

SAUDI ARABIA

The Kingdom of Saudi Arabia has a population of around 29 million, although only 20 million of these inhabitants are citizens, as the country has a large expatriate community. The country's only officially recognized religion is the Hanbali School of Sunni Islam, which is widely regarded as the rigid traditionalist school of Islamic jurisprudence. All Saudi citizens are subject to this interpretation of Islam over all others. As such there is no legal recognition or protection under the law for religion or belief minorities, which are severely restricted in practice.

Saudi citizens are required to be Muslim, non-Muslims are not permitted to get Saudi citizenship. According to official figures, 85%-90% of Saudi citizens are Sunni and 10%-15% Shia. The country's sizable expatriate community, which makes up more than 30% of the total population, includes Buddhists, Christians, and Jews, among others. Non-Muslim places of worship and non-Muslim religious gatherings, even in private, are forbidden.

Saudi Arabia's 2014 counterterrorism law, the Penal Law for Crimes of Terrorism and its Financing, and a series of subsequent royal decrees create a legal framework that criminalizes terrorism as virtually all forms of peaceful dissent and free expression, including criticizing the government's interpretation of Islam or advocating atheism. Under the new law, which went into effect in February 2014, a conviction could result in a prison term ranging from three to twenty years. The Interior Ministry's March 2014 regulations state that, under the new law, terrorism includes '[c]alling for atheist thought in any form, or calling into question the fundamentals of the Islamic religion on which this country is based.' While Saudi Shari'ah courts already permit judges to criminalize various forms of peaceful dissent, the new law provides an additional mechanism to classify actions considered blasphemous or advocating atheism as terrorism. Since the law went into effect, some human rights defenders and atheists reportedly have been charged and convicted under the law.

Some Muslims with dissenting ideas about some aspects of the officially recognized religion are also prosecuted on various grounds: apostasy, ridiculing religious authorities, making blasphemous remarks, and so on. Such prosecutions are clear violations of the freedom of thought and conscience, and freedom of expression in religious matters.

Saudi Arabia's Shiite minority, which resides primarily in the eastern part of the country, faces marginalisation and discrimination. Their clerics are particularly vulnerable to oppression.

In recent years the Ahmadis have also been heavily suppressed; they are officially banned from entering the country and performing the pilgrimage to Mecca. They remain among the largest groups in Saudi Arabia that suffer repression.

Shias in Prison

In recent years, Shi'a dissidents and reformers have received lengthy prison terms or death sentences for their activities. One prominent Shi'a cleric, **Nimr al-Nimr**, was executed in January 2016 after being sentenced to death in 2014 by a Specialized Criminal Court for 'inciting sectarian strife,' disobeying the government, and supporting rioting. Created in 2008, the Specialized Criminal Court is a non-Shari'ah court that tries terrorist-related crimes, although human rights activists also have been tried in these courts. Al-Nimr – who was a vocal critic of the government and a staunch supporter of greater rights for the Shi'a community – was executed the same day as forty-six others, including three other Shi'a Muslims convicted of questionable security-related charges. The execution of al-Nimr resulted in an international outcry by various governments, USCIRF, the United Nations, and human rights groups.

In August 2014, **Tawfiq al-Amr**, a Shi'a cleric from the al-Ahsa governorate, was sentenced to eight years in prison, followed by a ten-year travel ban, and barred from delivering sermons. According to human rights groups, a Specialized Criminal Court convicted him on charges of defaming Saudi Arabia's ruling system, ridiculing its religious leaders, inciting sectarianism, calling for change, and 'disobeying the ruler.' In January 2015, his sentence was upheld on appeal. In 2016, he was still in prison.

Sunni Muslims in Prison

On 17th June 2012, **Raif Badawi**, was arrested on charges of apostasy and setting up a website which undermines general security and ridiculing Islamic religious figures. The first court decision sentenced Badawi to six-hundred lashes and seven years in prison. However, in June 2015, the Supreme Court upheld a heavier sentence of ten years in prison and 1,000 lashes. This was accompanied by a fine of one million riyal (equal to about \$267,000).

The first fifty lashes were administered before hundreds of spectators on 9 January 2015, provoking international condemnation. Due to Badawi's poor state of health and the international outcry against his public lashing, subsequent lashings have been postponed. However, he remains in prison.

Raif Badawi is the 2015 laureate of the prestigious Sakharov Prize, by which the European Union recognizes champions of human rights in the world today. His family has fled to Canada after receiving death threats in Saudi Arabia.

On 12th May 2014, **Alaa Brinji** was arrested on charges of insulting the rulers of the country and ridiculing Islamic religious figures in tweets. Brinji was tried by Saudi Arabia's counter-terrorism court. On 24th March 2016, he was sentenced to five years in prison, an eight-year travel ban, and a fine of 50,000 Saudi Arabian riyal (about US \$13,300).

Ashraf Fayadh, a poet and artist born to Palestinian refugee parents and without Saudi citizenship, was sentenced to death in November 2015 for apostasy, allegedly for spreading atheism and making blasphemous remarks during an argument in a cafe. In February 2016, a Saudi court overturned his death sentence, imposing instead an eight-year prison term and eight hundred lashes, and he must also repent through an announcement in official media. The decision by a panel of judges came after Ashraf Fayadh's lawyer, Abdul Rahman al-Lahem, argued his conviction was seriously flawed because he was denied a fair trial. In a briefing on the verdict, he said the judgment revoked the death sentence but upheld guilty verdict of apostasy.

The full list of documented cases of FoRB prisoners for each denomination is available on the USB key attached to this report and on our website: <http://hrwf.eu/forb/forb-and-blasphemy-prisoners-list/>

Laws Used to Criminalize Religious Activities

As a fully sovereign Arab Islamic State, Saudi Arabia does not have a secular constitution. Instead, Saudi Arabia is governed by Basic Law, which recognizes the foundational tenants of Islam and Shari'ah as the governing principles for all aspects of Saudi public and private life. The Basic Law, therefore, mandates that the Quran and Sunna (the traditions of the Prophet Muhammad) serve as the country's constitution.¹ Any act or teaching deemed to be contrary to that of Islam is criminalized, thereby negating any freedom of religion or belief.

The articles contained within the Basic Law repeatedly make reference to the primacy of Islamic values and Shari'ah as the discerning principles for all government policy and regulation. Even still, the Basic Law lacks exactitude and the corresponding legislative framework is vague. The lack of a comprehensive adequate penal code opens the door for ambiguous and inconsistent interpretation of the law as well as opportunity for arbitrary and indiscriminate charges.

Individuals are detained and punished under charges of apostasy, ridiculing the Islamic faith or religious leaders, threatening national security, and converting to forbidden faiths. Many of these charges are punishable by death. Oddly, there is no legislation regarding apostasy, as *hudud*, meaning the death penalty, is considered to be a divine directive and not subject to judicial discretion. Even still, the King may commute capital sentences to prison terms and/or physical and monetary punishments.

The country's Basic Law Constitution and Royal Decrees therefore serve as the only reference for criminal offences, punishment, and human rights protection within Saudi Arabia.

This leaves many people vulnerable to a somewhat arbitrary judicial process in which false accusations of blasphemy, apostasy, and insults to religious authorities are lodged regularly.

¹ https://www.saudiembassy.net/about/country-information/laws/The_Basic_Law_Of_Governance.aspx

National Standards for Detention Conditions

In Saudi Arabia, the authority for pursuing religious matters has fallen to the Committee for the Promotion of Virtue and the Prevention of Vice, also known as the Hai'a or religious police. The Hai'a has the power to make arrests on the basis of religious violations of various types.

Under the country's interpretation and practice of Shari'ah, capital punishment can be imposed for a range of nonviolent offenses, including apostasy, sorcery, and adultery. The law requires a unanimous endorsement by the Supreme Judicial Council for all death sentences, and defendants sentenced to death are generally allowed to appeal their sentences. However, closed court proceedings in some capital cases made it impossible to determine whether authorities allowed the accused to present a defence or was granted due process. In the absence of a written penal code - detailing criminal offenses and their associated penalties – defendants are subject to considerable judicial discretion in the courts.

Even still, at least one source of legislation is worthy of mention in this regard. Articles 171 and 172 of the Internal Security Forces Act provide that anyone proven to have inflicted ill-treatment or having used coercion in his line of duty, including any kind of torture or mutilation, or having denied personal liberties or administered excessive punishment, is liable to be disciplined by dismissal from service or imprisonment for a term of up to six months or both, depending on the seriousness of the act.²

International Reports of Prison Conditions in Saudi Arabia

US State Department Country Reports on Human Rights Practices for 2015

[...] There were no confirmed reports of torture by government officials during the year, but international human rights organizations reported that allegations of torture of prisoners were not uncommon. Numerous prisoners were serving sentences based on convictions they claimed were obtained through torture or physical abuse.

Former detainees in facilities run by the General Investigations Directorate (internal security forces, also called Mabathith) alleged that abuse included sleep deprivation or long periods of solitary confinement for nonviolent detainees. Former detainees in Mabathith-run al-Ha'ir Prison claimed that while physical torture was uncommon in detention, Mabathith officials sometimes resorted to mental or psychological abuse of detainees, particularly during the interrogation phase.³

² See the most recent Universal Periodic Review at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/SASession17.aspx>

³ See full report at <http://www.state.gov/j/drl/rls/hrrpt/2015/nea/252945.htm>

The lack of judicial independence and transparency provides opportunity for abuse of legal power. Often this affects anyone considered to have committed even the most arbitrary of crimes.

Prison and Detention Centre conditions:

[...] Although information on the maximum capacity of the facilities was not available, overcrowding in some detention centers was a problem. Violations listed in NSHR reports following prison visits documented shortages of and improperly trained wardens; lack of prompt access to medical treatment when requested; holding prisoners beyond the end of their sentences; and failure to inform prisoners of their legal rights. Some detained individuals complained about lack of access to adequate health-care services, including medication. Some prisoners alleged that prison authorities maintained cold temperatures in prison facilities and deliberately kept lights on 24 hours a day to make prisoners uncomfortable.

[...] No ombudsmen were available to register or investigate complaints made by prisoners, although prisoners could and did submit complaints to the HRC and the NSHR for investigation. There was no information available on whether prisoners were able to submit complaints to judicial authorities without censorship or whether authorities investigated credible allegations of inhuman conditions and treatment and made them public.⁴

Once more, there is a lack of independent monitoring with no human rights observers visiting prisons or detention centres during the year. Furthermore, there are no reports of foreign government visits to prison facilities.

UNHRC Committee against Torture reviews report on Saudi Arabia

[...] Experts expressed grave concern with regards to the use of corporal punishment in Saudi Arabia, including flogging, stoning and amputations, in clear violation of the Convention.

Experts were similarly concerned about torture in detention, and the lack of complaints filed by victims because of fear of reprisals. They raised concerns about the lack of fair trial guarantees, including the lack of access to a lawyer and the use of confessions obtained through torture.⁵

Torture and other ill-treatment remained common and widespread, according to former detainees, trial defendants, and others. There was also impunity for past cases. In a number of cases, courts did not exclude statements elicited by torture, ill-treatment, or coercion, and they

⁴ Ibid.

⁵ See more at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19876&LangID=E#sthash.cNHdpXtA.dpuf>

convicted defendants solely on the basis of pre-trial ‘confessions’ without investigating allegations that the confessions had been obtained through torture, in some cases sentencing the defendants to death.

Conclusions

The Kingdom of Saudi Arabia consistently ranks among the worst violators of human rights in the world. This is especially evident in the field of religion, as the regime does not tolerate any religious diversity or deviation from its rigid interpretation of Sunni Islam.

No improvement in law or practice could be registered in 2016 for those who do not follow the Hanbali School of Sunni Islam. The fundamental rights to freedom of religion or belief are still denied to Saudi citizens and foreigners living or working in Saudi Arabia. This includes freedom of thought and conscience, freedom to change one’s religion or to have no religion, freedom of expression of one’s beliefs in public, freedom of association, freedom of assembly publicly or privately, and freedom of worship.