

## Summary of key concerns regarding human rights defenders in Saudi Arabia

1. Front Line Defenders and the Adala Center for Human Rights are gravely concerned by the ongoing persecution of human rights defenders (HRDs) in Saudi Arabia. Human rights defenders, activists and individuals who criticise government policies or expression dissent or diverging opinion to those of the authorities are subjected to harassment, surveillance, arbitrary detention, smear campaigns, prolonged and unfair trials. Family members of HRDs are also targeted and subjected to intimidation and harassment at the hands of the authorities.

2. In March 2011, peaceful protests were met with arbitrary arrests and violent repression and the authorities subsequently banned public gatherings. Human rights defenders, democracy activists and critical voices rely on the Internet and online media for their work. Many of them have been arrested for expressing criticism of the regime.

### Restrictions on freedom of expression and the Internet

3. There are no formal safeguards guaranteeing freedom of speech. Article 39 of the Basic Law of Governance of 1992 does not protect freedom of the press. Moreover, it prohibits “all acts that foster sedition or division or harm the state's security and its public relations”. Several HRDs are currently on trial for charges including breaking allegiance to the king.

4. Particularly affecting human rights defenders is the absence of an official Penal Code, which allows for discretion on the side of the authorities to define what constitutes a crime and what the punishment for a crime is. Under the Law of Criminal Procedure, the Minister of Interior is given the executive authority to decide which crimes are punishable.

5. The increased use of the Internet and online media by HRDs and online media activists has been met with the adoption of increasingly restrictive legislation on electronic media. The new Anti Cyber Crime Law, which came into effect in February 2011, required all online publications including blogs to acquire a license from the Ministry of Information. The law allows for the censoring of any information that may be considered a threat to national security or to be violating Islamic Sharia law and the prosecution of those responsible. In July 2012, the Shura Council announced that it was drafting a law to punish individuals who criticise Islam through the use of blogs, Twitter and Facebook.

6. Many websites have been blocked because they encouraged people to join civic campaigns and demonstrations or contained information deemed politically sensitive. Amongst the websites that were blocked are those run by international and local human rights groups, such as Freedom House, Article 19, the Saudi Civil and Political Rights Association (ACPRA), and Arabic Network for Human Rights Information (ANHRI). Facebook, Twitter and Youtube pages of prominent human rights defenders have been blocked.

7. In February 2012, before the anniversary of the Prophet Mohammed's birthday, blogger and journalist Mr Hamza Kashgari posted a statement on his Twitter feed which provoked widespread public attention and caused clerics in Saudi Arabia to accuse him of blasphemy and to call for his death. Shortly after posting the statement Hamza Kashgari removed the tweets, retracted his statement and apologised. However, he was arrested and is currently imprisoned in an undisclosed location.

8. On 15 June 2010, human rights defender and writer Mr Mikhlif Al-Shammari was arrested and charged with the offence of "annoying others" with his writings against corruption, religious extremism and the government policies on minorities issues. Mikhlif Al-Shammari was subsequently detained for 21 months. Upon his release on bail in 2012, his case was transferred to the Specialised Criminal Court, which started a trial behind closed doors that remains pending at the time of writing.

## **Restriction on freedom of association and criminalisation of human rights work**

9. Following its 2009 UPR, Saudi Arabia agreed to recommendation no. 34 and 35, which read as follows:

“34. Adopt appropriate measures to disseminate widely and ensure full observance of the Declaration of Human Rights Defenders; remove obstacles to freedom of expression and movement against human rights defenders, including all travel bans; with a view to a rapid ratification of the ICCPR, 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”. However, four years later, no progress has been recorded in this regard and freedom of association and expression remain virtually non-existent.

35. Swiftly promulgate the statute on civil societies, which will enable the civil society to perform its tasks effectively and in full autonomy (Bahrain); enact and implement a Law of Association to guarantee the right to form civil society organizations and to protect those organizations from government interference (United Kingdom); realize a law on associations and establishment of civil society to enable them to work in independence without being supervised by official authorities (Palestine).”

However, four years later, no significant progress has been recorded in this regard and freedom of association and expression remain virtually non-existent.

10. The Saudi authorities continued to prevent the formal establishment of human rights organisations. The Adala Center for Human Rights applied for a registration license in December 2011, but their request was denied on the grounds that the objectives of the center are not compatible with those of associations. The Adala Center for Human Rights filed an appeal in the Administrative Court against the decision of the Ministry of Social Affairs. The appeal remains pending at the time of writing. During one of the hearings in January 2013, the legal representative of the Ministry of Social Affairs stated that the fact that the “Adala Center for Human Rights relies on the concept of rule of law is in contradiction with the law of the country (Sharia)”.

11. The refusal to register human rights groups results in the criminalisation of their work. Saudi authorities continue to prosecute HRDs for creating unlicensed human rights associations. At least four members of the Saudi Civil and Political Rights Association (ACPRA) were charged with, *inter alia*, membership of an unlicensed association. While some of the trials remain pending, ACPRA founding member Mr Mohammed Al-Bejadi was sentenced to four years imprisonment and a five years travel ban in April 2012 after a grossly unfair trial. Al Bejadi has been on hunger strike on and off in protest of his detention. During the trial, his request to have access to a lawyer was refused and he had to be his own legal representative.

## **Travel bans and retaliation for communicating with international organisations**

12. The use of travel bans against human rights defenders remains widespread. Travel bans aim to prevent HRDs from attending human rights meetings abroad and undertake advocacy activities on the situation in the country. Routinely, they are imposed by a court as part of the sentencing or during the trial process. Human rights defenders who have been subjected to travel bans include Mr Mohammed Al-Qahtani, Mr Fowzan Al-Harbi, Mr Waleed Abu Al-Khair, Mr Muhammad Al-Bejadi Mr Fadhel Mekki Al-Manasef, Dr. Abdullah Al-Hamid and Mr Mikhlif Al-Shammari.

13. The Saudi authorities have in practice criminalised communicating with international organisations, if the information passed is of a critical nature. Dr. Abdullah al-Hamid and Dr Mohammed al-Qahtani, founding members of ACPRA, currently face charges of, *inter alia*, communicating with international and regional organisations about the human rights situation in Saudi Arabia. Other HRDs sentenced on similar charges include Mr Waleed Abu Al-Khair, Mr Fadhel Mekki Al-Manasef and Mr Mikhlif Al-Shommari. This is in direct contravention to Article 5 (c)

of the UN Declaration on Human Rights Defenders, which protects the right “individually and in association with others, at the national and international levels: (c) to communicate with non-governmental or intergovernmental organizations”.

### **Judicial harassment of human rights defenders**

14. Judicial harassment is the most widely used means to silence Saudi human rights defenders. Charges range from membership of an unlicensed association, providing false information to UN human rights bodies, and inciting international organisations against Saudi Arabia, to encouraging protests, mobilising public opinion against the government, sedition and terrorism.

15. Human rights defenders have been denied bail and have been held in prolonged pre-trial detention, in some cases for periods of up to four years. They have reported restrictions on their right to access their family and their lawyers. There have been reports of HRDs being subjected to torture while in detention.

16. The co-founder of the Adala Center for Human Rights, Mr Fadhel Mekki Al-Manasef, was arrested on 4 May 2011 and subsequently released on 22 August 2011. During his detention at General Directorate of Investigation prison in Dammam, he was tortured and held in solitary confinement. He was re-arrested on 2 October 2011 and brought before the Specialised Criminal Court on charges of sedition for participating in protests. A request for bail was refused and all subsequent hearings have been indefinitely adjourned since 9 May 2012. He was not permitted visits from his family for a total of 314 consecutive days, until a visit was allowed in August 2012, for the first time since his arrest.

17. Emblematic is the case of ACPRA, which has had several of its most prominent members prosecuted. ACPRA co-founder Dr Mohammed Al-Qahtani was charged by the Riyadh Criminal Court in June 2012 with eleven criminal charges related to his human rights work: a) taking part in the establishment of an unlicensed association; b) seeking to undermine state policies; c) providing false information about Saudi Arabia to the UN human rights mechanisms; d) inciting international organisations against the Kingdom of Saudi Arabia and agitating them to criticise the civil, political, economic, social and cultural pillars of the country; e) mobilising public opinion against the security institutions and senior officials by accusing them of human rights violations; f) dubbing the Government of Saudi Arabia as a police state; g) accusing the judiciary of injustice; h) questioning the integrity and religion of the senior clergy in the country; i) insulting state officials and questioning their integrity; j) seeking to create strife and schism in society; k) rebelling against the ruler and his heir apparent and preparing and storing information detrimental to public order. If convicted, Mohammad Al-Qahtani could face up to 30 years in prison. ACPRA founding member Dr Abdalla Al-Hamid, who is also one of Al-Qahtani's defence lawyers, face similar charges.

18. On 22 November 2011, 76-year-old Suliman Ibrahim Al-Reshoudi, a former lawyer and judge, a well-known human rights defender and member of ACPRA, was sentenced to 15 years' imprisonment as well as 15 years' travel ban to start following the completion of his sentence. After a grossly unfair trial, he was convicted on charges including mobilising the public against the monarchy, forming a secret organisation, financing terrorism, and money laundering. He was granted bail in June 2011 after more than four years in pre-trial detention, in contravention of the Saudi Penal Procedures Code, which provides for a maximum of six months of pre-trial detention. While the appeal trial remains pending, he was re-arrested on 12 December 2012 after delivering a lecture during which he discussed the legality of peaceful demonstrations under international law.

### **Women Human Rights Defenders**

19. Human rights defenders in Saudi Arabia face a very hostile environment. Women human rights defenders (WHRDs) also face, in addition, severe restrictions due to the general conditions of women in the country, including the guardianship system, restrictions on freedom of movement and

on their ability to work and conduct their business independently. Many WHRDs try to maintain a low profile to avoid being targeted. Many of them face intimidation, verbal attacks, pressure to give up their human rights activism, arrest and charges.

20. In 2010, WHRD Samar Badawi challenged the guardianship system when bringing a lawsuit against her father for domestic violence. Her father sued her for disobedience and at the end of a second disobedience trial she was eventually convicted and spent seven months in detention.

21. Similarly, WHRD Manal Masoud Al-Sharif was subjected to continuous persecution and arbitrary detention as a result of her activism in demanding women's rights and in particular the lifting of the driving ban on Saudi women. In May 2011, She was stopped by Khobar Traffic Police for 6 hours because she was driving a car. She was released on bail and after signing a pledge not to drive a car again within the Saudi territory. However, she was arrested again the next day without a valid arrest warrant being presented to her, and was detained for ten days. She suffered ill-treatment in detention, was denied access to a lawyer for the first eight days of her detention and was the subject of a smear campaign on Saudi media.

**22. Front Line Defenders and the Adala Center for Human Rights calls on the UN to urge the authorities in Saudi Arabia to prioritise the protection of human rights, and in particular to:**

1. Drop the charges currently pending against human rights defenders, as it appears that their prosecution is solely related to their peaceful and legitimate human rights work and the exercise of their fundamental freedoms.
2. Immediately quash the convictions of the human rights defenders mentioned in this report, who have been sentenced for the legitimate exercise of their fundamental rights and freedoms.
3. Undertake a review of domestic legislation and ensure it fully respects universally recognised rights to freedom of expression, association and assembly.
4. As regards in particular freedom of association, ensure that human rights groups are able to register officially and favourably consider pending requests for registration as matter of urgency.
5. Ensure that human rights defenders are not victims of reprisals for their legitimate engagement with UN human rights bodies or for their communication with other international or regional inter-governmental or non-governmental organisations.
6. Lift the travel bans imposed on human rights defenders and cease the use of travel bans against them;
7. Ensure that pre-trial detention is only used exceptionally, in accordance with international human rights standards, and that time limits as prescribed by domestic legislation are always strictly adhered to.
8. Ensure that all reports of torture while in detention are fully investigated by an independent court.
9. Consider ratification UN human rights treaties, including in particular the International Covenant on Civil and Political Rights.
10. Guarantee the right of women human rights defenders to engage in human rights work and take measures to ensure their protection before the law and in society.

11. Guarantee in all circumstances that all human rights defenders in Saudi Arabia are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions and ensure full respect for the UN Declaration on Human Rights Defenders.