

HUMAN RIGHTS WATCH

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February 12, 2021

Mr. Sundar Pichai
Google, CEO

CC:
Thomas Kurian
Google Cloud, CEO

Halimah DeLaine Prado
General Counsel, Google

Alexandria Walden
Google, Global Head of Human Rights

**Subject: Concerns about Establishing a Google Cloud Region in
Saudi Arabia**

Dear Mr. Pichai,

Human Rights Watch is an independent international organization that monitors human rights in more than 100 countries around the world. We are writing to you concerning Google's announced plan to establish a new Google Cloud region in Saudi Arabia and request that you carry out a thorough human rights due diligence process, including by consulting with human rights experts and stakeholders in the region and take clear steps prior to the implementation of this plan to prevent or mitigate any adverse human rights impacts linked to the hosting of this cloud region.¹

Such adverse human rights impacts include violations of privacy, freedom of expression, association, non-discrimination, and due process rights, including by: handing over user data to the Saudi government on people who the government accuses of producing, storing, or sending via information network any material that

¹ <https://cloud.google.com/blog/products/infrastructure/google-cloud-announces-new-regions>

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"harms public order, religious values, public morals, [or] the sanctity of private life" under its "anti-cybercrime" law;² bypassing established legal mechanisms to obtain data through government pressure, which would not be reflected in transparency reports; and monitoring of user activity by the Saudi government.

Given the risk of such serious human rights impacts, we request you suspend the plan to establish the Google Cloud region until you have clearly communicated³ and demonstrated how you intend to address and significantly mitigate the risk of serious negative rights impacts, and that you have measures in place to remedy harm and assess evolving risks on an ongoing basis. We also request that Google carry out a thorough human rights due diligence assessment and remove or mitigate risks of adverse human rights impacts before implementing plans to build cloud regions in other countries where there are similar risks linked to these business activities.

Saudi Arabia has an extensive record of seeking⁴ to spy on its own citizens,⁵ including through illegally accessing⁶ their personal information within US technology companies, and has amassed a dismal human rights record in which authorities have unleashed a wave of domestic repression that has attempted to crush peaceful dissent.⁷ Given this reality, Google's plan raises serious concerns about how it can and will uphold its human rights responsibilities under the UN Guiding Principles to prevent or mitigate the adverse human rights impacts that are clearly linked to the hosting of a cloud region in Saudi Arabia.

² https://features.hrw.org/features/HRW_2016_reports/140_Characters/index.html#_Toc459041474; https://www.citc.gov.sa/en/RulesandSystems/CITCSys/Docs/LA_004_%20E_%20Anti-Cyber%20Crime%20Law.pdf; <https://www.tamimi.com/law-update-articles/cyber-crimes-committed-by-social-media-users-in-saudi-arabia/#:~:text=The%20Saudi%20Anti%20Cyber%20Crime%20Law%20aims%20to%20secure%20the,as%20Owell%20as%20people%27s%20privacy.&text=A%20number%20of%20cyber%20crimes,of%20these%20h as%20a%20penalty>; <https://www.hrw.org/world-report/2021/country-chapters/saudi-arabia>

³ https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁴ https://www.washingtonpost.com/national-security/former-twitter-employees-charged-with-spying-for-saudi-arabia-by-digging-into-the-accounts-of-kingdom-critics/2019/11/06/2e9593da-00a0-11ea-8bab-0fc209e065a8_story.html

⁵ <https://citizenlab.ca/2018/10/the-kingdom-came-to-canada-how-saudi-linked-digital-espionage-reached-canadian-soil/>

⁶ <https://www.justice.gov/opa/press-release/file/1215836/download>

⁷ https://www.hrw.org/report/2019/11/04/high-cost-change/repression-under-saudi-crown-prince-tarnishes-reforms#_ftn89

For many years, Human Rights Watch has reported extensively on Saudi Arabia's human rights abuses, including its escalating domestic repression. Since 2017, de facto leader crown prince Mohammed bin Salman has overseen⁸ a wave of arrests that have targeted prominent clerics,⁹ public intellectuals, senior royal family members, academics, human rights activists, and the country's leading women's rights activists. This crackdown on peaceful dissent and perceived opposition to Saudi authorities was coupled with a significant deterioration in due process rights in a country where the rule of law was already tenuous.¹⁰ In 2017, the country's prosecution service and security apparatus were also placed directly under the oversight of the royal courts, allowing them direct access to the primary tools of Saudi repression.¹¹ Saudi Arabia's domestic repression has extended to the killing of dissidents abroad. In October 2018, Saudi state agents brutally murdered¹² Washington Post columnist Jamal Khashoggi in Saudi Arabia's consulate in Istanbul, Turkey. There has been no clear accountability for the perpetrators of any of these abuses. While some Saudi activists have recently been released from prison, they face additional prison time if they do not stay silent and most, including Loujain al-Hathloul, remain banned from travel and have suspended sentences hanging over them.¹³

Saudi authorities have repeatedly sought to identify anonymous dissidents and spy on its citizens through their digital communications. For instance, Citizen Lab, a Canadian academic research center, concluded with "high confidence" that in 2018, the mobile phone of a prominent Saudi activist based in Canada was infected with spyware,¹⁴ which allowed full access to a victim's personal files, such as chats, emails, and photos, as well as the ability to surreptitiously use the phone's microphones and cameras to view and eavesdrop. In another instance, in 2019, two Twitter employees were charged with spying for Saudi Arabia.¹⁵ Both

⁸ <https://www.hrw.org/news/2019/11/04/saudi-arabia-change-comes-punishing-cost>

⁹ <https://www.hrw.org/news/2017/09/15/saudi-arabia-prominent-clerics-arrested>

¹⁰ <https://www.hrw.org/report/2019/11/04/high-cost-change/repression-under-saudi-crown-prince-tarnishes-reforms>

¹¹ <https://www.hrw.org/news/2019/11/04/saudi-arabia-change-comes-punishing-cost>

¹² <https://www.hrw.org/news/2019/10/02/saudi-arabia-provide-justice-khashoggi-killing>

¹³ <https://www.hrw.org/news/2021/02/10/saudi-arabia-prominent-womens-rights-activist-released>

¹⁴ <https://citizenlab.ca/2018/10/the-kingdom-came-to-canada-how-saudi-linked-digital-espionage-reached-canadian-soil/>

¹⁵ https://www.washingtonpost.com/national-security/former-twitter-employees-charged-with-spying-for-saudi-arabia-by-digging-into-the-accounts-of-kingdom-critics/2019/11/06/2e9593da-00a0-11ea-8bab-0fc209e065a8_story.html

were accused of accessing the private information of Saudi dissidents who utilized the platform to discuss current issues. This enabled the Saudi authorities to uncover information that is not available elsewhere and to unmask the identities of anonymous critics.

Human Rights Watch has previously called for technology companies to halt the sales of surveillance technologies and ensure that any ongoing training and technical support to Saudi Arabia does not contribute to human rights violations.¹⁶ Human Rights Watch has also called on Google to refrain from facilitating human rights abuses by operating in repressive environments where it faces excessive government pressure.¹⁷

Google has a responsibility to respect human rights that exists independent of a state's willingness to fulfill its human rights obligation. The company's own statement on human rights¹⁸ asserts its commitment "to respecting the rights enshrined in the Universal Declaration of Human Rights and its implementing treaties, as well as upholding the standards established in the United Nations Guiding Principles on Business and Human Rights (UNGPs) and in the Global Network Initiative Principles (GNI Principles)¹⁹ across all of its products, including Cloud.

Human Rights Watch would like to reiterate questions posed by Access Now and the CIPPIC in their open letter to you in January of 2021.²⁰ These include questions on the due diligence process that Google has carried out to understand the potential impact on human rights, the type of user data that will be stored and processed in the Saudi cloud, the security measures to protect this data, the legal standards that Saudi Arabia has met to be trusted with securing the information stored, and the type of access that the Saudi government will have to this data. Additionally, Human Rights Watch would also like to raise the following questions:

¹⁶ <https://www.hrw.org/report/2019/11/04/high-cost-change/repression-under-saudi-crown-prince-tarnishes-reforms>

¹⁷ <https://www.documentcloud.org/documents/4792329-Google-Dragonfly-Open-Letter.html>

¹⁸ https://about.google/intl/ALL_us/human-rights/

¹⁹ <https://globalnetworkinitiative.org/https://globalnetworkinitiative.org/>

²⁰ <https://www.accessnow.org/google-cloud-in-saudi-arabia-human-rights-concerns/>

- 1- What type of process will Google implement to vet the employees that will have access to the information stored in the Saudi Arabia Cloud region?
- 2- What measures does Google have in place to assess whether users' data is being unduly accessed by Google employees in Saudi Arabia or through government hacking?
- 3- What is the degree of oversight that the company will have on the operations in the Saudi Arabia Cloud region?
- 4- Will users be able to know what data is being stored in this Cloud?
- 5- How does Google plan to respond to Saudi authorities' requests for user data that are legal under Saudi law but do not comply with international human rights standards?
- 6- Did Google carry out a human rights impact assessment, and would they be willing to share the findings with Human Rights Watch?
- 7- Did Google consult any external stakeholders, including human rights experts and users in the region, before deciding to establish a Cloud Region in Saudi Arabia? Have these external stakeholders expressed concerns about other cloud regions based in the Middle East, such as Qatar?

We would be grateful if you could respond to our request and questions in this letter by February 26, 2021.

Sincerely,

A handwritten signature in cursive script that reads "Michael A. Page".

Michael Page
Deputy Director
Middle East and North Africa
Human Rights Watch