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**CONTRIBUTION BY REPORTERS WITHOUT BORDERS (RSF)
ON THE SITUATION OF PRESS FREEDOM
IN SAUDI ARABIA**

An independent international NGO that defends press freedom, Reporters Without Borders (RSF) has consultative status with the United Nations, UNESCO and the Council of Europe. Created more than 30 years ago and headquartered in Paris, it has 12 regional bureaux and a network of correspondents in 130 countries.

Saudi Arabia is ranked 168th of 180 countries in RSF's 2017 World Press Freedom Index. The country is one of the largest prisons for journalists in the Middle East. RSF knows of 11 professional and non-professional journalists who are now serving prison sentences. RSF believes that some 15 others have been detained as well, though with no official announcement.

Press freedom is completely restricted, a situation that has not improved since the most recent UPR, in 2013. Independent media do not exist. The Internet, the last remaining space where independent information might circulate, is strictly monitored. Journalists and citizen-journalists have at times paid dearly for publishing online articles or commentaries. Professional and non-professional journalists who dare to investigate sensitive topics risk prosecution and conviction in unjust judicial proceedings – sometimes after spending years in preventive detention – to then be sentenced to excessively long prison terms. Sentences may also include heavy fines, and prohibitions on leaving the country for many years. In detention, they may suffer cruel, inhumane and degrading treatment, including flogging, as well as torture. The UN Committee against Torture reported these practices in 2016.¹

Saudi Arabia has not kept commitments made during the 2013 UPR concerning freedom of the press. The legal framework remains as repressive as ever toward

¹ “Concluding observations on the second periodic report of Saudi Arabia,” adopted at 1423rd meeting, 10 May 2016,
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/SAU/CO/2&Lang=Fr

journalists. Independent voices are silenced, with repression extending to online writings. The kingdom constantly practices censorship on sensitive matters, both inside and outside its borders. For example, the government obstructs media coverage of the war in Yemen. And allies are encouraged to silence critics. As pretexts for restricting basic freedoms and for intimidating and imprisoning those who try to independently disseminate information, officials cite respect for tradition and religion, the fight against terrorism, and even perceived hostility on the part of other countries in the region,

1 – Legal repression still in place

During the 2013 UPR cycle, Saudi Arabia accepted recommendation 138.53, to “bring its domestic legislation in line with the rights to freedom of expression, association and assembly.” The government also accepted recommendation 138.52, to “revise the 2011 law in order to guarantee freedom of opinion and expression, as well as freedom of association and peaceful assembly.” However, professional and non-professional journalists are still targeted by laws that criminalize freedom of expression and the practice of journalism.

Article 6 of the cyber crime law of 2007 provides that any person involved in the “production, preparation, transmission or storage of material impinging on public order, religious values, public morals, and privacy, through the information network or computers” is “subject to imprisonment for a period not exceeding five years and a fine not exceeding three million riyals or to either punishment.” Journalists and citizen-journalists have been convicted under this law for posts on social networks.

A new anti-terrorism law adopted in November 2017 continues a dangerous trend that began in the preceding 2014 law, with provisions based on vague definitions of terrorism. As a UN committee of human rights experts reported critically in January 2018, the effect is to enable prosecution of journalists and peaceful activists. Some activities are classified as terrorism even though they are nonviolent – for example, speaking of “changing the system of rule” (article 30). Under article 20, those detained under the law are deprived of the right to defend themselves. And article 30 defines criticism of the king and crown prince that “brings religion or justice into disrepute” as terrorism. The penalty is up to 10 years in prison. The law’s sole positive feature is that the crime of “insult to the reputation of the State” in the 2014 version is eliminated in the 2017 law.

The 1992 Basic Law of Governance, which establishes the Koran and the Sunnah as the constitution, and Islamic religious law (Sharia) as the foundation of rule, provides in article 39 that media must employ decent language, contribute to

educating the nation and to reinforcing unity. Media must not undermine national security, or in general, the interests of the State – including customs, the religion of Islam and the royal family. In keeping with these provisions, the Arab-language edition of the August 2015 issue of *National Geographic*, an American magazine, whose cover story was Pope Francis and his reforms, was censored for “cultural reasons.”

The 2003 press law, which guarantees freedom of expression within the limits of Sharia, provides for sanctions that range from fines to prison sentences, as well as the shutdowns of media organizations. A 2011 royal decree provides for even heavier and disproportionate fines – up to 500,000 riyals, (113,000 euros) for similar offenses – offending religious figures, contradicting Sharia, and inciting disturbance of public order or State security.

2. Independent voices are silenced

Professional and non-professional journalists are convicted under these repressive laws. Journalists are sometimes held incommunicado in pre-trial detention for long periods of time.

2. a) Heavy sentences

Many journalists are convicted for having disseminated sensitive information. At least 11 of them are now behind bars.

- **Raif Badawi**, a Saudi blogger and co-founder of an online discussion site (*Liberal Saudi Network*) was convicted in May 2014 of “insulting Islam” and sentenced to 10 years in prison and 1,000 lashes, and was banned from leaving the country for 10 years. In addition, he was fined 1 million riyals (226,000 euros). Other charges included publishing material that “undermines public order, religious values, public decency or privacy.” Specifically, he was accused of criticizing and mocking religious figures and the Committee for the Promotion of Virtue and Prevention of Vice, as well as challenging religious influence on society. The flogging of Badawi in January 2015 provoked worldwide condemnation. Subsequent flogging sessions were postponed for medical reasons. The recipient of the 2014 RSF citizen-journalist award, he has received other major recognition in recent years, including the Sakharov Prize in 2015 . The Working Group on Arbitrary Detention in 2015 classified his imprisonment as arbitrary.²

² Opinions adopted by the Working Group on Arbitrary Detention at its seventy-second, 20– 29 April 2015, No.13/2015, A/HRC/WGAD/2015

- **Jassim Mekki A'al Safar**, a photographer, was arrested in July 2012, and sentenced to seven years in prison in June 2014 for having published photos and videos that, among other violations, allegedly discredited the kingdom.
- Journalist **Alaa Brinji**, imprisoned since May 2014, was sentenced in 2016 to five years in prison, a heavy fine and an eight-year travel ban, for tweets deemed insulting to the kingdom's rulers. Tried by a special anti-terrorism court, he was found guilty of mocking religious figures, "inciting public opinion," and "accusing members of the security forces of killing demonstrators" in the eastern district of Awamia. He was also convicted for violating article 6 of the cyber-crime law.
- Writer and journalist **Zuhair Al-Kutbi** was also found guilty of violating the terrorism and cyber-crime laws. In December 2015 he was sentenced to four years in prison (with two years suspended for health reasons), for calling for political reform over the "Fi al Samim" program on the *Rotana Khalijia* network. He was also found guilty of insulting the Saudi state and its symbols, and of inciting chaos.
- **Wajdi Al-Ghazzawi**, owner of the religious *Al-Fajr* TV channel, and a presenter on one of its programmes, was sentenced in February 2014 to 12 years in prison for accusing Saudi Arabia of links with terrorism, Al-Qaeda in particular.
- Journalist **Saleh Al Shehi** was sentenced on 8 February 2018 to five years in prison, and to five-year travel ban upon release. He was convicted of insulting the royal court by charging members with corruption and nepotism. His arrest was not announced until he was convicted. News of his disappearance was reported on social networks in January. But his work in the *al-Watan* newspaper had ceased appearing as of mid-December 2017.
- Citizen-journalist **Nazir Al-Majid** was sentenced in January 2017 to seven years in prison, a seven-year travel ban, and a fine by the Specialized Criminal Court in Riyadh. He was convicted of a range of charges including disobeying authorities, participating in demonstrations in Awamiya, criticizing the government in his writings, and maintaining contacts with correspondents for foreign media outlets, including *Reuters*, *AFP* and *CNN*. He had first been arrested in 2011 after publishing an article on the Australian Arab-language news site *Al-Moathaqaf*

headlined, “I protest, therefore I am a human being.” In 2012, the Working Group on Arbitrary Detention classified his detention as arbitrary.³

2.b) Secret arrests

Many journalists and citizen-journalists have been secretly detained, according to reports gathered by RSF.

- Approximately 15 journalists and citizen-journalists were swept up in a wave of arrests that began in September 2017. Authorities have maintained silence, leading families to refuse to provide information for fear of reprisals, so the exact number of those detained is unknown. For security reasons, RSF will not disclose all the cases of which it is aware. Those arrested have mainly been interrogated about their writings in the press, on social networks (Twitter and Snapchat), and their participation in TV programmes. Officials have criticized them for lacking loyalty to Saudi policies. Among the arrestees are **Essam Al Zamil**, who is well known for the information he gathers and disseminates on social networks; **Jamal Farsi**, a liberal, pro-reform journalist, citizen-journalist and businessman; journalist **Sami al Thubaiti**; and bloggers **Mustafa Al-Hassan** (who has an advanced form of cancer and was freed for health reasons in March 2018) and **Al Banakhi** (a pseudonym).
- **Turad Al Amri**, a well-known Saudi journalist and commentator, is believed to have been arrested in November 2016 and detained ever since although authorities have released no information about him.

2.c) Media bureau shutdowns and forced resignations

The recent diplomatic conflict between Saudi Arabia and the United Arab Emirates and Qatar has forced media organizations into the centre of the crisis, leading to media office closings and resignations.

Thirteen demands made to Doha in June 2017 by its Persian Gulf and Egyptian neighbours include shutting down the *Al-Jazeera* network, as well as other media organizations accused of ties to Qatar. These include *Al-Araby al-Jadeed* and *Middle East Eye*. Saudi Arabia, followed by Jordan, shut *Al-Jazeera* bureaux in June 2017. The Qatar network’s office in Taiz, Yemen, was closed in January 2018.

Journalists in the region who work for these outlets have been forced to choose sides. Many Saudi journalists have resigned from targeted outlets such as *Al-Jazeera*

³ Report of the Working Group on Arbitrary Detention, A/HRC/22/44, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.44_en.pdf

and *BeIN*. The day after Saudi Arabia broke diplomatic relations with Qatar, the *Al-Jazeera* bureau chief in Riyadh, **Assem Al-Ghamdi**, announced his resignation on Twitter. **Fahd Al-Oteibi**, a Saudi journalist and sports commentator for *BeIN Sport*, took the same step. So did **Fahd Al-Rouqi**, who had worked for TV channel *Al Kas*. **Ali Al-Dhafari**, star presenter of the programs “In Depth” and “Interview” on *Al Jazeera*, also announced his resignation on June 20, 2017, before disappearing from public life.

Jordanian journalist **Ola Al Fares** was forced to resign from the Saudi *MBC* network in December 2017 following a humorous commentary about Saudi politics prompted by US President Donald Trump’s announcement concerning the American Embassy in Israel.

3. Information blackouts

Freedom of movement for foreign journalists who travel to Saudi Arabia is strictly limited. They face difficulties in traveling without their assigned official spokesman.

Covering the war in Yemen is difficult in itself. But Saudi Arabia, a leader of the Arab coalition that is attacking Yemen, has made the job even harder by delaying visas for foreign journalists, at times preventing them from boarding humanitarian flights, virtually the only way to enter the country.

Dissemination of information is made equally difficult by constant Internet censorship. This control system was installed in order to block the formation of movements such as those that arose in Tunisia and Egypt in 2011. The censorship hits news sites considered to represent opposition, such as the Saudi *Al Naba*, the Omani *Al mowatin*, and *Al Jazeera*, which is Qatari and international.

- Online news activists are increasingly hesitant to express themselves openly on social networks. Troll legions have been deployed to condemn and silence them. This practice dates back to the so-called “King Salman’s electronic army,” a force developed by the father of the present ruler, Crown Prince Mohammed Bin Salman. Since the Gulf crisis of summer 2017, intimidation campaigns on Twitter, instigated by the prince’s advisers, have targeted many professional and non-professional journalists. This harassment comes on top of police summonses to Twitter users suspected of disloyalty to rulers. In addition, journalists who have used social networks to disseminate sensitive information have been arrested and convicted. The Special Rapporteur on Extreme Poverty and Human Rights concluded in 2017, after a mission to Saudi Arabia: “*The role of social media has been confined to a safety valve and has not led to more formal opportunities for freely expressing views and debating policies.*”

4 – Recommendations

- Ratify the International Covenant on Civil and Political Rights;
- Implement the recommendations accepted by Saudi Arabia in the framework of the UPR, concerning freedom of expression and freedom of opinion.
- Immediately and unconditionally free all professional and non-professional journalists who are detained or have been convicted solely for exercising their vocation and their rights to freedom of expression and of information. In particular, apply the decision of the UN Working Group on Arbitrary Detention to the cases of **Raif Badawi, Fahel al Manasef, and Waleed Abu-Al-Khair**.
- Guarantee journalists the right to fair trial, specifically the right to appear before an independent, impartial judge within a reasonable time period, as well as the right to have access to legal counsel.
- Modify the oppressive provisions contained in the anti-terrorism law of 2014 (amended in 2017) and the cyber crime law of 2007. In addition, repeal the prison sentences and exorbitant fines decreed for press crimes, and cancel legal mechanisms and techniques that allow the monitoring and repression of critics, dissidents, and journalists.

Reporters Without Borders (RSF)

Contacts:

- Sophie Busson
Head of Advocacy
+33 1 44 83 60 55
sbusson@rsf.org
- Sophie Anmuth
Middle East Advocacy
moyen-orient2@rsf.org
+33 1 44 83 84 79