

HUMAN RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: REVIEW OF 2018

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SAUDI ARABIA

Kingdom of Saudi Arabia

Head of state and government: **Salman bin Abdulaziz Al Saud**

The authorities severely restricted the rights to freedom of expression, association and assembly. Many human rights defenders and government critics, including women's rights activists, were arbitrarily detained. The public prosecution called for the execution of Shi'a activists and religious clerics for expressing dissent. Many activists were sentenced to lengthy prison terms, including under counter-terrorism legislation following grossly unfair trials before the Specialized Criminal Court (SCC). A Saudi Arabian journalist was extrajudicially executed in the Saudi Arabian consulate in Istanbul, Turkey. The authorities used the death penalty extensively, carrying out scores of executions for a range of crimes, including drug offences. Torture and other ill-treatment of detainees remained common. Despite limited reforms, including allowing women to drive, women faced systematic discrimination in law and practice and were inadequately protected against sexual and other violence. Discrimination against the Shi'a minority remained entrenched. The authorities continued to arrest, detain and deport foreign workers to countries where they were at risk of human rights violations.

BACKGROUND

Crown Prince Mohammad bin Salman embarked on a widely publicized tour of the UK, USA, France and Spain early in the year. The UK and Saudi Arabia announced a humanitarian partnership worth over US\$100 million to create vital infrastructure in drought and conflict-stricken countries. The USA and Saudi Arabia sealed a multi-billion dollar weapons deal during Crown Prince Mohammad bin Salman's visit to the USA.

The Saudi authorities faced little international criticism for the continued crackdown on human rights defenders and others, or the wave of arbitrary detentions of prominent women's rights activists in May. The only country that voiced some criticism was Canada; the Saudi Arabian government responded with punitive diplomatic and economic measures. However, the EU and several European states condemned the extrajudicial execution of Saudi Arabian journalist Jamal Khashoggi in Turkey in October (see below).

The Saudi Arabia-led coalition committed war crimes and other serious violations of international law during its continuing military campaign in neighbouring Yemen (see Yemen entry).

There was no resolution to the regional crisis in which Bahrain, Egypt, Saudi Arabia and the United Arab Emirates (UAE) severed relations with Qatar in 2017.

FREEDOMS OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The authorities escalated their repression of all forms of dissent, including peaceful expression in support of human rights, both online and offline. They harassed, arrested and prosecuted government critics, academics, clerics, members of the Shi'a minority and human rights defenders, including women's rights activists. Several human rights defenders were sentenced to prison terms for their activism. Other activists and government critics detained in September 2017 faced trial before the SCC.

In June, in his report of a 2017 visit to Saudi Arabia, the former UN Special Rapporteur on the promotion and protection of human rights while countering terrorism expressed concerns about Saudi Arabia's use of its counter-terrorism law against individuals peacefully exercising their rights to freedom of expression, association and assembly.

The cyber-crime law continued to criminalize criticism of government policy and practice as well as commentary on current affairs. Activists and human rights defenders were sentenced to lengthy prison terms for the peaceful exercise of their rights to freedom of expression, association and assembly under this law.

Economics writer Essam al-Zamel was brought before the SCC in October. He was accused of, among other things, sowing discord through his writings on Twitter and meeting foreign diplomats and providing them with information and analysis about the kingdom's policies without informing the Saudi Arabian authorities.

The authorities did not permit political parties, trade unions or independent human rights groups, and continued to prosecute and imprison those who set up or participated in unlicensed human rights organizations. All gatherings, including peaceful demonstrations, remained prohibited under an order issued by the Ministry of Interior in 2011.

HUMAN RIGHTS DEFENDERS

The authorities continued to imprison human rights defenders, arresting and prosecuting them under counter-terrorism and other laws. By the end of the year, virtually all Saudi Arabian human rights defenders were in detention or serving prison terms, or had been forced to flee the country.

In January, the SCC sentenced Mohammad al-Otaibi and Abdullah al-Attawi to 14 and seven years in prison respectively, on charges based on provisions of the counter-terrorism law and its follow-up decrees, as well as the cyber-crime law. They were sentenced on account of their peaceful activism and for setting up a human rights organization. In February, Issa al-Nukheifi and Essam Koshak were sentenced to six and four years in prison respectively, to be followed by travel bans of equal lengths, for their Twitter posts criticizing the authorities and calling for human rights reforms.

The current Special Rapporteur on the promotion and protection of human rights while countering terrorism, together with five other UN Special Procedure mandate holders, deplored "Saudi Arabia's continued use of counter-terrorism and security-related laws against human rights defenders" and urged it to "end the repression and release all those detained for peacefully exercising their rights".

In May, the authorities launched a wave of arrests targeting many individuals, including prominent women's human rights defenders.¹ Among those arrested were Loujain al-Hathloul, Iman al-Nafjan and Aziza al-Yousef, who had campaigned against the ban on women driving and the male guardianship system. Ibrahim al-Modeimigh, a lawyer and human rights advocate, and youth activist Mohammad al-Rabea were accused in state-aligned media of violating Royal Decree 44/A, a follow-up decree to the 2014 counter-terrorism law, for their human rights work and women's rights activism; they were smeared as traitors and agents of foreign embassies. They were detained incommunicado and in solitary confinement for the first three months of their detention. Ibrahim al-Modeimigh was released in December. The others remained detained without charge or trial at the end of the year.

Mohammed al-Bajadi, founding member of the Saudi Civil and Political Rights Association (ACPRA), was rearrested in May. The authorities had forced ACPRA to disband in 2013.

In August, two other prominent women human rights activists, Samar Badawi and Nassima al-Sada, were arbitrarily detained. They remained held without charge or trial at the end of the year.

Scores of other activists and human rights defenders, including members of ACPRA, continued to serve lengthy prison sentences on charges based on their peaceful human rights work.

EXTRAJUDICIAL EXECUTIONS

In October, Saudi Arabian journalist Jamal Khashoggi was extrajudicially executed inside the Saudi Arabian consulate in Istanbul.² Almost three weeks after his disappearance in the consulate on 2 October, and following conflicting reports about his fate, including claims by the Saudi Arabian authorities that he had left the consulate unharmed, the Saudi Arabian public prosecution announced that he had died following a "fist fight" inside the consulate. In November, Turkey's chief prosecutor said that Jamal Khashoggi was strangled as soon as he entered the consulate and then dismembered as part of a premeditated plan. The UN High Commissioner for Human Rights pressed for an impartial investigation and urged the Saudi Arabian authorities to reveal the whereabouts of Jamal Khashoggi's body. By year's end, Saudi Arabia had not set up an independent investigation into the killing.

¹ <https://www.amnesty.org/en/latest/news/2018/05/saudi-arabia-more-activists-arrested-in-continuing-crackdown/>

² <https://www.amnesty.org/en/latest/news/2018/10/saudi-arabia-independent-investigation-into-jamal-khashoggis-death-is-urgently-needed/>

DEATH PENALTY

Courts continued to impose death sentences for a wide range of crimes, including drug offences and conduct that is not recognized as crimes under international law and standards, such as “sorcery” and “adultery”. The authorities generally failed to abide by international standards of fair trial and safeguards for defendants in capital cases. Such cases were often held in secret and their proceedings were summary with no legal assistance or representation, as well as no translation services for foreign nationals through the various stages of detention and trial. Death sentences were regularly based on “confessions” which defendants said were extracted under torture.

In November, the families of 12 Saudi Arabian men sentenced to death after a grossly unfair mass trial learnt that the cases of their relatives had been transferred to the Presidency of State Security, a body reporting directly to the king. However, it was unclear whether their sentences had been ratified by the king before the end of the year.

The authorities routinely failed to inform families of their relatives’ imminent execution or failed to inform them immediately after executions had been carried out. In October, the authorities executed Tuti Tursilawati, an Indonesian domestic migrant worker, without informing her family or the Indonesian authorities prior to her execution.

The authorities continued to use the death penalty as a tool to crush dissent, as manifested in the public prosecution’s recurring calls for the execution of several Shi’a activists and religious clerics on charges related to the peaceful exercise of their rights to freedom of expression, association and assembly.³ Prominent religious cleric Sheikh Salman al-Awda, who was arbitrarily detained in September 2017, was at risk of the death penalty after the public prosecution called for his execution on charges related to, among other things, his affiliation to the Muslim Brotherhood and his calls for government reforms and regime change in the Arab region. Five Shi’a activists, including Israa al-Ghomgham, also faced the death penalty for charges related to their participation in protests for greater rights and reforms in the Shi’a-majority Eastern Province.

In August, the king issued the Law on Juveniles. This stipulated a maximum prison sentence of 10 years for juveniles in cases where they might otherwise be sentenced to death, except for crimes punishable by death under Shari’a (Islamic law). By excluding these, it fell short of international human rights law, which strictly prohibits the use of the death penalty against people under the age of 18 at the time of the crime. At least four juvenile offenders remained at risk of imminent execution at the end of the year.

TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment of detainees remained common and widespread, particularly to extract “confessions”. In his June report, the former UN Special Rapporteur on the promotion and protection of human rights while countering terrorism noted that trial judges did not appear to take seriously allegations of torture or other ill-treatment, and expressed particular concern that the SCC had refused to launch investigations into allegations of torture.

In March, reports emerged that, among those detained in a wave of anti-corruption arrests of current and former officials and businessmen in November 2017, one had died in custody and at least 17 needed hospital treatment after being subjected to physical abuse.

In November, several activists, including a number of women detained since May 2018 in Dhahban prison outside the city of Jeddah, were reportedly tortured, sexually harassed and otherwise ill-treated during interrogation. One of the activists reportedly attempted to take her own life repeatedly inside the prison.

WOMEN’S RIGHTS

On 24 June, the royal decree lifting the driving ban on women in Saudi Arabia entered into force, allowing women to drive in the country. A month earlier, women’s rights activists and the leading campaigners for women’s right to drive were arbitrarily detained (see above).

In February, the Ministry of Commerce and Investment announced that women did not need the permission of a male guardian to start their own business. This followed a royal decree issued in 2017 calling on government entities to refrain from requesting the authorization of a male guardian for any services unless stipulated in existing regulations that required it. However, these promised reforms largely appeared not to be implemented in practice. The Committee on the Elimination of Discrimination against Women noted with concern the lack of enforcement of a 2012 ministerial decree stipulating that women no longer needed a guardian’s permission to work. As a result, women were still required to have

³ <https://www.amnesty.org/download/Documents/MDE2391412018ENGLISH.pdf>

permission from a male guardian – their father, husband, brother or son – to enrol in higher education, seek employment, travel or marry.

Women and girls continued to face discrimination in law and practice more broadly. Saudi Arabian women married to foreign nationals could not pass on their nationality to their children, unlike men in a similar situation. The Committee on the Elimination of Discrimination against Women commented with concern on the low participation of women in the labour market in its concluding observations on Saudi Arabia's third and fourth periodic reports. It also noted with concern that access to education for disadvantaged groups of girls, especially migrant girls, girls with disabilities and girls living in rural and remote areas and in poverty remained limited.

The Shura Council debated a proposal to regulate and limit child marriages by stipulating strict conditions to the marriage of girls under the age of 18, which specialized judges must ensure are fulfilled. However, women and girls remained inadequately protected from sexual and other forms of violence.

DISCRIMINATION – SHI'A MINORITY

Shi'a Muslims continued to face discrimination because of their faith, limiting their right to express religious beliefs and access justice, as well as the right to work in a number of public sector professions and access state services.

Shi'a activists accused of supporting or taking part in demonstrations in Eastern Province or expressing views critical of the state were put on trial and in some cases faced the death penalty following unfair trials.

MIGRANTS' RIGHTS

The authorities continued their crackdown on irregular migrants, arresting, detaining and deporting over 2 million foreign workers. In October, the Ministry of Interior announced that about 1.9 million people had been arrested and 500,000 deported in a campaign that began in November 2017 to arrest migrants accused of violating residential, border security and labour regulations and laws. The authorities deported thousands of Yemeni workers to Yemen, where they were at risk of human rights violations, in contravention of the principle of *non-refoulement*.

In June, the Committee on the Elimination of Racial Discrimination noted with concern that domestic workers, two thirds of whom were migrant women, continued to face abusive working practices such as long working hours, non-payment of wages, retention of passports and physical and sexual abuse.