



# Universal Periodic Review

Third UPR Cycle

**Saudi Arabia**

Submission to the Stakeholders' Summary

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## **ALQST for Human Rights**

ALQST, is an independent non-governmental organisation that advocates for human rights. We monitor and document human rights violations that occur in Kingdom of Saudi Arabia at the hands of authority figures.

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## **Introduction:**

During the Universal Periodic Review of Saudi Arabia on 6 February 2009, the Kingdom committed itself to improving the human rights situation in the country and accepted 240 of the 243 recommendations. The Saudi authorities consistently maintain that they are making steady improvements in the area of human rights, and that they need more time to make further progress. The situation on the ground has not improved, however, and the passage of time only shows the situation worsening, while public opinion is being increasingly misled. Overall, repression has increased; restrictions on freedom of expression have increased; activists continue to be jailed and put on trial in the Specialised Criminal Court, the court that handles terrorism cases; and counter-terrorism legislation continues to be used against human rights and civil society activists. The deliberate confusion between human rights work and terrorist offences has also been maintained, as can be clearly seen from the authorities' definition of terrorism in the revised Law on Combating Crimes of Terrorism and its Financing, issued toward the end of 2017. Independent civil society activity has almost completely disappeared, even with the introduction of the new NGO law (the Law on Associations and Foundations), and women continue to be discriminated against, despite promises to improve their situation. The Saudi authorities remain totally impervious to any public accountability or oversight, and their propaganda continues to be accepted abroad, thus silencing much criticism from abroad even though at home human rights violations continue. All of this can be attributed to one basic problem: the absence of a real basis for serious rights-based reform. In Saudi Arabia, all institutions come under one single authority. There is no separation of powers nor any public scrutiny of this single authority, and it is this that perpetuates an environment conducive to abuses and violations of human rights, together with the lack of any basic

structure or institutional framework for human rights.

### **Lack of a constitution:**

The Kingdom does not have a constitution that makes statutory provision for human rights to be respected, or establishes an institutional framework for the protection of human rights. The authorities in Saudi Arabia operate according to Article 1 of the Basic Law of Governance, which states that “its constitution is the Book of Allah (the Quran) and the Sunna (Traditions) of His Prophet”.<sup>1</sup>

### **Legal ambiguities:**

Justice cannot be achieved without there being clear and definitive laws and regulations to refer to. In Saudi Arabia, however, there is no legislation regulating the judiciary, and the authorities grant judges powers of discretion.<sup>2</sup> Several legal statutes are imprecisely defined, thus voiding them of any legal standing. For example, the Law on Combating Crimes of Terrorism and its Financing uses ambiguous terms like “disrupting public order”, “undermining the security of society and the stability of the State”, “endangering national unity” and “obstructing the Basic Law of Governance”.<sup>3</sup> There is no stipulation that these things must be linked with an act of violence to be classed as terrorism, for

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<sup>1</sup><http://www.chs.gov.sa/Ar/Council/NationalDecisions/%D8%A7%D9%84%D9%86%D8%B8%D8%A7%D9%85%20%D8%A7%D9%84%D8%A3%D8%B3%D8%A7%D8%B3%D9%8A%20%D9%84%D9%84%D8%AD%D9%83%D9%85.pdf>

<sup>2</sup> <https://www.moj.gov.sa/Documents/Regulations/pdf/06.pdf>

<sup>3</sup><https://www.okaz.com.sa/article/1586448/%D9%85%D8%AD%D9%84%D9%8A%D8%A7%D8%AA/%D8%B9%D9%83%D8%A7%D8%B8-%D8%AA%D9%86%D8%B4%D8%B1-%D9%86%D8%B8%D8%A7%D9%85-%D8%AC%D8%B1%D8%A7%D8%A6%D9%85-%D8%A7%D9%84%D8%B1%D9%87%D8%A7%D8%A8-%D9%88%D8%AA%D9%85%D9%88%D9%8A%D9%84%D9%87-%D8%A7%D9%84%D8%AC%D8%AF%D9%8A%D8%AF>

example, and no precise legal definition of such acts. This allows the authorities to extend the application of these provisions to many non-criminal cases.

The counter-terrorism law seriously blurs the distinction between peaceful actions and acts of violence. The authorities used the original version of the Law on Combating Crimes of Terrorism and its Financing, introduced in February 2014, in the trial of activist Walid Abul-Khair, who was found to have damaged the reputation of the kingdom in a BBC television appearance and by contacting Amnesty International. He was sentenced to 15 years in prison, where he remains to this day, as does human rights activist Abdulaziz al-Shabaili, who was sentenced last year to eight years in prison. A number of legal provisions are thus formulated in a way that neither safeguards human rights nor offers precise definitions, thus making it easier for the authorities to use them to stifle freedom of expression.

### **Lack of an independent judiciary:**

The Saudi Judicial Code provides for the independence of the judiciary, but the King and the Royal Court intervene directly in appointments and dismissals, and the King holds a monopoly of power.

### **Failure to comply with existing laws:**

Even where laws do exist to protect certain rights, it cannot be assumed that the authorities will necessarily adhere to them. This has been evident with respect to the Code of Criminal Procedure, where the authorities have sidestepped the law

in a number of cases and denied detainees their rights to visits, telephone calls and the appointment of a lawyer, contrary to the provisions of the Code. The case of Dr Salman al-Awda is one of many examples of this type of abuse. Another frequently occurring violation is when the authorities extend and exceed the period of detention without trial, as in the case of human rights activist Essam Koshak. People are also still being arbitrarily detained for long periods without charge or trial or referral to a competent court. Detainees are often held incommunicado during interrogation and denied access to lawyers.<sup>4</sup>

### **Lack of access to justice**

The public don't know where to turn or how to complain when they suffer violations of their rights. When they do, the laws are not applied to help them and the courts system does not deliver justice. They have no means of litigation or access to justice.

### **Lack of mechanisms for criticism, scrutiny or participation:**

The Shura Council is an advisory body with no real powers, whose members are appointed by the King. There is no body that represents the people or is elected or has any monitoring or legislative powers. Criticism is also prohibited. Article 30 of the counter-terrorism law stipulates that criticising the King and Crown Prince is a terrorist offence, and anyone who criticises government policies or abuses is arrested. Thus no one can engage in any human rights activity within the country, and no one can criticise the authorities' abuses. The authorities thus

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<sup>4</sup> <https://www.amnesty.org/ar/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>

have a free hand to do whatever they want, in a climate of total repression in which everyone is completely silenced. The authorities quickly dismantle any civil association or human rights organization, and arrest and punish its founders, as in the case of the Saudi Civil and Political Rights Association (ACPRA) and the Union for Human Rights. The final sentences against the founders of ACPRA, handed down in 2017, brought their combined punishments to a total of almost 200 years in prison terms and travel bans.

### **Unwillingness to engage with UN mechanisms and the Human Rights Council:**

The Saudi authorities have not modified their legislation in accordance with the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights, and they have not responded to the calls and recommendations of the relevant working groups and special rapporteurs, notably the recommendation to release prisoners of conscience. In May 2017 the UN Special Rapporteur on human rights and counter-terrorism concluded that “Saudi laws on terrorism do not comply with international standards” and urged the government to "put an end to the prosecution of people including human rights defenders, writers and bloggers simply for expressing non-violent views". The authorities did not respond. The UN special rapporteur also noted that he had received numerous reports of prosecutions under the 2014 counter-terrorism law but that the government had been unable to provide access to any of the individuals he had asked to interview.<sup>5</sup>

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<sup>5</sup> <https://www.radiosawa.com/a/un-saudi-arabia-/361482.html>

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