



Denied Dignity

**Systematic Discrimination and Hostility toward
Saudi Shia Citizens**

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I. Summary

A pilgrimage of Saudi Shia to Medina in February 2009 to observe the anniversary of the Prophet Muhammad's death led to clashes between the pilgrims and Saudi security forces. Those forces included the non-uniformed religious police, which is staunchly Sunni and opposed to what they consider the idolatrous innovations of Shia rituals of commemorating special holidays and making visits to graves. The immediate cause of the Medina clashes was the filming on February 20 of Shia women pilgrims by a man believed to belong to the religious police. The clashes continued in the area of the Baqi' cemetery in Medina over a five-day period, and resulted in the arrest of tens of pilgrims. The Medina clashes and subsequent events in the Eastern Province stoked the sharpest manifestation of long-standing sectarian tensions that the kingdom has experienced in years.

The incidents at the Baqi' cemetery reflected in part these long-standing tensions, but they were also an outlet for anger among the Shia (who are 10-15 percent of the population) over systematic discrimination at the hands of the government in education, the justice system, and, especially, religious freedom. They also face exclusion in government employment. The government for its part reacted with repressive measures of arrest and a clampdown on public airing of Shia grievances rather than seeking dialogue to prevent further conflict.

In late February and early March largely peaceful demonstrations in solidarity with those arrested in the Medina clashes took place in the heavily Shia Eastern Province, producing a crackdown by the security forces. The kingdom does not allow any form of demonstrations, even peaceful ones. A Shia preacher in 'Awwamiyya known for his vocal opposition to Saudi policies, Nimr al-Nimr, suggested in a Friday sermon on March 13 that his coreligionists consider secession from Saudi Arabia if their rights were not respected. The security forces' hunt for al-Nimr, who went into hiding, resulted in further Shia protests supporting the preacher, and a further crackdown.

Security officers arrested more than 50 people in the Eastern Province, including children, for participating in the demonstrations. More than two dozen were detained until July 1. Royal amnesties for detainees, a halt to arbitrary arrests after March, and pronouncement of loyalty to the state by moderate Shia helped deescalate the situation in the following months.

Nevertheless, underlying discrimination has risen. Since the February-March events, authorities have intensified ongoing restrictions on Shia communal life. Since 2008 the

authorities have arrested and threatened the owners of Shia private communal prayer halls in Khobar to extract pledges to close them. Since 2001 the authorities in Ahsa' have imposed extrajudicial prison sentences on leaders of communal prayers and on persons selling articles used in Shia religious ceremonies such as `Ashura' and Qarqi'un, which remain prohibited in many Saudi Shia communities.

These repressive measures have fueled a lingering sentiment of discrimination among Shia. They observe how the government tolerates inflammatory and intolerant statements by Saudi Sunni clerics directed toward the Shia, while preventing the Shia even from simple acts of religious worship such as praying together. Underlying state discrimination against Shia includes a justice system based on religious law that follows only Sunni interpretations, and an education system that excludes Shia from teaching religion, and Shia children from learning about their Islamic creed. The sectarian divide, and Saudi state and Sunni community hostility and suspicion toward Saudi Shia, reflects not just religious intolerance but also political tensions arising from the elevated profile of Shia politics in the broader region, from Shia Hezbollah in Lebanon to Shia dominance over Iraqi politics and fears over the designs by Shia-dominated Iran for the Shia population of the Gulf states, including Saudi Arabia.

King Abdullah of Saudi Arabia, as crown prince in 2003, initiated National Dialogues between the Shia and Sunnis, among others, but little has come of them. In 2008 the king led the call for tolerance between world religions at the United Nations General Assembly in New York, but neglected to promote tolerance for Saudi Arabia's Shia minority at home.

The Saudi government should urgently address the underlying reasons for sectarian tension, and end systematic discrimination against the Shia.

Recommendations to the Government of Saudi Arabia

Saudi Arabia should establish:

- A commission of investigation, under the governmental Human Rights Commission and with participation from the Bureau of Investigation and Public Prosecutions, to investigate the circumstances leading to acts of violence by protestors and by security officials from February 20 to 24 around the area of the Baqi' cemetery in Medina. It should further investigate the lawfulness of arrests and detention arising from the events in Medina and from the February and March protests in Safwa, 'Awwamiyya, and Qatif. It should prosecute those suspected to be involved in unlawful acts of violence, and discipline officials who ordered or carried out arbitrary

- arrests. The commission should hear eyewitnesses to the events and make its findings public, and should have the power to order compensation to be paid to those who suffered unlawful violence or detention at the hands of state authorities.
- A commission of equal citizenship, under the National Dialogue Center, and with a wide participation, including members of the Shura Council, the Human Rights Commission and the National Society for Human Rights, elected local councilors, and tribal, religious and community leaders of the Eastern Province. The Commission should consider recommending a national institution on discrimination, as suggested by the United Nations Committee on the Elimination of Racial Discrimination. The Commission should explore ways to:
 - Protect freedom of worship for the Shia, especially in areas with a high Shia population, including freedom in the building and upkeep of mosques and *husseiniyyas*, printing, importing, and distribution of religious material, and the holding of public religious celebrations.
 - Protect the freedom for parents to ensure their children receive a religious education in accordance with their beliefs, and for children to be able to choose and practice their own religion. This should include a right at school to abstain from or opt out of Sunni religious instruction that is contrary to Shia beliefs, and the right, wherever possible (and at a minimum in all areas where Shia form a significant percentage of the population), to receive religious instruction according to Shia beliefs on par with what Sunni pupils receive. Exercise of that right should entail allowing Shia to teach religion in schools.
 - Ensure equality in employment and access to institutions of higher learning, including in the security services, high ministerial positions, local, provincial and the Shura Council, and military academies.
 - Ensure equal access to justice, including by mandating that all persons are equal before the law regardless of their sectarian identity, and that qualified Shia jurists can work as judges in regular courts, especially in areas with a high Shia population.
 - A commission on holy places, to carry forward the Mekka June 2008 interfaith initiative organized by the Muslim World League, to explore ways to share space for religious worship in Mekka and Medina among adherents of different Muslim creeds while respecting Saudi Arabia's dominant religious practices. The commission should pay special attention to diverse staffing and appropriate training for security guards and officials of the Commission to Promote Virtue and Prevent Vice operating in such shared space for worship.

Saudi Arabia should engage its high religious officials, such as the office of the mufti, the Council for Senior Religious Scholars, and the Ministry for Islamic Affairs, Preaching, and Religious Guidance to rebut religiously intolerant speech by officials and other influential voices.

Methodology

Saudi authorities have not granted Human Rights Watch access to freely conduct in-country research since a November-December 2006 research mission to the kingdom. Human Rights Watch staff visiting in May 2007, March 2008, and May 2009 remained tightly circumscribed in their official and private meetings.

Human Rights Watch researchers visited the Eastern Province in February and December 2006, meeting with roughly two dozen Shia intellectuals and victims of human rights abuses. We also met with Eastern Province Shia in Bahrain in December 2007, and with Medina Shia in Riyadh in May 2007.

Due to the government-imposed barriers preventing Human Rights Watch from conducting in-country research since 2006, for its more up-to-date information this report relies on telephone interviews with Saudi Shia human rights activists and ordinary Saudi Shia who participated in the Medina protests and clashes or in the Safwa or 'Awwamiyya protests, and with religious leaders chiefly in Khobar and Ahsa', as well as on telephone interviews and email communications with Saudi Sunni and Shia human rights activists living in the Eastern Province. To protect those we interviewed from retaliation, we have withheld names or used pseudonyms for our sources, unless they indicated a willingness to be named.

On August 26, 2009, Human Rights Watch sent a letter to the Saudi government enquiring about any investigations into the Baqi' cemetery events and the Eastern Province protests and arrests, and what steps the kingdom had taken to address discrimination in religious worship, education, employment, and the justice system. As of September 3, we had not received a reply.

II. The Shia under Saudi Rule

The population of Saudi Arabia is overwhelmingly Sunni Muslim, and Wahhabism is the official religion of the kingdom. Adherents of the Twelver Shia creed in the kingdom live predominantly in the Eastern Province, and in Medina, home to the so-called Nakhawila.

Wahhabi dominance dates back more than two-and-a-half centuries. In 1744 the itinerant and modernizing preacher Muhammad bin Abd al-Wahhab found refuge near today's Riyadh with local chief Muhammad bin Sa'ud. They agreed to make common cause, with Abd al-Wahhab giving the ruler religious legitimacy, especially to expand his realm, and Ibn Sa'ud granting Abd al-Wahhab freedom to rid the inhabitants of what he saw as centuries of sinful innovations and to return them to the path of true Islam. By 1792 the Saudis had conquered the traditionally Shia areas of Qatif and Ahsa', which they periodically contested with the Ottomans for over a century thereafter. In 1913 the Ottomans handed over the region to advancing troops of Abd al-'Aziz bin Sa'ud, the founder of the modern kingdom. King Abd al-'Aziz (who died in 1953) according to historians "despised the Shiites," but found himself caught between giving in to "the hatred that the Wahhabi *'ulama'* have consistently shown toward Shiism," and the realities of the Shiite areas' high population not being easily subdued without large numbers of troops, and the benefits of taxing Shia financial resources for Saudi expansionism, in addition to the need to accommodate international diplomacy, especially British interests in the Gulf.¹ Nevertheless, the new Saudi state initially allowed "Wahhabi zealots [to] implement ... a repressive religious policy" toward the Shia,² including demands of forced conversion.³ When conflict arose between the Wahhabi zealous fighting force, the Ikhwan, and the king, the Ikhwan were crushed and disbanded in 1930, and repression of the Shia eased.⁴

Following the discovery of oil in the 1930s in what is now the Eastern Province, and the inclusion of Shia among employees of ARAMCO, the Saudi oil company, the focus of Shia demands shifted toward greater rights for workers and greater infrastructure investment in

¹ Guido Steinberg, "The Shiites in the Eastern Province of Saudi Arabia (al-Ahas), 1913-1953," in Rainer Brunner and Werner Ende, eds., *The Twelver Shia in Modern Times. Religious Culture and Political History* (Cologne: Brill, 2001), p. 237.

² Laurence Louer, *Transnational Shia Politics. Religious and Political Networks in the Gulf* (New York: Columbia University Press, 2008), p. 21.

³ Steinberg, "The Shiites in the Eastern Province," p. 248. King Abd al-'Aziz agreed to demands by the Ikhwan in 1927 to force the Shia to convert to "Islam," to close all mosques and husseiniyyas of the Shia, and to prohibit public religious ceremonies.

⁴ Louer, *Transnational Shia Politics*, p. 22.

their areas.⁵ These demands were at the heart of Shiite protests in the “intifada of 1400,” a local uprising during ceremonies marking ‘Ashura’ (a major Shia holiday) in 1979,⁶ in which some Saudi Shia went further, voicing demands for independence.⁷ The 1979 Islamic revolution in Shia-dominated Iran both emboldened Saudi Shia (their public celebration of ‘Ashura’ that year being one example), and contributed to the Saudi government increasing support for propagating Sunni Islamic messages in public and in the education system.⁸ These messages followed the Saudi Wahhabi interpretation of Islam, which frequently portrays Shia as unbelievers.⁹

An incident of violence occurred during the Muslim annual pilgrimage to Mekka in 1987, when Iranian and Saudi Shia pilgrims staged a demonstration against US and Israeli policies which turned violent and resulted in the deaths of 400 pilgrims.¹⁰

In the 1980s some Saudi Shia emigrated to escape growing repression at home and expressed their views, including criticisms of the government, through the publication of books and magazines.¹¹ In 1993 the Saudi government came to an understanding with representatives of the émigré Shia opposition whereby they would cease their publications, return to the kingdom, and become a loyal constituency. In return, the authorities promised to release political prisoners, lift travel bans on activists, curb anti-Shia teachings in the educational system, and work toward greater equality between Shia and Sunnis, especially in employment. Some Shia activists did return, but others remained abroad because they were distrustful that the government would honor its promises or because the compromise did not go far enough in their eyes. The government released some political prisoners and

⁵ Robert Vitalis, *America's Kingdom. Mythmaking on the Saudi Oil Frontier* (Stanford, CA: Stanford University Press, 2007), pp. 149-151.

⁶ Toby Jones, “Rebellion on the Saudi Periphery: Modernity, Marginalization, and the Shi’a Uprising of 1979,” *International Journal of Middle Eastern Studies*, vol. 38 (2006), pp. 213-233.

⁷ Tim Niblock, *Saudi Arabia: Power, Legitimacy, and Survival* (Abingdon and New York: Routledge, 2006), pp. 82-83. See also Jones, “Rebellion on the Saudi Periphery.”

⁸ Guido Steinberg, “The Wahhabi Ulama and the Saudi State,” in Paul Aarts and Gerd Nonneman, eds., *Saudi Arabia in the Balance* (London: C. Hurst & Co., 2005), pp. 28-29.

⁹ Natana J. Delong-Bas, *Wahhabi Islam. From Revival and Reform to Global Jihad* (New York: Oxford University Press, 2004), pp. 84-90.

¹⁰ Niblock, *Saudi Arabia: Power, Legitimacy, and Survival*, p. 81.

¹¹ Human Rights Watch interviews with Hamza al-Hasan, Ja’far al-Shayib, and Sadiq Jubran, who were part of the Saudi Shia émigré opposition at the time, in London, March 2008, Qatif, Eastern Province, February 2006, and Hofuf, Eastern Province, February 2006, respectively.

lifted travel bans, but made no discernible progress toward curbing intolerant statements and discrimination.¹²

In 1995 the Saudi government arrested a large number of Shia in the Eastern Province on suspicion of involvement in the unrest taking place in neighboring Bahrain, whose population is majority Shia but whose government is Sunni-dominated.¹³ Saudi authorities again arrested scores of Eastern Province Shia following the Khobar bombings in June 1996, which killed 19 US soldiers. Authorities continue to hold nine Shia without trial in connection with the bombings following their arrests between 1996 and 1999.¹⁴

Since 2006, tensions between Shia and Sunni Saudis have increased, fuelled in part by developments in Iraq and the perceived growth of Iranian influence in the region.¹⁵ During the war between Israel and Lebanon's Hezbollah in July and August 2006, the government suppressed demonstrations by Sunnis as well as Shia in solidarity with Lebanon's Shia, and arrested Shia in the Eastern Province who put pictures or symbols of Hezbollah and Hassan Nasrallah, its leader, in their cars or on their mobile phones.¹⁶ Following the appearance of a video showing the execution of deposed president Saddam Hussein of Iraq in December 2006, with officials of the Shia-led Iraqi government taunting Saddam, media reports suggest some Sunnis in Saudi Arabia blamed the Shia in general, including Saudi Shia, for oppressing Iraqi Sunnis.¹⁷

Before external factors increased domestic tension between Sunnis and Shia in Saudi Arabia, the authorities had taken some measures to promote respect for the Shia religious minority. Then-Crown Prince Abdullah in 2003 began a series of National Dialogues, which

¹² International Crisis Group (ICG), "The Shiite Question in Saudi Arabia," Middle East Report No. 45, September 19, 2005, <http://www.crisisgroup.org/home/index.cfm?id=3678> (accessed August 19, 2009), p. 4.

¹³ Human Rights Watch/Middle East, *Routine Abuse, Routine Denial. Civil Rights and the Political Crisis in Bahrain*, June 1997, <http://www.hrw.org/en/reports/1997/07/01/routine-abuse-routine-denial>; and Human Rights Watch interview with two Saudi Shia men, Qatif, February 2006. The men from the Eastern Province were arrested in Bahrain, handed over to Saudi authorities, and severely beaten in Saudi custody in 1995.

¹⁴ Human Rights Watch interviews with family members of two detainees, Dammam and Qatif, December 18, 2006. See also 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 24, 2008, <http://www.hrw.org/en/reports/2008/03/24/precarious-justice-o>, pp. 125-128. The involvement of Shia militants in the Khobar attacks has been questioned. See Gareth Porter, "Investigating Khobar Towers: How a Saudi Deception Protected bin Laden," *Inter Press Service*, <http://www.ipsnews.net/news.asp?idnews=47312> (accessed July 4, 2009).

¹⁵ Megan K. Stack, "Iraqi Strife Seeping Into Saudi Kingdom," *Los Angeles Times*, April 26, 2006, <http://articles.latimes.com/2006/apr/26/world/fg-shiites26> (accessed August 19, 2009).

¹⁶ Human Rights Watch interviews with two young Shia in Tarut and Qatif, Eastern Province, December 2006.

¹⁷ Donna Abu-Nasr, "Sectarianism Casts Shadow Over Mideast," Associated Press, January 29, 2007, reproduced at http://www.washingtonpost.com/wp-dyn/content/article/2007/01/29/AR2007012900972_pf.html (accessed August 19, 2009).

brought together for the first time leading Saudi Shia and Sunni religious figures. Furthermore, the authorities since 2005 eased the prohibition on festivities surrounding Ashura, allowing more public processions in Qatif (see also chapter III). Between February and April 2005 the authorities conducted municipal elections to half the seats of municipal councils, the first elections in most parts of the kingdom, and did not interfere when Shia won all six contested seats in Qatif, and five out of six in Ahsa'.¹⁸

Nevertheless, respect by many Saudi Sunnis for Shia identity and tolerance of their religious beliefs remains a distant goal. Saudi religious shaikhs have issued edicts suggesting Sunnis avoid greeting Shia, or eating with them.¹⁹

Even attempts to bridge Sunni-Shia divides sometimes face government sanction. In November 2006 the government pressured Shia religious scholars to disband a group they had formed to attempt, together with the national astronomical society, to unify diverse theological methods to detect the arrival of the new moon. The Islamic calendar is based on the lunar year, and differences over dating the new moon, which heralds the start of religious holidays, is a matter of frequent Sunni-Shia contention.²⁰ On February 4, 2007, the Saudi secret police arrested Mukhlif bin Dahham al-Shammari, a Sunni human rights activist working toward greater Shia-Sunni understanding, and detained him for three months for having visited Shaikh Hasan al-Saffar, the top Shia cleric in Saudi Arabia.²¹

¹⁸ Human Rights Watch interviews with Ja'far al-Shayib, winner of a council seat in Qatif, and Sadiq Jubran, Ahsa', February 2006.

¹⁹ See fatwas by Shaikh Abdullah bin Jibrin, member, Council of Senior Religious Scholars: Fatwa No. 12869, "Our Position on the Shia [في طريقة التعامل مع الروافض][موقفنا من الرافضة]" Fatwa No. 12461, "On The Way to Treat the Rejectionists [Shia][الروافض]" Fatwa No. 8222: Ruling on Marriage by an Ismaili to a Sunni Woman [حكم تزويج الإسماعيلي بامرأة سنية], and Fatwa No. 7827 "Prohibition on Shia to Pray in Mosques of Muslims [منع الشيعة من الصلاة في مساجد المسلمين]" all published, undated, on Ibn Jibrin's website: Abdullah bin Jibrin, "Ibn Jibrin's Fatwas," <http://ibn-jebreen.com/ftawa.php?view=subj&subid=1&parent=0> (accessed July 30, 2009). Ibn Jibrin died on July 13, 2009. The Council of Senior Religious Scholars is the kingdom's highest organ for interpreting Islam. The king appoints its members, who are all Sunni.

²⁰ Human Rights Watch email communication with a person close to Shaikh Faisal al-'Awwami, a member of the proposed group, November 11, 2006. See also "Announcing the Establishment of the 'Council for Legal Beginnings' in Qatif and Dammam Cities [الإعلان عن انشاء «مجلس الاستهلال الشرعي بمدينتي القطيف والدمام]" *Rasid News Network*, <http://www.rasid.com/artc.php?id=13227> (accessed July 30, 2009), and Human Rights Watch, *The Ismailis of Najran: Second-class Saudi Citizens*, September 2008, <http://www.hrw.org/en/reports/2008/09/22/ismailis-najran-o>, p.22.

²¹ Human Rights First in Saudi Arabia, statement, February 15, 2007, and Human Rights Watch telephone interview with Mukhlif al-Shammari, July 30, 2009.

III. Underlying Discrimination

Eastern Province Shia have accused the government for three decades of discriminating against them in two basic ways. First, they claim that the government is denying them religious and cultural space that they allow to Sunnis. Second, many Shia claim that the government discriminates against them in education, the administration of justice, and in employment.

The events since February 2009 discussed in the following chapters highlight the severe restrictions on freedom of religion for Saudi Shia. But the pattern of repression has a longer recent history. Government offices ban Shia religious observations and policemen prevent Shia from enjoying the same rights of worship as Sunnis do. Having banned ‘Ashura’ processions since taking control of what is now the Eastern Province in 1913, Saudi authorities since 2005 have allowed larger processions in Qatif, though none has been allowed in Ahsa’. The authorities recently built a large Sunni mosque in overwhelmingly Shia Qatif, while continuing to greatly restrict permits for Shia to build or renovate mosques (refusal extends to projects that would not be seeking financial support from the state, something that Sunni mosque projects frequently enjoy).²²

The recent history of discrimination against the Shia includes the way in which official figures portray and treat them as persons of dubious faith, and hence, as second class citizens. The former grand mufti of Saudi Arabia, Shaikh Abd al-Aziz bin Baz, in 1993 declared the Shia Ramadhan festival of Qarqi’un a heretical “innovation.”²³ The force of such religious pronouncements, and their consequences for denying Shia their religious freedom, can be seen in the actions by a local education official in the Eastern Province: Ahmad Bil-Ghanaim, the director of education in Ahsa’, in September 2007 issued a directive to all schools to ban all Qarqi’un festivities.²⁴

²² Scott Wilson, “Shiites See an Opening in Saudi Arabia. Municipal Vote in East Could Give Suppressed Minority Small Measure of Power,” *Washington Post*, February 28, 2005, <http://www.washingtonpost.com/wp-dyn/articles/A58262-2005Feb27.html> (accessed August 3, 2009).

²³ Kingdom of Saudi Arabia, The General Presidency of the Department for Scientific Research, Fatwas, Missionary Activity, and Guidance of the General Secretariat of the Council of Senior Religious Scholars, “Fatwa No 15532,” May 15, 1993. Copy on file with Human Rights Watch.

²⁴ Kingdom of Saudi Arabia, Ministry of Education, (280) Ahsa’ Governorate Education Administration (Boys), Administration for Islamic Awareness, “Circular to All Units, Administrations, Divisions, Centers for Educational Supervision, Schools, and Institutes, No 34/27166,” September 25, 2007. Copy on file with Human Rights Watch.

Pronouncements against the Shia as unbelievers contribute to what are regular restrictions the state imposes on their freedom to worship in spaces shared with Sunni worshipers, such as Mekka and Medina. For example, on August 5, 2007, Sayed AlQazwini, an American Shia, was praying in the Grand Mosque in Mekka when a member of the “religious police ... was attacking the belief system of the Shia, stating that they are considered infidels ... that the Shia worship the dead [and] stones and rocks,” he told the Al-Khoei foundation, a Shia institution named after a revered Iranian Shia scholar who lived in Iraq. The religious policeman told AlQazwini that “[y]ou are all cowards and we will purify the holy mosque from the Shia” before arresting him, AlQazwini said.²⁵ In November 2005 the religious police briefly arrested an 82-year-old Saudi Ismaili man in Medina for carrying an Ismaili prayer book.²⁶ In 2001, the religious police arrested Turki al-Turki, a Saudi Shia from Tarut in the Eastern Province, as he exited the mosque of the Prophet Muhammad in Medina, later charging him with insulting the companions of the Prophet. A Sunni judge in Qatif later convicted al-Turki of that charge, handing down a suspended sentence of 350 lashes and eight months in prison. In October 2006, as Shia-Sunni tension rose, the Ministry of Education suspended al-Turki, a teacher, from his work, and police arrested him in February 2007 to enforce the sentence.²⁷ The Saudi Shia news website *Rasid* reported on March 5, 2009, that members of the Commission for the Promotion of Virtue and the Prevention of Vice (CPVPV, commonly referred to as the religious police) had obstructed Shia in their religious worship in Medina.²⁸

Shia are not allowed to teach religion or history in schools.²⁹ Among the episodes of discrimination and harassment against Shia students reported to Human Rights Watch, in 2006 Sunni teachers in schools in Ahsa’ called Shia students “unbelievers” on several occasions (students recorded such episodes on their cellphones);³⁰ in April that year a Shia

²⁵ Sayed AlQazwini, statement taken by the Al-Khoei Foundation, copy on file with Human Rights Watch. See also “Saudi Religious Police Accused of Beating Shi’ites,” Reuters, August 6, 2007, <http://www.reuters.com/article/latestCrisis/idUSL06164743> (accessed July 30, 2009).

²⁶ Human Rights Watch interview with Husam, an Ismaili, Riyadh, February 25, 2006. The Ismailis are a distinct branch of Shiism. In Saudi Arabia they live predominantly in Najran province, on the border with Yemen.

²⁷ Human Rights Watch interview with Turki al-Turki, Tarut, December 17, 2006, and telephone interview with al-Turki, February 15, 2007.

²⁸ “Shia Youth Released in Medina and Qatif Reach Their Homes [الشبان الشيعة المفرج عنهم في المدينة المنورة والقطيف يصلون [بمنازلتهم],” *Rasid News Network*, March 5, 2009, <http://www.rasid.com/print.php?id=27325> (accessed June 25, 2009).

²⁹ ICG, “The Shiite Question In Saudi Arabia,” <http://www.crisisgroup.org/home/index.cfm?id=3678>. Human Rights Watch interview with Shia teacher, Eastern Province, December 2006, and with Shia teacher, Riyadh, February 2006. See also “Internal Circular Excludes Female Shia Teachers From Teaching Religious Subjects in Saudi [تعميم داخلي يقصي المعلمات [الشيعيات من تدريس المواد الدينية في السعودية],” *Rasid News Network*, October 30, 2007, <http://rasid4.myvnc.com/artc.php?id=18927> (accessed November 15, 2007).

³⁰ Human Rights Watch email communication with Eastern Province Shia, October 2006, including the recording.

student in Riyadh alleged that religious policemen arrested her following an argument she had about differences in Sunni and Shia Islam with a fellow Sunni student;³¹ and in March 2008 an Ismaili in Riyadh recounted how a Sunni teacher had called his daughter an unbeliever and expelled her from his class.³² In another egregious incident that was officially documented, a school in Ahsa' on June 4, 2007, expelled for one year 15-year-old Khadija al-Sa'id for "trivializing any part of God's word or any Islamic ritual," for having made allegedly insulting remarks about the Prophet Muhammad.³³

Shia face discrimination in the judiciary, too, ranging from denial of access to justice to arbitrary arrests and discriminatory verdicts. In February 2006 a judge in Khobar told a Shia worker whose Sunni boss had asked him to be a witness to his child's wedding that he refused to accept him as a witness because of his Shia creed.³⁴ In June 2009 a Sunni judge in Qatif sentenced a Shia man to three months in prison and 400 lashes for cursing God, based on allegations made by the man's Sunni coworker; the judge used disparaging language about the Shia while sentencing this man.³⁵ Shia to whom Human Rights Watch has spoken over the past four years almost universally allege (and many Sunnis aware of the situation of Shia agree) that false claims against Shia based on religiously motivated charges, such as cursing God, the Prophet, or his companions, are a staple of discriminatory acts against Shia.³⁶

Saudi authorities at the Jordanian-Saudi border in Quraiyat in late 2008 detained Wafiqat al-Hazza', a Shia woman from Ahsa', as she was returning from Syria, for having a Shia prayer book in her possession. A court later sentenced her to six months for witchcraft and sorcery, but even her trial (the date of which is not clear) only took place after the intervention of the Saudi Human Rights Commission which started a judicial review of her case. She was released on June 23, 2009.³⁷

³¹ Human Rights Watch interview with Hamza, a Riyadh Shia, December 2006. See also US State Department, Bureau of Democracy, Human Rights, and Labor, "International Religious Freedom Report – 2008, Saudi Arabia," September 19, 2008, <http://www.state.gov/g/drl/rls/irf/2008/108492.htm>, (accessed August 3, 2009).

³² Human Rights Watch interview with Ra'id, an Ismaili, Riyadh, March 15, 2008.

³³ Kingdom of Saudi Arabia, Ministry of Education, General Directorate of Girls Education in Ahsa', Office of Director General, "Administrative Decision No. 2286 / 1," June 4, 2007. Copy on file with Human Rights Watch.

³⁴ Human Rights Watch interview with Siddiq, an Eastern Province Shia, February 2006.

³⁵ Human Rights Watch telephone interview with Ibrahim, the Eastern Province Shia who was sentenced, June 24, 2009.

³⁶ Human Rights Watch has documented similar cases in regards to the Ismaili religious minority in Saudi Arabia—see Human Rights Watch, *The Isma'ilis of Najran*, <http://www.hrw.org/en/reports/2008/09/22/ismailis-najran-o>, pp. 76-78. Human Rights Watch conversations with Saudi businessmen, members of the Shura Council, the appointed parliament, and human rights officials reveal their acute awareness of discrimination against Shia, coupled with a sense that this topic remains taboo and does not warrant political attention.

³⁷ Human Rights Watch email communication with Burqan, an Eastern Province Shia, June 25, 2009.

Discrimination against Shia in the administration of justice is not limited to individual cases, but is built into the justice system. There are no Shia judges except for seven judges serving three Shia courts—two first instance courts in Qatif and Ahsa', and an appeals court, also in Qatif. However, their jurisdiction is limited to personal status, inheritance, and endowments cases. In August 2005 a new royal decree significantly curtailed the already limited jurisdiction of the two Shia first instance courts, giving Sunni courts the authority to supervise the Shia courts and take up cases pending there.³⁸ When, in September 2007, fears by the judges in the Shia courts that Sunni courts would use this provision to take over cases previously under Shia court jurisdiction on issues such as land inheritance became a reality, the Shia judges announced their intention to resign should amendments not be introduced. Following a brief period of suspension of work, they resumed their work without achieving any concessions.³⁹ In other provisions of the new decree, only the regular Sunni courts would have jurisdiction over cases involving a dispute between two parties,⁴⁰ and if one of the parties even in a non-disputed case was not a Shia, the Sunni courts would automatically have jurisdiction.⁴¹

State discrimination against the Shia stems from the official Wahhabi creed and is manifest in the state's religiously infused education system, state sponsorship of official religious worship, and a judiciary which draws its legitimacy from Sunni Wahhabism. It is this umbrella of religiously legitimized or religion-infused state institutions under which prominent Islamic thinkers and clerics, often state officials, continue to propagate incitement to hostility against the Shia. The Saudi government tolerates such speech, sometimes even by silencing its critics:⁴² the government arrested Shia cleric Shaikh Tawfiq al-'Amir on June 22, 2008, after he spoke out in a sermon he gave in Hofuf on June 11 against a May 30 statement signed by 22 prominent Saudi Wahhabi clerics, including Abdullah bin Jibrin, Abd al-Rahman al-Barrak, and Nasir al-'Umar, in which they called the "Shia sect an evil among the sects of the Islamic nation, and the greatest enemy and deceivers of the

³⁸ Ministerial Decree 6194 based on the Royal Instruction 1828/Mim/Ba of June 23, 2004, "Executive Regulation for the Work of the Judge of Endowments and Inheritances and Notary Office [هيئة التدقيق و الموارد والاقاف والمواريت و عمل قاضي الاوقاف و التدقيق]", August 20, 2005, regulating the authority of the "Judge of the Court of Endowments and Inheritances" (a.k.a. the Shia court), arts. 10-14. Copy on file with Human Rights Watch.

³⁹ "Conditions of Shea [sic.] Courts in Eastern Province of Saudi Arabia," written analysis provided to Human Rights Watch by Isma'il, an Eastern Province Shia, October 15, 2007; and Human Rights Watch email communication with Isma'il, an Eastern Province Shia, October 30, 2007.

⁴⁰ Ministerial Decree 6194, art. 9.

⁴¹ *Ibid.*, arts. 10, 97, 117 (marriage), and 106 (divorce).

⁴² For the issue of intolerant statements against the Ismailis, see Human Rights Watch, *The Ismailis of Najran*, <http://www.hrw.org/en/reports/2008/09/22/ismailis-najran-o>.

Sunni people.”⁴³ Of the 22 signatories, 11 are current government officials and 6 are former government officials.⁴⁴ Early in 2008 another hardline cleric, Abd al-Rahman al-Sa’d, prohibited selling real estate to Shia in a fatwa, because “therein lies assistance to the [Shia] in bringing out their corrupt religion and their bad creed.”⁴⁵ There was no official response to these well-publicized incidents.⁴⁶

King Abdullah’s large delegation to the interfaith gathering in New York in November 2008, which he had initiated, reportedly contained no Saudi Shia.⁴⁷ In February 2009 King Abdullah reshuffled the Council of Senior Religious Scholars, the most authoritative voice on interpreting state religious and judicial doctrine, appointing for the first time scholars versed in traditions other than the Hanbali school of jurisprudence adhered to by Wahhabi Sunnis. However, he appointed no Shia of the Ja’fari school followed by Shia in the Eastern Province or of any other Shia schools, dashing the hopes of Shia for greater inclusion in religio-judicial affairs of the country.⁴⁸

State practices of discrimination and exclusion toward Shia have created a sentiment of unequal citizenship. Few if any Shia manage to enroll in military training colleges or serve in the army, although Prince Khalid bin Sultan, deputy minister of defense, in June 2009

⁴³ “Shaikh Tawfiq al-‘Amir Calls on the Government to Take Our Rights From Them,” Al-Ahsa Cultural Forum, June 15, 2008, <http://www.alhsa.com/forum/showthread.php?t=93328> (accessed August 3, 2009). “Freedom for Shaikh Tawfiq al-‘Amir From Ahsa,” Human Rights First in Saudi Arabia urgent appeal, June 23, 2008, <http://www.anhri.net/saudi/spdhr/2008/pro623.shtml> (accessed August 3, 2009). The statement of 22 Saudi Wahhabi clerics can be found at <http://www.islamlight.net/index.php?option=content&task=view&id=9770&Itemid=33> (accessed August 3, 2009). Ibn Jibrin, who died on July 13, 2009, was a government-appointed member of the Council of Senior Religious Scholars (see also chapter II, footnote 23, above)

⁴⁴ The officials work as preachers, academics, teachers, religious police officers, senior government clerics, judicial officers, and medical administrators. Information on the background of the signatories compiled by Haitham, an Eastern Province Shia, August 8, 2009, at Human Rights Watch’s request.

⁴⁵ Human Rights Watch email communication with Jamila, an Eastern Province Sunni, October 22, 2008.

⁴⁶ Shaikh ‘Adil al-Kalbani, the government appointed imam of the Grand Mosque in Mekka, in a May 4, 2009 BBC Arabic television interview called Shia religious scholars “unbelievers,” causing particular ire among the Shia, who demanded an apology. The mosque is revered as a holy site by Muslims of all creeds and its imam is one of the highest official religious authorities in the kingdom. Human Rights Watch email communication with Siddiq, an Eastern Province Shia, May 19, 2009. A recording of the BBC program, with a third, overdubbed voice by an unseen speaker in addition to Shaikh ‘Adil’s and that of the BBC presenter, was previously at <http://www.youtube.com/watch?v=svbgrydPoFQ>, and was viewed in the course of researching this report, but at this writing is no longer available.

⁴⁷ Human Rights Watch interview with journalists accompanying King Abdullah, New York, November 10-11, 2008. In June 2008 the Muslim World League, at King Abdullah’s initiative, held an interfaith meeting in Mekka, in which Saudi Shia participated. Shaikh Hasan al-Saffar, the spiritual leader of Saudi Shia, also participated in an interfaith conference convened at King Abdullah’s initiative in Madrid in July 2008. Human Rights Watch telephone interview with Maytham al-Fardan, aide to Shaikh Hasan al-Saffar, August 5, 2009.

⁴⁸ Abeer Allam, “Riyadh Confronts Growing Shia Anger,” *Financial Times* (London), March 25, 2009, http://www.ft.com/cms/s/0/62a879b6-1962-11de-9d34-0000779fd2ac.html?ncklick_check=1 (accessed August 19, 2009).

promised the Shia that there were no official obstacles to their enrollment.⁴⁹ There are no Shia ministers or high-ranking diplomats. Whether the barriers are overtly from the side of the government, or reflect a lack of Shia candidates because of their low expectations of getting government employment, or both, is unclear.

⁴⁹ Saudi Arabia does not have a system of military conscription. See US State Department, Bureau of Democracy, Human Rights, and Labor, "International Religious Freedom Report – 2008: Saudi Arabia," <http://www.state.gov/g/drl/rls/irf/2008/108492.htm>; and Human Rights Watch telephone interview with Tawfiq Saif (who participated in the meeting with Prince Khalid), August 5, 2009.

IV. Medina Clashes

In late February 2009 a series of clashes between Shia pilgrims and Saudi security forces, including members of the Commission for the Promotion of Virtue and the Prevention of Vice (CPVPV), occurred in the city of Medina. At the time, schools were closed due to mid-term holidays, and many children had accompanied their parents from the Shia areas around Qatif and Ahsa' to Medina. Shia gathered on February 24 at the Baqi' cemetery, adjacent to the mosque of the Prophet Muhammad, to commemorate the anniversary of the Prophet's death. Al-Baqi' cemetery is believed to contain the graves of several of the Prophet's wives, many of his companions, and four of his successors whom the Shia recognize as rightful leaders of the Muslim community.

When Shia visit the tombs of venerated Islamic personalities, they customarily recite special prayers and perform other rituals, such as picking up a small quantity of earth from around the cemetery. This goes against the teachings of Wahhabism: Shaikh Muhammad bin Abd al-Wahhab, the 18th century preacher, underlined the centrality of monotheism in Islam and thus considered practices like veneration of saints and special holidays to be a form of idolatry. Prince Nayef, the Saudi interior minister, said following the incidents at Baqi' cemetery that they involved people who had gathered sand from tombs of companions of the Prophet Mohammed in defiance of Wahhabi norms. He added, "Citizens in some parts of the kingdom who belong to other sects should abide by this (Sunni doctrine)."⁵⁰

Baqi' cemetery events

On February 20, pilgrims at the Baqi' cemetery in Medina clashed with religious police after seeing a person they suspected of being an agent of the religious police filming women from an elevated position. Shia pilgrims said they considered the filming of women an invasion of their privacy.⁵¹ One report indicated pilgrims threw shoes and empty cans at security forces

⁵⁰ "Saudi Denies Shiites Targeted in Sunni Kingdom," Agence France-Presse, March 14, 2009, reproduced at <http://www.google.com/hostednews/afp/article/ALeqM5gbrlMzklkn8mBw6WD3pBftAUhDlG> (accessed August 19, 2009). Parentheses as in the original.

⁵¹ Footage taken apparently with a cellphone shows a hand holding what appears to be a videocamera from behind a wall on a first floor roof of the outer wall of al-Baqi' mosque. On this footage, screams from women pilgrims and commotion among the crowd of women and children pilgrims can be heard, and they are seen pointing at the videocamera. The footage was previously available at <http://www.youtube.com/watch?v=u4qlLEs-LiA>, and was viewed in the course of researching this report, but at this writing is no longer available.

in reaction to the filming.⁵² An eyewitness told Human Rights Watch that the security forces arrested five pilgrims.⁵³

Reports that police had been filming women pilgrims led thousands of Shia to protest at the cemetery on February 21.⁵⁴ The authorities announced an investigation into the clashes and said that Sunnis had also been arrested.⁵⁵ Further clashes between security forces and pilgrims broke out that day. A video of the area shows scores of pilgrims fleeing down a road, apparently from security officials in uniform and plainclothes CPVPV officials, whom the video shows following them closely; the security officials have sticks in their hand, but are not seen to use them.⁵⁶ In an incident on February 23, security forces reportedly shot with live ammunition and wounded 15-year-old Shia pilgrim Zaki Abdullah al-Hasani in the chest during clashes.⁵⁷ Another disturbance took place when police barred women from visiting the area reserved for them.⁵⁸ According to one eyewitness, police used batons against the Shia crowd, and civilian onlookers joined in beating the crowd of pilgrims. The eyewitness alleged that security forces and the civilians who joined them injured ten Shia pilgrims, of whom seven were minors.⁵⁹

⁵² Khalid Ziyadi, "Crowd of Women and Young Men Blocks Flow of Those Who Pray at the Prophet's Mosque [حشد من الشباب والنساء يعيقون تدفق المصلين للمسجد النبوي]" *Al-Riyadh*, February 21, 2009, <http://www.alriyadh.com/2009/02/21/article411281.html> (accessed June 25, 2009).

⁵³ Human Rights Watch email communication with Husain, an Eastern Province Shia, February 26, 2009. This was also reported in the media—see Ziyadi, "Crowd of Women and Young Men Blocks Flow of Those Who Pray at the Prophet's Mosque [حشد من الشباب والنساء يعيقون تدفق المصلين للمسجد النبوي]" *Al-Riyadh*, <http://www.alriyadh.com/2009/02/21/article411281.html>.

⁵⁴ See <http://www.youtube.com/watch?v=Z-AYF9mkuno> (accessed August 19, 2009). This undated video appears to show a crowd of men, women, and children outside a mosque after dark, with a phalanx of security officials wearing helmets and holding plastic shields gathered at an entrance door. The crowd chants slogans extolling the Prophet Muhammad and Shia Imam Husain, but is peaceful and the security forces are calm.

⁵⁵ Donna Abu-Nasr, "Saudi Government Cracks Down on Shiite Dissidents," Associated Press, April 1, 2009, reproduced at <http://abcnews.go.com/International/wireStory?id=7225240> (accessed August 19, 2009).

⁵⁶ See <http://www.youtube.com/watch?v=wAaEM8Q8pRU> (accessed August 19, 2009). This undated video appears to show dozens of men, women, and some children running along a street in apparent flight, followed by security officials and some persons among the officials wearing clothing typical of religiously observant Saudis, including the religious police. In a second undated video, filmed from a different vantage point but apparently showing the same incident, a security official chasing down the street with a drawn stick can be seen pushing a woman aside. See <http://www.youtube.com/watch?v=p6lDZn7Rjs> (accessed August 19, 2009).

⁵⁷ Human Rights Watch email communication with Ali, an Eastern Province Shia, February 23, 2009.

⁵⁸ See <http://www.youtube.com/watch?v=VGlXmxSUqWw> (accessed August 19, 2009). This short, undated video shows four security officials dragging one person away from the mosque.

⁵⁹ Human Rights Watch email communication with Hasan, an Eastern Province Shia, February 28, 2009.

On February 24, clashes again erupted between Shia pilgrims and CPVPV officials when security forces blocked access to Baqi' cemetery.⁶⁰ One eyewitness told Human Rights Watch that the religious police attacked pilgrims.⁶¹ That day, an unidentified man attacked a Shia religious scholar, Shaikh Jawad al-Hadhari from Ahsa', at the entrance to the Prophet's mosque, stabbing him with a knife. Shaikh al-Hadhari, whose clothes indicate that he is a Shia cleric, told Human Rights Watch that his attacker, whom al-Hadhari took to be a civilian, shouted "kill the rejectionist [Shia]" as he stabbed him. He said he continues to have pain from the wound in his shoulder.⁶²

On February 23 Prince Abd al-'Aziz bin Majid, the governor of Medina, received a delegation of Shia elders. On February 27 he freed all detainees of the Baqi' cemetery events under age 18 on orders of Prince Nayif.⁶³ A large Shia delegation went to Riyadh and met with King Abdullah on March 3, and on the following day the king issued an amnesty for all those detained during the February Baqi' cemetery clashes.⁶⁴ On March 14 the Interior Ministry claimed that it had arrested only nine people in relation to violent clashes around al-Baqi' cemetery,⁶⁵ but Shia sources said that at least 28 persons had been detained until the king's amnesty.⁶⁶ A later report citing officials clarified that of 71 persons arrested, 49 had been Shia and 22 Sunni.⁶⁷

⁶⁰ See http://www.youtube.com/watch_popup?v=Oct7fouNGsY (accessed August 19, 2009). This undated video shows children at first cautiously, then more daringly, then en masse, approach from a crowd about 20 meters away in what appears to be the Baqi' cemetery area toward an opening in the pavement with a mud brick wall around it, dive into the hole, pick up some earth, and dash back to the crowd.

⁶¹ Human Rights Watch email communications with Ja'far, an Eastern Province Shia, March 18, 2009, and with Hasan, an Eastern Province Shia, February 28, 2009.

⁶² Human Rights Watch telephone interview with Shaikh Jawad al-Hadhari, August 5, 2009.

⁶³ Khalid al-Ziyadi, "Release of Minors Who Caused Riots in Open Places of Prophet's Mosque [إطلاق سراح الأحداث المثيرين في ساحات المسجد النبوي للشغب في ساحات المسجد النبوي]," *Al-Riyadh*, February 27, 2009, <http://www.alriyadh.com/2009/02/27/article412697.html> (accessed June 25, 2009).

⁶⁴ "Shi'a Youth Released in Medina Munawwira and Qatif Come Home [الشبان الشيعة المفرج عنهم في المدينة المنورة والقطيف [يصلون منازلهم]," *Rasid News Network*, March 5, 2009 <http://www.rasid.com/print.php?id=27325> (accessed June 25, 2009).

⁶⁵ Human Rights Watch telephone interview with Haitham, an Eastern Province Shia, June 24, 2009; and "Saudi Denies Shiites Targeted in Sunni Kingdom," Agence France-Presse, March 14, 2009, reproduced at <http://www.google.com/hostednews/afp/article/ALeqM5gbrlMzklkn8mBw6WD3pBftAUhDlq> (accessed August 19, 2009).

⁶⁶ See Allam, "Riyadh Confronts Growing Shia Anger," *Financial Times*, http://www.ft.com/cms/s/o/62a879b6-1962-11de-9d34-0000779fd2ac.html?ncklick_check=1, reporting 18 detainees from the Baqi' events. See also "The Shi'a Youth Released in Medina Munawwira and Qatif Come Home [الشبان الشيعة المفرج عنهم في المدينة المنورة والقطيف يصلون منازلهم]," *Rasid News Network*, <http://www.rasid.com/print.php?id=27325>, which lists by name 28 Shia detainees from the Baqi' events, of whom 18 are from Ahsa', eight from Qatif, and two from Medina.

⁶⁷ Caryle Murphy, "With Shiites Rising Across the Region, Saudi Arabia's Grow Impatient," *Christian Science Monitor*, April 27, 2009, <http://www.csmonitor.com/2009/0427/po6s04-wome.html> (accessed August 3, 2009).

Despite news of Shaikh Jawad al-Hadhari's stabbing and the shooting of al-Hasani, the Interior Ministry claimed that there had been no injuries.⁶⁸ According to al-Hadhari and another Eastern Province Shia source, there has not been any investigation of security officers who allegedly shot Zaki Abdullah al-Hasani (al-Hadhari is from the same area in Ahsa' as al-Hasani).⁶⁹ Regarding his own stabbing, al-Hadhari said that the police took a statement which the Investigation and Public Prosecutions Bureau received, but that he is unaware of any government investigation into bringing his attacker to justice.⁷⁰

⁶⁸ Yousuf Muhammad, "Governor Orders Youths Held Over Madinah Fight Released," *Arab News*, February 27, 2009, <http://www.arabnews.com/?page=1§ion=0&article=119699&d=27&m=2&y=2009> (accessed August 19, 2009).

⁶⁹ Human Rights Watch telephone interviews with Shaikh Jawad al-Hadhari, August 5; and with Haitham, an Eastern Province Shia, June 24, 2009.

⁷⁰ Human Rights Watch telephone interview with Shaikh Jawad al-Hadhari, August 5, 2009.

V. Arrests of Solidarity Protestors

The events in Medina were followed by demonstrations in the Eastern Province cities of Qatif, Safwa, and 'Awwamiyya in solidarity with the pilgrims at Baqi' cemetery. These demonstrations, which as reported to Human Rights Watch mostly passed off peacefully, were nevertheless the occasion for further arrests: information collected by Human Rights Watch shows that the authorities arrested at least 25 persons in connection with a February 27, 2009 demonstration in Safwa and in anticipation of a demonstration planned for March 4. The authorities released most of them after a short while, but held four persons for about two months without charge.

On March 8, security forces in the Eastern Province summoned Shia religious leaders and congregants to try to extract pledges to refrain from communal prayer, which some complied with, two Shia from that province told Human Rights Watch.⁷¹ This informal ban was defied by Shaikh Nimr Baqir al-Nimr in 'Awwamiyya, who delivered a Friday sermon on March 13 that reignited tensions and sparked a new round of arrests there. In his sermon Shaikh Nimr Baqir al-Nimr said he would urge the Shia to strive for secession from Saudi Arabia if their dignity was not respected. "Our dignity is more precious than the unity of the land," he told his audience of around 200 persons, a participant told Human Rights Watch.⁷² Over the following 10 days the authorities twice cut off electricity to 'Awwamiyya, the first time on the night of the sermon, and began to erect mobile checkpoints. At one point, 11 buses filled with riot police entered the town.⁷³ On March 19, security forces came to arrest Shaikh al-Nimr, but he had gone into hiding. Residents of 'Awwamiyya held a peaceful local protest without security forces present, although a participant said that after the protest he heard that isolated clashes between security forces and residents took place.⁷⁴ Residents also took to the roofs, chanting "God is great." Following the protest and the clashes, the police began arresting residents. Human Rights Watch has documented 22 arrests from 'Awwamiyya,⁷⁵ of

⁷¹ Human Rights Watch email communication from Muhammad, an Eastern Province Shia, March 18; and from Zaid, an Eastern Province Shia, June 5, 2009, containing a statement by Sayid Muhammad Baqir Nasir, one of those summoned in Khobar, dated May 28, 2009.

⁷² Human Rights Watch telephone interview with Muhammad, an Eastern Province Shia, June 24, 2009. The sermon is available on YouTube at <http://www.youtube.com/watch?v=XdPC8KJNooU> (accessed July 1, 2009).

⁷³ Human Rights Watch telephone interview with Muhammad, an Eastern Province Shia, June 24, 2009.

⁷⁴ Human Rights Watch telephone interview with Muhammad, an Eastern Province Shia, June 24, 2009.

⁷⁵ They are: Ali Ahmad al-Faraj, Amin Husain al-Faraj, Zakariya Sa'ud Al Libad, 'Ammar Ali Salih al-'Abd al-Jabbar, Falah Husain Muhammad al-Faraj, 'Ammar Yusri al-Dahaim, Majid Mustafa 'Isa Al Shaiban, Muhammad Hasan Ali Al 'Ammar, Muhammad Faisal Salman al-Faraj, Mirza Abd al-Hadi Ali al-Banawi, Nuh Abdallah Ali al-Faraj, Nuh Ali Salih al-'Abd al-Jabbar, Fadhil Makki Hasan al-Munasif, 'Alawi al-Sayyid Muhammad Hashim, Ahmad Tahir al-'Alawi, Muhammad Jamal, Abdullah Muhammad Jamal, Husain Hasan Al Rabi', Husain Qallaf, Husain al-Ma'yuf, 'Adil al-Munasif, Murad Abd al-Jabbar.

whom 18 were held for three months without trial before being released on July 1 (it is unclear how long the other four were detained). At this writing, another detainee not from 'Awwamiyya but arrested in connection with protests there, Kamil al-Ahmad, a Shia political activist with a history of arrests, remains in detention at the intelligence detention center in Dammam to which he was transferred on June 1.⁷⁶ One 'Awwamiyya resident released earlier told Human Rights Watch that they had received good treatment in prison.⁷⁷

Of those arrested in connection with the Safwa demonstrations, eight were minors: Sajjad Ali al-Subaiti, age 15, Adnan Muhammad Al 'Arif, 15, Muhammad Ali al-Safwani, 14, Hasan Muhammad al-Sadiq, 14, and Qasim Muhammad Al Musa, 14, who were detained for up to three weeks, and Abdullah Muhammad al-Khalaf, 15, Mustafa Muhammad al-Fardan, 15, and Ahmad Muhammad al-Musawi, 16, who were detained for two months. In addition at least two children were arrested following the sermon by al-Nimr in 'Awwamiyya in March: Ali Ahmad al-Faraj, 16, and Amin Husain al-Faraj, 17; they remained in detention for three months.⁷⁸ On May 27, 2009, the police in Safwa reportedly summoned six minors who had been released earlier on bail from a juvenile detention home, in preparation for trial.⁷⁹ It is unclear whether a trial took place, or is still in prospect.

Saudi executive authorities at times issue sentences without trial, or judicial authorities issue verdicts without trials in person.⁸⁰ Both are in violation of Saudi law.⁸¹ Tawfiq al-Saif, a prominent Shia intellectual, told Human Rights Watch in August 2009 that he is unaware of any trials of persons released after being arrested over the clashes in Medina or protests in Safwa and 'Awwamiyya, but that some released from Medina had to sign "routine" papers to close their files.⁸² A Shia in the Eastern Province who has collected information on arrests of Shia in the aftermath of the Baqi' events by meeting or speaking to the families involved told

⁷⁶ "Releasing the Bulk of Prisoners From Awamia, But What about Kamel Alahmad?" Human Rights First in Saudi Arabia news release, July 1, 2009; and Human Rights Watch email correspondence with Ali Al Ahmad, director, Gulf Institute, and the brother of Kamil, August 5, 2009.

⁷⁷ Human Rights Watch telephone interview with Muhammad, an Eastern Province Shia, June 24, 2009.

⁷⁸ "Saudi Arabia: Incommunicado Detention/ Fear of Torture or other Ill treatment/ Possible Prisoners of Conscience," Amnesty International Urgent Action MDE 23/006/2009, March 20, 2009, <http://www.amnesty.org/en/library/asset/MDE23/006/2009/en/00215e92-497a-457b-8ce4-7e01cb9d795f/mde230062009en.html> (accessed August 19, 2009). Human Rights Watch compiled the names of these minors independently from Amnesty International.

⁷⁹ Human Rights Watch email communication with Zaid, an Eastern Province Shia, June 1, 2009.

⁸⁰ Executive authorities reportedly have issued sentences for persons held by the intelligence forces. Human Rights Watch interviews with former detainees and with families of detainees, December 2006. Executive authorities also issue sentences following adjudication of guilt by judicial authorities, especially in drugs and weapons cases. Human Rights Watch interviews with two former prisoners, Riyadh and Damman, December 2006. Their verdicts specified that sentencing is "up to the ruler."

⁸¹ Law of Criminal Procedure, *Umm al-Qura Newspaper*, issue 3867, November 3, 2001, art. 3.

⁸² Human Rights Watch telephone interview with Tawfiq al-Saif, Eastern Province Shia intellectual, August 5, 2009.

Human Rights Watch on June 24 that Murtada al-Arbash had been summoned a few days earlier to come to the police station where he was informed he had been convicted in his absence for his role in the events at the Baqi' cemetery, and was forced by the police to sign his sentence, which was a prison term of 15 years and lashes. Abdullah Matrud, another freed detainee, also reportedly received a summons at the same time to receive a sentence, but did not obey it.⁸³ The Saudi Shia news website *Rasid* reported that execution of the sentences was suspended.⁸⁴

⁸³ Human Rights Watch telephone interview with Haitham, an Eastern Province Shia, June 24, 2009.

⁸⁴ "The Saudi Authorities Issue Sentences of Prison and Lashes for Those Accused in Baqi' Events [السلطات السعودية تصدر أحكاما بالسجن والجلد بحق المتهمين في أحداث البقيع]" *Rasid News Website*, June 24, 2009, <http://www.rasid.com/artc.php?id=30068> (accessed June 24, 2009).

VI. Mosque Closures and Arrest of Religious Leaders

At the same time that the attention of many Saudi Shia was focused on effecting the release of their coreligionists arrested in Medina, Safwa, and 'Awwamiyya, Saudi authorities intensified their campaign to close Shia mosques and to arrest Shia religious leaders. Saudi authorities have closed three Shia prayer buildings that are not officially mosques. In both Khobar and Ahsa' the authorities have arrested scores of Shia religious leaders.

As noted in the previous chapter, in March 2009, after the Baqi' cemetery events, authorities effectively attempted to impose a ban on communal Shia prayers.

Khobar

On July 1, 2009, the authorities released one of the prayer leaders from Khobar, Abdullah Muhanna, from that city's general prison. They had arrested him on May 25 for refusing to sign a pledge to close the private prayer building adjacent to his house, to which Shia came to perform communal prayers. On July 15 police in Riyadh arrested another Khobar prayer leader, Zuhair Bu-Salih, in order to pressure his father, Husain, to sign a pledge to stop holding communal prayers in Khobar's al-Thuqba Shia prayer hall, which he runs.⁸⁵ There are no Shia mosques in Khobar, despite having a sizeable Shia population. A member of Muhanna's family told Human Rights Watch while his relative was still in detention, "My neighbor is building a mosque right now, with permission. He is Sunni. We Shia have no mosques, and now they want to prohibit us from praying in our house."⁸⁶ Also in Khobar, the authorities in mid-May 2009 threatened leaders of the Ismailis with closure of their only mosque there, which is 17 years old.⁸⁷

Saudi authorities in June 2008 had closed three Shia private prayer buildings in Khobar, some in existence for 30 years, on orders of the Eastern Province governorate after briefly arresting their owners and some Shia who frequented them. Following appeals to Crown Prince Sultan, however, the governorate had allowed them to reopen in November 2008.

In addition to Abdullah Muhanna and Zuhair Husain Bu-Salih, Human Rights Watch has collected the names of eight Shia religious leaders in Khobar whom the authorities between

⁸⁵ Human Rights Watch email communication with Zaid, an Eastern Province Shia, July 17, 2009.

⁸⁶ Human Rights Watch telephone interview with a relative of Abdullah al-Muhanna, June 24, 2009.

⁸⁷ Human Rights Watch email communications with Haitham, Zaid, Sadiq, Isma'il, and Ibrahim, Eastern Province Shias, June 2009.

2008 and July 2009 threatened, summoned, or detained in connection with places of worship they were attending or hosting. They are Hashim bin al-Sayyid, Ali Nasir al-Salman, Al-Sayyid Muhammad Baqir al-Nasir, Shaikh Yusuf Mazini—who led prayers at Husain Bu-Salih’s Thuqba hall—Ahmad Ibrahim al-Nubat, Husain al-Rashid, Muhammad Abu Salih, and Musa al-Amir.

Ahsa’

In the southern part of the Eastern Province, Ahsa’, the authorities have for years arrested Shia prayer leaders and pressured Shia to close private facilities providing community services, be they religious or cultural in nature.⁸⁸

Between roughly 2001 and 2002 (1421 and 1423 *hijri*), local governors in the Eastern Province punished at least 60 Shia with extrajudicial sentences of one week to one month in prison for allowing religious recitation in their house or other worship-related activities. In 2004, 14 Shia received such treatment.⁸⁹ So far in 2009 the executive authorities have detained 20 Shia from Ahsa’ for periods ranging between one week and one month: 15 of these were detained for holding private religious gatherings, and three for selling articles used in Shia religious ceremonies, such as clothing for ‘Ashura’ or confectionery for Qarqi’un. The remaining two were detained for having signs with religious symbols; one of them is Shaikh Husain al-Hababi, who spent a week in prison in May for putting up a sign welcoming home Shaikh Jawad al-Hadhari, the Shia scholar who had been stabbed during the incidents at the Baqi’ cemetery in Medina in February (see chapter IV).

⁸⁸ Human Rights Watch email communication with Sadiq, Isma’il, and Ibrahim, Eastern Province Shias, June 2009.

⁸⁹ “List with Names of Shi’a Persons Who Have Been Detained for Religious Reasons,” 2005 (identity of compiler withheld by Human Rights Watch). No data is available for 2003 or after 2004.

VII. Relevant International Standards

International law prohibits discrimination on the basis of religion and protects the rights of religious and other minorities. The most important international human rights treaties that spell out the meaning and extent of these prohibitions and protections include the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),⁹⁰ the Convention against Discrimination in Education,⁹¹ and the Convention on the Rights of the Child (CRC).⁹² In addition, the United Nations has passed declarations that articulate human rights standards and best practices in matters of discrimination. These are the United Nations General Assembly (UNGA) Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981),⁹³ the UNGA Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (1993),⁹⁴ and the UNESCO Declaration on Race and Racial Prejudice (1978).⁹⁵

The 1978 UNESCO declaration declares “[a]ny distinction, exclusion, restriction or preference based on race, colour, ethnic or national origin or religious intolerance motivated by racist considerations” to be incompatible with human rights.⁹⁶ The Convention against Discrimination in Education, in article 1, also includes religious factors among prohibited discrimination. The UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief declares that “discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity.”⁹⁷

⁹⁰ International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969. Saudi Arabia acceded to the ICERD on October 23, 1997.

⁹¹ Convention against Discrimination in Education, 429 U.N.T.S. 93, entered into force May 22, 1962. Saudi Arabia acceded to the convention on August 17, 1973.

⁹² Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990. Saudi Arabia acceded to the CRC on February 25, 1996.

⁹³ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, G.A. res. 36/55, 36 U.N. GAOR Supp. (No. 51) at 171, U.N. Doc. A/36/684 (1981).

⁹⁴ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, G.A. res. 47/135, annex, 47 U.N. GAOR Supp. (No. 49) at 210, U.N. Doc. A/47/49 (1993).

⁹⁵ Declaration on Race and Racial Prejudice, E/CN.4/Sub.2/1982/2/Add.1, annex V (1982). Adopted and proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twentieth session, on 27 November 1978.

⁹⁶ *Ibid.*, art. 3.

⁹⁷ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, art. 3.

The prohibition against discrimination applies to the enjoyment of all fundamental rights, including the rights to development, work, and access to justice. States are bound to guarantee equal access for everyone to “[e]conomic, social and cultural rights, in particular: (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, [and] to just and favourable remuneration.”⁹⁸

Equally, law enforcement and judicial officials must not discriminate between persons on the basis of their ethnic origin, and the state is bound to guarantee “the right to equal treatment before the tribunals and all other organs administering justice; [and the] right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.”⁹⁹

The prohibition against racist laws, policies, and acts obliges states to take preventive and remedial action against racism. According to the UNGA’s 1993 declaration, states are obliged to protect minorities, such as the Shia, by taking “measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs.”¹⁰⁰

The 1993 declaration also says that states must protect the identity of minorities “within their respective territories” by encouraging “conditions for the promotion of that identity” and measures allowing minority members to “participate fully in the economic progress and development in their country.”¹⁰¹ The Convention on the Rights of the Child specifically requires the education of a child to be directed to the “development of ... his or her own cultural identity, language and values” and gives a child of a religious minority the right “to enjoy his or her own culture, [and] to profess and practise his or her own religion.”¹⁰² The 1981 UNGA declaration states that, in education, a child “shall not be compelled to receive teaching on religion or belief against the wishes of his parents.”¹⁰³

In the 1981 UNGA declaration, the “freedom to have a religion ... and freedom ... to manifest his religion or belief in worship, observance, practice and teaching” is protected, and “coercion which would impair [t]his freedom” is prohibited.¹⁰⁴ More specifically, assembly

⁹⁸ ICERD, art. 5.

⁹⁹ *Ibid.*

¹⁰⁰ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, art. 4.

¹⁰¹ *Ibid.*, arts. 1 and 5.

¹⁰² CRC, arts. 29 and 30.

¹⁰³ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, art. 5.2.

¹⁰⁴ *Ibid.*, art. 1.

for worship, observance of religious holidays, maintaining and erecting buildings for worship, acquiring items for use in religious rituals, religious teaching and appointment of religious leaders, fundraising for religion, and communication with coreligionists are activities that fall within the protection of freedom of religion.¹⁰⁵

The state's obligations go beyond not preventing religious minorities from exercising their rights. The ICERD is clear that states must not "undertake to sponsor, defend or support racial discrimination by any persons or organizations," and states must "condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or one ethnic origin."¹⁰⁶ The UNGA's states must especially "not permit public authorities or public institutions, national or local, to promote or incite racial discrimination," and prosecute any individual who does so. Furthermore, states should "encourage, where appropriate, integrationist multiracial organizations and movements," and "establish and maintain appropriate charitable or humanitarian institutions."¹⁰⁷

International law not only protects the identity of minorities and prohibits discrimination, but guarantees the rights of minorities to actively participate in the public and cultural life of society, including by "maintain[ing] their own associations."¹⁰⁸ Minorities have "the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority."¹⁰⁹

¹⁰⁵ *Ibid.*, art. 6.

¹⁰⁶ ICERD, arts. 2 and 4.

¹⁰⁷ *Ibid.*, art. 2; and Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, art. 6.

¹⁰⁸ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, art. 2.

¹⁰⁹ *Ibid.*

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