

## **The Universal Periodic Review of Saudi Arabia**

Joint submission by a coalition of regional and national human rights Non-Governmental Organizations (NGOs) to the 17<sup>th</sup> session of the Universal Periodic Review (UPR) Working Group

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## **I. Introduction**

1. This joint submission offers collective analysis on the situation of rights and freedoms in the Kingdom of Saudi Arabia in the period between 2009 and 2013 in light of the recommendations accepted and voluntary pledges made by the Kingdom of Saudi Arabia (hereinafter: KSA) during the first cycle of the Universal Periodic Review (UPR) in 2009. This submission primarily focuses on the main trends and patterns of violations- in both legislation and practice- that persist in the Kingdom of Saudi Arabia with regards to the promotion and protection of civil and political rights inside the Kingdom. The submission stresses that the KSA has not implemented almost all of the 53 UPR recommendations it previously accepted in 2009.

## **II. Ratification of international human rights treaties and instruments**

2. Contrary to UPR recommendations no. 1, 2, and 3 accepted by the KSA, the Kingdom remains to ratify core international human rights instruments including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of all Persons from Enforced Disappearance, the Optional Protocols of the Convention Against Torture, and the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination Against Women. The government also accepted recommendation no. 15 with regards to collaboration with the Human Rights Council's Special Mechanisms, yet this recommendation was not materialized as several requests made by UN Special Rapporteurs to visit the country were repeatedly denied. Instead, reported cases of government reprisals against a number of human rights defenders for cooperating with the UN special human rights mechanisms are on the rise.

## **III. Institutional and legal framework: Rule of law, national legislations and defendants' rights**

3. Additionally, no genuine attempts were made towards reforming domestic laws to bring them in conformity with international human rights standards as pledged by the KSA in accepting UPR recommendations no. 5, 6, 7, and 8.
4. As the Kingdom of Saudi Arabia does not have a written constitution, the Basic Law of Governance fails to provide for explicit protection of basic rights and liberties, containing articles that are loosely and vaguely drafted. Existing legislation does not clearly define crimes and authorities, and this vagueness is used to criminalize human rights defenders, political activists, and persons of conscience, particularly since there is no impartial body tasked with interpreting laws, such as a constitutional court.
5. Despite the dire need to amend the Code of Criminal Procedures as recognized by the KSA during the UPR, including abolishing laws and regulation upholding corporal punishments which include amputation and flogging, current discussion on amending the Code are extremely worrying. One proposed amendment would set no limit on pretrial detention in "exceptional cases" pursuant to an order from the competent court. Rights activists and legal experts fear that the proposed amendment would unduly harm defendants by permitting open-ended imprisonment, particularly since the judiciary and the Public Prosecution are not free of the executive's influence and since the law does not define or specify exceptional cases, but leaves it open to interpretation. Additionally, the Saudi judiciary often relies on secret directives and orders that violate defendants' rights. If a lawyer is present to represent a defendant, he cannot mount a defense if laws that provide some protection are not enforced.

6. Despite the substantial gaps in legislation upholding human rights in Saudi Arabia, those laws that do exist remain merely ink on paper in many cases, particularly when the target is human rights activists and peaceful political dissidents. The Code of Criminal Procedure remains to be implemented and upheld by the security apparatus, namely the General Investigation Directorate (GID). As a result, defendants are denied attorneys during questioning and often during trial as well. Defendants are isolated from the outside world in many cases for more than the 60 days mandated in the Code of Criminal Procedure- at times for years, putting those arbitrarily detained or enforcedly disappeared at additional risk of being subjected to torture and ill-treatment. In some cases, detainees have been held for 16 years, such as those suspected of involvement in the Khobar bombings, who remain incarcerated to this day. Other examples include Abdullah al-Youbi, who was held ten years in prison and was finally released without a trial, and Suleiman al-Alwan was referred to trial after nine years in detention. In practice, there is no entity to which to direct appeals or complaints about the legality of the detention can be submitted.
7. Additionally, investigations related to the GID are conducted by police officers in a violation to the law which stipulates that the Public Prosecution is the investigating body. As for prisons run by the GID, they are not subject to judicial oversight and inspection. Although the Code of Criminal Procedure and the Public Prosecution law give the prosecution oversight authority of prisons in general, in practice, however, the Public Prosecution has not been able to exercise oversight over those prisons even after the issuance of the Minister of Interior's decree no. 49361 of July 2011 granting the head of the prosecuting authority the powers of supervision and oversight of prisons under the GID. The Public Prosecution has yet to exercise these authorities, under the pretext that it does not have the personnel necessary to perform the task.
8. Meanwhile, many complaints submitted to the Public Prosecution from prison inmates, even those regarding death under torture, go uninvestigated. For example, the case of Yemeni national Sultan al-Dais, who was reportedly killed under torture in prison in October 2010, following spending some 4 years in arbitrary detention, was not investigated and the perpetrators eluded punishment. In addition, Article 11 (D) of the Statute of the Human Rights Commission allows the government-sanctioned Commission to visit all prisons without prior permission or announcement, but in fact visits are prohibited without first notifying prison authorities. This has led one member of the Commission, Ibrahim al-Modaimeegh, to submit his resignation.

#### **IV. Independence of the judiciary, Public Prosecution, and guarantees of due process**

9. Article 44 of the Basic Law of Governance puts the King as the ultimate arbiter of the judicial, executive, and regulatory authorities in the Kingdom. This undermines judicial independence as it allows the executive to intervene in the appointment, promotion, and dismissal of judges. Despite the adoption of the Judiciary Law of 2007, which was viewed as a step toward reform, the judicial system in the Kingdom of Saudi Arabia is yet to provide guarantees for upholding universal human rights standards with regards to the **independence of the judiciary** and ensuring due process. According to the Law, the Minister of Justice, as representative to the executive authority, resides at the top of the judiciary as head of the Supreme Judicial Council. In an alarming development in January 2013, the King issued Royal Decree 137/A dissolving and reconstituting the Senior Scholars Council, dismissing all judges on the Supreme Court en masse and without prior warning and appointing new judges as well as the Supreme Court's president, in addition to dissolving and reconstituting the Supreme Judicial Council and appointing its secretary-general without consulting its members despite being stipulated under the Judiciary Law.
10. Moreover, court verdicts and rulings are implemented on a clearly selective basis. Thus in many cases- especially in issues related to the protection of individuals rights and freedoms vis-a-vis the

state- despite being final, court verdicts are not implemented. For example, rulings issued against the Ministry of Interior in cases involving arbitrary detention were never implemented to date. This was the case with Abd al-Mejid al-Husseini, whose father submitted a petition to the Administrative Court in November 2007, after al-Husseini had spent five years in arbitrary detention. Al-Husseini was only 17 years old when he was arrested in August 2002. Despite the issuance of a release order by the court in 2008, it was not executed.<sup>1</sup> Following several petitions filed with the court against the police, Royal Decree 7802/M/B was issued on 18 September 2009, prohibiting the Administrative Court from hearing cases against the GID filed by detainees in pretrial detention. The order transferred jurisdiction in such cases to the Specialized Criminal Court, but the law has not been publicly promulgated to this day.

11. Additionally, although it has been five years since the new Judiciary Law was issued, litigation procedures are still unclear and slow. The law specifies three levels of litigation, but appeals are still heard in non-public sessions on the appellate and Supreme Court levels, where parties to the case or their legal representation are absent. Furthermore, although the Judiciary Law provides for the establishment of specialized personal status, commercial, and labor courts, none of these have yet been created. These cases are still heard by the general courts and the relevant ministerial commercial and labor dispute-resolution committees. Moreover, courts in the Kingdom of Saudi Arabia continue to suffer from a severe shortage of judges, which is reflected in the slow pace of litigation, with cases often lasting several years before a final verdict is issued.
12. The **Specialized Criminal Court** established in August 2008 to hear terrorism cases is characterized by secrecy and ambiguity. Thus far, its regulatory procedures have not been made public, and most of the court's sessions are secret. The court is essentially an emergency court in which defendants are tried after years of detention, in some cases amounting to more than ten years prior to being submitted to trial. Although the stated objective of the court is to try defendants in terrorism cases, advocates of human rights and political reform have also been prosecuted in the court. A vivid example is that of Suleiman al-Rashoudi, the president of ACPRA since 25 November 2012, whose most recent arrest took place on 12 December 2012 after delivering a public lecture about the permissibility of peaceful protests in Islamic jurisprudence. Additionally, some of those convicted by the court claim they never received an official copy of the court judgment and reasoning in their cases.
13. The **Public Prosecution** lacks independence and is subordinate to the Minister of Interior.<sup>2</sup> Article 1 of the Law and Regulation of the Bureau of Investigation and Public Prosecution defines it as "attached" to the Ministry of Interior and makes its budget part of the ministry's budget. Article 10 stipulates that the selection process of that the chairman and members of the prosecution be made based on nominations submitted by the Minister of Interior. This legal and structural imbalance has prevented the office from performing the tasks of the public prosecutor as recognized by international standards. The basic function of the public prosecutor is ostensibly to protect the sovereignty of the law, represent society in the enforcement of laws, and protect rights. In practice, however, the Public Prosecution permits the ongoing violation of the rights of defendants and prisoners by abandoning its mission of exercising oversight of political prisons and investigating cases of torture and arbitrary detention, prosecuting those involved, and bringing justice to victims. Clear examples are evident in the indictment brought forward by prosecution against activists, which includes raising charges related to the defendants' exercise of their basic rights and freedoms.

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<sup>1</sup> Judgment issued for al-Husseini,

<<https://docs.google.com/file/d/0B7p2LZUmEwG4ZTNTZkQxdGFnYVE/edit?pli=1>>.

<sup>2</sup> For the organizational structure of the Public Prosecution, see

<[http://www.bip.gov.sa/wps/wcm/connect/f762098047d605a7be8abe8a008dfa0b/IAP\\_Organization1\\_Default\\_AR.pdf?MOD=AJPERES](http://www.bip.gov.sa/wps/wcm/connect/f762098047d605a7be8abe8a008dfa0b/IAP_Organization1_Default_AR.pdf?MOD=AJPERES)>.

## **V. Absence of state role in the promotion of a culture of human rights, particularly among law-enforcement officials**

14. In November 2009, the KSA approved a program for the dissemination of a culture of human rights in addition to accepting recommendations during the UPR with the same content, including recommendation no. 9, but this was not followed by serious, tangible steps. Human rights culture was not incorporated into academic curricula, and the official media did not produce periodic television programs or newspaper items to promote a culture of human rights. Indeed, international conventions that support a culture of human rights are quashed, amid a general official religious rhetoric inimical to human rights, freedom of opinion, and peaceful assembly and directly involved in defamation and smear campaigns against protesters, political dissidents and human rights defenders. Police personnel remain ignorant of human rights culture and domestic and international laws while performing their law-enforcement function.
15. The Code of Criminal Procedures is also not publicized by the authorities, and many citizens and residents are unaware of the law's existence and the articles that protect their rights. Investigators do not inform defendants of their rights, and they interpret provisions of the law to the defendant's detriment. The best example is the investigators' consistent denial of defendants' right to an attorney during questioning, which they do by resorting to labored interpretations of the law. This was the case with rights activist Saleh al-Ashwan, who was detained on charges of participating in a peaceful demonstration. The investigator denied him the right to an attorney during questioning, and he was turned over to the GID political police to deny him his legal rights. This also illustrates the collusion between the investigating authority and police in human rights violations.
16. In addition to the existing repressive legal system, basic rights continue to be severely undermined in practice and in judges' rulings, as judges' opinions often do not recognize basic human rights such as freedom of opinion and expression and the right to peaceful assembly. This is seen to be a direct result of the absence of clear separation between the executive and judiciary branch of government as well as the absence of a prevailing human rights culture amongst the majority of the judges. Judges graduate from the College of Islamic Law and the High Judicial Institute; at neither place do they receive proper induction to universal human rights, particularly the rights of defendants and prisoners as well as the majority of basic civil and political rights. Judges themselves are denied the right to establish their own clubs or professional unions.

## **VI. Violations against freedom of peaceful assembly, including violations to the right to life**

17. The KSA imposes a severely restrictive policy against peaceful assemblies and demonstrations, particularly amplified since the start of widespread protests in several areas in the Kingdom in 2011. Peaceful assemblies and sit-ins are criminalized, and those participating in it are usually subjected to a wide array of violations including the use of extreme force against them- at times lethal-, arbitrary arrests, prison sentences, and alleged torture and ill-treatment while in detention. In fact, the KSA appears to consider demonstrating to be a form of terrorism and has included it in a proposed counterterrorism law in Article 47, making it punishable by at least three years imprisonment. After a copy of the bill was leaked to Amnesty International,<sup>3</sup> the organization launched a campaign that managed to win a postponement of the law.
18. Since February 2011, the Saudi government has undertaken a broad security campaign targeting individuals who take part in public demonstrations or sit-ins. This was facilitated by a *fatwa*

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<sup>3</sup> Copy of the proposed law, <<http://www.amnesty.org/sites/impact.amnesty.org/files/PUBLIC/Saudi%20anti-terror.pdf>>.

issued by the Saudi Senior Scholars Council, the highest religious authority in Saudi Arabia on 7 March 2011, when the Council issued a statement prohibiting demonstrations and calling on religious and executive bodies to fulfill their duties to hold offenders to account.<sup>4</sup> On this basis, an estimate of more than 1,000 people were detained in 2011 and 2012, 80 of them children, for exercising their right to peaceful assembly. Most of them were released after spending more than four months in prison, but some 180 people, including 19 children, continue to be arbitrarily detained to date without trial for more than one year. Other detained protesters were subjected to trials that lacked basic guarantees of due process, and were consequently sentenced to up to one year prison terms on charges of participating in illegal gatherings and instigating chaos. Detainees were also subjected to alleged torture and mistreated during their incarceration, beaten and degraded during arrest, and were denied their right to legal representation during interrogations. Additionally, all of those released have reportedly signed a pledge not to exercise their right to assembly on pain of punishment. Such crackdown have also included the targeting of protests organized by the families of those arbitrarily detained demanding the release of their loved ones. In September 2012, members from the families of the arbitrary detained were targeted as they were protesting in front of GID office in al-Qasim, and 19 of them were referred to the Public Prosecution<sup>5</sup>; they were sentenced to imprisonment and lashes.<sup>6</sup>

19. Furthermore, more than 30 people were dismissed from their jobs as a result of their participation in protests. In January 2012, the Ministry of Interior released two decrees allowing disciplinary measures- including dismissal from work- against employees seen to direct criticism to the government or publish or sign statements “against state policies.” These decrees were employed against those who participated in peaceful protests as well.
20. Another worrying development was the use of national media to defame and threaten those who participate in protests. On 2 January 2012, the Ministry of Interior announced a list of 23 “wanted” individuals in a statement on the Saudi television. The ministry declared that the 23 men were wanted in relations to protests that have occurred during the few months that have preceded the statement, for violence and riot related crimes and that they have allegedly breached public order. The statement added that these crimes were committed with the intentions of implementing foreign agendas. The Ministry’s statement stated that the charges that the men faced were obstruction of traffic, destruction of public and private property, possession of illegal firearms, shooting randomly citizens and security officers, participation in illegal gatherings, and dragging innocent citizens to clashes with security forces to implement foreign agendas.

### *Violations to the right to life*

21. During demonstrations in the Eastern Province of Saudi Arabia, security forces used live ammunition against peaceful demonstrators, reportedly killing at least 15 people with lethal firearm injuries. Munib Othman al-Adnan, 21, was shot in the head by security forces as they attempted to disperse a demonstration by force on 23 November 2011. Photographer Zuhair Abdullah Said, 21, who was documenting a demonstration with video footage in al-Awwamiya on 9 February 2012, was shot and injured in the stomach, which killed him on the spot. This is in addition to some 60 people, who sustained serious injuries as a result of the use of force in 2011 and 2012. Hussein Salman al-Nazar, 25, was shot twice by security forces on 16 October 2011. The first bullet hit him in the pelvis and the second in the left knee, putting him in the hospital for

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4 <<http://www.alifta.net/Fatawa/fatawaDetails.aspx?View=Page&PageID=13353&PageNo=1&BookID=2>>.

5 Indictment of 19 people charged with demonstrating in front of a political prison in Saudi Arabia, <<https://docs.google.com/file/d/0B7p2LZUmEwG4Z0cwaGRzT1p1VGM/edit?pli=1>>.

6 Judgment against 19 defendants convicted of demonstrating in front of a political prison in Saudi Arabia, <<https://docs.google.com/file/d/0B7p2LZUmEwG4UmljU1d2eC1BTDQ/edit?pli=1>>.

weeks for treatment.

22. Despite several pledges made by the KSA to combat impunity and ensure the protection and promotion of the rule of law, including accepting recommendation no. 30 during the UPR process, efforts towards accountability in the context of violations allegedly committed by law enforcement agents remain severely lacking. The Ministry of Interior has made promises to open investigations into the cases of extra judicial killings in the context of protests and hold personnel who shot and killed citizens accountable. However, to date, and since the death of the first protester Nasser Ali al-Mahishi, 21, on 21 November 2011, no one was held to account. Additionally, the KSA has also failed to provide victims' families with the medical reports and has not publicly released the findings of investigations, assuming they were conducted, despite repeated calls by victims urging the government to achieve justice and prevent impunity.

## **VII. Torture**

23. Allegations continue of widespread and systematic torture and mistreatment of prisoners arbitrarily detained in Saudi prisons, particularly in the GID offices. Cases of the torture of detainees in order to obtain forced confessions have been documented. The types of torture and ill treatment generally used against detainees include blindfolding, cuffing of hands and feet, forced standing for long periods, beatings, beatings with rubber hoses and metal wires and bars, electrocution, verbal abuse, and religious insults if the detainee belongs to the Shia community. This is consistent with the conclusions of the National Society for Human Rights following its prison visits in 2012. In its report, the Society noted "allegations by some detainees of ill treatment during questioning in order to forcibly extract a confession."<sup>7</sup> In addition, most long-term detainees are subjected to solitary confinement of more than four months, which may also amount to violation of Article 7 of the ICCPR concerning prohibition of torture and cruel treatment or punishment, as per the Human Rights Committee's General Comments No. 20.
24. Despite allegations of torture by prisoners and letters from victims' families to the Ministry of Interior complaining of torture in prisons, the ministry has not opened an investigation and held those responsible accountable, nor has it provided compensations or redress to victims.

## **VIII. Violations against freedom of opinion and expression**

25. Instead of upholding freedom of opinion and expression, additional restrictions have been imposed by various laws, such as the Press and Publications Law and the Anti Cyber Crimes Law. For example, Article 6 of the Anti Cyber Crime Law<sup>8</sup> levies a penalty of five years imprisonment and a fine of 3 million Riyals against any person, who produces, prepares, transmits, or stores through the information network or computers "material impinging on public order, religious values, public morals, and privacy."
26. Freedom of expression and opinion remains severely restricted in practice as well, and many people are arbitrarily detained, tried in unfair trials, and fired for merely stating their political, religious, or cultural opinions. This is in addition to the continuation of a systematic policy blocking certain websites, such as the sites of rights organizations, which numbers reach more than 25 websites blocked inside the Kingdom of Saudi Arabia.

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7 <<http://nshr.org.sa/tabid/141/Article/809/Default.aspx>>.

8 For the text of the law, see

<[http://www.citc.gov.sa/arabic/RulesandSystems/CITCSyste/Documents/LA\\_004\\_%20A\\_%20Anti-Cyber%20Crime%20Law.pdf](http://www.citc.gov.sa/arabic/RulesandSystems/CITCSyste/Documents/LA_004_%20A_%20Anti-Cyber%20Crime%20Law.pdf)>.

27. The authorities, which not only include the Ministry of Information, but other security authorities as well, severely restrict the issuance of newspapers and other media and closely monitor and censor local media. The Ministry of Interior interferes with the appointment of editors-in-chief, who in turn exercise self-censorship over their publications; if a questionable political article is published, both the offending journalist and editor are punished. For example, in September 2012 journalist Reham al-Alit was suspended along with the deputy editor of *al-Sharq* after she published an article titled “My Crime Is Legitimate”; the article was removed from the paper’s web edition only a few hours after posting. The editor-in-chief of *al-Sharq*, Qinan al-Ghamidi, was also fired following the publication of several articles.
28. A few examples from the long list of those legally targeted for merely expressing their opinions online include the arbitrary detention of university professor Mohammed al-Abd al-Karim, who was arbitrarily detained for more than two months in December 2010 and prohibited from teaching at the university due to writings on his Facebook page; he still faces trial if he continues to write about public affairs. In February 2012, Poet Habib al-Maatiq was arrested and the Fajr Cultural Network website in which he participates was blocked. Other users of social media sites were also questioned and prosecuted based on their writings including Dr. Ahmed al-Ghamidi, Dr. Turki al-Hamad, and Badr Thawab, who were all detained on these grounds. Hamza Kashgari, writer and activists, remains in the GID prison in Jeddah without trial since he was extradited from Malaysia and arrested on 12 February 2012. Kashgari, who was declared an apostate by clerics in Saudi Arabia, is looking to face harsh sentences –if presented to trial- for statements he wrote on Twitter on 4 February 2012. Also, university professor Youssef al-Ahmed was sentenced to five years imprisonment under the Anti Cyber Crimes Law after uploading a short video to YouTube about arbitrary detentions. Additionally, when citizens offer dissident opinions to foreign media, the Saudi authorities deem this to be harming the state’s reputation, which is a punishable crime. Khaled al-Johani, for example, was detained in March 2011 for more than one year after giving an interview to the BBC.<sup>9</sup>
29. In addition, foreign journalists face severe restrictions to visit Saudi Arabia, and on the condition of their entry to the country, their freedom of movement is usually limited by authorities, who take control over their entire trip including imposing restrictions on visiting certain areas and meeting with political dissidents and human rights defenders. While reporting, they are often subject to surveillance by a minder appointed by the Ministry of Culture and Information, thus denying them the freedom to move and conduct interviews. In March 2011, the Saudi authorities expelled a Reuters correspondent from Saudi Arabia, arguing that he was not relaying an accurate picture of the situation in the Kingdom, following Reuters coverage of peaceful demonstrations and sit-ins taking place in the Eastern Region and Riyadh. This had repercussions for other foreign journalists in Saudi Arabia, who refrained from covering political events fearing deportation.

## **IX. Freedom of Association**

30. The government prohibits all forms of peaceful political association or opposition, such as political parties, and punishes those advocating the establishment of such associations with prison time. For example, Abd al-Aziz al-Wahibi, co-founder of the Islamic Umma Party, is currently serving a 7 years prison sentence on what are believed to be politically motivated charges that include creating a website (Al Umma Party website), “claiming that the people are the source of power,” instigating chaos, seeking assistance of foreign entities, calling for a regime change, and questioning the independence of the judiciary.<sup>10</sup>

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<sup>9</sup> For the interview in question, see <<https://www.youtube.com/watch?v=UQEIH-0WMmw>>.

<sup>10</sup> See the indictment of Abd al-Aziz al-Wahibi, <<https://docs.google.com/file/d/0B7p2LZUmEwG4aEU2Ulc0LVRLUEE/edit?pli=1>>.

31. The Saudi authorities also continue to refuse the registration of independent civil society institutions that work in the field of human rights. Despite accepting recommendation no. 34 which clearly urges Saudi Arabia to “guarantee the rights of representatives of civil society and human rights defenders organizations to set themselves up and exercise their rights to freedom of expression,” the KSA has continued a systematic repressive policy against all independent rights groups and organizations in the Kingdom, refusing to grant them registration in the country. In this respect, to date there are no laws in the Kingdom that regulate the establishment and work on human rights organizations, despite promises made by the KSA during the country’s UPR review in 2009 to adopt the Civil Society Institutions Statute approved by the Consultative Assembly in 2008.
32. In 12 October 2009, ACPRA submitted an application to the King, in his capacity as the head of the executive authority in the Kingdom, to found the association, but received no response. Similarly, the Monitor of Human Rights in Saudi Arabia (MHRSA) sent a request in 2012, while the founders of Adala Center for Human Rights sent a similar request to the King and attempted to register with the Ministry of Social Affairs, which refused saying that human rights organizations are not stipulated under the rules of producers of the current association laws, and with the Human Rights Commission and the National Society for Human Rights, which both claimed that registering associations lie outside their jurisdictions. The Ministry refused to license the Center, on the grounds that the Center’s objectives did not comply with regulations for associations in force in the Kingdom. The decision was appealed before the Administrative Court in April 2012; eight trial sessions have been held so far, but the court has not ruled on the petition.
33. The authorities not only ban, but criminalize participation in establishing an unlicensed association. Several prominent national human rights defenders either received harsh prison sentences and are in detention or are being currently prosecuted on charges of participating in establishing unlicensed associations. This has been the case for human rights defenders Dr. Abdullah al-Hamed and Dr. Mohammed al-Qahtani, co-founders of ACPRA, who are currently standing trial on a number of charges related to their human rights work in the Kingdom, including taking part in establishing ACPRA. The same charge was used to prosecute Mohammed Bin Saleh al-Bejadi, another founding member of ACPRA, who remains in detention since his arrest on 20 March 2011, after which he was sentenced by the Specialized Criminal Court to four years in prison in addition to a five year travel ban.

### ***Human rights defenders under attack***

34. A particular rise in violations targeting human rights defenders and rights organizations in the Kingdom was witnessed in 2011 and 2012. While traditionally civil society in Saudi Arabia face severe restrictions, authorities are undergoing a fierce campaign to crackdown on rights defenders to prevent them from monitoring and reporting on ongoing violations, particularly relating to freedoms of expression and assembly and prisoners’ rights, demanding reform, or defending fundamental rights and freedoms in the Kingdom. Significantly, rights activists in Saudi Arabia work under highly repressive conditions, as they often face threats and intimidations, arrest, detention, interrogation, in addition to arbitrary travel bans, and trials before exceptional courts which do not meet basic standards for a fair trial. Charges used against them normally include “distorting the reputation of the country,” “affiliation with suspicious groups,” “establishing organizations without authorization,” “stirring up civil strife and inciting public opinion against the governing institutions,” “calling for demonstrations” and, most recently, “provoking international organizations to adopt stances against the Kingdom.” These violations are amplified with the existence of judicial system, often defined by its allegiances to the executive.

35. Some examples include the case of Mohammed Saleh al-Bejadi, co-founder of ACPRA, who was arbitrarily detained in March 2011 and later sentenced to four years in prison and a five-year travel ban following his conviction on charges of supporting the right to peacefully demonstrate and harming the country's image in the media. Additionally worrying is the targeting of human rights defenders for their participation with international organizations, including the UN human rights mechanisms, in a clear form of reprisal against those defenders for participating with the UN, as mentioned in the UN Secretary General's report on reprisals submitted to the 21<sup>st</sup> session of the UN Human Rights Council.<sup>11</sup> Fadhil Mekki Manasif, founding member of the Adala Center for Human Rights, remains in detention since his last arrest in October 2011. He was subjected to reported torture and ill-treatment, and was referred to a special court on charges of participating in a peaceful protest and dealing with rights organizations and UN instruments. Currently, Dr. Abdullah al-Hamed and Dr. Mohammed al-Qahtani are on trial on several charges relating to their rights work including inciting public opinion and international organizations against the Kingdom, and taking part in establishing an unlicensed association. Dr. al-Qahtani is also facing charges of cooperating with the UN Human Rights Council's Special Procedures instruments. Additionally, Mekhleef bin Daham al-Shammari is being tried for "defaming the reputation of the Kingdom in international media outlets", "communicating with suspicious organizations", and "accusing government institutions of corruption." Waleed Abulkhair is being prosecuted as well on charges of inciting public opinion, harming the Kingdom's reputation, and maintaining contact with international organizations. A travel ban is also imposed against all these human rights defenders.
36. Actions taken against human rights defenders include work suspensions for those who work in the government sector, or transfers to administrative positions in the case of university professors, for example, to distance them from society. The employers of those who work in the private sector are pressured to restrict their activities. For example, Manal al-Sherif, an activist focusing on women's rights, was pressured by her employer, Saudi Aramco, leading her to submit her resignation.
37. Additionally, several international rights organizations were not permitted to visit Saudi Arabia to monitor the trial of local human rights defenders, despite promises made by the KSA of more cooperation with international NGOs and to facilitate their visits to the Kingdom.

## **X. Minority rights and religious freedom**

38. Despite accepting several UPR recommendations, including recommendations no. 21, 32, 33, as well as participating in a number of initiatives on the promotion of a dialogue between civilizations and religions, the KSA remain to provide appropriate conditions and grounds for the promotion and protection of religious freedoms in the Kingdom. Instead, the years 2011 and 2012 witnessed major crackdown by state authorities against several protests calling for the realization of rights and freedoms in Shia dominated areas and provinces in the Kingdom.
39. The Shia, Ismaili and 12ers religious minorities, which constitute about 15 percent of the population, continue to face systematic state led discrimination. Citizens belonging to religious minorities are prohibited from enrollment in security academies, as well as being presented in political office, including minister, deputy minister, ambassador, and consul, and the military establishment. As for the judiciary, Shia clerics are not appointed to the courts (criminal, general, appellate, or supreme). Shia citizens are not appointed to mid-level administrative positions, such as municipal director, governor, or director-general of government sectors. Despite national efforts urging the Saudi government to treat Shia citizens equally, the government has taken no

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<sup>11</sup> A/HRC/21/18

real action to eliminate discrimination on the ground.

40. Religious freedoms are very limited, as non-Sunni Muslims are highly restricted to practice their religious rites despite official rhetoric. Shia Muslims specifically are additionally prohibited from building places of worship outside the provinces of al-Qatif and al-Ahsa and cannot obtain permits to create religious schools. This is in addition to the state's failure to protect the rights to freedom of religion and belief to the more than five million migrant workers of different faiths residing in the Kingdom, and to enable them to practice their religious rites. Violations against migrant workers attempting to exercise their religious rights have included the targeting of 35 Ethiopians for merely setting up a Christmas prayer in a home in January 2012.

## **XI. Women's Rights**

41. Despite the fact that the KSA accepted UPR recommendations no. 17, 18, 19 and 20 and stated that *"the Kingdom emphasizes that gender equality is in conformity with the Islamic Sharia...The Kingdom emphasizes that there are no statutory requirements that necessitates guardianship or make a woman's enjoyment of her rights conditional on approval,"* the Kingdom of Saudi Arabia remains the most repressive state when it comes to dealing with women's rights. A considerable step forward occurred in 2013, when the King issued two royal decrees amending articles 2 and 22 of the Consultative Council's law and granting women thirty seats on the Council and stipulating women's representation at the Council at least 20%. Nonetheless, it is important to mention that the Consultative Council in its current form is a consultative body appointed by the executive, with no authority to pass, amend, or reject laws, or question the government, let alone hold it accountable. On the other hand although half the members of municipal councils are elected, the councils have no clear function or authority, which has led to low voter turnout in the elections. Additionally, Saudi women were prevented from participating in the 2010 municipal elections on the grounds that the society was not ready, on claims that their participation will be postponed to the coming elections in 2015.
42. Saudi women continue to be excluded by the concept of guardianship. A personal status law was not issued, and women have not been permitted representation in political offices, from ministers to ambassadors, as well as religious positions in the judiciary and various religious institutions. Women are denied the opportunity to study some academic specialties, such as engineering. Additionally, no effective legal and practical measures have been put in place to criminalize violence against women.