

Saudi Arabia: New Terrorism Regulations Assault Rights - Campaign to Silence Peaceful Activists

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(Beirut) – Saudi Arabia’s new terrorism law and a series of related royal decrees create a legal framework that appears to criminalize virtually all dissident thought or expression as terrorism. The sweeping provisions in the measures, all issued since January 2014, threaten to close down altogether Saudi Arabia’s already extremely restricted space for free expression.

“Saudi authorities have never tolerated criticism of their policies, but these recent laws and regulations turn almost any critical expression or independent association into crimes of terrorism,” said Joe Stork, deputy Middle East and North Africa director at Human Rights Watch. “These regulations dash any hope that King Abdullah intends to open a space for peaceful dissent or independent groups.”

The new regulations come amid a campaign to silence independent activists and peaceful dissidents through intimidation, investigations, arrests, prosecutions, and imprisonment. On March 9, the prominent human rights activists Abdullah al-Hamid and Mohammed al-Qahtani completed their first year in prison, serving 11 and 10-year sentences, respectively, for criticizing the government’s human rights abuses and for membership in an unlicensed political and civil rights organization.

Two other human rights activists, Waleed Abu al-Khair and Mikhlif al-Shammari, recently lost appeals and will probably begin their three-month and five-year respective sentences soon for criticizing Saudi authorities.

On January 31, Saudi authorities promulgated the Penal Law for Crimes of Terrorism and its Financing (the “terrorism law”). The law has serious flaws, including vague and overly broad provisions that allow authorities to criminalize free expression, and the creation of excessive police powers without judicial oversight. The law cites violence as an essential element only in reference to attacks carried out against Saudis outside the kingdom or onboard Saudi transportation carriers. Inside the kingdom, “terrorism” can be non-violent – consisting of “any act” intended to, among other things, “insult the reputation of the state,” “harm public order,” or “shake the security of society,” which the law fails to clearly define.

On February 3, two days after the terrorism law came into force, King Abdullah issued Royal Decree 44, which criminalizes “participating in hostilities outside the kingdom” with prison sentences of between three and 20 years. On March 7, the Interior Ministry issued further regulations designating an initial list of groups the government considers terrorist organizations, including the Muslim Brotherhood and the Houthi group in Yemen, along with “Al-Qaeda, Al-Qaeda in the Arabian Peninsula, Al-Qaeda in Yemen, Al-Qaeda in Iraq, Da`ish [the Islamic State of Iraq and Sham, or ISIS], Jabhat al-Nusra, and Hezbollah inside the kingdom.”

The interior ministry regulations include other sweeping provisions that authorities can use to criminalize virtually any expression or association critical of the government and its understanding

of Islam. These “terrorism” provisions include the following:

- Article 1: “Calling for atheist thought in any form, or calling into question the fundamentals of the Islamic religion on which this country is based.”
- Article 2: “Anyone who throws away their loyalty to the country’s rulers, or who swears allegiance to any party, organization, current [of thought], group, or individual inside or outside [the kingdom].”
- Article 4: “Anyone who aids [“terrorist”] organizations, groups, currents [of thought], associations, or parties, or demonstrates affiliation with them, or sympathy with them, or promotes them, or holds meetings under their umbrella, either inside or outside the kingdom; this includes participation in audio, written, or visual media; social media in its audio, written, or visual forms; internet websites; or circulating their contents in any form, or using slogans of these groups and currents [of thought], or any symbols which point to support or sympathy with them.”
- Article 6: “Contact or correspondence with any groups, currents [of thought], or individuals hostile to the kingdom.”
- Article 8: “Seeking to shake the social fabric or national cohesion, or calling, participating, promoting, or inciting sit-ins, protests, meetings, or group statements in any form, or anyone who harms the unity or stability of the kingdom by any means.”
- Article 9: “Attending conferences, seminars, or meetings inside or outside [the kingdom] targeting the security of society, or sowing discord in society.”
- Article 11: “Inciting or making countries, committees, or international organizations antagonistic to the kingdom.”

These broad provisions contain language that prosecutors and judges are already using to prosecute and convict independent activists and peaceful dissidents, Human Rights Watch said.

Al-Qahtani and al-Hamid’s convictions included charges such as “breaking allegiance with the ruler,” “slandering the religiosity and integrity of the Supreme Council of Religious Scholars,” “sowing discord,” and “attempting to shake the internal security of the country by calling for demonstrations.” The new terrorism regulations classify several of these charges as acts of terrorism.

Other members of their organization, the Saudi Civil and Political Rights Association (ACPRA), are serving sentences for convictions on similar charges, including Mohammed al-Bajadi, Omar al-Saeed, and Abd al-Kareem al-Khodr. A jailed member, Fowzan al-Harbi, is on trial before the Riyadh Criminal Court on charges that include “participating in calling for and inciting breaking allegiance with the ruler,” “explicit libel of the integrity and religiosity of the Supreme Council of Religious Scholars,” “participating in setting up an unlicensed organization” – namely, ACPRA – “publishing details of his investigation,” and “describing the ruling Saudi regime – unjustly – as a police state.”

In the March 9 case, the Saudi Press Agency (SPA) reported, a Saudi appeals court upheld an eight-year sentence for a Saudi citizen for “his involvement in inciting [family members] of detainees in security cases to demonstrations and sit-ins through producing, storing, and sending tweets, video clips on YouTube, and social networking sites,” as well as “his sarcasm toward the ruler of the kingdom and its religious authorities.”

On March 10, the SPA reported the conviction of another man, with a 10-year prison sentence and a

100,000 riyal fine (\$26,600), for “engaging in following, saving, and resending inciting tweets on the social networking site (Twitter) against the rulers, religious scholars, and government agencies and his connection to people who call themselves reformists...”

Another human rights activist, Fadhil al-Manasif, who played a leading role in documenting abuses against demonstrators in the Eastern Province in 2011, is on trial for “sowing discord,” “inciting public opinion against the state,” and “communicating with foreign news agencies to exaggerate news and harm the reputation of the kingdom.”

And Riyadh-based human rights activists, Mohammed al-Otaibi and Abdullah al-Attawi, who came under investigation in April 2013 for co-founding a new human rights organization - The Union for Human Rights - face a new investigation based on their human rights activities.

Article 32 of the Arab Charter on Human Rights, to which Saudi Arabia is party, guarantees the right to freedom of opinion and expression, and to impart news to others by any means. Article 28 guarantees the rights to peaceful assembly and association.

While protecting public order and national security are recognized in international human rights law as legitimate purposes for limiting certain rights under narrow and clearly-defined circumstances, vague and overly broad legal provisions cannot be the basis for overriding a broad array of fundamental rights. Provisions of Saudi Arabia’s new terrorism regulations that deny any ability to exercise basic rights of peaceful assembly, association, and expression greatly exceed any notion of justifiable restrictions, Human Rights Watch said.

Commenting on article 6 of the regulation, one activist told Human Rights Watch on March 12: “Just talking to you now is considered terrorism - I could be prosecuted as a terrorist for this conversation.”

P.S.

* <https://www.hrw.org/news/2014/03/20/saudi-arabia-new-terrorism-regulations-assault-rights>