, and other public and private properties, and loot stores and houses.”⁴⁶³ He refers to peaceful Shia protesters who are demonstrating for more freedoms and rights as “rioters” and “vandals,” and deliberately mischaracterizes the nature of their largely peaceful calls for religious freedom and political equality as violence and chaos.⁴⁶⁴ This demeans Shia’s struggles with structural inequality and discrimination. By portraying Shia as violent criminals, al-Dosari appears to incite violence by the security forces against the largely peaceful demonstrators.

7. Discrimination on Twitter

Media discrimination against Shia in Saudi Arabia manifests on Twitter and in the “Twittersphere.” Anti-Shia tweets generally fall under four categories: rehashing ancient religious differences; expressing fear that Shia will become the majority Muslim sect in the Arab world; linking violence and contested religious beliefs; and calling for practical action, such as donations of aid and money for the Syrian rebels, who are seen as fighting the Sunni cause against Syria’s Shia government.⁴⁶⁵

Kuwait has the highest percentage of Twitter users, as a percentage of its overall population, in the Arab world, but Saudi Arabia is home to the largest total number of Twitter users in the region. It is home to 40 percent of all active Twitter users in the Arab world.⁴⁶⁶ The combination of Saudi Arabia’s particular interpretation of Islam and the high number of Twitter users in the country results in the majority of anti-Shia tweets in the Persian Gulf region being concentrated in Saudi Arabia.

The number of anti-Shia Twitter comments has increased since the country entered the conflict in Yemen as the leader of the anti-Houthi rebel coalition.⁴⁶⁷ The Houthis in Yemen are members of the Zaydi sect of Shia Islam and have little in common with the Alawi Shia Islam in Syria and the Shia populations of the Gulf. However, Saudi state media and Twitter users tie these groups together and connect them to Iran.⁴⁶⁸

Saudi clerics have used Twitter to disparage and insult Shia within Saudi Arabia and in intra-religious conflicts around the region. In a series of tweets to his 1.8 million followers, Sheikh Naser al-Omar depicted the conflict in Yemen as a religious holy war: “It is the responsibility of every

462 Salman al-Dosari, “إعندما يقارن الصفار السعودية بسوريا,” [When al-Saffar compares Saudi Arabia with Syria!], 15 الاقتصادية, February 2012, http://www.aleqt.com/2012/02/15/article_626743.html.

463 Salman al-Dosari, “الصفار ومنظرفو الشيعة,” [al-Saffar and Shia extremists], 2 الاقتصادية, March 2013, http://www.aleqt.com/2013/03/02/article_735696.html.

464 Ibid; Despite al-Dosari’s assertions, Sheikh Nimr al-Nimr did not support, sanction, or condone violence, see “Fact Check: the Truth About Sheikh Nimr,” Americans for Democracy & Human Rights in Bahrain (ADHRB), 29 December 2015, <http://www.adhrb.org/2015/12/fact-check-the-truth-about-sheikh-nimr/>.

465 Geneive Abdo, “Salafists and Sectarianism: Twitter and Communal Conflict in the Middle East,” Brookings Institution, June 2016, https://www.brookings.edu/wp-content/uploads/2016/06/Abdo-Paper_Final_Web.pdf, pg. 20.

466 Alexandra Siegel, “Sectarian Twitter Wars: Sunni-Shia Conflict and Cooperation in the Digital Age,” Carnegie Endowment for International Peace, 20 December 2015, <http://carnegieendowment.org/2015/12/20/sectarian-twitter-wars-sunni-shia-conflict-and-cooperation-in-digital-age-pub-62299>.

467 Ibid.

468 Ibid.

Muslim to take part in the Islamic world's battle to defeat the Safawis and their sins, and to prevent their corruption on earth."⁴⁶⁹ In a video posted to his Twitter account in the same time period, Sheikh al-Omar told Saudi men in a mosque that their "brothers" in Afghanistan, Iraq, Syria, and Yemen were fighting a jihad, or holy war, against the "Safawis."⁴⁷⁰

Following Saudi Arabia's intervention in the conflict in Yemen, cleric Abdulaziz Toufayfe disparaged the Shia practice of visiting family graves and burial sites. He called Shia "people of idols, worshippers of graves." His followers retweeted the message over 12,000 times.⁴⁷¹ Other recent posts insult Shia as *rafidha*, with one message from a well-known group known as the Saudi Society saying, "The rawafidh is a downtrodden nation, it's not an acceptable religion."⁴⁷²

In response to sectarian language, many Twitter users have promoted countersectarian conversations. However, many who drive the countersectarian argument post messages that condemn tolerance as Shia propaganda. For example, one influential and popular account, managed under the pseudonym Abdullah al-Salafi, tweeted in early June to its 46,000 followers, "The rafidha in the Eastern Province raise banners with pictures of Hezbollah criminals and demand their release?! Then they say no to sectarianism!"⁴⁷³ Around the same time, another Saudi Twitter user, known as Political Critic, tweeted, "They burn and kill Sunnis in cold blood and then say 'no to sectarianism' ... tragedy. The systematic policy of the Majus #Shia_mobilization_burns_Saudi_Arabia."⁴⁷⁴

A diverse Saudi Twitter population drives this anti-Shia and discriminatory sectarian language. Among those who participate in anti-Shia language are prominent clerics, *Daesh*⁴⁷⁵ supporters, influential Saudi businessmen, popular media outlets, and average users. There is significant overlap between these populations in terms of retweets and shared content.

8. Conclusion

Anti-Shia media discrimination in Saudi Arabia manifests in the country's newspapers, television shows, books, Twitter, and in on-air interviews with prominent Shia figures. Anti-Shia discrimination in the media take two primary forms in the disparaging of Shia as disloyal to Saudi Arabia and loyal to Iran, and disparaging Shia religious beliefs and practices. These two modes of discrimination intertwine in the accusation that Shia have Persian ancestry and are not actually Muslims. These accusations and lines of questioning demean and insult Shia heritage and practices and make Saudi Shia feel apart in their own land. These accusations involve the use of discriminatory terms such as *rafidha*, *majus*, *safawis*, and *safavids* that call into question Shia's adherence to Islam and their Arab-ness. Discriminatory and insulting language against Shia creates and supports a general atmosphere of distrust and dislike of Shia, who are portrayed and seen as foreign agents bent on securing the destruction of Saudi Arabia and Sunni Islam. Discriminatory language has also been implicated in violent attacks on Shia, including a 29 May 2015 attack on a mosque that killed four victims. In this manner, anti-Shia language in the media underpins other forms of discrimination against Shia in the country.

469 Ibid.

470 Ibid.

471 Brian Murphy, "Saudi Shiites worry about backlash from Yemen war," *Washington Post*, 8 April 2015, https://www.washingtonpost.com/world/middle_east/saudi-shiites-worry-about-backlash-from-yemen-war/2015/04/07/10b01be2-dc7e-11e4-b6d7-b9bc8acf16f7_story.html.

472 Murphy, "Saudi Shiites worry about backlash from Yemen war"; *Rawafidh* is the plural of *rafidha*.

473 Siegel, "Sectarian Twitter Wars."

474 Ibid.

475 The Arabic acronym for the Islamic State in Iraq and Levant.

Voice for the Voiceless: Sheikh al-Nimr's Life, Work, and Legacy

1. Sheikh al-Nimr's Life

Sheikh Nimr Baqir al-Nimr was born in 1960 in the village of Awamiyah⁴⁷⁶ to a family of political and religious activists. His grandfather, Sheikh Muhammad al-Nimr, led a failed uprising in 1929 against the Wahhabi missionaries that Abdulaziz ibn Saud sent to the Eastern Province to try and convert its Shia residents to Sunni Islam.⁴⁷⁷ Nimr al-Nimr became politicized in the late 1970s, when the *Shirazi* Shia political movement, led by Shia cleric Muhammad Mahdi al-Shirazi, came to Saudi Arabia's Eastern Province to recruit Shia to their political cause.⁴⁷⁸

Nimr al-Nimr participated in the 1979 demonstrations in Qatif when Shia publicly celebrated Ashura and protested against anti-Shia discrimination and the lack of religious freedom. The government reacted violently to the demonstrations and celebrations: the kingdom's security forces killed several Shia⁴⁷⁹ and injured hundreds more.⁴⁸⁰ After the demonstrations ended, the government continued to persecute Shia citizens in the Eastern Province. In order to escape persecution, many Shia left the country for Iran.⁴⁸¹ Sheikh al-Nimr also left Saudi Arabia for Iran, in order to study Islam, joining many Saudi Shia clerics there.⁴⁸²

Sheikh al-Nimr lived in exile for 15 years. He studied in Iran for ten years before moving to Syria. While in Syria, he taught at a Saudi Shia cleric-supervised religious school near the tomb of Sayyida Zainab near Damascus.⁴⁸³ Due to its proximity to the tomb, a Shia holy site, the school became a focal point for Shia political activists, students, and pilgrims.⁴⁸⁴ While in exile, the activists attempted to spread their message, though their efforts did not gain much traction.

Eventually, they planned their return to Saudi Arabia. In 1993, King Fahd offered a general amnesty to those exiled *Shirazi* activists who agreed to end their opposition activities. Sheikh al-Nimr originally encouraged activists to reject King Fahd's amnesty deal because it did not address government-sponsored discrimination against Shia. Despite his stance, he returned to Saudi Arabia after King Fahd and the *Shirazi* activists reached a deal.⁴⁸⁵

476 David A Graham, "Sheikh Nimr al-Nimr and the Forgotten Shiites of Saudi Arabia," *The Atlantic*, 5 January 2016, <http://www.theatlantic.com/international/archive/2016/01/nimr-al-nimr-saudi-arabia-shiites/422670/>.

477 Ibrahim Fraihat, "Nimr al-Nimr: Anatomy of a Man," *Newsweek Middle East*, 13 January 2016, <http://newsweekme.com/nimr-al-nimr-anatomy-of-a-man/>.

478 Muhammad Mahdi al-Shirazi and the *Shiraziyyun* promoted transnational Shia politics around the Gulf, building a network of religious schools from Iran to Kuwait and Syria to Saudi Arabia. See, Toby Matthiesen, "The World's Most Misunderstood Martyr," *Foreign Policy*, 8 January 2016, <http://foreignpolicy.com/2016/01/08/the-worlds-most-misunderstood-martyr/>.

479 Wehrey, "The Forgotten Uprising in Eastern Saudi Arabia," pg. 7.

480 "Mapping the Saudi State, Chapter 5: The Saudi Arabia National Guard," Americans for Democracy & Human Rights in Bahrain (ADHRB), 3 August 2015, <http://www.adhrb.org/2015/08/mapping-the-saudi-state-chapter-5-the-national-guard/>, pg. 7.

481 Matthiesen, "The World's Most Misunderstood Martyr."

482 Matthiesen, "The World's Most Misunderstood Martyr;" Graham, "Sheikh Nimr al-Nimr and the Forgotten Shiites of Saudi Arabia."

483 Fraihat, "Nimr al-Nimr: Anatomy of a Man."

484 Matthiesen, *The Other Saudis*, pg. 121.

485 Matthiesen, "The World's Most Misunderstood Martyr."

2. Sheikh al-Nimr's Work and Advocacy

When Sheikh al-Nimr returned to Saudi Arabia from exile, he was not yet the prominent social justice advocate and transcendental Shia figure that he would later become.⁴⁸⁶ After his return to the Eastern Province from Iran and Syria, he became an imam in a small mosque in his hometown of Awamiyah. Initially, other Shia figures overshadowed Sheikh al-Nimr. On one hand, prominent Shia cleric Hassan al-Saffar favored dialogue and reconciliation with the Saudi monarchy. On the other hand, groups like Saudi Hezbollah supported violence against the state.⁴⁸⁷ Over the next several years, Sheikh al-Nimr became a vocal leader in the Awamiyah community. Due to his vocal stance promoting religious freedom for the country's Shia, the government's intelligence services frequently questioned him, before detaining him in 2003 when he led public prayers in Awamiyah.⁴⁸⁸

According to the *Guardian*, Sheikh al-Nimr became well-known to the state security apparatus, but otherwise remained obscure. The *Guardian* reported that, "the kingdom's intelligence services questioned him frequently, largely over his calls for increased religious freedom. He was eventually detained in 2003 for leading public prayers in his home village of Awamiyah."⁴⁸⁹ As a result of his messages and actions, Sheikh al-Nimr gained a reputation as someone unafraid to provoke Saudi authorities. Due to this nature, in 2006 the Saudi government forced Sheikh al-Nimr to sign a pledge not to speak in public. He agreed, and began writing instead, saying, "if they don't want us to speak, we're going to write."⁴⁹⁰

In 2007, he requested that the government more fairly distribute the Eastern Province's oil wealth because, while Shia lived on top of the wealth, but did not partake in it.⁴⁹¹ Later that year, he sent the local governor a petition entitled, "A Petition for Honor and Dignity."⁴⁹² In the petition, he asked for greater religious freedom and religious equality for Shia.⁴⁹³ In the petition, Sheikh al-Nimr explained that the nature of Shia beliefs was reflected in peaceful activities and peaceful protests.

The Shia belief is a rejectionist one, which rejects injustice, oppression and persecution. [...] It is a belief that seeks reform, peace and communal harmony, even if in the face of injustice and oppression at the expense of its own believers' rights, and because it is a belief that rejects chaos, violence, warring and turmoil.⁴⁹⁴

He assured the Saudi government of the peaceful nature of Shia religious beliefs and desires for reform. "We did [not], do not, and will not demand anything threatening the security of the country or its people, nor that which would undermine the pillars of the state, shorten its age, or

486 Matthiesen, "The World's Most Misunderstood Martyr."

487 Graham, "Sheikh Nimr al-Nimr and the Forgotten Shiites of Saudi Arabia."

488 Ibid.

489 Mark Townsend, "Sheikh Nimr al-Nimr: Shia cleric was a thorn in Saudi regim's side," *The Guardian*, 2 January 2016, <https://www.theguardian.com/world/2016/jan/02/sheikh-nimr-al-nimr-shia-cleric-thorn-saudi-regime-side>.

490 Ben Norton, "'Tyranny will fall': Son of executed Saudi dissident al-Nimr shares his incredible story," *Salon*, 15 March 2015, http://www.salon.com/2016/03/15/tyranny_will_fall_son_of_executed_saudi_dissident_al_nimr_shares_his_incredible_story/.

491 Matthiesen, "The Shi'a of Saudi Arabia at a Crossroads."

492 Heba Morad, "A glance at the petition of Sheikh Nimr: Dignity and co-existence are not terrorism," *American Heritage Tribune*, 2 January 2016, <http://ahtribune.com/human-rights/315-a-glance-at-sheikh-nimr.html>.

493 Anne Keleny, "Nimr Baqir al-Nimr: Saudi Arabian Shia cleric who denounced the kingdom's rulers and called for religious freedom," *The Independent*, 5 January 2016, <http://www.independent.co.uk/news/obituaries/nimr-baqir-al-nimr-saudi-arabian-shia-cleric-who-denounced-the-kingdoms-rulers-and-called-for-a6798061.html>.

494 Morad, "A glance at the petition of Sheikh Nimr."

weaken its institutions.”⁴⁹⁵ Sheikh al-Nimr concluded the petition with a call for the king, saying that the two most important tasks of a ruler are to act with justice and without oppression, and to act with equality towards all citizens so as to preclude oppressive acts.⁴⁹⁶ The Saudi government’s lack of positive response and its continued program of anti-Shia discrimination, in conjunction with the 2009 Medina riots, led Sheikh al-Nimr to break his silence and resume his sermons.⁴⁹⁷

In addition to calling for more religious freedom, Sheikh al-Nimr also sought liberty for Shia in the justice and education systems. He called for creating schools for girls, for the establishment of local government committees, and more access for Shia to prestigious and influential jobs. He knew the Saudi government would not take these demands seriously or practically. However, he proposed them in the context of a gradual political project. In this manner, he could establish proof of his peaceful efforts even as he continued his political activity.⁴⁹⁸

Even as Sheikh al-Nimr actively called for an end to Shia discrimination and more religious freedom for Shia, he remained a marginal figure amongst the broader Eastern Province Shia community. For example, in January 2008, he made a public call for the formation of a “Righteous Opposition Front” to represent Shia. The call went unanswered, and a US diplomatic cable noted that, “there was no discernable support for the Sheikh’s comments.”⁴⁹⁹ One reason for the lack of support was that Sheikh al-Nimr’s speeches and sermons addressed Shia discrimination in Saudi society in a manner that many other Shia leaders strayed away from.⁵⁰⁰ Indeed, his sermons, in which he called for greater rights for Shia, attained limited results.⁵⁰¹ Many avoided his “fiery sermons,”⁵⁰² which “were extreme by even his standard.”⁵⁰³

In August 2008, a United States Department of State cable noted that, “al-Nimr is typically regarded as a second-tier political player in the Eastern Province (EP).” However, the cable states this is, “in large part because he is not directly affiliated with either the Islahiyyah movement (often called the Shirazis) or Saudi Hizbollah, the two largest political blocs in the EP [Eastern Province] Shi’a community.” It goes on to state that, “despite this secondary status, al-Nimr is currently gaining popularity with young people, as his words appeal to those disaffected by the general economic malaise experienced by Saudi Arabia’s lower classes and a perceived lack of sufficient SAG [Saudi Arabian Government] reform in relations with the Shi’a community.”⁵⁰⁴ His stature grew in 2009 after Shia pilgrims clashed with security forces at the al-Baqi cemetery in Medina.⁵⁰⁵ The clashes played a significant role in turning Shia frustration into rage, galvanizing the Shia of the Eastern Province.⁵⁰⁶

495 Ibid.

496 Ibid.

497 Norton, “‘Tyranny will fall’: Son of executed Saudi dissident al-Nimr shares his incredible story.”

498 Keleny, “Nimr Baqir al-Nimr: Saudi Arabian Shia cleric who denounced the kingdom’s rulers and called for religious freedom.”

499 Fraker, “Sheikh Nimr Baqir al-Nimr’s political engagement and speeches.”

500 Ben Hubbard, “Shiite Cleric Gained in Status as a Rivalry Deepened,” *New York Times*, 4 January 2016, http://www.nytimes.com/2016/01/05/world/middleeast/shiite-cleric-gained-in-status-as-a-rivalry-deepened.html?_r=4.

501 Ibid.

502 Ibid.

503 Fraker, “Sheikh Nimr Baqir al-Nimr’s political engagement and speeches.”

504 G. Foeller, “Meeting with Controversial Shi’a Sheikh Nimr al-Nimr,” Wikileaks Cable 08RIYADH1283_a, 23 August 2008, https://wikileaks.org/plusd/cables/08RIYADH1283_a.html.

505 Graham, “Sheikh Nimr al-Nimr and the Forgotten Shiites of Saudi Arabia.”

506 Wehrey, “The Forgotten Uprising in Eastern Saudi Arabia,” pg. 9.

3. 2009 Medina Riots

On 20 February 2009, Shia worshippers gathered at the al-Baqi cemetery in Medina to mark the anniversary of the Prophet Muhammad's death, which fell on 24 February. The celebration ended in violence, with security forces and citizens assaulting and dispersing the Shia pilgrims. The government asserts that the Shia pilgrims "trampled upon" the graves of the prophet's wives and companions. It claims that the pilgrims' "Zoroastrian rituals" and insults to the prophet's companions provoked Sunni worshippers and led to clashes between the government and Sunni citizens and the Shia pilgrims.⁵⁰⁷

Shia pilgrims assert that members of the Committee on the Promotion of Virtue and the Prevention of Vice (the religious police) videotaped female pilgrims, a practice they found offensive. When a group of Shia men asked the religious police to destroy or hand over the tapes, armed police officers confronted hundreds of Shia protesters. On 24 February, the anniversary of the Prophet Muhammad's death, many Shia pilgrims gathered in front of the cemetery, but police did not let them into the cemetery. When the pilgrims moved to a square between the cemetery and a mosque, religious police and some Sunnis exiting the mosque attacked them. The police arrested and injured dozens of Shia, beating and assaulting them with knives.⁵⁰⁸ The security forces then moved into Shia neighborhoods, beating and arresting residents and injuring dozens.⁵⁰⁹ In the wake of the riots, police detained 71 people, including 22 Sunnis and 49 Shia.⁵¹⁰

As a consequence of the confrontations in the cemetery, Saudi security forces targeted the Medina Shia community—the *nakhawila*. The community reported that the religious police and some Sunni attackers followed *nakhawila* pilgrims back to their neighborhood, where they continued to beat the pilgrims and assault them with knives.⁵¹¹ As a small minority in Medina, the *nakhawila* are traditionally more hesitant to demand reforms and greater religious freedom. The government does not allow them to practice their rituals in the city. Therefore, they must gather on farms or in private halls to pray.⁵¹²

After the riots, Prince Nayef, the Minister of the Interior, commented that, "citizens have both rights and duties; their activities should not contradict the doctrine followed by the *umma*. This is the doctrine of Sunnis and our righteous forefathers. There are citizens who follow other schools of thought and the intelligent among them must respect this doctrine." His comments appeared to blame Shia Muslims for the violence in Medina, telling them to refrain from publicly practicing and expressing their faith out of deference to Sunni sensibilities, which he equated to the Muslim community as a whole.⁵¹³ This response, in conjunction with the government punishing few of the perpetrators,⁵¹⁴ appeared to justify the religious police's violent response. It also seemed to confirm Shia citizens' suspicions of a halt or reversal of the royal family's outreach to Shia,⁵¹⁵ begun when Crown Prince Abdullah had invited Shia to participate in the August 2003 National Dialogue.

507 Matthesen, "The Shi'a of Saudi Arabia at a Crossroads;" The claim of Shia engaging in "Zoroastrian rituals" is a reference to their alleged Persian ancestry and their alleged ties to Iran, a frequent claim put forward against Shia as "evidence" of their disloyalty and subsequent need to be suppressed.

508 Matthesen, "The Shi'a of Saudi Arabia at a Crossroads."

509 Wehrey, "The Forgotten Uprising in Eastern Saudi Arabia," pg. 9

510 Caryle Murphy, "With Shiites rising across the region, Saudi Arabia's grow impatient," *The Christian Science Monitor*, 27 April 2009, <http://www.csmonitor.com/World/Middle-East/2009/0427/p06s04-wome.html>.

511 Matthesen, "The Shi'a of Saudi Arabia at a Crossroads."

512 Ibid.

513 Ibid.

514 Norton, "'Tyranny will fall': Son of executed Saudi dissident al-Nimr shares his incredible story"

515 Wehrey, "The Forgotten Uprising in Eastern Saudi Arabia," pg. 9.

A. SHEIKH AL-NIMR'S RESPONSE TO THE MEDINA RIOTS

Shortly after the incidents in Medina, to show solidarity with Medina Shia, Eastern Province Shia residents demonstrated in the towns of Qatif, Safwa, and Awamiyah. These demonstrations marked the most serious expression of Shia dissent since the 1979 uprising.⁵¹⁶ Security forces suppressed the protests, arrested several Shia—mostly young boys—and imposed a curfew on Awamiyah.⁵¹⁷

After the riots, security forces in the Eastern Province instructed Shia religious leaders to refrain from communal prayers in order not to heighten tensions,⁵¹⁸ and tried to extract pledges that they would not hold communal prayers.⁵¹⁹ Sheikh al-Nimr did not obey this order. Rather, in response to the protests and the government's statement, Sheikh al-Nimr broke his public silence and delivered a sermon on Friday 13 March 2009 that was critical of the monarchy.⁵²⁰ This speech is known as the "dignity speech." In the sermon, he blamed the Saudi leadership for the events in Medina and for the situation of Shia Muslims in Saudi Arabia.⁵²¹ He raised the possibility of Eastern Province Shia seceding from Saudi Arabia saying, "Our dignity has been pawned away, and if it is not ... restored, we will call for secession. Our dignity is more precious than the unity of this land."⁵²²

His sermon attracted an unprecedented number of young men who were frustrated with long-standing grievances encompassing discrimination in education, politics, religion, employment, and the government's response to the violence in Medina.⁵²³ This speech, and other comments in support of the Shia pilgrims, caught the attention of the government, and Sheikh al-Nimr went into hiding for fear of being arrested.⁵²⁴ Four months after his speech, 14 police cars arrived at his house and heavily armed police officers arrested his son Mohammed al-Nimr.⁵²⁵ Police also arrested 35 protesters and Sheikh al-Nimr supporters.⁵²⁶ The arrests sparked widespread calls for solidarity for Sheikh al-Nimr, bolstering his status among the youth.⁵²⁷ While his "dignity speech" galvanized young Shia and increased his popularity with them, it also caused him to lose the support of other facets of Shia society who thought he was taking the issue too far.⁵²⁸

516 Ibid.

517 Matthiesen, "The Shi'a of Saudi Arabia at a Crossroads;" Wehrey, "The Forgotten Uprising in Eastern Saudi Arabia," pg. 10.

518 Matthiesen, *The Other Saudis*, pg. 197.

519 "Denied Dignity," HRW.

520 Norton, "'Tyranny will fall': Son of executed Saudi dissident al-Nimr shares his incredible story."

521 Matthiesen, *The Other Saudis*, pg. 198.

522 Matthiesen, "The Shi'a of Saudi Arabia at a Crossroads."

523 Wehrey, "The Forgotten Uprising in Eastern Saudi Arabia," pg. 10.

524 Hubbard, "Shiite Cleric Gained in Status as a Rivalry Deepened."

525 Norton, "'Tyranny will fall': Son of executed Saudi dissident al-Nimr shares his incredible story."

526 Donna Abu-Nasr, "Saudi government cracks down on Shiite dissidents," *The San Diego Union-Tribune*, 1 April 2009, a <http://www.sandiegouniontribune.com/news/2009/apr/01/ml-saudi-shiites-040109/all/>.

527 Wehrey, "The Forgotten Uprising in Eastern Saudi Arabia," pg. 10.

528 Toby Matthiesen suggests that older clerics and traditional families had fairly positive relations with the government and largely opposed Sheikh Nimr's vocal remarks and stance towards the government. A prominent theme throughout *The Other Saudis* is the tension between these forces, but see pg. 203-205 in particular; and Matthiesen, "The Local and the Transnational," pg. 113-114.

B. THE 2009 RIOTS AND SHIA DIVISIONS OVER REFORM

The 2009 Medina riots, the authorities' response to the riots, and Sheikh al-Nimr's speech signaled a turning point in Shia tactics and sentiment towards the government. The riots represented a shift among Saudi Shia Muslims from frustration to collective rage. Three events in combination, the riots, subsequent government suppression, and Sheikh al-Nimr's speech, and the effect of sharpening divisions within the Shia community over the pace and scope of reform.⁵²⁹ In a sign of rising frustration among Shia, particularly Shia youth, some tried to link the confrontations at the al-Baqi cemetery and the subsequent riots to the 1979-1980 Shia uprising in the Eastern Province that the Saudi Arabian National Guard violently suppressed.⁵³⁰

In its opposition to the government and rejection of dialogue, Sheikh al-Nimr's "dignity speech" reflected rising Shia obstinacy. It proved deeply unsettling to more pragmatic Shia figures, particularly to traditional Shia power-brokers.⁵³¹ Their more traditional efforts had appeared to pay off when Crown Prince Abdullah invited Shia to participate in the 2003 National Dialogue, made a push to include Shia in the *majlis al-shura*, and reshuffled the cabinet and Council of Senior Religious Scholars. When he ascended to the throne in 2005, King Abdullah did include Shia in the *majlis*. However, the reshuffled cabinet and Council of Senior Religious Scholars did not contain any Shia members, and did not take Shia grievances into account.⁵³² The king's decision not to appoint Shia to any top positions in his cabinet after the reshuffle sparked feelings of sharp disappointment from the Shia community.⁵³³

Sheikh al-Nimr's speech put the established Shia interlocutors with the government in a difficult position.⁵³⁴ Shia community leaders publicly rejected Sheikh al-Nimr's suggestion that Eastern Province Shia secede from Saudi Arabia.⁵³⁵ Many prominent Shia clerics and figures had worked for decades to mend fences with the government after the uprising of 1979-1980. These older activists, including many who had returned to Saudi Arabia following the general amnesty, used more traditional methods to bring about change. These included writing petitions, setting up magazines while in exile, lobbying the royal family, and trying to strengthen the collective Eastern Province Shia identity.⁵³⁶

Unlike some older Shia clerics and activists, many young Shia were unwilling to engage with the government and press for reform.⁵³⁷ One Awamiyah citizen expressed the dissatisfaction among many Shia residents saying, "we've been patient a long time hoping to get our rights, but it's useless."⁵³⁸ Older clerics, like Sheikh Hussain al-Bayat of Qatif, noticed the rising tide of frustration when he said, "the problem we are now facing ... is that we are trying to convince those guys [the youth] that, 'OK, slow down, there are things we are trying to do for you. But they would like to see something fast. And that's what we are trying to tell [government] leaders: that we are not in control of these people ... but there will be a time they will override us."⁵³⁹

529 See, Wehrey, "The Forgotten Uprising in Eastern Saudi Arabia," in particular pg. 9-10.

530 Matthiesen, "The Shi'a of Saudi Arabia at a Crossroads."

531 Wehrey, "The Forgotten Uprising in Eastern Saudi Arabia," pg. 10.

532 Matthiesen, "The Shi'a of Saudi Arabia at a Crossroads."

533 Murphy, "With Shiites rising across the region, Saudi Arabia's grow impatient."

534 Matthiesen, "The Shi'a of Saudi Arabia at a Crossroads."

535 Murphy, "With Shiites rising across the region, Saudi Arabia's grow impatient."

536 Matthiesen, "The Shi'a of Saudi Arabia at a Crossroads."

537 Reese Erlich, "In Saudi Arabia, Shiite Muslims Challenge Ban on Protest," *National Public Radio*, 23 March 2013, <http://www.npr.org/2013/03/23/175051345/in-saudi-arabia-shiite-muslims-challenge-ban-on-protests>.

538 Murphy, "With Shiites rising across the region, Saudi Arabia's grow impatient."

539 Ibid.

Sheikh al-Nimr delivered his “dignity speech” amidst these heightened emotions. His speech expressed the feelings of many young protesters in Awamiyah and Qatif, who had grown weary and impatient with the failure of more traditional groups to deliver jobs, tangible improvements in living conditions, and an end to pervasive discrimination.⁵⁴⁰ Many Shia put more trust in interfaith dialogue than Sheikh al-Nimr, but they, too, resented the reticence among hardline Sunnis to allow reform.⁵⁴¹ In this environment, Sheikh al-Nimr gained a strong following among young Shia because of his calls for more Shia rights.⁵⁴² For many, Sheikh al-Nimr articulated the feelings of Saudi Arabia’s Eastern Province Shia populace.⁵⁴³ Demonstrators who dismissed their leaders’ calls for careful efforts meant to win concessions from the government embraced him for his simple language brimming with anger. According to Toby Matthiesen, Sheikh al-Nimr “said all the things that the young people wanted to hear, but that the other leaders didn’t want to say.”⁵⁴⁴ A young protester echoed this stating, “Nimr speaks to what we are feeling in our hearts.”⁵⁴⁵

4. 2011 UPRISING

These feelings, brought forth by the 2009 Medina riots, continued to simmer in the Eastern Province until 2011, when popular pro-democracy movements swept through the region. In 2011, Shia in the Eastern Province protested against government repression, arbitrary arrests, and extrajudicial killings. Saudi authorities responded by targeting Shia leaders and activists for reprisals, arresting and imprisoning them. They also charged some with the death penalty after convicting them in unfair trials.⁵⁴⁶

Earlier, Sheikh al-Nimr had lost the support of some Shia residents due to his overt calls for greater religious freedom and equality for Shia, particularly in his “dignity speech.” However, he regained much of his status and following when, in the midst of the Saudi pro-democracy protests, he preached against the government.⁵⁴⁷ As one of the few Shia clerics to speak in favor of the protests in Saudi Arabia and Bahrain,⁵⁴⁸ Sheikh al-Nimr emerged as a prominent figure in the protests.⁵⁴⁹ In response to the demonstrations, Saudi authorities responded violently. They arrested hundreds, used extrajudicial force, and killed four in Qatif.⁵⁵⁰ The Saudi government attempted to paint the demonstrators as agents of foreign countries, particularly Iran. Sheikh al-Nimr refuted the government’s claim, stating Shia are not demonstrating for political or security purposes, but for their religious freedom.⁵⁵¹

540 Wehrey, “The Forgotten Uprising in Eastern Saudi Arabia,” pg. 16.

541 Graham, “Sheikh Nimr al-Nimr and the Forgotten Shiites of Saudi Arabia.”

542 “Saudi Arabia: Prominent Shia Cleric Sentenced to Death,” HRW.

543 “Sheikh Nimr al-Nimr: Saudi Arabia executes top Shia cleric,” *BBC*, 2 January 2016, <http://www.bbc.com/news/world-middle-east-35213244>.

544 Hubbard, “Shiite Cleric Gained in Status as a Rivalry Deepened.”

545 Graham, “Sheikh Nimr al-Nimr and the Forgotten Shiites of Saudi Arabia.”

546 Mobashra Tazamal, “Sheikh Nimr and the Eastern Provinces’ struggle for citizenship equality,” Americans for Democracy & Human Rights in Bahrain (ADHRB), 17 May 2016, <http://www.adhrb.org/2016/05/sheikh-nimr-eastern-provinces-struggle-citizenship-equality/>.

547 Hubbard, “Shiite Cleric Gained in Status as Rivalry Deepened.”

548 Graham, “Sheikh Nimr al-Nimr and the Forgotten Shiites of Saudi Arabia;” Hubbard, “Shiite Cleric Gained in Status as a Rivalry Deepened.”

549 “Sheikh Nimr al-Nimr: Saudi Arabia executes top Shia cleric,” *BBC*.

550 “Saudi Arabia accused of repression after the Arab Spring,” *BBC*, 1 December 2011, <http://www.bbc.com/news/world-middle-east-15977980>.

551 Sheikh Nimr Baqir al-Nimr, “How Can They Talk About Foreign Intervention?” Americans for Democracy & Human Rights in Bahrain (ADHRB), accessed 15 August 2016, <http://www.adhrb.org/wp-content/uploads/2016/03/How-can-they-talk-about-foreign-interference-transcript.pdf>; “In His Own Words: Sheikh Nimr’s sermons,” Americans for Democracy & Human Rights in Bahrain (ADHRB), 3 March 2016, <http://www.adhrb.org/2016/03/in-his-own-words-sheikh-nimrs-sermons/>.

5. Sheikh al-Nimr's Sermons

Throughout his sermons, Sheikh al-Nimr not only advocated on behalf of Shia Muslims. He also called for an end to all government oppression, regardless of sect. In this manner, he was an intra-sectarian advocate for justice and ending discrimination of all kinds.

“For the past 100 years, we have been subjected to oppression, injustice, fear, and intimidation. From the moment you are born, you are surrounded by fear, intimidation, persecution, and abuse. Who among us is not familiar with the intimidation and injustice to which we have been subjected in this country? I am 55 years old, more than half a century. From the day I was born and to this day, I’ve never felt safe or secure in this country.”⁵⁵²

Sheikh al-Nimr continued to speak out against injustice preaching, “in any place he rules—Bahrain, here, in Yemen, in Egypt, or in any place—the unjust ruler is hated. Whoever defends the oppressor is his partner with him in opposition, and whoever is with the oppressed shares with him his reward from God.”⁵⁵³

The Saudi government claimed that Sheikh al-Nimr incited violence in his sermons and his speeches.⁵⁵⁴ On the contrary, Sheikh al-Nimr was an advocate of nonviolence. He preached, “our main and general approach to get our rights is the roar of the word.” For him, the “roar of the word” contrasts with “the oppressive authorities’ general approach [...] of bullets and intimidation. The more excessive force they use—bullets—the more we insist on the roar of the word, because the weapon of the word is mightier than the weapon of bullets.”⁵⁵⁵ In another sermon, he continued his called for peaceful demonstrations saying, “Weapons are forbidden. When we see an armed person in a demonstration, we will tell him this is forbidden. Go home, we don’t need you. [...] We are stronger with words and weaker with arms.”⁵⁵⁶

6. Sheikh al-Nimr's Arrest

Sheikh al-Nimr continued to deliver sermons through 2012. On 10 February 2012, he delivered a sermon calling for the end of the monarchy. After his sermons, Shia protesters demonstrated against the government. During the demonstrations, security forces shot and killed one Shia protester.⁵⁵⁷ Sheikh al-Nimr continued to speak out. In the summer of 2012, he delivered a Friday sermon celebrating the death of Prince Nayef, the Minister of the Interior.⁵⁵⁸ As a result of this sermon, security forces arrested him on 8 July 2012,⁵⁵⁹ as he briefly visited his house in Qatif.⁵⁶⁰ During his

552 Sheikh Nimr Baqir al-Nimr, “On Oppression,” Americans for Democracy & Human Rights in Bahrain (ADHRB), accessed 15 August 2016, <http://www.adhrb.org/wp-content/uploads/2016/03/On-Oppression-transcript.pdf>; “In His Own Words: Sheikh Nimr’s sermons,” ADHRB.

553 Hubbard, “Shiite Cleric Gained in Status as a Rivalry Deepened.”

554 “Fact Check: the Truth About Sheikh Nimr,” ADHRB.

555 Sheikh Nimr Baqir al-Nimr, “The Roar of the Word,” Americans for Democracy & Human Rights in Bahrain (ADHRB), accessed 16 August 2016, <http://www.adhrb.org/wp-content/uploads/2016/03/The-Roar-of-the-Word-Excerpts-transcript.pdf>.

556 Sheikh Nimr Baqir al-Nimr, “Weapons are Forbidden,” Americans for Democracy & Human Rights in Bahrain (ADHRB), accessed 16 August 2016, <http://www.adhrb.org/wp-content/uploads/2016/03/Weapons-are-Forbidden-transcript.pdf>.

557 Norton, “‘Tyranny will fall’: Son of executed Saudi dissident al-Nimr shares his incredible story.”

558 “Saudi Arabia: Prominent Shia Cleric Sentenced to Death,” HRW; Louisa Loveluck, “Nimr al-Nimr: Saudi Arabia’s outspoken cleric,” *The Telegraph*, 2 January 2016, <http://www.telegraph.co.uk/news/worldnews/middleeast/saudi-arabia/12078497/Nimr-al-Nimr-Saudi-Arabias-outspoken-cleric.html>.

559 “Saudi police arrest Shi’ite Muslim cleric,” *Reuters*, 8 July 2012, <http://www.reuters.com/article/us-saudi-arrest-idUSBRE8670GH20120708>.

560 Erlich, “In Saudi Arabia, Shiite Muslims Challenge Ban on Protest.”

arrest, authorities shot him in the leg, seriously wounding him.⁵⁶¹ Authorities imprisoned him in solitary confinement and allegedly tortured him.⁵⁶² His arrest, and the circumstances surrounding it, prompted demonstrations across the Eastern Province.⁵⁶³ Security forces responded violently, killing three protesters.⁵⁶⁴

Rather than calming the situation and stifling dissent, Sheikh al-Nimr's arrest led to calls for solidarity with him. His popularity grew exponentially, with graffiti throughout Qatif and Awamiyah demanding his release.⁵⁶⁵ Many Shia disagreed with his highly personalized attack on Prince Nayef, but the government's response—made worse by graphic photographs of a bloodied Sheikh al-Nimr in the back of a car—turned the outspoken cleric into a heroic icon for youth across the region.⁵⁶⁶ In his absence, and as a result of his persecution, there were “near nightly protests at his mosque in Awamiyah, and elsewhere in the Eastern Province throughout 2013.”⁵⁶⁷

7. Sheikh al-Nimr's Sentence, the Re-Ignition of Protests, and Execution

After some time, the number of protests in the Eastern Province decreased. However, unrest increased again after Saudi Arabia's Specialized Criminal Court sentenced Sheikh al-Nimr to death on 15 October 2014.⁵⁶⁸ The court convicted him on a number of vague charges based largely on his peaceful criticism of Saudi officials. The charges included, “breaking allegiance with the ruler,” “inciting sectarian strife,” and supporting rioting and destruction of public property during the 2011-2012 protests in Shia towns in the Eastern Province. The court also charged him with violently resisting arrest. Authorities held him in isolation in the Security Forces Prison Hospital in Riyadh, where his cell measured 4-by-4 meters and did not have any windows. For the first four months of his detention, authorities did not allow him to speak freely with visiting family members. From November 2013 until his execution, immediate family members were only able to see him in his cell for only one hour every two weeks.⁵⁶⁹

561 Ibid.

562 Norton, “‘Tyranny will fall’: Son of executed Saudi dissident al-Nimr shares his incredible story;” “Torture (Medically) and Suffer of the Prisoner of Conscience Sheikh AlNimer Due to Deliberate Medical Negligence,” European-Saudi Organisation for Human Rights, 19 November 2015, <http://www.esohr.org/en/?p=666>.

563 Wehrey, “The Forgotten Uprising in Eastern Saudi Arabia,” pg. 17; Erlich, “In Saudi Arabia, Shiite Muslims Challenge Ban on Protest.”

564 “Sheikh Nimr al-Nimr: Saudi Arabia executes top Shia cleric,” *BBC*.

565 Erlich, “In Saudi Arabia, Shiite Muslims Challenge Ban on Protest.”

566 Wehrey, “The Forgotten Uprising in Eastern Saudi Arabia,” pg. 17.

567 Graham, “Sheikh Nimr al-Nimr and the Forgotten Shiites of Saudi Arabia.”

568 Graham, “Sheikh Nimr al-Nimr and the Forgotten Shiites of Saudi Arabia;” “Saudi Arabia: Prominent Shia Cleric Sentenced to Death,” HRW.

569 “Saudi Arabia: Prominent Shia Cleric Sentenced to Death,” HRW.



Protesters hold pictures of Sheikh al-Nimr aloft in Qatif (left) and Bahrain (right)⁵⁷⁰

On 2 January 2016, the Government of Saudi Arabia executed Sheikh al-Nimr along with 46 others. The government carried out the executions simultaneously in 12 locations across the country.⁵⁷¹ His execution re-ignited protests in the Eastern Province, and elicited comments from Shia around the region: from Bahrain, Lebanon, Yemen's Houthi fighters, and Iran.⁵⁷² The Saudi government did not return Sheikh al-Nimr's body to his family after his execution. It feared that the Sheikh's funeral would be one of the largest ever in the country's history.⁵⁷³

8. Legacy

Sheikh al-Nimr's execution on 2 January 2016 solidified him as a larger than life Shia figure. He became a symbol of Shia's struggle for greater equality and religious freedom in the face of discrimination. His execution "institutionalized tensions in Saudi Arabia by creating a symbol for Shia grievances. Not many people in the past saw him as the representative of the Shia community, but now he has become one of the symbols of the tensions between Shia and Sunnis."⁵⁷⁴ Yet, he was more than a Shia symbol. In addition to his advocacy for Shia rights, Sheikh al-Nimr advocated against broader systems of discrimination and oppression extending beyond the scope of Shia rights. In arguing for an end to discrimination and oppression, Sheikh al-Nimr promoted peaceful means and the power of non-violence.

Some of Sheikh al-Nimr's popularity is due to the failure of traditional Shia powerbrokers and more moderate clerics to persuade the Saudi government to alleviate the state's discriminatory practices against Shia. The inability of more traditional figures to bring about concrete change in Shia communities led to a growing disenchantment with the moderate clerics and powerbrokers, particularly among Shia youth. Sheikh al-Nimr's comments and sermons were fiery in their criticism of the government, something many Shia clerics avoided. As a result, his words brought him a loyal following among Shia youth who were disenchanting with the slow pace of change.


570 Left picture from "Protests Against Saudi Executions—in Pictures," *The Guardian*, 2 January 2016, <https://www.theguardian.com/world/gallery/2016/jan/02/protests-saudi-executions-shia-cleric-nimr-in-pictures>; right picture from, Ben Hubbard, "Iranian Protesters Ransack Saudi Embassy After Execution of Shiite Cleric," *New York Times*, 2 January 2016, https://www.nytimes.com/2016/01/03/world/middleeast/saudi-arabia-executes-47-sheikh-nimr-shiite-cleric.html?_r=0.

571 "Sheikh Nimr al-Nimr: Saudi Arabia executes top Shia cleric," *BBC*.

572 Graham, "Sheikh Nimr al-Nimr and the Forgotten Shiites of Saudi Arabia."

573 Norton, "Tyranny will fall: Son of executed Saudi dissident al-Nimr shares his incredible story."

574 Ladane Nasser, "Who Was the Cleric Saudis Executed and Why His Death Matters," *Bloomberg*, 3 January 2016, <http://www.bloomberg.com/news/articles/2016-01-03/who-was-the-cleric-saudis-executed-and-why-his-death-matters>.



Sheikh al-Nimr's legacy comes from his significance as an outspoken cleric who denounced the long-standing discrimination against Shia in Saudi Arabia and who publicly criticized the royal family. He was one of the few prominent Saudi Shia figures who supported Shia in Bahrain and in Medina. Long-standing grievances and lack of resolution led to widespread dissatisfaction. Sheikh al-Nimr addressed that dissatisfaction, making him a hero to many young Shia. Even as many other Shia disagreed with his rhetoric, they acknowledged the lack of progress towards greater equality and religious freedom. His execution at the hands of the government only elevated his status as a Shia cleric willing to stand up to Saudi authorities.

Recommendations to the Government of Saudi Arabia

- 1) **Respect Article 18, clause 1 of the International Covenant on Civil and Political Rights (ICCPR) concerning every individuals' right to freedom of religion or belief and Article 27 of the ICCPR protecting the freedom of religious minorities to practice their religion and beliefs.**
- 2) **Remove restrictions and limitations on the functioning of Shia courts:**
 - a. Allow Shia courts to function in all areas where Shia Muslims live;
 - b. Expand the jurisdiction of Shia courts to encompass criminal cases;
 - c. Grant Shia communities the power to appoint justices to Shia courts;
 - d. Give Shia courts jurisdiction over all cases in which Shia clients are represented.
- 3) **Repeal the ban on protests:**
 - a. Ensure that Shia communities have the right to peacefully assemble without fear of arrest;
 - b. Release all Shia prisoners convicted of non-violent crimes related to assembly and protest;
 - c. Promulgate legislation in line with international human rights norms that allow for peaceful assembly.
- 4) **Repeal restrictions surrounding the construction and operation of Shia mosques and protection of significant Shia religious and cultural sites:**
 - a. Detail necessary bureaucratic steps for mosque construction and make them transparent;
 - b. Provide equal funding for Shia mosques as for Sunni mosques;
 - c. Cease the closure of Shia mosques;
 - d. Rebuild destroyed Shia cultural and religious sites;
 - e. Allow Shia Muslims access to cemeteries and holy shrines;
- 5) **Reform the municipal councils:**
 - a. Grant the councils larger roles in the running of municipalities;
 - b. Open all municipal council seats for election.
- 6) **Reform the school system:**
 - a. Permit Shia students to learn about their religious and cultural heritage;
 - b. Allow Shia teachers to teach religious classes;
 - c. Allow Shia teachers to teach in Shia girl's schools;
 - d. Ensure Shia communities have equal access to higher education facilities, including building more college and university campuses in Shia regions;

- e. Censure teachers who insult and demean Shia students and Shia heritage and culture;
- f. Reform school textbooks to respect Shia heritage and culture.

7) Promulgate legislation ending hate speech:

- a. Draft and pass legislation prohibiting hate speech in the media;
- b. Ensure anti-hate speech legislation protects Shia Muslims and other minorities;
- c. Enforce legislation in practice as well as in principle;
- d. Censure media and news outlets that use discriminatory and hate speech and that host speakers who use discriminatory and hate speech.

8) Reform the judicial system and Specialized Criminal Court system to ensure independence and impartiality:

- a. Draft and pass legislation ensuring the independence and impartiality of courts and justices;
- b. Separate the Bureau of Investigation and Public Prosecution (BIP) from the Ministry of Interior (MoI);
- c. Remove the Specialized Criminal Court from the jurisdiction of the MoI and place it under an independent and impartial commission.

9) Amend the anti-terror law to prohibit its abuse:

- a. Define “terrorism” specifically and in detail;
- b. Safeguard the right to peacefully assemble and protest;
- c. Prohibit the arrest, detention, and conviction of individuals based on their religion;
- d. Repeal the amendment allowing for the issuing of a verdict with the defendant *in absentia*;
- e. Ensure and protect the accused’s right to a lawyer throughout anti-terror cases from the cases’ beginning to its conclusion;
- f. Ensure that anti-terror law accords with international legal norms regarding due process.

10) Promulgate legislation ensuring equal rights to employment:

- a. Allowing Shia proportional representation in the national security-related fields in the Ministry of defense, National Guard, Ministry of Interior, and admission to military academies;
- b. Ensuring equal opportunities for jobs and promotions in all employment;
- c. Prohibiting religious litmus tests for employment.

Recommendations for the United Nations:

- 1) Issue a resolution formally condemning Saudi Arabia's failure to respect its citizens' and residents' freedom of religion and that calls for promulgation of legislation that would enshrine respect for religious freedom and prohibit the prosecution of citizens and residents for religious crimes.
- 2) Insist the Government of Saudi Arabia permit the Special Rapporteur on freedom of religion or belief to visit the country to perform human rights assessments, and recommend that Saudi Arabia issue a standing invitation to the Rapporteur.
- 3) Hold the Government of Saudi Arabia accountable by publicly commenting on violations of the right to freedom of religion or belief.
- 4) Request 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.

Recommendations to the International Community, the European Union, and the United States of America:

- 1) Hold the Government of Saudi Arabia publicly accountable by publicly commenting on, and condemning, violations of the right to freedom of religion and belief.
- 2) Condemn Saudi Arabia's anti-terror law and its use to convict and sentence individuals on religious crimes as an infringement upon the right to freedom of religion and belief, and suggest changes the government should make to cease this practice.
- 3) Consider addressing concerns regarding ongoing and egregious violations of freedom of religion and belief in Saudi Arabia by the government by passing a resolution at the Human Rights Council publicly condemning the situation of religious freedom in the country and calling for concrete steps for the resolution of these issues.
- 4) Take concrete steps to pressure the Government of Saudi Arabia to make progress towards respecting freedom of religion and belief:
 - a. Cease all sales of any arms or weapons that may be used by the Government of Saudi Arabia and its Ministries against its own citizens and residents concerning issues of religion or belief;
 - b. End any foreign aid programs benefiting those agencies and Ministries that violate the principle of freedom of religion and belief until such time as the government complies with international human rights norms concerning these principles.

