

## Saudi Arabia

Deputy Crown Prince and Minister of Defense Mohammad Bin Salman emerged as the most visible Saudi leader in 2016 and launched Vision 2030, an ambitious government road map for economic and developmental growth that aims to reduce the country's dependence on oil. Vision 2030 was later accompanied by the National Transformation Program (NTP), which sets specific benchmarks to achieve by 2020.

Through 2016 the Saudi Arabia-led coalition continued an aerial campaign against Houthi forces in Yemen that included numerous unlawful airstrikes that killed and injured thousands of civilians. Saudi authorities also continued their arbitrary arrests, trials, and convictions of peaceful dissidents. Dozens of human rights defenders and activists continued to serve long prison sentences for criticizing authorities or advocating political and rights reforms. Authorities continued to discriminate against women and religious minorities.

### Yemen Airstrikes and Blockade

As the leader of the nine-nation coalition that began military operations against the Houthis and allied forces in Yemen on March 26, 2015, Saudi Arabia has committed numerous violations of international humanitarian law. Since coalition airstrikes began, more than 4,125 civilians have been killed and 7,207 wounded; according to the OHCHR, air strikes are the single largest cause of civilian casualties.

Human Rights Watch has documented 58 unlawful airstrikes by the coalition, some of which may amount to war crimes, killing nearly 800 civilians and hitting homes, markets, hospitals, schools, and mosques. An airstrike on a crowded funeral in October killed at least 100 people and wounded 500. Human Rights Watch also documented how the Saudi Arabia-led coalition repeatedly attacked civilian factories, warehouses, and other protected sites in violation of the laws of war.

The conflict exacerbated an existing humanitarian crisis. By early 2016 an estimated 14.4 million Yemenis were unable to meet their food needs, according to the United Nations.

Human Rights Watch documented at least 16 coalition attacks using internationally banned cluster munitions, which killed and wounded dozens of civilians. Saudi Arabia is not a party to the Convention on Cluster Munitions, which bans the weapon. The Saudi military spokesman denied the use of cluster bombs in Yemen's capital, Sanaa, but admitted their use in one attack in Hajjah.

In 2016 the Saudi-led coalition was added to the UN Secretary-General's "list of shame" for children in armed conflict for its role in killing and maiming children and attacking schools and hospitals in Yemen. After Saudi Arabia and its allies threatened to withdraw hundreds of millions of dollars in assistance to the UN, the coalition was removed from the list "pending review." The Houthis have been on the list since 2011 for their use of child soldiers.

In July, the Saudi-led coalition announced findings of preliminary investigations into eight widely publicized coalition airstrikes causing civilian casualties. The coalition-appointed panel of investigators recommended compensation for victims of only one attack. In another, the panel found the coalition should have warned medical staff at a Doctors Without Borders (MSF)-supported hospital in Saada governorate, but dismissed the severity of the hospital attack by concluding there had been no "human damage." In August, the coalition struck another MSF facility, killing 19, and the organization withdrew staff from six hospitals in northern Yemen.

In September, the UN Human Rights Council adopted a resolution expressing "deep concern" at the killing of civilians and attacks on civilian infrastructure in Yemen, and requested that the high commissioner strengthen his in-country presence in order to "establish the facts and circumstances of alleged violations and abuses" and report back to the council.

## **Freedoms of Expression, Association, and Belief**

Saudi Arabia continued to repress pro-reform activists and peaceful dissidents. In 2016 over a dozen prominent activists convicted on charges arising from their peaceful activities were serving long prison sentences.

Prominent activist Waleed Abu al-Khair continued to serve a 15-year sentence imposed by Saudi Arabia's terrorism court that convicted him in 2014 on charges stemming solely from his peaceful criticism in media interviews and on social media of human rights abuses.

Prominent blogger Raif Badawi served the fourth year of his 10-year sentence, but authorities did not flog him in 2016, as they previously did in January 2015.

In March, Saudi Arabia sentenced journalist Alaa Brinji to five years in prison and an eight-year travel ban for tweets in which he criticized religious authorities and voiced support for the right of women to drive and jailed human rights activists.

By mid-2016 Saudi Arabia had jailed nearly all the founders of the banned Saudi Civil and Political Rights Association (ACPRA). In April and May, Saudi Arabia's Specialized Criminal Court, the country's terrorism tribunal, convicted ACPRA activists Abd al-Aziz al-Shubaily and Issa al-Hamid to eight and nine years in prison respectively, in addition to lengthy travel bans based solely on their peaceful pro-reform advocacy.

In December 2015, the Saudi Cabinet approved a new law permitting the establishment of civil society organizations for the first time, and authorities published the law's implementing regulations in 2016. The new regulations permit authorities to dissolve or deny registration to any nongovernmental organization on vague grounds, including "contradicting Islamic Sharia, infringing upon public order, contradicting public morals, breaching national unity, or contradicting other laws and regulations." By September, Human Rights Watch was unaware of any registration of an independent human rights group under the new law.

Saudi Arabia does not tolerate public worship by adherents of religions other than Islam and systematically discriminates against Muslim religious minorities, notably Twelver Shia and Ismailis, including in public education, the justice system, religious freedom, and

employment. Government-affiliated religious authorities continued to disparage Shia Islam in public statements and documents.

In February, a Saudi court reduced Palestinian poet Ashraf Fayadh's punishment from the death penalty to eight years in prison for alleged blasphemous statements in a book of his poetry and during a discussion group.

Saudi Arabia has no written laws concerning sexual orientation or gender identity, but judges use principles of uncodified Islamic law to sanction people suspected of committing sexual relations outside marriage, including adultery, extramarital and homosexual sex, or other "immoral" acts. If such activity occurs online, judges and prosecutors utilize vague provisions of the country's anti-cybercrime law that criminalize online activity impinging on "public order, religious values, public morals, and privacy."

In February, the *Saudi Gazette* reported that the Bureau of Investigation and Public Prosecution is considering requesting the death penalty for anyone "using social media to solicit homosexual acts."

## **Criminal Justice**

Saudi Arabia applies Sharia (Islamic law) as its national law. There is no formal penal code, but the government has passed some laws and regulations that subject certain broadly-defined offenses to criminal penalties. In the absence of a written penal code or narrowly-worded regulations, however, judges and prosecutors can criminalize a wide range of offenses under broad, catch-all charges such as "breaking allegiance with the ruler" or "trying to distort the reputation of the kingdom."

Detainees, including children, commonly face systematic violations of due process and fair trial rights, including arbitrary arrest. Authorities do not always inform suspects of the crime with which they are charged, or allow them access to supporting evidence, sometimes even after trial sessions have begun. Authorities generally do not allow lawyers to assist suspects during interrogation and sometimes impede them from examining witnesses and presenting evidence at trial.

Judges routinely sentence defendants to floggings of hundreds of lashes. Children can be tried for capital crimes and sentenced as adults if there are physical signs of puberty.

During 2016 authorities continued to detain arrested suspects for months, even years, without judicial review or prosecution.

As of September, Ali al-Nimr, Dawoud al-Marhoun, and Abdullah al-Zaher remained on death row for allegedly committing protest-related crimes while they were children in 2011 and 2012. Saudi judges based the capital convictions primarily on confessions that the three defendants retracted in court and said had been coerced, and the courts did not investigate the allegations that the confessions were obtained by torture.

In April, Saudi Arabia's Council of Ministers issued a sweeping new regulation curtailing the powers of the Committee for the Promotion of Virtue and the Prevention of Vice, or religious police, to arrest, pursue, or request documents or ID cards from suspects.

In February 2016, Saudi Arabia began a high-profile trial of 32 men for allegedly spying on behalf of Iran, but the charge sheet contained numerous allegations that do not resemble recognizable crimes, including "supporting demonstrations," "harming the reputation of the kingdom," and attempting to "spread the Shia confession." All but one of the detainees have been in detention since 2013.

On January 2, 2016, Saudi Arabia carried out a mass execution of 47 men for "terrorism offenses." Forty-three were associated with Al-Qaeda attacks in the 2000s, and four were Shia allegedly involved in protest-related crimes in 2011 and 2012. It was Saudi Arabia's largest mass execution since 1980. Among those executed were Ali Sa'eed al-Ribh, whose trial judgement indicates that he was under 18 when he allegedly committed some of the crimes for which he was sentenced to death, and Sheikh Nimr al-Nimr, a prominent Shia cleric sentenced to death in 2014 after a Saudi court convicted him on a host of vague charges, apparently based largely on his peaceful criticism of Saudi officials.

According to Interior Ministry statements, Saudi Arabia executed 144 persons between January and mid-November, mostly for murder and terrorism-related offenses. Twenty-two

of those executed were convicted for non-violent drug crimes. Most executions are carried out by beheading, sometimes in public.

## **Women’s and Girls’ Rights**

Saudi Arabia’s discriminatory male guardianship system remains intact despite government pledges to abolish it. Under this system, adult women must obtain permission from a male guardian—usually a husband, father, brother, or son—to travel, marry, or exit prison. They may be required to provide guardian consent in order to work or access healthcare. Women regularly face difficulty conducting a range of transactions without a male relative, from renting an apartment to filing legal claims. All women remain banned from driving cars in Saudi Arabia.

Following municipal elections in December 2015, 38 women were elected or appointed to councils with a total of 3,159 members across the country for the first time. In February, however, authorities ordered that the councils must be segregated by sex, with women members sitting in separate rooms away from their male colleagues and participating only by video link.

Saudi Arabia continues to discriminate against women and girls by denying them the same opportunities to exercise and play sports as men and boys. As of July 2016, most public schools did not offer physical education for girls and women were not allowed to attend or participate in national tournaments or state-organized sports leagues. But, in a positive move, on August 1, the General Authority for Sports, which functions like a sports ministry, announced a new female department. In August, four women represented Saudi Arabia in the Rio Olympics.

## **Migrant Workers**

Over 9 million migrant workers fill manual, clerical, and service jobs, constituting more than half the workforce. Some suffer abuses and exploitation, sometimes amounting to conditions of forced labor.

The *kafala* (sponsorship) system ties migrant workers’ residency permits to “sponsoring” employers, whose written consent is required for workers to change employers or exit the

country under normal circumstances. Some employers illegally confiscate passports, withhold wages, and force migrants to work against their will. Saudi Arabia also imposes an exit visa requirement, forcing migrant workers to obtain permission from their employer to leave the country. Workers who leave their employer without their consent can be charged with “absconding” and face imprisonment and deportation. Such a system can trap workers in abusive conditions, and punish victims who flee abuse.

Faced with a domestic unemployment rate of 12 percent that may rise as the domestic population increases, Saudi authorities have introduced labor reforms since 2011 that create a tiered quota system for the employment of Saudi citizens in the private labor sector that differs according to the nature of the business. As a part of these reforms, Saudi labor authorities in 2016 allowed foreigners working in firms that do not employ the required percentage of Saudis to change jobs without employer approval.

During 2016, low oil prices and an economic downturn dramatically undermined Saudi Arabia’s major construction companies, leaving them unable to continue projects or pay salaries of migrant construction workers. By August, tens of thousands of workers— mainly from south Asian countries—were stranded without salaries and unable to return to their home countries due to restrictions such as the exit visa requirement. Many were reportedly living in makeshift camps, relying on humanitarian assistance from their embassies.

Police and labor authorities continued to arrest and deport foreign workers found in violation of existing labor laws, targeting workers without valid residency or work permits, or those found working for an employer other than their legal sponsor.

Saudi Arabia is not a party to the 1951 Refugee Convention and has not established an asylum system whereby people who fear being returned to places where their lives or freedom would be threatened may apply to prevent their forced return.

Domestic workers, predominantly women, faced a range of abuses including overwork, forced confinement, non-payment of wages, food deprivation, and psychological, physical, and sexual abuse without the authorities holding their employers to account. Workers who attempted to report employer abuses sometimes faced prosecution based on counterclaims of theft, “black magic,” or “sorcery.”

## **Key International Actors**

The United States offered only muted criticism of Saudi human rights violations. Meanwhile, as a party to the armed conflict in Yemen, the US provided logistics and intelligence support to Saudi-led coalition forces, which reportedly included assistance with military targeting. In August, the US approved a US\$1.15 billion arms sale to Saudi Arabia, despite significant opposition from members of Congress concerned about Saudi conduct in Yemen.

In March, Human Rights Watch called on the US, United Kingdom, France, and other arms-exporting countries to suspend weapons sales to Saudi Arabia until it curtails its unlawful airstrikes in Yemen and credibly investigates alleged violations. In June, a coalition of nongovernmental organizations (NGOs), including Human Rights Watch and Amnesty International, called on the United Nations General Assembly to suspend Saudi Arabia's membership rights on the UN Human Rights Council over its engagement in "gross and systematic violations of human rights" in Yemen.

NGOs including Human Rights Watch similarly opposed Saudi Arabia's bid to be re-elected as a Human Rights Council member for the 2017-2019 term. In early October, in the face of strong opposition by Saudi Arabia, the UN Human Rights Council passed a new resolution on Yemen mandating the UN to work with an existing Yemen-led effort to investigate abuses related to the conflict.