



## Questionnaire on the use of legislation, including criminal legislation, to regulate the activities and work of human rights defenders

### SAUDI ARABIA

#### Information submitted by the Alkarama Foundation in cooperation with local civil society 18 June 2012

--- Please note that all references to the content of legal texts are informal translations ---

1. a) *Please indicate if your country has a specific legal framework, laws or regulations that aim to facilitate or protect the activities and work of human rights defenders. Please cite the names of any such laws or regulations in full.*

There is no specific legal framework in Saudi Arabia, neither laws nor regulations, which aims to facilitate or protect the activities and work of human rights defenders.

- b) *Please indicate how these laws and regulations are in line with international human rights standards, including, but not limited to, the Declaration on Human Rights Defenders.*

There are no laws in this regard. Instead, the Saudi authorities harass and persecute human rights defenders, including through prosecution.

- c) *Please also indicate what legal or administrative safeguards are put in place to prevent baseless legal action against and/or prosecution of human rights defenders for undertaking their legitimate work.*

There are no such safeguards whatsoever.

2. a) *Please describe the measures taken, if any, to ensure that your country's national security-related laws (including laws on public order, public safety, respect for morals and counter terrorism laws) are not used to unduly restrict the scope of activities of human rights defenders.*

There are no such measures and, in fact, the Saudi authorities frequently use anti-terrorism laws against political activists and human rights defenders in the name of State security as they are considered to be enemies of the State. One such case is the situation of Mr Mohammed Al Bjady, the co-founder of a human rights organisation in Saudi Arabia. Following an unfair trial before the Special Criminal Tribunal, an exceptional court established to treat terrorism-related cases, he was sentenced on 10 April 2012 to four years' imprisonment, followed by a four-year travel ban.

- b) *Please also indicate in particular how these national security-related laws respect the human right to freedom of expression and opinion.*

There is no respect for the right to freedom of expression and opinion in Saudi Arabia as every opinion which slightly deviating from the official line is considered to be a threat to public order and security.

3. a) *Please describe the measures taken, if any, to ensure that provisions of the criminal code, or other national laws, are not ambiguous or too broad to allow their arbitrary use, thereby restricting the activities of human rights defenders.*

The Saudi authorities promulgated the 'Code of Criminal Procedure' in 2002. But the problem is that the Saudi Ministry of Interior itself does not feel bound to respect this code. Articles are also written vaguely, and any interpretation is used at the disadvantage of the accused. Charges like 'disagreeing with the King and the heir apparent' are recurrent and were most recently cited in the indictment handed down to Dr Abdellah Al Hamed, a long-standing human rights defender, on 11 June 2012. Another legislative text frequently used to hinder the work of human rights activists and government critics is the law on internet criminality, which is used to suppress the freedom of expression.

b) *Please indicate what legal or administrative safeguards are in place in order to ensure that human rights defenders are not discriminated against in the administration of justice, be it through the handing down of disproportionate sentences, the unreasonable prolongation of criminal or other trials, or any other means.*

There are no such safeguards. In case there are

legal proceedings against human rights defenders, they are often protracted, as is the case for the trial of Mr Fadhel Al Manasif, a human rights defender currently tried by the Special Criminal Tribunal in Riyadh. His last hearing was held on 9 May 2012 and was postponed indefinitely.

4. a) *Please indicate if your country has specific laws or administrative rules governing the registration, functioning and funding of non-governmental organizations. Please cite the names of any such laws or regulations in full.*

In Saudi Arabia, there are no effective regulations regarding the registration of NGOs. To the contrary, the Saudi authorities use charges like 'founding an illegal human rights organisation' against human rights defenders to imprison them. By way of example, we wish to cite the case of Dr Mohammad Al Qahtani, who was charged with the aforementioned accusation today, 18 June 2012.

b) *Please explain how these legal or administrative provisions comply with your country's international human rights obligations regarding the right to freedom of association.*

There is no freedom of association as show the cases of the Hizb Al Umma Al Islami and the Saudi Association for Civil and Political Rights in Saudi Arabia (ACPRA). In early 2011, a group of politically active persons attempted to register a party called the Hizb Al Umma Al Islami, which could have become the first political party of the Kingdom. Instead, all of them were arrested and detained for periods ranging from a month to this day, close to 1 ½ years after their arrest. As for ACPRA, its members have experienced different kinds of harassment and persecution since the organisations foundation in 2009. Currently, at least one of them is serving a prison sentence whereas at least three others are subjected to unfair legal proceedings.

5. a) *Are there criminal or other legal or administrative sanctions for human rights defenders who undertake activities on an individual basis or while the association they are members of is unregistered?*

When human rights defenders stand trial, they are usually accused of a long list of charges, including, for some, the establishment of an illegal or secret organisation.

b) *If such a legal framework exists, does it restrict the type of activities that human rights defenders can undertake? If yes, please provide further details.*

There is no legal framework which specifically regulates the work of human rights defenders.

6. *Please indicate the measures taken, if any, to ensure that internal security and official secret-related laws are not used to deny freedom of information to human rights defenders and to prosecute them for their efforts to seek and disseminate information on the observance of human rights standards.*

There are no such measures. To the contrary, the Saudi authorities promulgated several laws which criminalise the dissemination of information over the past years, including the law on internet criminality, the law on online publishing and the law on classified documents. Article 6, al. 1, of the law on online publishing (royal decree M/17 of 22 August 2007) was invoked in the indictment issued against Dr Mohammad Al Qahtani on 16 June 2012 to charge him with 'preparing documents which threaten public order.'

7. a) *Please indicate the measures taken, if any, to avoid the use of defamation, slander or blasphemy laws to unduly restrict the right to freedom of opinion and expression of human rights defenders.*

There are no such measures. Instead, the charges of 'impairing the reputation of agents of the State', 'blasphemy' or 'incitement to reject the allegiance to the King' are widely used to persecute human rights defenders and political activists. Furthermore, State media is often used to harm the reputation of well known human rights defenders.

b) *How is it ensured that such laws, as well as laws on printing, publication and censorship, comply with international human rights standards and do not target human rights defenders carrying out their legitimate work?*

They do not comply with international human rights standards and target human rights defenders.

8. *Please indicate if any other type of legislation is used to regulate the activities of human rights defenders in your country and how the application of the legislation mentioned affects the activities of human rights defenders. Please cite the names of any such legislation in full.*

There are no such laws to start with. The Saudi authorities frequently target human rights defenders using whatever laws are available.