



HUMAN  
RIGHTS  
WATCH

# CHALLENGING THE RED LINES

Stories of Rights Activists in Saudi Arabia



# **Challenging the Red Lines**

## Stories of Rights Activists in Saudi Arabia

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# Introduction

Civil society and human rights activists in Saudi Arabia are struggling for greater popular political participation, judicial reform, and an end to discrimination against women and minorities. Saudi authorities have responded by cracking down on rights defenders, quashing calls for change, and preventing the development of an opposition movement.

This report presents the stories of 11 prominent Saudi social and political rights activists, and their struggle to resist government efforts to silence them. Saudi Arabia's sweeping campaign against human rights and civil society activists has included threats, intimidation, investigations, prosecutions, and detentions. The 11 individuals profiled in this report demonstrate some of the struggles and successes of Saudi Arabia's small but growing activist community.

Several of the activists profiled in this report used social media and online forums to initiate campaigns and build networks, which have been a major feature of rights activism in Saudi Arabia since 2009. Tens of thousands of Saudi citizens have participated in online campaigns, such as a campaign to free Samar Badawi, a woman jailed for "parental disobedience" according to a judge's interpretation of Islamic law, and the "Women2Drive" initiative, an advocacy campaign that encourages Saudi women to drive in defiance of the government ban on women driving. A number of recently founded, mostly Internet-based, nongovernmental human rights organizations regularly issue statements on individual cases of human rights abuses. Despite the authorities' efforts to block online content, Saudis – at least 49 percent of whom have Internet access – have used Internet forums to bypass heavily censored state media.

The Arab uprisings in 2011 encouraged activists to move beyond online campaigning and organize small demonstrations and sit-ins in the streets. In Riyadh and Buraydah, families of detainees held for years without charge began holding demonstrations outside Ministry of Interior buildings and detention facilities, calling on authorities to either release or try their family members. In the eastern cities of Qatif and Awammiyah, demonstrators called for greater religious freedoms and an end to institutionalized discrimination against the country's Shia minority. Activists across the country launched campaigns for gender equality, inviting women to defy discriminatory practices imposed by Saudi Arabia's male

guardianship system. Political and religious figures circulated petitions that requested King Abdullah to implement judicial reforms and release political detainees.

The Saudi government has harassed, intimidated, and attempted to silence human rights and civil society activists for many years, but redoubled its efforts since early 2011, including travel bans, termination of employment, smear campaigns, as well as detentions and prosecution. The Saudi Ministry of Interior continues to arrest and hold independent civil society activists for months without charge.

Saudi police and judicial authorities have harassed and jailed Saudi rights activists, like Samar Badawi, who challenged restrictive aspects of Saudi Arabia's male guardianship system, under which girls and women are forbidden from traveling, conducting official business, or undergoing certain medical procedures without permission from their male guardians.

Authorities have refused to license new human rights organizations and instead have sentenced their founders to lengthy prison terms. Saudi judicial authorities have tried and convicted prominent activists, including Abdullah al-Hamid, Mohammed al-Qahtani, Sulaiman al-Rashoodi, and Mikhlif al-Shammari, on account of their peaceful pro-reform activism, charging them with arbitrary "crimes" that violate their right to free expression and association such as "setting up an unlicensed organization", "breaking allegiance with the ruler", and "attempting to distort the reputation of the kingdom."

Jeddah lawyer Waleed Abu al-Khair and Eastern Province activist Fadhil al-Manasif remain on trial on charges including "insulting the judiciary," "trying to distort the reputation of the kingdom," and "inciting public opinion against the state."

Saudi Arabia does not allow most political or human rights associations to register or formally operate. The only exception is the National Human Rights Society, established in 2004, which receives funding from the estate of the late King Fahd. Saudi officials have refused to license independent human rights organizations such as the Saudi Civil and Political Rights Association (ACPRA), the Adala Center for Human Rights, the Union for Human Rights, and Monitor of Human Rights in Saudi Arabia and have blocked their websites.

Authorities have blocked web pages calling for reforms, including, for example, the Eastern Province-based Rasid News Website since 2003, the website of the Monitor of Human Rights in Saudi Arabia since 2008, and hundreds of pages originating from outside the kingdom.

The Ministry of Interior has maintained its long-standing ban on all public protests and sit-ins, including marches and protests in Qatif and Awammiyah in 2011 and small sit-ins by family members of security detainees in Buraydah and Riyadh in 2011 and 2012. In addition, the Ministry of Interior has pursued criminal prosecutions against rights activists for alleged “crimes” based solely on the peaceful practice of their right to free expression and association, branding them criminals and even “terrorists.” One example of such prosecutions is the case of the so-called Jeddah reformers, a group of 16 men arrested in February 2007 for allegedly gathering funds for terrorism. The men are well-known for their public stances demanding human rights and political reform in Saudi Arabia.

Saudi Arabia does not have a written penal code, leaving judges free to sentence activists based on their own interpretations of the Quran and the teachings of the Prophet Muhammad, the two agreed-upon sources of Islamic Sharia law. Defendants accused of political offenses are often sentenced by the Specialized Criminal Court (SCC), set up to try terrorism-related cases, which routinely denies defendants the most basic fair trial guarantees, including the right to a lawyer, and passes sentences in closed proceedings. Authorities continue to hold prominent Saudi rights activists in prolonged incommunicado detention, completely cut off from their families and the outside world. Prison officials held activists Sulaiman al-Rashoodi and Fadhil al-Manasif in incommunicado detention for extended periods, after Saudi police arrested them for their peaceful rights activism, eventually charging both with “breaking allegiance with the ruler,” among other charges.

In addition to trials, the Ministry of Interior regularly bans activists from foreign travel for extended periods and without specifying reasons for the ban or giving notification. Many activists, such as Waleed Abu al-Khair, discovered they were banned from travel only at the airport as they attempted to exit Saudi Arabia. Under article six of Saudi Arabia’s travel documents law, authorities can only impose a travel ban via a judicial ruling or by decision of the minister of interior. The ban can only be imposed for specified reasons that are related to security for a specific period. The Arab Charter on Human Rights, which Saudi

Arabia ratified in 2009, holds that no one may be arbitrarily or unlawfully prevented from leaving any country, including his own.

Clerics in Saudi Arabia's religious establishment, which exercises broad control over many governmental agencies including the judiciary, continue to issue *fatwas* (religious edicts) against rights activists and social critics, calling for their execution as apostates. Repressive government policies, including the ban on protests, are often endorsed by the Council of Senior Religious Scholars, the highest Saudi state body for the interpretation of Islamic law.

In spite of repression by the state and the religious establishment, Saudi activists continue to challenge the authorities, risking their freedom and livelihoods in order push for genuine reform and respect for human rights.

Saudi Arabia should immediately halt its ongoing crackdown on peaceful activists and release all detainees held on charges and convictions stemming entirely from their peaceful exercise of their rights to free expression, association, and belief. Authorities should also enact major judicial reforms such as:

- issuing a written penal code that is consistent with human rights standards and does not criminalize freedom of expression and association;
- issuing an associations law that allows civil society organizations to form and operate without undue government interference;
- abolishing the male guardianship system and all laws and regulations stemming from it;
- enacting legislation that prohibits and gives effective remedies against discrimination of religious minorities and women; and;
- abolishing all laws and regulations that disproportionately interfere with free expression, including on electronic networks.

The other countries, particularly major allies such as the United States, the United Kingdom, and other European Union member states, should publically call on Saudi authorities to stop all arrests and trials of peaceful activists and release of all prisoners held on charges relating to their peaceful activism. The international community should also press Saudi Arabia to sign and ratify major international human rights legislation such

as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

## Legal Background

Saudi Arabia applies Sharia (Islamic law) as the law of the land. The first article of the kingdom's Basic Law of Governance elevates the Quran and the Prophet's traditions (Sunna) to the status of a constitution. Unlike nearly all Muslim-majority countries, Saudi Arabia has never drafted a written penal code, though authorities promulgated a criminal procedure code in 2001. Consequently, the religious establishment plays a central role in the country's governance and has broad influence over many aspects of everyday life. However, Sharia jurisprudence as practiced in Saudi Arabia does not comprise a codified set of rules and does not acknowledge, in practice, the precedents set by other courts in previous rulings. In effect, the Saudi judicial system grants virtually unlimited discretion to prosecutors and judges to hand down vague and arbitrary charges against persons engaged in peaceful advocacy, such as "breaking allegiance with the ruler"<sup>1</sup> or "sowing discord"<sup>2</sup>, on the basis that these charges stem from principles of uncodified Sharia.<sup>3</sup>

### Criminal Justice

Saudi authorities have used the criminal justice system as a principal tool for silencing dissent, including threats of prosecution, vague and arbitrary charges, unfair trials, and long prison sentences.

Saudi Arabia has no penal code, leaving judges free to convict and sentence activists based on their own interpretations of Sharia law. In the absence of a penal code, it appears that judges in some cases have set out to prove that the defendant has engaged in a certain act, which they then classify as a crime, rather than proving that the defendant has committed the elements of a specific crime as set out in law.<sup>4</sup> Previous court rulings do

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<sup>1</sup> "Saudi Arabia: Website Editor Facing Death Penalty," Human Rights Watch news release, December 22, 2012, <http://www.hrw.org/news/2012/12/22/saudi-arabia-website-editor-facing-death-penalty>.

<sup>2</sup> "Saudi Arabia: 5-Year Sentence for Rights Defender" Human Rights Watch news release, June 23, 2013, <http://www.hrw.org/news/2013/06/22/saudi-arabia-5-year-sentence-rights-defender>.

<sup>3</sup> Human Rights Watch, *Precarious Justice: Arbitrary Detention and Unfair Trials in the Deficient Criminal Justice System of Saudi Arabia*, vol. 20, No. 3(E), March 2008, [http://www.hrw.org/sites/default/files/reports/saudijustice0308\\_1.pdf](http://www.hrw.org/sites/default/files/reports/saudijustice0308_1.pdf), p. 12.

<sup>4</sup> For example, on June 15, 2013 a Saudi court convicted prominent women's rights activists Wajeha al-Huwaider and Fawzia al-`Oyouni to 10 months imprisonment and a two-year travel ban for "inciting a woman against her husband" [تخبيب امرأة على زوجها]. Local activists told Human Rights Watch they were unaware of any instances in which authorities had previously used this particular charge, and some said they had to consult dictionaries to understand the meaning of the Arabic word takhbib.

not bind Saudi judges, and there is little evidence to suggest that judges are consistent in sentencing for similar crimes.<sup>5</sup> As a result, citizens and residents have no means of knowing with any precision what constitutes a criminal offence.

Under Saudi criminal procedures, unless the crime is considered “major”<sup>6</sup> by the Ministry of Interior, the trial judge acts as both judge and prosecutor. In all criminal cases, the judge can change the charges against the defendant at any time.

In most of the cases Human Rights Watch has documented, prosecutors prohibit lawyers from assisting suspects during interrogation, and judges sometimes refuse to allow defense lawyers to examine witnesses or present evidence at trial. Judges sometimes prohibit defendants and their lawyers from seeing or challenging allegedly incriminating evidence.

The presumption by courts of guilt instead of innocence in criminal cases, vague and shifting charges, and denial of access to evidence and lawyers, often combine to create insurmountable obstacles for defendants trying to prove their innocence.

In 2008, the Supreme Judicial Council established the Specialized Criminal Court (SCC) to try thousands of terrorism suspects, many of whom had languished for years without charge or trial in detention facilities run by the Ministry of Interior’s domestic intelligence service, the General Directorate of Investigation (generally referred to as *al-Mabahith*). Saudi authorities have not made public any statute or other law setting up the court or specifying its jurisdiction. Authorities have used the court to try peaceful dissidents and rights activists on charges that do not represent recognizable crimes and in proceedings that violate the right to a fair trial. In the cases that Human Rights Watch has documented, trials at the SCC, with few exceptions, are closed to observers and defendants are often denied the right to appoint a lawyer of their choice.<sup>7</sup> Human rights activists and others have complained that they believe the court effectively works under the Ministry of Interior.

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See “Saudi Arabia: Activists Convicted for Answering Call for Help,” Human Rights Watch, June 18, 2013, <http://www.hrw.org/news/2013/06/17/saudi-arabia-activists-convicted-answering-call-help>.

<sup>5</sup> Human Rights Watch, *Precarious Justice*, pp. 3-4.

<sup>6</sup> According to article 112 of Saudi Arabia’s criminal procedure law, “major” crimes are specified by the minister of interior upon the recommendation of the director of the Bureau of Investigation and Prosecution as crimes that require pretrial detention. To Human Rights Watch’s knowledge, crimes such as murder, rape, terrorism, drug-trafficking, among others, have been treated as “major” crimes by the Ministry of Interior.

<sup>7</sup> Human Rights Watch, “Saudi Arabia: Abolish Terrorism Court,” April 27, 2012, <http://www.hrw.org/news/2012/04/27/saudi-arabia-abolish-terrorism-court>.

Although judges have discretion to determine crimes and punishments, in 2001, Saudi Arabia promulgated the country's first Law of Criminal Procedure (LCP), which regulates arrest, detention, interrogation, and trial.<sup>8</sup> While codification was a welcome step, judges have routinely ignored the provisions of the LCP.<sup>9</sup>

Further, the LCP does not incorporate many international standards pertaining to the basic rights of detainees and defendants, and clearly violates others. For example, the LCP does not recognize the right of a detainee to challenge the lawfulness of his or her detention before a court, fails to guarantee his or her access to legal counsel in a timely manner, and contains no provision for free legal assistance to the those who need it. The LCP grants the prosecutor the power to detain suspects without having to meet a defined standard of evidence of a suspect's probable guilt, and to issue arrest warrants and prolong pretrial detention for up to six months without any judicial review. It does not set out the principle of presumption of innocence or protect a defendant's right not to incriminate him or herself.

While the LCP prohibits torture and undignified treatment, it does not make statements obtained through abuse inadmissible in court. Furthermore, the LCP does not provide sanctions for officials who coerce defendants.

Human rights defenders have, however, sought to use the LCP to challenge arbitrary detentions. A number of activists with the Saudi Civil and Political Rights Association (ACPRA) sued the government in administrative courts for breaches of the LCP. In some cases courts ruled that detentions were arbitrary and in a few cases, including that of human rights defender Mikhlif al-Shammari, required compensation for the victim. However, even in such cases, the Ministry of Interior does not always abide by court orders and release people or pay compensation.

## Violations during Arrests and Pretrial Phase

Saudi law provides some formal safeguards against arbitrary arrest, but police officers frequently violate them with impunity. In violation of Saudi law, police officers often carry out arrests without warrants, fail to inform suspects of the reasons for their arrest or of

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<sup>8</sup> Law of Criminal Procedure, Royal Decree No. M/39, Umm al-Qura No. 3867, 2001, available at: <http://www.saudiembassy.net/about/country-information/laws/CriminalProcedures2001-10f3.aspx> (accessed April 4, 2013).

<sup>9</sup> Human Rights Watch, *Precarious Justice*, p. 4.

their rights to legal counsel, and do not grant detainees the right to communicate with the outside world; and prosecutors do not charge suspects with a crime.<sup>10</sup>

Officials at detention and holding facilities sometimes subject detainees to abuse. Human Rights Watch has received allegations of ill-treatment at detention facilities run by the General Directorate of Investigation (*al-Mabahith*); these facilities range from holding cells in local intelligence offices to sprawling prison complexes such as the *Mabahith*-run prison of al-Ha'ir near Riyadh.<sup>11</sup>

The governmental Human Rights Commission and nongovernmental National Society on Human Rights say that incidents of torture and ill-treatment in prison have decreased significantly since they began regular prison visits and established offices inside prisons to receive complaints beginning in 2004.<sup>12</sup> Detainees have languished in *Mabahith*-run detention facilities for years without charge or trial.<sup>13</sup> Human Rights Watch continues to receive reports of torture and other ill-treatment in prisons and detention centers. Rights activists Mikhlif al-Shammari and Fadhil al-Manasif have alleged torture and other ill-treatment during their detentions, including beatings, electrocution, and pouring chemicals into the mouth.

Police officers, and sometimes prosecutors, have beaten and threatened suspects in order to extract confessions at police stations, in particular at the branches of the Ministry of Interior's Criminal Investigation Department.<sup>14</sup> Based on the cases that Human Rights Watch has observed, judges rarely, if ever, seek to authenticate the validity of confessions or take steps to ensure they were not obtained under duress.<sup>15</sup>

Saudi Arabia has also granted powers of arrest and detention to other bodies. The Commission for the Promotion of Virtue and Prevention of Vice (CPVPV), also known as the

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<sup>10</sup> Human Rights Watch, *Precarious Justice*, pp. 26-30.

<sup>11</sup> *Ibid.*, pp. 108-115.

<sup>12</sup> Human Rights Watch interviews with Human Rights Commission and National Human Rights Society, Riyadh, July 9-10, 2013.

<sup>13</sup> Human Rights Watch, *Precarious Justice*, p. 125. See also Human Rights Watch, *Human Rights and Saudi Arabia's Counterterrorism Response*, August 10, 2009, <http://www.hrw.org/reports/2009/08/10/human-rights-and-saudi-arabia-s-counterterrorism-response-o>.

<sup>14</sup> *Ibid.*, p. 111.

<sup>15</sup> *Ibid.*, p. 7. See also "Saudi Arabia: 7 Convicted for Facebook Postings About Protests," Human Rights Watch news release, June 30, 2013, <http://www.hrw.org/news/2013/06/29/saudi-arabia-7-convicted-facebook-postings-about-protests>.

religious police or *al-Mutaween*, is an authorized law enforcement agency. The CPVPV is tasked with enforcing “moral behavior” in society, and is regularly involved on issues ranging from drugs, sorcery, and prostitution to enforcing appropriate dress and mandating prayer attendance. CPVPV officers have not observed the LCP in the past when arresting, detaining, and interrogating suspects.<sup>16</sup> King Abdullah and other high officials have pledged to end these abuses.<sup>17</sup>

## Cyber-Legislation and Human Rights Organizations

In response to Saudis’ increased use of online discussion forums, blogs, news websites, and social networking sites like Facebook and Twitter,<sup>18</sup> the Saudi Ministry of Culture and Information on January 1, 2011, issued the Executive Regulation for Electronic Publishing Activity.<sup>19</sup> The new regulation subjects all forms of electronic news and information sharing to the vague provisions of the Press and Publications Law of 2003, including requiring publications to promote Islam, not to harm national security or economic interests, health, and public order, or prejudice the dignity and liberty of individuals.<sup>20</sup>

Under the 2011 rules, operators of news websites, discussion forums, blogs, personal websites, or those publishing information via mobile phone text messaging or group emails require a ministry license or registration. These provisions compound the country's 2007 anti-cybercrime law, which imposes harsh criminal penalties, such as up to five years in jail for persons who are judged to have defamed others online or produced online material that “harms public order, religious values, [or] public morals...”<sup>21</sup>

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<sup>16</sup> Ibid., p. 59.

<sup>17</sup> “With youth pounding at kingdom's gates, Saudi Arabia begins religious police reform,” Christian Science Monitor, May 23, 2013, <http://www.csmonitor.com/World/Middle-East/2013/0523/With-youth-pounding-at-kingdom-s-gates-Saudi-Arabia-begins-religious-police-reform> (accessed July 13, 2013).

<sup>18</sup> According to Arab News, there are three million twitter users in Saudi Arabia – approximately 10 percent of the total population. See Fadia Jiffry, “#Saudi Arabia world's 2nd most twitter-happy nation,” Arab News, May 20, 2013, <http://www.arabnews.com/news/452204> (accessed August 15, 2013)

<sup>19</sup> Executive Regulation for Electronic Publishing Activity, Ministry of Culture and Information, available at [www.info.gov.sa/Files/activities.doc](http://www.info.gov.sa/Files/activities.doc) (accessed July 18, 2013).

<sup>20</sup> Articles 3 and 9, Law of Press and Publications of 2003, available at [http://www.saudiembassy.net/about/country-information/laws/Law\\_of\\_Printing\\_and\\_Publication.aspx](http://www.saudiembassy.net/about/country-information/laws/Law_of_Printing_and_Publication.aspx) (accessed July 18, 2013).

<sup>21</sup> Article 6, 2007 anti-cybercrime law.

Saudi prosecutors have used the 2007 anti-cybercrime law as the basis of prosecution for several activists, including Raif Badawi and Mikhlif al-Shammari. Authorities have also stepped up Internet monitoring and prosecutions for postings on social media networks.<sup>22</sup>

Saudi authorities maintain a de facto ban on virtually all independent political and human rights organizations, and the government has denied licenses to newly formed online organizations. It recognizes just one human rights organization, the National Society for Human Rights (NSHR), founded in 2004. According to the 2012 US human rights report on Saudi Arabia, the NSHR receives monetary support from a trust funded by the estate of the late King Fahd.<sup>23</sup> The appointed Shura Council, which fulfills some functions of a parliament, approved a draft law to regulate nongovernmental organizations (NGOs) in 2008, but the Council of Ministers has so far not passed it.<sup>24</sup>

## Women's Rights

Under the discriminatory Saudi guardianship system, girls and women are forbidden from conducting official business, traveling, marrying, undertaking higher education, or undergoing certain medical procedures without permission from their male guardians, namely their fathers, husbands, brothers, uncles, or even sons. Under the guardianship system women are treated as legal minors, entitled to little control over their own lives and well-being or that of their children, and routinely forced to submit to the wishes of male guardians.<sup>25</sup> Coupled with this, the prohibition on women driving and strictly enforced sex segregation adds to these barriers and hinders Saudi women's ability to participate fully in public life.

Women face additional discrimination in gaining access to justice. They cannot represent themselves in court and must obtain a court order to transfer their guardianship to another male relative in circumstances of parental or spousal abuse. Removal of male guardianship remains at the discretion of individual judges, even in cases of abuse. The

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<sup>22</sup> See, for example, "Saudi Arabia: 7 Convicted for Facebook Postings about Protests," Human Rights Watch news release, June 30, 2013, LINK.

<sup>23</sup> US Human Rights Report. Saudi Arabia, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

<sup>24</sup> Draft Regulation of Associations and Civil Institutions. Available at [http://www.imamu.edu.sa/colleg\\_instt/institute/justice\\_institute/assembly\\_judiciary/Pages/2.aspx](http://www.imamu.edu.sa/colleg_instt/institute/justice_institute/assembly_judiciary/Pages/2.aspx) (accessed July 19, 2013).

<sup>25</sup> Human Rights Watch, Perpetual Minors: Human Rights Abuses Stemming from Male Guardianship and Sex Segregation in Saudi Arabia, April 20, 2008, <http://www.hrw.org/reports/2008/04/19/perpetual-minors-o>, p. 2.

Council of Ministers passed a law on protection from abuse that for the first time criminalizes domestic violence. However, it currently has no specific enforcement mechanisms to ensure prompt investigations of abuse allegations or prosecution of those who commit abuses. In the absence of such a measure women remain at risk. The law's effectiveness will also be hampered by the fact that women would require logistical support or transportation from male relatives, who themselves often are the abusers, in order to report abuses or escape abusive situations.<sup>26</sup> Saudi authorities justify the guardianship system by reference to a restrictive interpretation of an ambiguous Quranic verse.<sup>27</sup> The system constitutes the most significant impediment to the realization of women's rights in the kingdom.<sup>28</sup>

Parents can also pursue criminal prosecutions against their male and female dependents on the charge of *'Uquq al-Waledeyn*, or "parental disobedience." This affects women disproportionately, particularly those who flee or try to transfer their guardianship to another male relative. The charge is vague and uncodified; as such, judges, as in most cases, have complete discretion in conviction and sentencing. Hundreds of cases are before the courts on such charges.<sup>29</sup>

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<sup>26</sup> "Saudi Arabia: New Law to Criminalize Domestic Abuse", Human Rights Watch news release, September 3, 2013, <https://www.hrw.org/news/2013/09/03/saudi-arabia-new-law-criminalize-domestic-abuse>.

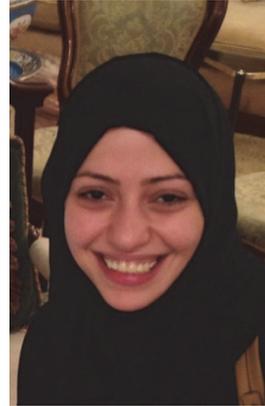
<sup>27</sup> Human Rights Watch, *Perpetual Minors*, p. 10.

<sup>28</sup> Human Rights Watch, "World Report 2013: Saudi Arabia," January 2013, <http://www.hrw.org/world-report/2013/country-chapters/saudi-arabia?page=1>.

<sup>29</sup> See for instance "Jeddah tops the number of cases for 'parental disobedience' with 90 cases" Sabq, April 2, 2013, <http://sabq.org/Adofde>.

## Samar Badawi: Litigating for Women’s Rights

Samar Badawi, 33, is a women’s rights activist who has challenged Saudi laws that allow male guardians to restrict women’s freedom of movement and ability to marry, even in cases where the guardian is responsible for abuse. She has petitioned for an end to the ban on women’s ability to drive and for women to be allowed to vote and run for elected office. She became a rights activist in 2011 after having suffered personally for a decade under Saudi Arabia’s discriminatory “guardianship” laws, including a seven-month imprisonment on the charge of parental disobedience.



Samar Badawi. © 2013 Private.

Badawi’s father physically abused her when she was a teenager and she attempted to run away from home at the ages of 13 and 16, she told Human Rights Watch. In 2008, Badawi, then aged 26, finally found refuge at a shelter for abused women in Jeddah.

She then took a highly unusual step and began legal proceedings at the Jeddah Public Court to strip her father of her guardianship, which allowed him control over key aspects of her life, including her financial affairs.

In retaliation, Badawi said, her father used his status as her guardian to file a charge of “parental disobedience” against her at the Jeddah Criminal Court in 2009.

In June 2009, the judge in the case, Abdullah al-Othaim, issued a warrant for Badawi’s arrest, stating that “disobedience is among the serious cases requiring imprisonment,” citing Ministry of Interior decree No.1900 of 2007.<sup>30</sup> However, the only crime concerning parent-child relations that is mentioned in the decree, dated August 14, 2007, is

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<sup>30</sup> “Ministry of Interior decision defines 15 major crimes that require arrest, including murder, terrorism, drugs, embezzlement, and violence against parents,” al-Riyadh.com, <http://www.alriyadh.com/2007/08/12/article272066.html> (accessed July 15, 2013).

“assaulting a parent with beatings”; the other 14 serious crimes requiring detention pending trial do not include a child’s “disobedience” of a parent.<sup>31</sup>

Badawi left the women’s shelter in July 2009 to live with her brother with the permission of Jeddah’s mayor, Prince Mish’al bin Abd al-Majid. She believed that doing so would protect her from arrest and imprisonment in the outstanding disobedience case, she told Human Rights Watch. After her father refused to allow her to marry, in 2010 Badawi filed an additional charge of “*adh*”<sup>32</sup> against him for arbitrarily withholding permission to marry under principles of Sharia.<sup>33</sup>

On April 4, 2010, when Badawi went to the Jeddah Public Court to attend the first session in the case against her father, authorities arrested her based on the outstanding “parental disobedience” warrant, Badawi’s lawyer, Waleed Abu al-Khair, told Human Rights Watch. According to al-Khair, Badawi spent seven months in detention at Briman prison in Jeddah while he continued to pursue the case against her father.

After al-Khair shared information about Badawi’s case with local and international media Jeddah residents launched an online campaign to raise awareness about her unfair detention. Popular campaigns against Badawi’s mistreatment led local as well as Arab and international media to cover her case, leading to sustained international scrutiny of Saudi Arabia’s discriminatory guardianship system.

In June 2010, the Jeddah Public Court ruled in her favor in the case against her father, finding that he unfairly denied her the right to marry. The court ordered the transfer of her guardianship to her maternal uncle, although Badawi remained in prison. On October 25, 2010, the Supreme Judicial Council intervened in the disobedience case and dropped all charges against her, and she was released from prison on the orders of the Governor of Mecca, Khalid bin Faisal Al Saud. On April 19, 2011, Badawi married her lawyer, Waleed Abu al-Khair.

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<sup>31</sup>“Saudi Arabia: Where Fathers Rule and Courts Oblige”, Human Rights Watch, October 18, 2010, <http://www.hrw.org/news/2010/10/18/saudi-arabia-where-fathers-rule-and-courts-oblige>

<sup>32</sup> Adhl refers to a practice whereby a male guardian unjustly prevents a female dependent, usually a daughter, from marrying. The practice is proscribed under Islamic law.

<sup>33</sup> Khaled al-Jabri, “Madina Court to Look Into three Adhl Cases”, Saudi Gazette, September 17, 2010 <http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentid=2010091783225>.

Since being freed from prison, Badawi has continued to campaign for social justice and women's rights. In 2011, she became the first woman to file suit for women's suffrage in Saudi Arabia by raising an administrative court lawsuit against the Ministry of Municipalities, after voter registration centers refused her request to register to vote in upcoming elections. Badawi's suit argued that nothing in the electoral law, issued by the Ministry of Municipalities, bars women from registering as voters or electoral candidates. The court's final judgment, issued in May 2011, ruled against her claim on the basis that her case was "premature," apparently in the expectation that the king or Council of Ministers would at some point issue a decision relevant to the issue. On September 25, 2011, King Abdullah announced that women would be allowed to vote and run as candidates in municipal elections in 2015, and would be appointed to the Shura Council, an advisory board for the king.<sup>34</sup> On 11 January 2013, the king appointed 30 women to the Shura Council and amended the Shura Council statute to guarantee representation of women.<sup>35</sup>

On June 17, 2011, Badawi joined the Women2Drive campaign, in which women demanded an end to the ban on women driving (see profile of Manal al-Sharif). She also challenged the driving ban in the courts. On February 4, 2012, Samar filed a claim at a Jeddah administrative court against the Ministry of Interior, after it rejected her application for a driver's license. Months later, the court announced that the case had been transferred to an administrative inquiry by a committee at the Ministry of Interior. The results of the investigation have not yet been announced.

Badawi is the recipient of numerous international accolades for her commitment and dedication to the cause of women's rights.<sup>36</sup> She is currently finishing her high school education, which her father interrupted when she was a teenager.

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<sup>34</sup> "Saudi king gives women right to vote", Reuters, Sep 25, 2011 at <http://www.reuters.com/article/2011/09/25/us-saudi-king-women-idUSTRE78010Y20110925>

<sup>35</sup> "Saudi Arabia's king appoints women to Shura Council" January 11, 2013 at <http://www.bbc.co.uk/news/world-middle-east-20986428> (accessed August 15, 2013).

<sup>36</sup> On March 8, 2012, the US State Department recognized her as an "international woman of courage" for her contributions to the advancement of women's rights in Saudi Arabia; see Office of Global Women's Affairs, United States Department of State, "2012 International Women of Courage Award Winners", <http://www.state.gov/s/gwi/programs/iwoc/2012/bio/>, March 5, 2012.

## Waleed Abu al-Khair: Rights Defender On Trial



Waleed Abu al-Khair.  
© 2013 Private.

Waleed Abu al-Khair is a lawyer and founder of the Monitor of Human Rights in Saudi Arabia, a human rights organization that authorities have refused to license.<sup>37</sup>

Abu al-Khair petitioned King Abdullah in 2007 to permit the establishment of the Monitor of Human Rights in Saudi Arabia but received no reply. Weeks later, the Saudi Ministry of Education revoked a governmental study abroad scholarship that Abu al-Khair had won, without explanation. Abu al-Khair completed his studies at his own expense.

Ministry of Social Affairs officials have also rejected his attempts to register the Monitor of Human Rights in Saudi Arabia as an NGO in Jeddah, forcing him to register the organization in Canada. Its website has also been blocked in Saudi Arabia, but the organization's Facebook page has over 5,600 subscribers.

In 2009, Abu al-Khair acted as defense lawyer for a member of the "Jeddah reformists", a group of 16 men, including political and human rights activists, whom police detained after they met to establish a human rights organization.<sup>38</sup> Ministry of Interior officials threatened to imprison Abu al-Khair if he continued his work and warned his father and brother that he should stop his activities.<sup>39</sup>

In 2011, Abu al-Khair signed two other petitions to King Abdullah calling for political reform. One of the petitions, titled "Events in Qatif and Detainees in Jeddah," called for the release of political detainees in Jeddah and for investigations into the recent killings of protesters by security forces in the Eastern Province. Prosecutors questioned many of the signatories

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<sup>37</sup> Saudi Arabia's Justice Ministry has refused Abu al-Khair's requests for a law license, but he nonetheless represents clients in court as a wakeel (or legal representative) at the discretion of individual judges.

<sup>38</sup> "Saudi Arabia - Increasing Threats and Harassment Against Human Rights Defender, Mr Waleed Sami Abu al-Khair", Front Line Defenders, July 14 2009, <http://www.frontlinedefenders.org/node/2095>.

<sup>38</sup> "Saudi Arabia: Drop Charges Against Human Rights Lawyer," Human Rights Watch news release, September 11, 2011, <http://www.hrw.org/news/2011/09/11/saudi-arabia-drop-charges-against-human-rights-lawyer-o>.

<sup>39</sup> Ibid.

to the petition, including Abu al-Khair. A number were compelled by threat of prosecution to sign retractions.

Abu al-Khair began his doctoral studies in the United Kingdom in 2011. Upon returning to Saudi Arabia for the month of Ramadan, the Bureau of Investigation and Public Prosecution called him to appear before the Criminal Court of the Jeddah Governorate in September. The court informed him of criminal charges against him for “offending the judiciary” and “attempting to distort the reputation of the kingdom”, citing his calls for the establishment of a constitutional monarchy, and his appearance on foreign media channels where he spoke out about the human rights situation in Saudi Arabia and the case of Samar Badawi.<sup>40</sup> In subsequent sessions, prosecutors questioned him and accused him of providing information to Human Rights Watch. The trial remains ongoing at this writing.

In March 2012, the Ministry of Interior imposed a travel ban on Abu al-Khair, preventing him from traveling to the United States to complete a fellowship program. The ministry did not give the reasons for the travel ban or its duration as required by law.

On September 12, 2013, Abu al-Khair received a call from an official with the Prince Mohammed bin Nayef Rehabilitation Program, a Ministry of Interior-sponsored counseling program founded to re-integrate jihadists into Saudi society, summoning him to attend sessions at a center in Riyadh and stating that he would face charges in the Specialized Criminal Court.<sup>41</sup> Abu al-Khair received the charge sheet on October 6, which lists at least six charges related to his peaceful human rights activity, including “setting up an unlicensed organization” and “breaking allegiance with the ruler.”

On October 2, police arrested Abu al-Khair and initiated a third criminal case against him for having links with pro-reform activists and hosting them in his home for weekly discussion groups.<sup>42</sup> Authorities released him on bail on October 4.

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<sup>40</sup> Gulf Center for Human Rights, “The Saudi Government Continues to Target Human Rights Lawyer Waleed Abu Alkhair”, February 4, 2012, <http://www.gc4hr.org/news/view/64>.

<sup>41</sup> Human Rights Watch email communication with Waleed Abu al-Khair, September 12, 2013.

<sup>42</sup> “Saudi Arabia: Jailed for Hosting Discussion Group,” Human Rights Watch news release, October 4, 2013, <http://www.hrw.org/news/2013/10/04/saudi-arabia-jailed-hosting-discussion-group>

In January 2013, Abu al-Khair was awarded the Olof Palme Prize for his “strong, self-sacrificing and sustained struggle to promote respect for human and civil rights for both men and women in Saudi Arabia.” After authorities prevented him from traveling to the awards ceremony in Stockholm, his wife, Samar Badawi, accepted the prize on his behalf on January 25 2013.<sup>43</sup>

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<sup>43</sup> Front Line Defenders, “Saudi Arabia - Increasing Threats and Harassment Against Human Rights Defender, Mr Waleed Sami Abu-alkhair”, July 14 2009, <http://www.frontlinedefenders.org/node/2095>,

## Manal al-Sharif: A Driving Force for Change

In 2011, Manal al-Sharif, 34, became the face of a revived campaign for the right of Saudi women to drive: hundreds of thousands of people watched a video of her driving a car in the Eastern Province city of al-Khobar within days of the video's publication online.<sup>44</sup>

The Saudi Ministry of Interior does not issue driving licenses to women, making it effectively illegal for them to drive. Even in cases where women have international driving licenses, police have arrested or reprimanded them, or forced their male guardians to sign pledges that they would not drive again. Saudi Arabia's ban on women drivers has forced women to rely on male relatives and privately-hired chauffeurs to conduct such basic tasks as running errands or going to work. Women have complained that hiring drivers is costly. The authorities have not sought to enforce the ban on women driving in some rural areas, where it is practiced outside their purview.<sup>45</sup>



Manal al-Sharif. © 2012 Reuters.

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<sup>44</sup> The video showing Manal al-Sharif driving is available at [http://www.youtube.com/watch?v=sowNSH\\_W2ro](http://www.youtube.com/watch?v=sowNSH_W2ro) (accessed July 13, 2013).

<sup>45</sup> Human Rights Watch, *Perpetual Minors*, pp.28-29.

Saudi activists have campaigned for decades to end the ban on female driving. On November 6, 1990, after seeing US military women driving in Saudi Arabia, 47 Saudi women drove in a convoy in Riyadh violating the customary ban on driving in order to pressure the government to reverse its policy. Security forces arrested an unknown number of the women for one day and imposed work and travel bans lasting up to 20 years on some of the participants.<sup>46</sup>

Conservative religious figures, including some members of the Council of Senior Scholars, a body of religious scholars appointed by the king, sought to portray the movement as part of a foreign conspiracy that sought to westernize the country.<sup>47</sup> On November 7, 1990, the Grand Mufti and Chairman of the Council of Senior Scholars, Sheikh Abdul Aziz bin Abdullah bin Baz<sup>48</sup>, issued a *fatwa* declaring it inadmissible for women to drive cars, on the basis that the practice would “expose women to temptation” and may lead to “social chaos”. Shortly after, the minister of interior issued a statement affirming the ban on women driving on the basis of the *fatwa*.<sup>49</sup>

In 2008, the Association for the Protection and Defense of Women’s Rights in Saudi Arabia, a women’s rights group founded by activists Wajeha al-Huwaider and Fawzia al-Oyouni, submitted a petition with over 1,000 signatures to King Abdullah requesting a reversal of the driving ban. Al-Huwaider also posted a video on YouTube of herself driving on International Women’s Day; the video attracted hundreds of thousands of viewers.<sup>50</sup>

In 2011, a group of Saudi women including al-Sharif revived the movement. On May 3, 2011, the women set up a “Women2Drive” campaign on Facebook under the slogan “Teach me

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<sup>46</sup> Faiza Saleh Ambah, “Saudi Women Recall a Day of Driving,” *Christian Science Monitor*, December 7, 2005, <http://www.csmonitor.com/2005/1207/p06s02-wome.html> (accessed July 13, 2013).

<sup>47</sup> “Saudi Driving-Ban Challenge Revs Up as Women Take the Wheel,” *The Star*, June 18, 2011, [http://www.thestar.com/news/world/2011/06/18/saudi\\_drivingban\\_challenge\\_revs\\_up\\_as\\_women\\_take\\_the\\_wheel.html](http://www.thestar.com/news/world/2011/06/18/saudi_drivingban_challenge_revs_up_as_women_take_the_wheel.html) (accessed July 13, 2013).

<sup>48</sup> Portal of the General Presidency of Scholarly Research and Ifta’, “Warning against seeking Fatwa from ignorant people and those who follow false doctrines”, *Fatwas of Ibn Baz*, <http://alifta.com/Fatawa/fatawaDetails.aspx?View=Page&PageID=1324&PageNo=1&BookID=14> Part No. 9, Page 398, Publication date unknown.

<sup>49</sup> My Right to Dignity Campaign, “The Legality of Women Driving in Saudi Arabia”, <http://right2dignity.wordpress.com/2011/09/25/allahemlegalresponse/>, September 25, 2011.

<sup>50</sup> The video showing Wajeha al-Huwaider driving is available at <http://www.youtube.com/watch?v=q8GiTnb33wE> (accessed on July 1, 2013).

how to drive so I can protect myself.” The campaign is part of a broader movement, “Right2Dignity”, which aims to end all forms of discrimination against Saudi women.<sup>51</sup>

The “Womens2Drive” campaign highlighted both the practical necessity of driving and the danger of being forbidden to do so in emergency situations, for example in order to drive a sick relative to hospital.<sup>52</sup> The Facebook page called on women with international driving licenses to defy the driving ban from June 17 onwards.

On May 19, al-Huwaider helped to film a video of al-Sharif driving through the eastern city of al-Khobar. In the video, al-Sharif asserts that all women have a right to dignity and that this encompasses the right to be able to move around freely; and she recounts the story of “Farah”, a woman who is forced, she says, to spend one-third of her salary in order to hire a private chauffeur whom she shares with other working women. According to al-Sharif, “Farah” is also forced to leave home two hours earlier than necessary, in order to arrive at work on time since the chauffeur must also drop off other women to their places of employment.<sup>53</sup>

Al-Sharif told Human Rights Watch that traffic and CPVPV officers arrested her while driving on May 21, 2011. They released her six hours later but re-arrested her at her home the following day.<sup>54</sup> Ministry of Interior officials held al-Sharif for nine days at the Dammam Prison for Women. During her detention, Saudi media outlets reported that she had confessed to being funded by outside sources and that she was engaged in a conspiracy to overthrow the regime.

On 23 May, a Saudi prison spokesperson told *Okaz* newspaper that al-Sharif stood accused of driving a car, inciting other women to drive, allowing a journalist to interview her while she was driving, and planning to publish video footage showing her driving, and other offenses. He said that she would be detained for five days while an investigation took place.<sup>55</sup> On the eighth day of her arrest, al-Sharif’s father wrote to King Abdullah

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<sup>51</sup> My Right to Dignity Campaign, “Lawsuit Filed Against the General Directorate of Traffic”, <http://right2dignity.wordpress.com/>, February 4 2012.

<sup>52</sup> John Sutter, “The Woman Who Defied Saudi’s Driving Ban and Put it on YouTube”, June 10 2012, <http://edition.cnn.com/2012/06/10/world/meast/sharif-saudi-women-drive>, ,

<sup>53</sup> “Manal al-Sharif Driving in Saudi Arabia” [http://www.youtube.com/watch?v=sowNSH\\_W2ro](http://www.youtube.com/watch?v=sowNSH_W2ro) , Uploaded May 27 2011

<sup>54</sup> Human Rights Watch Interview with Manal al-Sharif, January 15 2013.

<sup>55</sup> “Manal al-Sherif jailed for five days pending investigation,” *Okaz*, <http://www.okaz.com.sa/new/Issues/20110523/Con20110523421621.htm> (accessed August 24, 2013)

requesting that he pardon his daughter. Prison authorities released her on May 30, 2011, after she agreed to sign a declaration withdrawing from the June 17 campaign.

Since her release, the Shura council has received at least two petitions from Saudi men and women calling for the right of women to drive. In December 2011, a leaked academic study, reportedly endorsed by a member of the Shura council, claimed that women driving would lead to moral degradation.<sup>56</sup> In March 2013, however, *Arab News* reported that the Shura Council had accepted a petition to look into the driving issue, affirming that it would come up for debate.<sup>57</sup> The Shura Council has taken no action at this writing.

On the “Women2Drive” website, al-Sharif calls on women to continue challenging the ban by filing petitions at Administrative Courts, as she herself did on November 15, 2011.

Although best known for her advocacy against the driving ban, al-Sharif has also fought for human rights in other areas. Following her nine-day imprisonment where she met many female domestic workers in prison, she launched a Twitter campaign, “Faraj”, calling on Saudi authorities to release imprisoned migrant domestic workers who are being held for unpaid debts. Exorbitant recruitment fees combined with unlawful aspects of Saudi Arabia’s worker sponsorship system sometimes leave the kingdom’s migrant workers in debt to their sponsors and subject to arrest and detention.<sup>58</sup> She has also highlighted domestic violence and abuse.<sup>59</sup>

Al-Sharif has paid a price for her activism. In May 2012, Saudi oil company Aramco dismissed al-Sharif from her position as an Internet security consultant, a position she had held for over a decade, following her refusal to cease her activism, she told international media outlets.<sup>60</sup> Sheikh Abdul Aziz al-Taraifi, a prominent Saudi cleric, issued a *fatwa* that

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<sup>56</sup> “The Saudi ‘study’ that finds all women drivers on the road to immorality”, *The Guardian*, 6 December 2011 at <http://www.theguardian.com/commentisfree/2011/dec/06/saudi-study-women-drivers> (accessed August 15, 2013).

<sup>57</sup> Ghazanfar Ali Khan, “Shoura May Discuss Women Driving Issue,” *Arab News*, March 18, 2013 <http://www.arabnews.com/news/445244> (accessed August 15, 2013).

<sup>58</sup> “Bad Dreams”: Exploitation and Abuse of Migrant Workers in Saudi Arabia, July 2004, <http://www.hrw.org/reports/2004/07/13/bad-dreams-o>.

<sup>59</sup> “Manal al-Sharif Starts Campaign to Release Female Prisoners in Dammam (Arabic)” *Sabq*, June 2, 2011. <http://sabq.org/lfYede> (accessed July 1, 2013).

<sup>60</sup> Guy Adams, “Manal al-Sherif: They Just Messed with the Wrong Woman,” *The Independent*, May 23, 2012, <http://www.independent.co.uk/news/people/profiles/manal-alsharif-they-just-messed-with-the-wrong-woman-7778800.html> (accessed July 1, 2013).

declared al-Sharif to be “*munafiq*”, a religious hypocrite, a damning term used to denounce someone who conceals their disbelief.<sup>61</sup>

Following her dismissal and numerous death and other threats against herself and her family, she left Saudi Arabia and currently resides abroad. She continues to advocate for women’s rights in Saudi Arabia.

She is the recipient of several international awards in recognition of her work. Foreign Policy magazine named her one of the Top 100 Global Thinkers of 2011. At the ceremony for the Vaclav Havel Prize for Creative Dissent, which she was awarded in May 2012, she stated that “the rain begins with a single drop.”<sup>62</sup>

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<sup>61</sup> Guy Adams, “Saudi regime protester Manal al-Sharif cancels US trip over death threats,” The Independent, June 8, 2012, <http://www.independent.co.uk/news/world/americas/saudi-regime-protester-manal-alsharif-cancels-us-trip-over-death-threats-7827902.html> (accessed July 1, 2013).

<sup>62</sup> Katherine Maher, “Ceremony: Václav Havel Prize for Creative Dissent,” Oslo Freedom Forum, May 9, 2012, <http://www.oslofreedomforum.com/blog/2012/05/09/ceremony-vaclav-havel-prize-for-creative-dissent/> (accessed July 1, 2013).

## Mikhlif al-Shammari: Bridging between Sects



Mikhlif al-Shammari. © 2013 Private.

Mikhlif bin Daham al-Shammari, a 59-year-old journalist and a human rights activist, has sought to use his role as the Eastern Province representative of a large Sunni tribe from the central Najd region of Saudi Arabia to improve relations between Sunnis with the local Shia population.

Security forces have arrested al-Shammari three times since 2007, and on June 17, 2013, Saudi Arabia's Specialized Criminal Court, a court set up to try terrorism-related cases, convicted him of "sowing discord" and other offenses and sentenced him to five years imprisonment followed by a 10-year-travel ban. The charges are

based on his writings and attempts to expose human rights abuses in the kingdom; al-Shammari appealed the sentence in July 2013.<sup>63</sup>

Al-Shammari is active in a number of non-profit organizations, including the Program of Family Safety, an organization that works to combat family violence. He has campaigned for greater rights for Saudi's minority Shia population, who suffer systematic discrimination at the hands of the government, including denial of religious and cultural space to worship, and discrimination in education, administration of justice, and employment.<sup>64</sup> Al-Shammari made national headlines in 2008 when he visited a Shia mosque in Qatif and prayed next to a Shia religious leader in a show of solidarity.

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<sup>63</sup> "Saudi Arabia: 5-Year Sentence for Human Rights Defender," Human Rights Watch news release, June 23, 2013, <http://www.hrw.org/news/2013/06/22/saudi-arabia-5-year-sentence-rights-defender>.

<sup>64</sup> Human Rights Watch, *Denied Dignity: Systematic Discrimination and Hostility toward Saudi Shia Citizens*, September 2009, <http://www.hrw.org/reports/2009/09/03/denied-dignity-o>.

Security forces began harassing al-Shammari in 2007, following his visit to the home of prominent Shia cleric Sheikh Hassan al-Saffar, al-Shammari told Human Rights Watch.<sup>65</sup> He said that on February 4, 2007, plainclothes *Mabahith* officers raided his home and arrested him. Saudi authorities detained him in Dammam prison until May 21, 2007 without charge.

Upon his release, al-Shammari began volunteering at the Saudi Human Rights Commission, a national human rights organization that falls under the jurisdiction of the Council of Ministers.<sup>66</sup>

*Mabahith* officers in al-Khobar briefly detained al-Shammari on May 15, 2010 and questioned him on a number of articles that he had published attacking hardline religious views, he told Human Rights Watch. On June 15, 2010, criminal investigation officers arrested him again and detained him in al-Khobar police station.<sup>67</sup>

Prosecutors interrogated him three times, with investigations focusing on six articles that he had published on Saudi websites that criticized the Saudi religious establishment and government, al-Shammari said. An article published on March 28, 2009, for instance, criticizes promised tourism projects that failed to materialize.<sup>68</sup> In an article dated April 18, 2009, al-Shammari lauded an American Christian who was killed while seeking to protect Palestinian Muslim children, contrasting his action with Saudi Muslim charities that he said condition assistance on recipients exhibiting proper Islamic conduct.<sup>69</sup>

On June 20, 2010 the Bureau of Investigation and Public Prosecution registered case number 2029/255/31, charging al-Shammari with “annoying others,” according to his file in Dammam General Prison, where he was moved in early July.<sup>70</sup> Other charges against him

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<sup>65</sup> “Saudi Arabia: Charges Against Rights Activist Frivolous,” Human Rights Watch news release, July 14, 2010, <http://www.hrw.org/news/2010/07/14/saudi-arabia-charges-against-rights-activist-frivolous>.

<sup>66</sup> Asharq Al-Awsat, “Saudi Human Rights Commission Calls on Friday Sermons to Support Women’s Rights”, June 09 2011, <http://www.aawsat.net/2011/06/article55246206>.

<sup>67</sup> “Saudi Arabia: Charges Against Rights Activist Frivolous,” Human Rights Watch news release, July 14, 2010, <http://www.hrw.org/news/2010/07/14/saudi-arabia-charges-against-rights-activist-frivolous>.

<sup>68</sup> Ibid.

<sup>69</sup> Mikhlif al-Shammari, “My Dear Christian,” April 19, 2009, <http://mikhilif.com/m/index.php/en/articles/168-79> (accessed August 15, 2013).

<sup>70</sup> Human Rights Watch “Saudi Arabia: Charges Against Rights Activist Frivolous” <http://www.hrw.org/news/2010/07/14/saudi-arabia-charges-against-rights-activist-frivolous>, July 14 2010

included “being in touch with international human rights organizations” and “appearing on satellite television.”

Saudi authorities jailed al-Shammari for 21 months without bringing him to trial. While in prison, he began a campaign to improve conditions for detainees, calling on authorities to release detainees being held beyond their sentences, he told Human Rights Watch.<sup>71</sup>

On July 27, 2011, prison guards removed him from his cell and told him that he was to undergo routine medical examinations, according to statements that he provided for a Front Line Defenders news release on August 4, 2011, which he repeated to Human Rights Watch.<sup>72</sup> Guards placed him in a prison waiting room where he was approached by a police lieutenant accompanied by seven soldiers. The lieutenant ordered the soldiers to handcuff al-Shammari’s wrists and shackle his feet. The soldiers dragged al-Shammari to a second room without video recording equipment where the lieutenant and soldiers beat him until he fainted. After regaining consciousness, al-Shammari said he felt a burning sensation in his mouth and realized that the lieutenant was sitting on his chest and pouring detergent down his throat and shouting, “You dirty... die... and I will say you committed suicide.”

The soldiers took al-Shammari to Dammam Medical Center, where he said he overheard them falsely informing hospital staff that he had attempted to take his own life. He shouted that the soldiers had tried to kill him, and prison officials subsequently took him from the hospital back to prison and placed him in solitary confinement with no further access to medical aid.<sup>73</sup>

On February 25, 2012, al-Shammari was released from prison on orders of former Minister of Interior Prince Nayef on the condition that that he attend a trial at the Specialized Criminal Court (SCC) in Riyadh. That same day, the Ministry of Interior issued a ban on foreign travel against him.

On March 12, 2012, al-Shammari appeared before a judge in a closed trial at the SCC in Riyadh on charges including “harming the reputation of the kingdom,” “sowing discord,”

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<sup>71</sup> Human Rights Watch interview with Mikhlif al-Shammari, Khobar, July 12, 2013.

<sup>72</sup> “Torture of Imprisoned Human Rights Defender Mikhlif al-Shammari”, Front Line Defenders, August 4, 2011, <http://www.frontlinedefenders.org/node/15867#> (accessed July 1, 2013).

<sup>73</sup> Ibid.

“being in touch with disreputable organizations,” “appearing on foreign television stations,” “accusing government organizations of corruption,” and “criticizing the Council of Religious Scholars.” He told Human Rights Watch that the court allowed his lawyer to attend only one of fourteen sessions.

The judge in the trial referred to him several times as an apostate, al-Shammari told Human Rights Watch. He was convicted by the same judge on June 17, 2013, to five years imprisonment, following which he is barred from traveling for 10 years.

Al-Shammari told Human Rights Watch that one charge against him was brought under Article 6 of the 2007 anti-cybercrime law. He said he had in 2010 investigated allegations of two girls that their brother was forcing them into sex work in the northwestern city of Tabouk. He said he investigated the allegations with the approval of his organization, the government-affiliated National Family Safety Program, and recorded video evidence on his mobile phone.

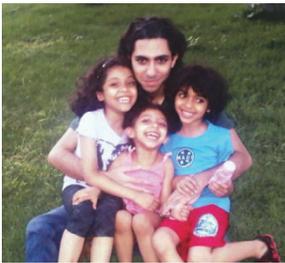
At his trial, the authorities accused him of harming the public order by uploading a video to YouTube that appears to show the brother threatening the girls. Al-Shammari said he has no connection to the video and does not know who created and uploaded it.

Al-Shammari successfully sued the *Mabahith* for his unlawful detention between February and May 2007, gaining \$42,400 in compensation on December 5, 2012, but the Ministry of Interior appealed the decision. The administrative court in Damman ruled that the *Mabahith* could not provide evidence that al-Shammari had “contacts with parties who are antagonistic to the country,” the alleged cause of his arrest. The *Mabahith* appealed the decision.

Al-Shammari told Human Rights Watch that his human rights work has strained both his finances and his family relations. His son has publicly criticized his activism and, in June 2012, shot him four times. He spent months in hospital. He continues to advocate for human rights while appealing his sentence.

## Raif Badawi: Persecuted for Encouraging Online Debate

Raif Badawi is the 31-year-old editor and co-founder of the Free Saudi Liberals website, an online platform he established in 2008 to encourage debate on religious and political matters in Saudi Arabia. Badawi and others on the website declared May 7, 2012 as “a day for Saudi liberals,” hoping to garner interest in open discussion about the differences between “popular” and “politicized” religion. Su’ad al-Shammari, the website’s director, told Human Rights Watch.<sup>74</sup>



Raif Badawi. © 2013 Private.

Police arrested Badawi in Jeddah on June 17, 2012. On July 29, 2013, the Jeddah Criminal Court convicted him of insulting Islam by setting up a liberal website and violating provisions of Saudi Arabia’s 2007 anti-cybercrime law. The court sentenced him to 7 years in prison and 600 lashes.<sup>75</sup>

Saudi authorities first arrested Badawi in 2008 when prosecutors questioned him for one day regarding the establishment of the liberal website. In 2009, the government banned him from foreign travel and froze his business assets.

In 2011, prosecutors charged Badawi under the 2007 anti-cybercrime law, alleging that his website “infringes on religious values.” The prosecution’s evidence includes five website postings by Badawi and anonymous website members critical of Saudi religious authorities and two postings regarding theological questions, according to the charge sheet.

During a hearing on Badawi’s case at the Jeddah Criminal Court on December 17, 2012, Judge Muhammad al-Marsoom prevented Badawi’s lawyer from representing his client, a member of Badawi’s family told Human Rights Watch. The judge informed Badawi that he could face the death penalty if he did not “repent to God” and renounce his liberal beliefs, the family member said. Badawi refused. Judge al-Marsoom referred the case to

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<sup>74</sup> Human Rights Watch, “Free Editor Held Under Cybercrime Law”, <http://www.hrw.org/news/2012/07/16/saudi-arabia-free-editor-held-under-cybercrime-law> , July 17 2012

<sup>75</sup> “Saudi Arabia: 7 Years, 600 Lashes for Activist,” Human Rights Watch news release, July 31, 2013, <http://www.hrw.org/news/2013/07/30/saudi-arabia-600-lashes-7-years-activist>.

the Jeddah Public Court, recommending that it try Badawi for apostasy, which carries the death penalty.<sup>76</sup>

On January 22, 2013, the Jeddah Public Court refused to charge Badawi for apostasy, transferring the case back to the Criminal Court, which issued its ruling on July 29. According to Badawi's lawyer, the judge dropped the apostasy charge after Badawi affirmed to the court that he is a Muslim and recited the *Shehadeh*, or Muslim declaration of faith.<sup>77</sup>

Badawi has also come under public criticism from influential members of the Saudi religious establishment. On March 18, 2012, Sheikh Abdulrahman al-Barrak, a well-known conservative cleric, issued a *fatwa* declaring Badawi an "unbeliever... and apostate who must be tried and sentenced according to what his words require."<sup>78</sup> The fatwa ruled it acceptable for a Muslim to kill Badawi as an apostate. Al-Barrak claimed that Badawi had said "that Muslims, Jews, Christians, and atheists are all equal," and that even if these were not Badawi's own opinions but "an account of the words of others, this is not allowed unless accompanied by a repudiation" of such words.<sup>79</sup> To Human Rights Watch's knowledge Saudi authorities have taken no action in response to al-Barrak's *fatwa*.

Badawi's wife and children moved abroad in 2012 and have not returned, fearing repercussions against them in Saudi Arabia.

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<sup>76</sup> "Saudi Arabia: free Editor Held under Cybercrime Law," Human Rights Watch news release, July 17, 2012, <http://www.hrw.org/news/2012/07/16/saudi-arabia-free-editor-held-under-cybercrime-law>.

<sup>77</sup> "Saudi Arabia: 7 Years, 600 Lashes for Activist," Human Rights Watch news release, July 31, 2013, <http://www.hrw.org/news/2013/07/30/saudi-arabia-600-lashes-7-years-activist>.

<sup>78</sup> "Sheikh al-Barrak: The words of Ra'if Badawi Constitute Incitement to Apostasy (Arabic)", Almoslim.net, March 18, 2012 <http://almoslim.net/node/162191> (accessed July 1, 2013).

<sup>79</sup> Ibid.

## Fadhil al-Manasif: Defender of Detainees Detained

Fadhil Makki al-Manasif, 26, is a photographer and a member of the Adala Center for Human Rights (Adala Center), a rights organization in the Eastern Province. Security forces have arrested al-Manasif three times since 2009. He is currently detained and faces charges including “sowing discord,” “inciting public opinion against the state,” and inviting the international media to demonstrations, as well as participating in gathering information about demonstrations.<sup>80</sup>



Fadhil al-Manasif. © 2013 Private.

As a member of the Adala Center, al-Manasif played a leading role in documenting abuses against demonstrators in the Eastern Province in 2011. He organized educational workshops on human rights in Qatif and acted as an interlocutor between the families of detainees and authorities, on several occasions approaching police officials in the Eastern Province on behalf of families to ask about the whereabouts of missing family members.

Security forces arrested al-Manasif in his home town of Awammiyah on April 15, 2009 and detained him without charge for three months at the Dammam General Prison. Officials accused him and 20 others of participating in protests, which

are banned by the Ministry of Interior, and released him in June after he signed a pledge not to take part in gatherings.<sup>81</sup>

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<sup>80</sup> Adala Center for Human Rights, “Freedom in Shackles,” May 2012, <http://www.adalacenter.net/index.php?act=artc&id=666> (accessed July 1, 2013).

<sup>81</sup> Ibid.

Authorities arrested al-Manasif again in May 2011, two days after he disseminated information to international media outlets and human rights organizations on amendments to the press law and ongoing protests in the Eastern Province. In response to a summons, al-Manasif presented himself to the Ministry of Interior's Criminal Investigation Department in Awammiyah, where security forces immediately took him into custody.<sup>82</sup>

On June 4, 2011, security forces transferred al-Manasif to solitary confinement in the General Investigation Directorate (*al-Mabahith*) prison in Dammam. On June 6, prosecutors charged him with a series of crimes related to his first arrest in 2009, including "sowing discord," "inciting public opinion against the state," "damaging public property by organizing and calling for protests," and inviting the international media to demonstrations, as well as participating in gathering information about demonstrations. Security forces released him on August 22 2011, after he signed a declaration promising to refrain from participating in further demonstrations.

On the evening of October 2, 2011, al-Manasif approached the Awammiyah police station to speak to police about their detention of two elderly persons, whose sons were wanted for participation in protests. The authorities had detained the men in order to compel their sons to turn themselves in, according to the Adala Center for Human Rights. When one of the elderly men collapsed, al-Manasif followed by car the ambulance taking the man to the hospital and was stopped and arrested at a checkpoint. Security forces transferred him to the *Mabahith* prison in Dammam, and placed him in solitary confinement for four months, denying him any visits from his family until August 11, 2012, 314 days after his initial arrest. He remains in detention.

On May 12, 2011 several United Nations Special Procedures mandate holders released an urgent appeal on al-Manasif's behalf, expressing concern that his arrest violated his right to freedom of expression.<sup>83</sup> The UN Secretary General on July 21, 2011 also expressed concern that his situation "may be related to his work in the defense of human rights, in particular, his involvement in the documentation and dissemination of information on

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<sup>82</sup> Human Rights Council, Annual Report of the United Nations High Commissioner for Human Rights and the Office of the High Commissioner for Human Rights, Report of the Secretary General, July 21, 2011, A/HRC/18/19,

<sup>83</sup> United Nations Human Rights Council, "Communications Report of Special Procedures", Office of the High Commissioner for Human Rights A/HRC/18/51, September 9, 2011, [http://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/A.HRC.18.51\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/A.HRC.18.51_en.pdf),

human rights violations, as well as his engagement with United Nations mechanisms and other international human rights organizations.”<sup>84</sup>

At this writing al-Manasif remains on trial before Saudi Arabia’s Specialized Criminal Court.

According to the Adala Center, al-Manasif alleges that authorities have subjected him to various forms of torture during his detention including beatings on his hands and legs, blindfolding for extended periods of time, forced standing for extended periods of time, and electrocution.<sup>85</sup>

During his interrogation sessions, a colleague of al-Manasif’s at the Adala Center told Human Rights Watch, officials questioned him about his rights activism and he acknowledged being in communication with international human rights organizations including Amnesty International and Human Rights Watch. His colleague believes that the courts could file additional charges against him for communicating with these groups.<sup>86</sup>

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<sup>84</sup> Ibid.

<sup>85</sup> Adala Center for Human Rights, “Freedom in Shackles,” May 2012, <http://www.adalacenter.net/index.php?act=art&id=666> (accessed July 1, 2013).

<sup>86</sup> Telephone interview with member of Adala Center for Human Rights, April 3, 2013.

## Abdullah al-Hamid and Mohammed al-Qahtani: Symbols of the Rights Movement

Abdullah al-Hamid, a 66-year-old political reformist, and Mohammed Fahad al-Qahtani, a 48-year-old economics professor, are well-known Saudi rights activists and co-founders of the Saudi Civil and Political Rights Association (ACPRA).

Al-Hamid's activism extends over a 20-year period. In 1993, he and five other academics and religious scholars co-founded the Committee for the Defense of Legitimate Rights, a political advocacy group whose stated objectives included the release of political detainees and accountability for abuses by members of the ruling family. Authorities accused the group of ties to extremist Islamist elements and imprisoned and exiled its members. Imam Mohammed bin Saud Islamic University in Riyadh dismissed Al-Hamid from his job as a lecturer. Authorities detained him six separate times between 1993 and 2008.



Abdullah al-Hamid.  
© 2013 Private.

Al-Qahtani was an economics professor at the Riyadh-based Institute of Diplomatic Studies, a unit of the Foreign Affairs Ministry. In 2009, al-Qahtani, al-Hamid, and eight other academics and rights activists, co-founded ACPRA in response to the worsening human rights situation in Saudi Arabia. The organization calls for the implementation of the principles of the Universal Declaration of Human Rights, a constitutional monarchy with an elected parliament, and the creation of transparent and accountable legal institutions. ACPRA helped many families sue the Ministry of Interior for breaches of Saudi law in cases of arbitrary detention.

Al-Qahtani and al-Hamid continued ACPRA's work even though Saudi authorities have refused to license ACPRA, harassed and interrogated their members, and Saudi courts have convicted other ACPRA founders and members on politicized charges. In April 2012, the Specialized Criminal Court (SCC) sentenced Mohammed al-Bajadi, a member of the organization, to four years in prison followed by a five-year travel ban for participating in the establishment of an unlicensed organization, inciting demonstrations, harming the

image of the state through the media, contesting the independence of the judiciary, and possessing banned books. ACPRA's current president, Sulaiman al-Rashoodi, is serving a 15-year prison sentence followed by a 15-year travel ban imposed after the SCC convicted him of charges including "breaking allegiance with the ruler."

In April 2012, al-Qahtani, al-Hamid, and a group of other reformists signed a petition calling for Prince Nayef to be removed as Crown Prince because he was "not fit to be the next king."<sup>87</sup> The petition claimed there had been ill-treatment of tens of thousands of detainees during Prince Nayef's tenure as Minister of Interior when he had helped to turn the *Mabahith* police into a "henchman to terrorize the people."<sup>88</sup>



Mohammed al-Qahtani. © 2008 Associated Press.

Al-Qahtani and al-Hamid came under official investigation in early 2012, along with Dr. Abdulkareem al-Khodr, another co-founder, and prosecutors charged al-Qahtani and al-Hamid in June. According to an ACPRA statement, interrogators told al-Qahtani and al-Hamid that the government would drop the case against them if they

agreed to stop their activism. During the court session when al-Hamid was read out his list of charges, the judge informed al-Qahtani, who happened to be present, that he too was on trial and would have his charges read out in another session.<sup>89</sup>

On March 9, 2013, the Criminal Court in Riyadh convicted al-Hamid and al-Qahtani to long prison terms on charges including "breaking allegiance with the ruler," "spreading chaos and destabilizing public order," "setting up an unlicensed organization," "questioning the

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<sup>87</sup> Thomas Lippman, "Saudi Professor Faces Charges After Fighting for Free Speech," Al-Monitor, June 29, 2011, <http://www.al-monitor.com/pulse/originals/2012/al-monitor/mohammad-al-qahtani-pushes-the-l.html> (accessed July 20, 2013).

<sup>88</sup> "Statement from Saudi Activists: We Call for Prince Naif to be Removed as Crown Prince Because He is the Most Tyrannical Prince (Arabic)," Al-Watan, April 26 2012, <http://www.watan.com/news/world-news/2012-04-26/7964> (accessed July 20, 2013).

<sup>89</sup> See "Saudi Arabia: Trial of human rights defender Dr Mohammed Al-Qahtani," FrontLine Defenders, July 7, 2012, <http://www.frontlinedefenders.org/node/18818> (accessed October 15, 2013).

integrity of officials,” and “disseminating false information to foreign groups.” The judge sentenced al-Hamid to a total of eleven years in prison: a new five-year prison term, in addition to a previous six-year sentence from which he had been released under a conditional royal pardon in 2006. The pardon had been conditional on his ceasing his rights activism. The judge also imposed a five-year travel ban to be served following the sentence.<sup>90</sup> The court sentenced al-Qahtani to ten years imprisonment and a further ten-year travel ban.

At the final session of the trial, according to *Sabq* newspaper, the judges compared the activists to terrorists, claiming that “calling for a change of the name of the kingdom cannot possibly be reformist.”<sup>91</sup> The court verdict described them as ‘deviants’ and compared them to Al-Qaeda in that both seek to change the regime, but stated that al-Qahtani and al-Hamid seek to do so through peaceful means. After al-Hamid criticized the court’s lack of independence, the newspaper reported, the presiding judge Hammad al-Omar warned him not to question the sentences, and that “judges may add what crimes they deem necessary to the charge list.”<sup>92</sup>

The judge ordered the immediate detention of al-Hamid and al-Qahtani, who had been at liberty during the trial, and the dissolution of ACPRA, the confiscation of its assets, and the closure of all social media accounts linked to the organization. Al-Hamid and al-Qahtani appealed the decision on May 28.<sup>93</sup>

In his report to the UN Human Rights Council regarding reprisals for cooperation with UN mechanisms, UN Secretary General Ban Ki-moon referred to the case of Mohammed al-Qahtani, stating that “reportedly the charges made specific reference to his work as a human rights defender and accused him of providing false facts and information to international mechanisms by way of statements and the dissemination of information about individual complaints against the Saudi Government which ‘contradict the truth and reality documented in official papers’.”<sup>94</sup>

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<sup>90</sup> Human Rights Watch, “Saudi Arabia: Released Jailed Activists”, March 11, 2013, [www.hrw.org/news/2013/.../saudi-arabia-release-jailed-rights-activists](http://www.hrw.org/news/2013/.../saudi-arabia-release-jailed-rights-activists),

<sup>91</sup> Sabq (Arabic), “A Ten-Year Prison Term for al-Qahtani and An Eleven-Year Prison Term for al-Hamid in ACPRA Trial”, March 9, 2013, <http://sabq.org/onyfde>,

<sup>92</sup> Ibid.

<sup>93</sup> “Saudi Activists Appeal Lengthy Jail Sentences,” Riyadh Bureau, May 28, 2013, <http://riyadhbureau.com/blog/2013/5/activists-appeal> (accessed July 1, 2013).

<sup>94</sup> UN General Assembly, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, UN Doc A/HRC/21/18, August 13, 2012, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-18\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-18_en.pdf) (accessed August 15, 2013)

## Sulaiman al-Rashoodi: Promoting Rights under Islamic Law



Sulaiman al-Rashoodi. © 2013 Private.

Sulaiman al-Rashoodi is a 76-year-old judge and current president of the Saudi Civil and Political Rights Association (ACPRA). Al-Rashoodi has been on the front lines of promoting civil society and criticizing authorities for their human rights failings for more than 20 years. His activities have made him a consistent target of Saudi authorities' attempts to stamp out dissent.

In 1993, he helped to establish one of the first independent civil society groups in Saudi Arabia, the Committee for the Defense of Legitimate Rights. For his role in establishing this organization the authorities imprisoned him for two months, banned him from travel for five years and, in an apparent effort to deprive him of his livelihood, revoked his law license.<sup>95</sup>

In 1995, al-Rashoodi led the first known protest in the conservative Najd region of Saudi Arabia, the historical homeland of the Saudi family and the Wahhabi movement. For this the authorities threw him in jail for three-and-a-half years without charge or trial.<sup>96</sup>

Authorities arrested him again in 2004 and held him for two weeks for signing a joint letter to then-Crown Prince Abdullah asking for constitutional reforms.<sup>97</sup>

Police detained al-Rashoodi again in 2007, along with 15 other activists, academics, and lawyers who had been meeting to establish a human rights organization in Jeddah; police claimed the men were part of an alleged terrorist "sleeper cell." They held al-Rashoodi

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<sup>95</sup> Human Rights Watch telephone interview with Saudi lawyer (name withheld), July 28, 2013

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

without charge for almost four years. In July 2011, they brought charges against him and released him on bail on condition that he would not reveal details of his arrest or detention.

On November 11, 2011, the Specialized Criminal Court sentenced al-Rashoodi to 15 years in prison for “breaking allegiance with the ruler,” “cooperating with outside organizations,” and other charges that arose entirely from his peaceful exercise of his right to freedom of expression and association such as “participating in forming an organization called ‘*Tawasso*’ in order to spread chaos under the cover of advice and reform,” and “criticizing state-affiliated religious scholars.” ‘*Tawasso*’ is an Arabic acronym for Public Peaceful National Gathering, the name of the human rights organization the men had planned to set up. Notwithstanding his conviction, he remained at liberty until police arrested him again on December 12, 2012, after he delivered a public lecture in Riyadh on the legality of demonstrations under Sharia law.<sup>98</sup>

Al-Rashoodi has since been serving his sentence in al-Ha’ir prison near Riyadh; prison officials prevented him from contacting his family for three months, until February 2013.<sup>99</sup>

The court that sentenced al-Rashoodi in November 2011 also convicted 15 other members of the Jeddah reformers’ group on a number of the same charges during the same group trial; six of them remain in detention. Saud al-Hashimi, a professor and social activist, is serving a 30-year sentence with a further 30-year travel ban and a fine of 2 million riyals (US\$534,000); Musa al-Qarni, a university professor, and Abdulrahman Khan, a researcher, are both serving 20-year sentences with a 20-year travel ban; Abdullah al-Rifa`i, a Syrian national, is serving 15 years and subject to immediate deportation to Syria following his jail sentence; and Abdulrahman al-Shummayri, 59, a university professor who gave several lectures calling for constitutional reform, is serving 10 years and a 10-year travel ban.<sup>100</sup> Others remain at liberty under conditions of a royal pardon provided in January 2013 in which they signed a pledge not to repeat their offenses or engage in public activism, and thanked the king.

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<sup>98</sup> “Saudi Arabia: Free Ex-Judge Sentenced to 15 Years,” Human Rights Watch news release, February 13, 2013, <http://www.hrw.org/news/2013/02/12/saudi-arabia-free-ex-judge-sentenced-15-years> .

<sup>99</sup> Human Rights Watch telephone interview with family member, June 28, 2013.

<sup>100</sup> “Release of 10 convicted men from “the sleeper cell”, 6 Remain in Detention,” Sabq, January 12, 2013, <http://sabq.org/Kuufde> (accessed July 1, 2013).

## Turki al-Hamad: “Getting Things Moving”

Turki al-Hamad, 58, is a novelist and political analyst who has written on subjects considered taboo in Saudi Arabia, including religious freedom, sexuality, and scientific rationalism.<sup>101</sup>

On December 21, 2012, al-Hamad used his Twitter account to publish a series of short statements criticizing Islamists and official Saudi interpretations of Islamist thought. He stated: “Our prophet came to rectify the faith of Abraham, and now is a time when we need someone to rectify the faith of Muhammad.” His next tweet stated: “They [Islamists] have distracted us with nonsense that we forgot the important issues.” In his next tweet, he implicitly criticized Saudi Arabia’s state-sponsored, fundamentalist Islamism, stating “the age of Nazism is gone, and the sun will rise again.”<sup>102</sup>

Saudi police arrested al-Hamad on December 24. In early January, a group of over 500 authors, academics, and civil society figures addressed a petition to Crown Prince Salman bin Abdulaziz, calling for the “immediate and unconditional” release of al-Hamad, referring to him as a “leader in cultural thought.”<sup>103</sup> They called his arrest an “attack on freedom of expression.”<sup>104</sup> Saudi authorities detained al-Hamad for more than six months without charge until his release on June 5, 2013.<sup>105</sup>

Al-Hamad is best known for a fictional trilogy, *Phantoms of the Deserted Alley*, which centers on a Saudi teenager who debates themes of heaven and hell, philosophy, and social constraints. The first installment, *Adama*, was published in 1998. In the last novel in the trilogy, the main character, who by then is imprisoned, muses that God and the Devil are interchangeable. In an interview about the book, al-Hamad stated that: “Where I live

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<sup>101</sup>Angelo Young, “Who is Turki al-Hamad?”, International Business Times, December 25, 2012, <http://www.ibtimes.com/saudi-arabias-own-salman-rushdie-arrested-mohammad-tweets-968536>.

<sup>102</sup> “Saudi Arabia Arrests Another Writer Over Tweets,” Al Jazeera, December 25, 2012, <http://stream.aljazeera.com/story/201212250316-0022449> (accessed July 1, 2013).

<sup>103</sup> Al-Hayat (in Arabic), “Petition Calls for the Release of Turki al-Hamad,” January 3, 2013, <http://alhayat.com/Details/468777>,

<sup>104</sup> “Activists Address Petition to to Crown Prince to Free al-Hamad (Arabic)” Al-Masala, January 2, 2013, <http://almasalah.com/index.php/world-3/4937-يوج-ننشاء-4937-خطابا-هون-إلى-خطابا-هون-يوج-ننشاء-4937>.

<sup>105</sup> “Detained Saudi Writer Turki al-Hamad Freed,” Gulf News, June 5, 2013, <http://gulfnews.com/news/gulf/saudi-arabia/detained-saudi-writer-turki-al-hamad-freed-1.1193165> (accessed July 3, 2013).

there are three taboos: religion, politics, and sex. It is forbidden to speak about these. The situation has been static for so long, I wrote this trilogy to get things moving.”<sup>106</sup>

Saudi authorities banned the book, and Saudi clerics issued *fatwas* against it and called al-Hamad an apostate, a crime that is punishable by death. His name also appeared in an Al-Qaeda statement as an apostate who should be arrested and tried.<sup>107</sup> In response to the death threats against al-Hamad, then-Crown Prince Abdullah (who ascended to the throne in 2005) provided the author with security protection.<sup>108</sup>

Al-Hamad is also the author of academic books, including *Arab Culture and the Challenges of Modernity* and *Politics: Between the Lawful and the Forbidden*.<sup>109</sup> He grew up in Dammam and in 1985 obtained his PhD in Political Science from the University of Southern California.

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<sup>106</sup> Margaret Obank, “A Young Saudi’s Thirst for Knowledge,” *Banipal*, No. 19 Spring 2004, [http://www.banipal.co.uk/book\\_reviews/25/adama/](http://www.banipal.co.uk/book_reviews/25/adama/) (accessed July 1, 2013).

<sup>107</sup> Malu Halasa, “Triumphant Trilogy,” *Time Magazine*, January 9, 2013, <http://www.time.com/time/magazine/article/0,9171,901050117-1015836,00.html> (accessed July 14, 2013).

<sup>108</sup> *Ibid.*

<sup>109</sup> Literal translation: (1) al-thaqafa al-arabiya amam tahadeyat iltaghyeer, (2) al-siyasa bayn al-halal w’al haram.

## Adel Ali al-Labbad: “Poet of the Revolution”



Adel Ali al-Labbad. © 2013 Private.

Adel Ali al-Labbad, 45, is a political activist and poet from the Eastern Province city of Awammiyah. Security forces have arrested him four times over the past ten years and, according to his own accounts, tortured him.

In 2012, following the death of Minister of Interior Prince Nayef bin Abd al-Aziz, al-Labbad published “For This, I Shall not Forgive You,” a poem that criticized the ministry’s sweeping arrests of protesters and its ill-treatment of dissidents. Later in 2012, he wrote “Dancing on Blood” in response to the death of protester Khaled al-Labbad, who was shot dead outside his home in the Eastern Province. His 2012 book *Inqilab* (“*Coup d’Etat*”), contains a group of poems touching on the popular uprising in Bahrain and the fall of former Egyptian president Hosni Mubarak. His writings have earned in the moniker “Poet of the Revolution” among the Shia population of Eastern Province.

Al-Labbad, a Shia, fled Saudi Arabia to Iran, India, and Syria in the 1980s, where he was a member of several banned Shia political associations in exile. Saudi authorities never accused him of involvement in violence, and he returned to Saudi Arabia under the general amnesty promulgated for Shia dissidents by King Fahd in 1993.<sup>110</sup>

Al-Labbad’s most recent arrest occurred in October 2012, two days after the Saudi daily newspaper *Al-Iqtisadiyya* published a glowing review of his writings. Ironically, the review noted that “al-Labbad today lives a normal life, no one pursues him or throws him in prison for life.”<sup>111</sup>

According to his family, al-Labbad was driving home from work at the Ministry of Water and Electricity on October 10 when two cars forced him to pull over. Security officers checked his identification card and escorted him to the police station in Qatif, where police searched his vehicle and found copies of *Inqilab*. Family members told Human Rights

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<sup>110</sup> See Fouad Ibrahim, *The Shi’is of Saudi Arabia*, (London, al-Saqi Books: 2006).

<sup>111</sup> Fahd al-`Eeli, “Men of al-Qatif ... Excuse me, Have you Read the Experience of al-Labbad?” *Saudi Economy*, October 10, 2012, [http://www.aleqt.com/2012/10/10/article\\_700190.html](http://www.aleqt.com/2012/10/10/article_700190.html) (accessed April 11, 2013).

Watch that when they went to the police station, officers initially denied that he was there, until one of his family members spotted al-Labbad's car in the parking lot. After the officers admitted that they were holding him, Al-Labbad's relatives returned several times to the police station and requested permission to visit him. An officer threatened one of his relatives: "If you keep coming here to ask the same question you will join [him] soon."<sup>112</sup>

After arresting him security forces interrogated al-Labbad for 20 days while holding him in solitary confinement, his relatives said.<sup>113</sup>

Authorities eventually brought al-Labbad before a judge, but family members were unable to find a lawyer who would agree to represent him. They believe that al-Labbad faces accusations stemming from his writings and online activity on social-networking sites Facebook and Twitter. Judicial authorities have refused to release court documents stating the specific charges.<sup>114</sup>

Authorities are currently holding al-Labbad in the *Mabahith* prison in Dammam and have refused family requests to release his ID and bank cards, leaving them in a precarious financial situation because without these documents they cannot access his bank account.<sup>115</sup>

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<sup>112</sup> Human Rights Watch interview with relative of Adel al-Labbad, April 11, 2013.

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

# Recommendations

## To the Government of Saudi Arabia

Saudi criminal justice authorities should halt the ongoing crackdown on human rights and civil society activists, including by:

- Releasing all prisoners held solely for their peaceful practice of their rights to free expression and association, including prisoners convicted of alleged crimes, prisoners currently on trial, and prisoners held arbitrarily;
- Halting all acts of intimidation, harassment, and smear campaigns against rights activists, including those carried out by individuals invested with or claiming religious authority;
- Halting the imposition of arbitrary travel bans without justification or notification.

The Saudi Royal Court and Council of Ministers should enact necessary legal reforms, including by:

- Promulgating a penal code that clearly defines acts that give rise to criminal responsibility in line with international human rights standards. The penal code should also criminalize use of torture and cruel, inhuman and degrading treatment or punishment;
- Promulgating a Law of Associations that enables civil society organizations to work freely and independently, with government oversight only where strictly necessary and proportionate;
- Promulgating a Law of Assembly that guarantees individuals and groups the right to peaceful assembly;
- Rescinding the Executive Regulation for Electronic Publishing activity that subjects all forms of electronic news and information to the vague provisions of the Press and Publications Law of 2000 and which significantly hampers online freedom of expression;
- Amending the Law of Criminal Procedure to permit detainees to challenge the lawfulness of their detention before a court, to guarantee access to legal counsel in a timely manner, and to make statements obtained under duress or torture inadmissible in court;

- Enacting laws ensuring that religious minorities, including the country's Shia population, receive equality of access in all areas of public life including institutions of higher learning, employment, and state institutions, including in the security services, high ministerial positions, local and provincial councils, the Shura Council, and military academies;
- Enacting changes to the Travel Documents Law ensuring that travel bans handed down by the Ministry of Interior can be challenged in court;
- Further protecting freedom of worship for religious minorities, including freedom in the building and upkeep of religious sites, distribution of religious materials, and religious celebrations.

The Ministry of Interior and the Bureau of Investigation and Public Prosecution should ensure greater transparency and prevent ill-treatment of detainees, including by:

- Promptly, and prior to interrogation, allowing the detainee to communicate with legal counsel of his or her choice, and informing him or her of this right at police stations, *Mabahith* offices, and other custodial settings of law enforcement agencies in compliance with the Law of Criminal Procedure;
- Videotaping, dating, and serializing all interrogations, and promptly making the full content of those tapes available to the detainee and his or her counsel;
- Ending practices requiring a detainee to pledge to abstain from certain acts or perform certain acts as a condition of release, unless such a pledge is part of a formal, judicially-sanctioned agreement and does not in any way inhibit the exercise of the detainee's human rights.

The Ministry of Justice and the Supreme Judicial Council should strengthen the rights of defendants to ensure they receive a fair trial, including by:

- Ending trials of protesters and activists in the Specialized Criminal Court, and ensuring that all defendants are provided with legal counsel, and all trials are open to the public;
- Allowing defendants to effectively challenge the evidence against them;
- Ensuring that witnesses for the prosecution and defense appear in court so that defendants may cross-examine them;

- Issuing guidelines for introducing evidence;
- Issuing sentencing guidelines, including on the meaning of guilt proven beyond reasonable doubt for discretionary sentences.

The Saudi government should dismantle the legal guardianship system for all women and enforce women's equal rights in all areas of public and private life, including by:

- Establishing an oversight mechanism to ensure that government agencies no longer require a guardian's permission for women to work, travel, marry, study, or access any public service, and that they can participate in all activities afforded to men;
- Issuing clear and explicit directives from the Ministries of Higher Education, Interior, and Labor to their staff prohibiting them from requesting a guardian's presence or permission to allow a woman to access any service;
- Drafting executive or implementing regulations clearly laying out the responsibilities of specific government agencies in implementing and enforcing the Law on Protection from Abuse;
- Allowing women's access to justice and courts including by guaranteeing a women's right to provide witness testimony without discrimination.

## **Acknowledgments**

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CHALLENGING THE RED LINES

# Annex: Letter from Human Rights Watch to the Ministry of Justice

March 14, 2013

Dr. Mohammed bin Abdulkareem Al-Issa  
Minister of Justice  
The Ministry of Justice  
University Street, Riyadh 11137  
The Kingdom of Saudi Arabia

Your Excellency Dr. Mohammed bin Abdulkareem Al-Issa,

We hope this letter finds you in good health.

As you may be aware, Human Rights Watch is following the trials of a number of human rights defenders in Saudi Arabia. We are planning to issue a report on these human rights defenders and wish to brief you on our concerns before publication, to give you the opportunity to provide us with information that we can reflect in our report, provided that we receive the information by April 15, 2013.

We also hope to have the opportunity to visit you in person to discuss with you our concerns about human rights in Saudi Arabia, and hope that you will issue visas to our staff members for this purpose, as requested in our letter to His Excellency Mohammed bin Nayef al-Saudi, dated December 10, 2012. As noted above, we will incorporate all pertinent information that you send us in a timely fashion. It is our view that Saudi Arabian law, as it is currently applied by many judges, criminalizes peaceful work in defense of human rights, leading to the authorities harassing, arresting and trying rights activists. In the past year, the judiciary has charged rights activists with a range of offenses including “establishing contact with outside organizations” and “annoying others.” Because Saudi Arabia does not have a codified criminal code, judges are free to criminalize acts in accordance with their interpretations of Islamic law.

We are particularly concerned over the trials of human rights activists in Specialized Criminal Court, which according to our information deprive

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defendants of certain due process rights guaranteed by international law. We invite you to provide us with information on a number of such cases, including that of Abdullah al-Hamid and Mohamed al-Qahtani, members of the Saudi Association for Civil and Political Rights based in Riyadh, who are being tried on charges that included “harming the reputation of the Kingdom.”

We are also concerned that other human rights activists currently face trials in criminal and district courts, including Mikhlif al-Shimmari, an activist from the Eastern Province, who is being charged with “annoying others” and Walid Abualkhair, a lawyer from Jeddah, charged with “being in touch with outside organizations.”

In order that our planned report will reflect official views, we would like you kindly to answer the following questions:

1. What is the full list of charges levied against the above persons? Have the above defendants had the opportunity to appoint lawyers, and at what stage of the proceedings?
2. Are each of the above-mentioned trials open to the public, including independent monitors?
3. What is the legal basis for the imposition of travel bans against these persons?

We are also further concerned by the detention of five members of the Jeddah reformist group, who were arrested after attempting to set up a human rights organization in 2007. They include Sulaiman al-Rashoodi, an ex-judge whose bail was revoked in December 2012. The other four members of the group have been in custody since 2007 and are serving sentences of up to 30 years for charges including “breaking allegiance to the King.” We are also concerned by the continued detention of Fadhil Manasif, a human rights activist from the Eastern province. We would like you kindly answer the following questions:

1. What is the legal basis for the detention of Fadhil Mansif, and the members of the Jeddah reformist group including Sulaiman al-Rashoodi, Suad al-Hashimi, Musa al-Qarni, Abdulrahman al-Siddiq, and Abdulrahman al-Shimmari?
2. Have independent monitors had the opportunity to visit the above-mentioned persons in order to monitor the conditions in which they are being held? Have these persons been allowed regular visits from family members and access to lawyers? Are any of these persons being held in solitary confinement;
3. Will members of the detained Jeddah reformist group, Sulaiman al-Rashoodi, Suad al-Hashimi, Musa al-Qarni, Abdulrahman al-Siddiq, and Abdulrahman al-Shimmari be permitted to appeal their cases to a higher court?

We will reflect any pertinent information or observations that we receive from you or other Saudi officials in our reporting on these matters, if received by April 15, 2013.

Please do not hesitate to contact me should you have any questions. As noted above, we stand ready to come to Saudi Arabia to discuss these matters directly with you, and hope that you will also facilitate the provision of visas for this purpose.

Sincerely,

A handwritten signature in dark ink, appearing to be 'S. Whitson', with a long horizontal flourish extending to the right.

Sarah Leah Whitson  
Executive Director  
Middle East and North Africa Division  
Human Rights Watch.

# CHALLENGING THE RED LINES

## Stories of Rights Activists in Saudi Arabia

Civil society and human rights activists in Saudi Arabia are struggling for greater popular political participation, judicial reform, and an end to discrimination against women and minorities. Saudi authorities have responded by arresting rights defenders and attempting to intimidate, those calling for change.

*Challenging the Red Lines* presents the stories of 11 prominent Saudi civil society and human rights activists, and their struggles to resist government efforts to silence them. Empowered by new media and social media tools such as Twitter, activists have gained the means to build relationships with one another, discuss ideas, and develop public platforms from which to disseminate their pro-reform message to the Saudi public.

Authorities have attempted to stem the growth of independent activism through a sweeping repression campaign, which has included threats, intimidation, investigations, prosecutions, detentions, and long prison terms.

In the face of repression, Saudi activists continue to challenge the authorities, risking their freedom and livelihoods in order push for genuine reform and respect for human rights. The 11 individuals profiled in *Challenging the Red Lines* demonstrate some of the struggles and successes of Saudi Arabia's small but growing activist community.



*Saudi human rights activists gather outside the Criminal Court of Riyadh following a hearing in the trial of fellow activists Abdullah al-Hamid and Mohammed al-Qahtani. Sulaiman al-Rashoodi (second from right), Mohammed al-Qahtani (third from right), Waleed Abu al-Khair (center, fourth from right) and Abdullah al-Hamid (fifth from right)*

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