



SAUDI ARABIA

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW 31ST SESSION OF THE UPR WORKING GROUP, NOVEMBER 2018

FOLLOW-UP TO THE PREVIOUS REVIEW

During its second Universal Periodic Review (UPR) in 2013, Saudi Arabia accepted 151 recommendations, partly accepted 36, and rejected 38 recommendations.¹

Amnesty International welcomes the visits of former Special Rapporteur on counter-terrorism and human rights to Saudi Arabia in 2017 and November 2016², in line with recommendations it had accepted at its previous UPR.³

THE NATIONAL HUMAN RIGHTS FRAMEWORK

2015 Law on Associations

In November 2015, the Council of Ministers approved the Law on Associations, which excludes any mention of “human rights” and extends wide discretionary powers to the Ministry of Social Affairs, including to deny licenses to new organizations and to disband them deemed to be “harming national unity”. No independent human rights organization has been able to register under the new law and several human rights defenders have been put on trial for establishing human rights organizations. The only two human rights groups that are currently in operation are the Saudi Human Rights Commission and the National Society for Human Rights, both which are government bodies.

Structural changes under Crown Prince Mohammad Bin Salman

Following the decision by Saudi Arabia and other Arab states to sever ties with Qatar in June 2017, the Saudi Arabian authorities warned people against expressing sympathy with Qatar or criticising government actions, stating that this would be considered an offence punishable under Article 6 of the Anti-Cyber Crime Law.⁴ In the past, activists and human rights defenders have been sentenced to prison terms for their peaceful exercise of their rights to freedom of expression, association and peaceful assembly under this law.

In October 2017, a new counter-terror law was announced, delegating the authority to arrest, investigate, interrogate and refer individuals to the Specialized Criminal Court (SCC) for terrorism-related crimes to the newly established Public Prosecution and Presidency of the State Security, both of which report directly to the King. Penalties for “terrorist

¹ Report on the Working Group on the Universal Periodic Review, Saudi Arabia (A/HRC/25/3), Report on the Working Group on the Universal Periodic Review, Saudi Arabia, Addendum (A/HRC/25/3/Add.1).

² UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism concludes visit to Saudi Arabia, Preliminary findings of the visit to Saudi Arabia, 4 May 2017.

³ A/HRC/25/3, Recommendations 138.83 (Sierra Leone), 138.87 (Albania), 138.90 (Qatar), 138.91 (Romania).

⁴ Amnesty International, Families ripped apart, freedom of expression under attack amid political dispute in Gulf (News story, 9 June 2017) <https://www.amnesty.org/en/latest/news/2017/06/families-ripped-apart-freedom-of-expression-under-attack-amid-political-dispute-in-gulf/>

crimes” include the death penalty, and uses overly vague definitions of “terrorism”, “terrorist crime” and “terrorist entity”. A “terrorist crime” in the new law includes “endangering national unity” and “destabilizing public order and security of the community”,⁵ all of which have been and continue to be used to prosecute human rights defenders for their peaceful activism.

Moreover, the new law allows for the newly established Public Prosecution to hold detainees without charge or trial for up to 30 consecutive days, renewable by the SCC for an unspecified period. It also permits incommunicado detention for up to 90 days during investigations, also renewable for an unspecified period by the SCC and restricts the rights of detainees to legal counsel during interrogations. It allows the SCC to hear witnesses without the defendant nor their lawyer present, in violation of international standards of fair trial.

PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Crackdown on freedom of expression

The rights to freedom of expression continues to be severely restricted. Since 2014, the authorities have continued to arrest, prosecute and imprison government critics, including bloggers, writers, political activists and human rights defenders.

In March 2016, the SCC sentenced journalist Alaa Brinji to five years in prison and a fine, followed by an eight-year travel ban, for comments he posted on Twitter.

In September 2017, the authorities intensified the crackdown in a wave of arrests, detaining more than 20 religious leaders, writers, journalists, academics, and activists, many of whom are still held without charge or trial. Those arrested include prominent Islamic cleric Sheikh Salman al-Awda, an influential religious leader, who was held in solitary confinement and in virtual incommunicado detention for the first six months; he is currently in detention without charge or trial. He is known for his calls for legislative reform and greater respect of human rights within the *Islamic Shari'a*.

In February 2018, human rights activist Issa al-Nukheifi was sentenced to six years in prison, followed by a six-year social media and travel ban, for criticizing the government and its policies on Twitter.

Crackdown on freedom of assembly

Human rights organizations and peaceful gatherings of activists in public places remain outlawed.⁶

In January 2018, human rights activists Mohammad al-Otaibi and Abdulah al-Attawi were sentenced to 14 and seven years in prison, respectively, by the SSC. They were presented with a list of charges, including “participating in setting up an organization and announcing it before getting an authorization”, “dividing national unity, spreading chaos and inciting public opinion by preparing, drafting and publishing statements that are harmful to the reputation of the Kingdom and its judicial and security institutions”, and “publishing information about their interrogations despite signing pledges to refrain from doing so”.

Human rights defenders and detainees

The repression of human rights defenders since 2013 is part of a larger campaign by the authorities to silence all forms of criticism.

Most of the country’s human rights defenders have been brought to trial for their peaceful activism before the SCC and handed harsh sentences following grossly unfair trials, marked by the extensive use of the counter-terror law. While a number of human rights defenders have been released in recent years, this was only after having served their sentences. Virtually all of Saudi Arabia’s human rights defenders are currently behind bars serving lengthy sentences, silenced or

⁵ Article 3 of the 2017 counter-terror law.

⁶ 2011 Ministry of Interior ban on protests.

have fled the country.

Members of the Saudi Civil and Political Rights Association (ACPRA), one of Saudi Arabia's few independent human rights organizations, have borne the brunt of the persecution. Since 2013, all 11 founding members have been put on trial, charged and sentenced to prison terms followed by travel bans for their human rights activism. The authorities also ordered the organization's shutdown.

The death penalty

Saudi Arabia has one of the highest rates of executions in the world. The average number of executions in Saudi Arabia was at least 126 executions per year between 2014 and 2017, which is a considerable surge from previous years. The authorities use the death penalty for non-violent offences, such as drug smuggling, treason, and adultery. Offences such as apostasy that should not be criminalized under international human rights law⁷ have also resulted in the application of the death penalty.

The authorities generally fail to abide by international standards for fair trial and safeguards for defendants in capital cases. Often trials of capital cases are held in secret and their proceedings are summary with no legal assistance or representation, as well as no translation services for foreign nationals through the various stages of detention and trial.

The authorities also use the death penalty as a political weapon against the country's Shi'a Muslim minority to silence dissent.

On 11 July 2017, Yussuf al-Mushaikhass was executed along with three other men for terror-related offences in connection with their participation in anti-government protests.⁸ He had been sentenced to death by the SCC following a grossly unfair trial.

Saudi Arabia also continues to sentence to death and execute individuals for crimes that occurred while they were under 18, in breach of international human rights law and in violation its obligations under the Convention of the Rights of the Child.⁹ Some of these death sentences appear to have been based solely on "confessions" which the defendants say were obtained through torture or other ill-treatment.

Ali al-Nimr, Abdullah al-Zaher, Dawood al-Marhoon and Abdulkareem al-Hawaj, four young men belonging to the Shi'a minority, are currently on death row. They were convicted by the SCC for security-related offences in relation to their participation in anti-government protests when they were under the age of 18. They are all at imminent risk of execution.

Torture and other cruel, inhuman or degrading treatment or punishment

Torture and other ill-treatment are widely used in Saudi Arabia, in violation of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other international law.

Flogging is mandatory for a number of offences¹⁰ and can be used at the discretion of the judge as an alternative or in addition to other punishments, such as amputation and eye-gouging.¹¹ Sentences range from dozens to tens of thousands of lashes and are usually carried out in instalments, at intervals ranging from two to four weeks.¹²

⁷ As a member of the United Nations, Saudi Arabia is expected by customary law to uphold standards set in international human rights law, including the UDHR.

⁸ Amnesty International, Saudi Arabia: Saudi Arabian man executed: Yussuf Ali Al-Mushaikhass (Index MDE 23/6748/2017).

⁹ Article 9 of the Convention of the Rights of the Child.

¹⁰ Amnesty International, Saudi Arabia: Saudi Arabia must prevent flogging of teenage girl (News story, 22 January 2010) <https://www.amnesty.org/en/latest/news/2010/01/saudi-arabia-must-prevent-flogging-teenage-girl-20100122/>

¹¹ Amnesty International, Saudi Arabia: Saudi Arabia: reported paralysis sentence is 'utterly shocking' (Press release, 2 April 2013) <https://www.amnesty.org.uk/press-releases/saudi-arabia-reported-paralysis-sentence-utterly-shocking>

¹² Amnesty International, Saudi Arabia: Saudi Arabia must prevent flogging of teenage girl (News story, 22 January 2010) <https://www.amnesty.org/en/latest/news/2010/01/saudi-arabia-must-prevent-flogging-teenage-girl-20100122/>

Many detainees allege that torture and other ill-treatment is used to extract “confessions” from them, to punish them for refusing to “repent”, or to force them to undertake to not criticize the government. Detainees are often held incommunicado and in solitary confinement during interrogations, which may facilitate torture or other ill-treatment.

In June 2015, blogger Raif Badawi was sentenced to 10 years in jail, to be followed by a 10-year travel ban, a fine of 1 million Saudi Arabian riyals (about US\$266,600) and 1,000 lashes, for “insulting Islam” and creating an online forum for debate. On 9 January 2015, he received the first 50 lashes of his sentence. Further floggings have been delayed, initially on medical grounds and since then for unknown reasons.

Discrimination against women

Women and girls face discrimination in law and practice. Discriminatory laws relating to marriage and divorce remain in place, and women are required by law to obtain the permission of a male guardian to enrol in higher education, seek employment, travel or marry. Saudi Arabian women with foreign spouses, unlike their male counterparts, cannot pass on their nationality to their children or spouses.

In April 2017, King Salman issued a Royal Decree calling on government entities to refrain from requesting the authorization of a male guardian for any services for women unless stipulated in the regulations and to review their existing regulations and prepare a list of procedures that would require a guardian’s permission. The decree could improve women’s freedom to control their own lives; however, it has yet to be implemented.

In September 2017, the King issued another Royal Decree announcing that women will be allowed to drive. The decree is due to enter into force in June 2018.

Discrimination against migrant workers

Migrant workers and foreign nationals in Saudi Arabia remain subject to discriminatory practices, including a country-wide crackdown against those with irregular status. Thousands have been forcefully returned to Somalia, Yemen and other states where they would be at risk of human rights violations.

Discrimination against minorities

The Shi’a Muslim minority, who mostly live in Saudi Arabia’s Eastern Province, face entrenched discrimination that limits their access to state services and employment. Shi’a activists and religious leaders accused of supporting or taking part in demonstrations in the Eastern Province or expressing views critical of the state face arrest, imprisonment and the death penalty.

In June 2016, 14 members of the Shi’a community were sentenced to death for protest-related crimes, following a grossly unfair mass trial of 24 people.³³ Court documents show that all defendants were held in pre-trial detention for more than two years. Most were held in solitary confinement and denied access to their families and lawyers while interrogated. Several defendants retracted their “confessions”, saying they were coerced in circumstances that in some cases amount to torture. The court rejected all torture allegations without investigating the claims.

Fifteen Shi’a men were sentenced to death in December 2016 after an unfair mass trial. The men were charged with a series of offences, including “high treason”, and some of them faced several other charges which are not recognisably criminal offences under international law, such as “supporting protests” and “spreading the Shi’a faith”. Some of the men told the court they were threatened with solitary confinement and that they would be banned from having any contact with their families if they did not sign “confession” documents.

Armed conflict in Yemen

On 25 March 2015, the Saudi Arabia-led military coalition launched air strikes against the Huthi armed group in Yemen sparking a full blown armed conflict. Amnesty International has documented violations and abuses by all parties to the

³³ Amnesty International, Saudi Arabia: 14 protestors facing execution after unfair trials ([News story](#), 6 June 2017)

conflict in Yemen.¹⁴

Amnesty International has documented at least 36 air strikes by the coalition that appear to have violated international humanitarian law, in attacks that were indiscriminate, disproportionate or directed against civilians and civilian objects, such as homes, hospitals and schools; these would amount to war crimes. These attacks have resulted in at least 513 civilian deaths, including at least 157 children, and 379 civilian injuries.

The coalition has also used internationally banned cluster munitions, inherently indiscriminate weapons.¹⁵

After Huthi forces launched an indiscriminate attack that unlawfully endangered civilians in the Saudi Arabian capital Riyadh in late November 2017, the Saudi Arabia-led coalition tightened its sea and air blockade on Yemen. The blockade has been loosened since then; however, the coalition continues to impose restrictions on aid and commercial imports of essential goods, including food, medicine and fuel.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Saudi Arabia to:

Human rights framework

- Implement without delay all accepted recommendations from the previous UPR concerning the reform of the judicial system to ensure its independence and impartiality and that all its practices are in line with international standards of fair trial;
- Repeal the counter-terror law and related legislation or substantially amend it to bring it into full conformity with international law and standards, including by adopting a definition of terrorism that is not vague and does not infringe on the peaceful exercise of human rights.

Crackdown on freedom of expression

- Immediately stop arrests solely on the account of freedom of expression, including criticisms and condemnations of government policy, government and ministerial bodies, and ruling officials.

Crackdown on freedom of assembly

- Repeal the law of associations and related legislation or substantially amend it to bring it to full conformity with international law and standards, and allow the formation of an independent human rights organization;
- End the ban and criminalization of protests.

Human rights defenders and detainees

- Immediately and unconditionally release all those detained solely on account of the peaceful exercise of their rights to freedom of expression, association and peaceful assembly;
- Ensure that every person who is arrested is promptly charged with a recognizable criminal offence and bring them to trial in accordance with international fair trial standards, or else release them.

¹⁴ Amnesty International has documented violations and abuses by all parties to the conflict in Yemen, including Amnesty International, Yemen: The Forgotten War (News story) <https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/> and Amnesty International, Yemen: Huthi missile attack on Saudi Arabian cities is a possible war crime (News story, 26 March 2018) <https://www.amnesty.org/en/latest/news/2018/03/yemen-huthi-missile-attack-on-saudi-arabian-cities-is-a-possible-war-crime/>.

¹⁵ Amnesty International, Yemen: Saudi Arabia-led coalition uses banned Brazilian cluster munitions on residential areas (News story, 9 March 2017) <https://www.amnesty.org/en/latest/news/2017/03/yemen-saudi-arabia-led-coalition-uses-banned-brazilian-cluster-munitions-on-residential-areas/> and Amnesty International, Saudi Arabia: Immediately abandon all use of cluster munitions (News story, 19 December 2016). <https://www.amnesty.org/en/latest/news/2016/12/saudi-arabia-immediately-abandon-all-use-of-cluster-munitions/>.

The death penalty

- Declare an official moratorium on all executions with view to abolishing the death penalty;
- Review the cases of all prisoners currently under a death sentence with the aim of commuting their sentences or offering them a new and fair trial without resort to the death penalty;
- Bring the law and judicial practices in line with fair trial guarantees;
- Stop imposing the death penalty on anyone under the age of 18 at the time of their alleged offence, in accordance with Saudi Arabia's obligations under the Convention on the Rights of the Child.

Torture and other ill-treatment

- Put an end to the practice of incommunicado detention and ensure that every detainee has access to their family and a lawyer of their choice;
- End the practice of corporal punishment;
- Ensure that all allegations of torture and other ill-treatment are thoroughly, independently and impartially investigated and those suspected of criminal responsibility are brought to justice;
- Ensure that any statement extracted under torture or other duress is not used as evidence in criminal proceedings.

Discrimination against women

- Immediately abolish the male guardianship system;
- Enact and implement laws protecting women from violence;
- Repeal the male guardianship system;
- Establish equality before the law for all, including by providing equal citizenship rights for women and men;
- Provide and protect women's rights to freedom of movement, education, employment, marriage, and redress for family violence.

Discrimination against migrant workers

- Reform national labour laws to ensure that migrant workers have adequate protection against abuses by private employers and the state.

Discrimination against minorities

- Put an end to all forms of discrimination, intimidation, harassment and detention without charge or trial of members of the Shi'a community and uphold their right to peaceful assembly.

Armed conflict in Yemen

- Fully comply with international humanitarian law in the planning and execution of any airstrikes, including to ensure civilians and civilian objects are not targeted and to end indiscriminate and disproportionate attacks;
- Take all feasible measures to minimize harm to civilians, including giving advance effective warnings of impending attacks to civilian populations in concerned areas;
- Immediately cease the use of cluster munitions, which are inherently indiscriminate and internationally banned;
- End the use of explosive weapons with wide area effect in the vicinity of densely populated civilian areas, consistent with the prohibition on indiscriminate attacks;
- Independently and impartially investigate cases where there is credible information that violations of international humanitarian law have taken place, make public the findings of the investigations, and bring those suspected of criminal responsibility to trial in fair trials;

- Provide full reparation to victims of unlawful attacks and their families, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition;
- Ensure all humanitarian workers are granted freedom of movement and ensure the rapid and unimpeded delivery of impartial humanitarian relief for civilians in need, as well as commercial imports of essential goods.