



Saudi Arabia – Human rights situation, May 2018

Further restrictions on freedom of expression and new counter-terror law

In November 2017; a **new Counter-Terrorism Law** was adopted replacing and expanding its previous 2014 law. Like its predecessor, the law **includes** an **overly broad definition of terrorism** which does not link it with violence, allowing the authorities **to use it** against peaceful critics.

The law provides for the death penalty for certain terror crimes and a prison term of five to ten years for criticism of the King and the Crown Prince. Number of its provisions allow for the circumvention of fair trial principles, including **pre-trial detention** for up to 12 months, with unlimited extension upon court order, up to 90 days in incommunicado detention, the possibility to restrict a defendant's right to a lawyer during interrogation and to hear evidence without the defendant or his lawyer present.

In May 2017, UN Special Rapporteur on human rights when countering terrorism **reported** "*continuing problems relating to the prevention of **torture** of terrorist suspects during investigation, the reported **use of confessions obtained under duress**, and the use of the death penalty in **proceedings which are said to fall short of proper legal process.***"

Recommendations

- Reform the counterterror, associations, cybercrime, and publication laws to remove provisions criminalising freedom of expression, assembly, and association and ensure that peaceful criticism is not legally classified as terrorism;
- Abolish the Specialised Criminal Court, set up in 2008 to try terrorism cases but increasingly used to prosecute politically motivated charges and in proceedings that violate the fundamental right to a fair trial;
- Immediately end the torture and other ill-treatment of human rights defenders and other critics of the government, and to investigate all allegations of torture and other ill-treatment with the intention to bring those responsible to justice through fair trials.

Continued targeting of human rights defenders

Since 2013, Saudi authorities have systematically arrest, prosecute and sentence civil society activists and human rights defenders, on vaguely worded charges that extensively drew on the Counter-Terrorism Law. Today, **most of the country's prominent and independent human rights defenders have been imprisoned**, intimidated into staying silent, or forced to flee the country. Among those in **detention** are members of the **Saudi Civil and Political Rights Association (ACPRA)**, an independent human rights NGO that was shut down by authorities in 2013. Almost all of them are now in pre-trial detention, in trial, or serving lengthy prison sentences. Members of the **Adala Center for Human Rights** are also in prison, as are human rights lawyers, like **Waleed Abu al-Khair**.

Despite the calls of the international community, including the **European Parliament** and **DROI Chair, Raif Badawi**, winner of the **EP Sakharov Prize of 2015**, remains in detention. He was sentenced in 2014 to 10 years in prison and 1,000 lashes for allegedly insulting Islam on his website promoting social, political, and religious debate.

This trend has continued in the recent years. 2017 **started** with the detention and prosecution of a string of activists. Mid-September 2017, authorities arrested **more than 20** prominent religious figures, writers, journalists, academics and activists because of their expression. In early October, Saudi authorities **arrested** 22 people for using social media to allegedly spread dissent, and officials detained another 24 people in the northern Hail province for stirring tribal divisions. Mid-May 2018, Saudi

authorities [arrested](#) a dozen of people – including [Loujain al-Hathloul](#) [held in comunicado](#) – for their women’s rights activism only weeks before the government is set to lift the ban on women driving.

Recommendations

- Release all political prisoners and human rights defenders detained for the peaceful expression of their opinion and their legitimate work;
- Protect civic space and allow writers, human rights defenders and activists to exercise their rights to freedom of expression and assembly;
- End reprisals against human rights defenders and activists for their engagement with international human rights mechanisms and organizations and initiate transparent and impartial investigations into reprisals;
- Extend an open visit request to the Special Rapporteur on the situation of human rights defenders and ensure that the Rapporteur has open access to members of civil society.

Cosmetic reforms on women’s rights and persistence of the guardianship system

Saudi Arabia’s 13 million women and four million girls face [severe discrimination](#) in all aspects of their lives. In recent years, Saudi Arabia has undertaken a **number of reform** efforts meant to ease restrictions on women, notably allowing them to [participate](#) in municipal elections, encouraging them to engage in the labour market, taking measures to better respond to domestic violence and, most recently, allowing them to [drive](#). While these reforms have slightly improved women’s situation, they **remain partial and incomplete**. **The government’s continued support for the [male guardianship system](#)** hinders or nullifies the efficacy of these ostensible reforms. In parallel, **the government has continued to arrest and prosecute women’s rights defenders** for their activism. Dozens of activists have [been accused](#) of ‘insulting religion’, ‘terrorism’, ‘destabilising the State’, ‘attempting to influence public opinion’, or even ‘creating an illegal organisation’, and are now spending long years in prison. Mid-May 2018, 8 of them were [arrested](#). [*See factsheet on women’s rights for further information*].

Recommendations

- Immediately abolish the male guardianship system and allow women to participate in society with the same rights as men, including by adopting a law removing the restrictions imposed by the guardianship system;
- Immediately and unconditionally release all women detained for their activism and drop all charges against them.

Execution spike since leadership change, death penalty as tool to crush dissent and unfair trials

The number of executions in Saudi Arabia has dramatically doubled since **Mohammed bin Salman** was appointed Crown Prince in June 2017. The Saudi authorities have executed 53 people so far in 2018, and 143 in 2017. Nearly half of 2018 executions were related to non-violent drug offences. If this rates continues, **2018 could see 200 executions, the highest number of executions ever recorded in Saudi Arabia in one year**.

There has also been a **dramatic spike in the number of death sentences against political dissidents**, specifically members of the kingdom’s Shia Muslim minority, some of which are against juvenile offenders. There are at least 28 individuals [facing](#) imminent execution after being sentenced by the Specialized Criminal Court for charges related to freedom of speech, assembly and association. [Seven](#) Saudis whom courts found guilty of offenses committed when they were under the age of 18 also face imminent execution. The kingdom executed [four minors](#) in the January 2016.

The death penalty is provided for in the [Arab Charter for Human Rights](#)– of which Saudi Arabia is a signatory. However, it is reserved for offenses categorized as the “most serious crimes.” Neither participating in protests, nor non-violent drug offenses thus deserves the death penalty. Besides, the [Convention on the Rights of the Child](#), to which Saudi Arabia is a signatory, bans the use of capital punishment against minors.

Recommendations

- Impose a moratorium on all executions with a view to the abolition of the death penalty;
- Conduct a review of all legislation with a view of abolishing first offences that do not meet the most serious crimes threshold, including provisions related to the exercise of fundamental rights or drug offences.

Continued discrimination against Shia minority

While Saudi Arabia has promoted a sectarian reform narrative in recent years, religious discrimination continues to be deeply entrenched. The United States Commission on International Religious Freedom (USCIRF) has repeatedly classified Saudi Arabia as a “[country of particular concern](#)” – its designation for countries that systematically violate religious freedom.

The [systematic discrimination against the Shia minority](#) is apparent in the criminal justice system and the rhetoric in the Education Ministry’s religious curriculum. Shi’a activists continued to face arrest, imprisonment and in some cases the death penalty following unfair trials. While the anti-Shia bias is most visible, Saudi religious textbooks also **promote intolerance towards other religious affiliations** in the country’s religious education curriculum, including against Judaism, Christianity, and Sufi Islam. Because of this discrimination, the nearly [two million non-Muslims](#) in the country cannot openly practice their faith.

On 10 May 2017, Saudi security forces entered the Shia town of **Awamiyah** to demolish the ancient al-Mosawara neighbourhood. Seeking to [eliminate](#) an alleged terrorist threat, Saudi forces [surrounded and sealed off](#) the area and used [excessive and indiscriminate force](#) against civilians, forcing thousands to flee their homes. State violence also [resulted](#) in the extrajudicial, arbitrary, and summary killings of civilians, with at [least 24 reported killed](#) by government forces. Awamiyah is the hometown of the prominent Shia cleric, **Nimr al-Nimr**, a social justice activist who was [executed](#) in January 2016 over his calls for reform.

Recommendations

- End incitement to hatred or discrimination against religious minorities, including the kingdom’s Shia minority;
- Enact anti-discrimination legislation that would prevent anti-Shia bias in the justice and education system and ensure equal rights to employment;
- Allow Shia to build houses of worship and freely practice their religious beliefs on an equal basis with Sunni citizens;
- Agree to a longstanding request by the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression to conduct a country visit to Saudi Arabia.