

ALQST report:

Human rights under King Salman and his son Crown Prince Mohammad

Second ALQST Annual Conference
10 December, 2018
International Day of Human Rights



القسط لدعم حقوق الإنسان
ALQST advocating for human rights

WWW.ALQST.ORG

Introduction

Saudi Arabia has a monarchical system of government in which the descendants of King Abdulaziz hold a monopoly on power. There is no popular participation in government, nor any oversight or accountability for the actions, decisions or actions of the authorities. As Article 5 of the Basic Law of Governance states,

“Monarchy is the system of rule in the Kingdom of Saudi Arabia. Rulers of the country shall be from amongst the sons of the founder King Abdulaziz bin Abdulrahman Al Faisal Al Saud and their descendants.”

King Salman bin Abdulaziz came to the throne, on the death of King Abdullah, on 23 January, 2015. His accession ushered in a period of repression unprecedented both in its scope and its range of methods, exceeding in intensity anything seen before in previous eras. During his reign the Saudi authorities have violated both domestic laws and international conventions and have crossed what used to be seen as red lines, such as arresting and assaulting women. Previously, observing such social sensibilities earned the authorities a modicum of respect and – to some extent – popular acceptance.

Repression is no longer limited to men, as it generally was in the past. It has been systematically extended to women human rights defenders, and women’s rights advocates in particular. Prominent female activists have been locked up in a sweeping wave of arrests. Civil society organisations continue to be targeted and their members and founders arrested for expressing views or taking part in peaceful gatherings, or for the crime of forming and belonging to such organisations.

This report looks at the human rights situation in Saudi Arabia under the rule of King Salman and his son, Crown Prince Mohammad bin Salman (commonly known as MBS), beginning with a brief summary of recent changes before examining these developments in more detail.

A new era, and a broadening of repression

It has been customary in the Kingdom for a new stage of repression to start with every new ruler. Each new king would generally make some faint attempt to distance himself from his predecessor's repression by taking some small measures to appease the public, before embarking on a crackdown of his own. When one king died and another succeeded him, the new king would traditionally release the prisoners of conscience already being held, then shortly afterwards start making his own arrests. However, the reign of King Salman and his son, Crown Prince Mohammad bin Salman (MBS), broke with this tradition by not releasing a single prisoner of conscience. Trials already under way continued and judicial sentences against those activists were meted out.

Domestically, we have seen Saudi authorities target an even wider range of groups – women and men, even the elderly; activists, writers, journalists, and economists; judges, clergymen, businessmen, and even members of the ruling family. There has also been qualitative shift in the nature of their repression, with the return of the ugliest methods of torture, ever greater disregard for laws and customs, heavier legal penalties and a broader misuse of capital punishment. There has been a sharp upturn in political arrests, the muzzling of dissent, and the hounding of activists. The authorities have been banning and obstructing the work of civil society organisations, controlling and censoring media outlets, intimidating journalists and writers, and continuing to discriminate against religious minorities.

One extreme example of the authorities' repression was the excessive use of armed force – including artillery – in a densely-populated residential area during clashes with gunmen in the midst of an operation intended to demolish the neighbourhood of al-Musawwara in Awamiyah, in the Kingdom's Eastern Province.

The Saudi authorities' violations have extended beyond their national borders to affect neighbouring countries and their own citizens living there. Following the severing of diplomatic relations with Qatar and the imposition

of a blockade on the country, some Qatari-Saudi families were separated and others deprived of their livelihoods as they were forced to leave their jobs in Qatar.

In Yemen, the war Saudi government has been waging since 2015 has caused the death of tens of thousands of innocent civilians, including children, and an outbreak of cholera affecting an estimated million people, 30% of them children.

Things are no better at the international level. By cutting diplomatic relations with Canada after Canada criticized the repression and arrest of women activists in Saudi Arabia, with the Canadian Foreign Minister tweeting a demand for their immediate release, the Saudi authorities forced Saudi citizens living in Canada to cut short their academic and professional postings there, and even forced Saudis on medical treatment visas in Canada to abandon their treatment and leave the country.

Arrests and trials

As the tempo of repression stepped up, the Saudi government launched three major waves of mass arrests:

- The first wave, on 10 September, 2017, targeted a group of prominent clergymen; supporters of the “reform tendency” and human rights; academics, intellectuals and media professionals. This included people such as Salman al-Awdah, Abdullah al-Maliki and Essam al-Zamel, among others. Their trials began recently, and the Public Prosecution is calling for the death penalty for several of them.
- A second wave of arrests followed on 4 November, 2017, in the name of “combating corruption”. A large number of government officials, princes, and businessmen were detained in the Ritz-Carlton Hotel, Riyadh, without any regard for legal or judicial procedures. Most of them were later released after secretive financial settlements had been reached, with absolutely no transparency and no involvement of the judiciary; indeed,

detainees were subjected to severe torture to extract these “settlements”. Those who would not agree to these “settlements” were transferred to al-Ha’ir prison in Riyadh. Notable among those released were the well-known businessman Prince al-Waleed bin Talal, Prince Muteb bin Abdullah, and a group of leading Saudi businessmen. Among those still detained are Omar al-Dabbagh, Waleed Futaihi and Mohammad al-Amoodi.

- On 15 May, 2018, the government launched a third, frantic wave of arrests against human rights defenders, both women and men. Although this was not the first crackdown on activist, it was unprecedented in both its scale and its ferocity. It was also the first time the authorities had targeted women activists en masse, detaining Loujain al-Hathloul, Aziza al-Yousef, Eman al-Nafjan, along with Ibrahim al-Mudaimeegh and Mohamed al-Rabiah in coordinated late-night raids on their homes. These were followed by three more arrests that targeted Aisha al-Manea, Madihah al-Ajrourh, Walaa Al Shubbar – all three of whom were later released. Further arrests followed, targeting Hatoon al-Fasi, Amal al-Harbi, Nouf Abdulaziz, Mayya al-Zahrani, Nassima al-Sadah, and Samar Badawi.

There were, in addition, dozens of individual arrests of activists, writers and intellectuals, for reasons relating to freely expressing opinions or criticism concerning actions of the authorities. This category includes the last two founders still at large of the Saudi Civil and Political Rights Association (ACPRA), Abdulaziz al-Shubaily and Issa al-Hamid, and other activists such as Essam Koshak.

The authorities did not stop at that, however, but actually re-arrested some recently released detainees, such as the prominent activists Mohamed al-Bejadi, Omar al-Saeed, Essa al-Nukhaifi and Khaled al-Omeir.

Meanwhile, with regard to freedom of the press and media, the authorities have closed down what little space there was for discussion of Saudi public

1 <https://alqst.org/eng/samar/>

affairs. The authorities arrested many journalists, among the most prominent being writer and businessman Jamil Farsi and the economics writer and businessman Essam al-Zamel. Al-Zamel's trial had started but no sentence has been issued against him as of the time of writing this report.

Others arrested include Islamic scholar Hasan Farhan al-Maliki, already sentenced to three years in prison and currently on trial on other charges in connection with his writings; writer Nadhir al-Majed, sentenced to seven years in jail, scriptwriter/producer Fadhel al-Shu'lah, with a four-year prison sentence, and journalist Saleh al-Shehi, sentenced to five years. Writer Mustafa al-Hasan was arrested but later released on health grounds. Others, like writers and bloggers Eman al-Nafjan and Nouf Abdulaziz, and academic writer Hatoon al-Fasi, have not yet gone on trial.

These crackdowns have affected a variety of well-known personalities, even those who have not taken any notable position against repression and despotism, such as writer and analyst Tarrad al-Amri – he, too, was arrested.

State repression of journalists and writers, however, has gone beyond imprisonment, censorship, and travel bans to a far more serious level with the assassination of prominent columnist Jamal Khashoggi. Khashoggi was assassinated in the Saudi consulate in Istanbul when he went there to complete some family-related paperwork on 2 October, 2018. The authorities have not yet produced his body. Yet even before the murder of Khashoggi, Saudi Arabia ranked 168th in the Reporters without Borders World Press Freedom Index.

Coinciding with this extreme repression and intimidation, there was a notable increase in the number of executions in the first year of King Salman's reign. While 92 executions took place in 2014, the last year of King Abdullah's rule, there were 158 executions in 2015, King Salman's first year on the throne. He went on to open the following year, 2016, with the mass execution of 47 individuals, including minors, of whom 43 were sentenced to death by ta'zir, i.e. at the discretion of the judge.

Mechanisms of repression

Under the rule of King Salman and his son, Crown Prince Mohammad bin Salman, the authorities have employed brutal methods to repress any action in favour of reform or human rights, or political activity, using a number of techniques and mechanisms.

The authorities have resorted to spreading fear by staging campaigns of intimidation to frighten members of the public both individually and collectively. They have run media campaigns to smear the reputations of the activists they want to target. The 15 May wave of arrests, for example, was followed by a media campaign to brand the women detained as traitors and agents of foreign embassies.

After the death penalty had been demanded for a number of detained activists and writers, the Khashoggi murder operation was carried out, the brutality of which was seen by activists abroad as a deliberate attempt to frighten and intimidate them.

These campaigns of intimidation have a precedent in the behaviour of the new authorities, notably the mass execution carried out at the beginning of January 2016, on the pretext of countering terrorism, even though several of those executed had not carried out any act of violence. They included minors such as Ali al-Ribh, Mustafa Abkar, Mishaal al-Faraj, and Amin al-Ghamdi, who were all executed for acts they were accused of having committed when under the age of 18. Furthermore, the crimes they were accused of are not regarded as among the most serious crimes. The Saudi authorities nevertheless branded them terrorists.

After a flawed trial to sully their reputations, and to provide cover for their execution, the authorities did not hand over the bodies of those executed to their families so that they could carry out the rites of mourning, funerals, and burial in accordance with their religious and cultural practice; in fact, they hid the bodies. This punitive treatment of the families was intended by

the authorities to send a message to everyone that death and bodysnatching are the likely fate of anyone opposing their policies and remaining active. They did not do this only in the case of the minors executed but to all of them, including the prominent Shi'ite cleric Nimr al-Nimr. This was in contravention of and in stark challenge to international charters and treaties such as Article 6 of the International Covenant on Civil and Political Rights (ICCPR), which states:

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.
3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Saudi Arabia's failure to ratify the ICCPR does not absolve it of responsibility for its actions being in conflict with international law.

ALQST has always, and repeatedly, maintained that the Saudi authorities should ratify this and other international covenants and the relevant protocols.

The Saudi authorities' preferred manner of making arrests is designed to frighten those socially close to the detainee, by pouncing on the person targeted at any time or place, without an arrest warrant and with no respect for the sanctity of person or place. There are those who have been arrested from their classrooms or places of work, or on the street or in the public marketplace, or by means of late-night raids on their homes without a search warrant. This was what happened when the women human rights activists were arrested and taken to an undisclosed location, cut off from the outside world, without any written order from the public prosecutor, and without them being allowed to have a lawyer present during questioning.

Another tactic used by the Saudi authorities to repress activists and opponents is to bring serious charges against them that do not even bear any relation to their activism, such as betraying the country, and describing them and foreign agents. They like to link the case to state security in order to brand them terrorists and thus be able to apply against them the penalties laid down in the Counter-Terrorism Law in a war on freedoms that they call the War on Terror.

Following arrest, the authorities systematically use various forms of torture, solitary confinement, denial of phone calls and visits, and humiliation in police stations and Mabahith (secret police) prisons. NGOs have documented many cases of torture, leading in some cases to detainees being killed at the hands of guards or interrogators.

ALQST recently published jointly with other organisations a report on torture that activists, including women's rights activists, had suffered in prison.

² <https://alqst.org/eng/un-expert-saudi-government-must-stop-using-counter-terrorism-laws-to-stifle-peaceful-dissent/>

ALQST has confirmation that a number of these women had been pulled along the floor by their hair, beaten with cables, lashed on their feet, subjected to electric shocks, deprived of sleep and threatened that their families and children would be targeted, as well as psychologically tortured by being given false information about the death of family members.

The Saudi authorities have not to date held any officials accountable for crimes of killing under torture, and in fact at international gatherings they deny practising torture and coercion during interrogation at all, despite rising numbers of cases of torture and deaths in prison.

The Saudi authorities do not accept criticism, advice or opinions, and deal with such things by means of arbitrary arrests, prison and the death penalty. They believe in silencing people, forcing them to praise officials and support for everything the government says, and pressing every media outlet and academic, religious or cultural platform into the service of the authorities. Anyone who fails to voice support for the government is liable to be arrested; some have been condemned for remaining silent or not backing the Saudi position toward Qatar, charged with “failing to stand by the country in critical times”.

As well as specifically targeting activists, the authorities put a lot of effort into dividing society by encouraging individual citizens to feel frightened and report on one another. They plant seeds of suspicion between people by creating special channels to enable citizens to monitor each other, like the “Kulluna Amn” (“We are all security”) app, and pass on information through the Ministry of Interior’s “Absher” system for iPhones and iPads or via social media, not to mention conventional routes like filing a report at a police station.

The authorities seek to impose an obligatory duty of support on the entire population for every single one of their policies and positions, by dragging the people into international political disputes, like the ones with Qatar, Yemen and Iran. It is more than a matter of mobilising people and

encouraging them to attack neighbouring countries; they trawl through the writings of activists and commentators, denounce them for spying against the rest of the nation, and interrogate anyone who remains silent instead of declaring support for what the government is doing. Some well-known personalities have been arrested for silence and failure to praise the government in a dispute with other states.

To strengthen their control over cyberspace, the authorities use the so-called “electronic army” to intimidate the public and curb their freedom of expression on social media networks, whereas these were once the only space open to them to debate, criticise and voice opinions. This electronic army uses threats of being arrested and reported, or censured, humiliated and denounced, as well as swamping hashtags and deflecting public opinion to other subjects.

These recent changes in the level of repression have come as a result of the Crown Prince seizing control, gathering all power and positions to himself and monopolising decision-making, so that there is no longer any balance of authority or centres of power, even within the ruling family. The old, distributed form of despotism was milder than this centralised autocracy.

Before King Salman came to power the Bureau of Investigation and Public Prosecution, which came under the Ministry of Interior, was the body responsible for criminal investigations and prosecutions. Although the name has now changed to simply the Public Prosecution, and it was removed from the remit of the Ministry of Interior on 18 June, 2017 to report directly to the king, it has continued to operate in the same repressive way as before, following and persecuting activists and opposition figures with even greater ferocity and a chilling increase in the number of arrests.

There have been numerous calls for stiffer penalties, such as the Public Prosecution’s call for the death penalty by ta’zir (at the discretion of a judge), on in reliance on the penalties set out in the Counter-Terrorism Law, for defendants charged with non-violent offences.

Detainees are still being held for lengthy periods without trial, thanks to Article 114 of the Law of Criminal Procedure (see below, Public prosecution and judiciary). This Article was amended in 2013 to remove the upper limit on the length of time detainees could be held without trial. Before that, six months had been the maximum period someone could be held before having to be brought to trial or released. Although six months is a long time and there were calls from human rights campaigners for this maximum period to be reduced, and even though the security and judicial authorities were not observing it anyway, nevertheless these calls for a reduction were rejected. The law was eventually changed in the opposite direction, with the addition of a final paragraph that sets no limit on time in custody without trial. This clearly contravenes the standards for fair trial, which require defendants to be brought promptly before a judge.

ALQST insists that this Article must be amended in line with the standards for fair trial, and that the Public Prosecution must be a totally independent judicial body. Its independence should not be compromised by having to report to the king and acting as an instrument of repression for the Royal Diwan, as it is now.

Public prosecution and judiciary

The judicial system in Saudi Arabia is not independent at all. It is riddled with legal flaws, from its lack of independence to the fact that laws are not codified in legislation, to the way judges are given the right to exercise their own discretion without any written guidelines on ta'zir (discretionary) punishment, to the creation of illegal tribunals such as the Specialised Criminal Court (SCC).

The SCC was set up in 2008. Its declared purpose was to hear terrorist cases, but it has come to try human rights activists and reform advocates, starting in 2014 with activist Waleed Abu al-Khair. It usually brings vaguely worded, legally imprecise charges against them, and allows the authorities to manipulate it and make extensive use of it against their opponents.

The charges used include the following:

- Rebelling against the ruler.
- Inciting unrest.
- Breaking ranks.
- Inflaming public opinion.
- Working for other countries.
- Communicating with international media and organisations to slander the authorities.
- Casting doubt on the integrity and fairness of the security services, investigatory bodies and judiciary.
- Exploiting Islamic law to override [the country's] laws.

ALQST has studied several of the guilty verdicts handed down against activists. It is clear from this that the judiciary make selective use of hard-line interpretations in Islamic jurisprudence to criminalise critics of the government. These texts have their own particular understanding of the concepts of “rebellious against the ruler”, “breaking obedience”, “inciting unrest”, and “inflaming public opinion against the rulers”.

Exploiting a narrow interpretation that matches the inclinations of the government, they have used the same texts to try various activists, in an attempt to use Islam to justify the authorities’ violations. Certain religious texts are used completely inappropriately, while others, more suited to the context, and supportive of the values of freedom and justice, are ignored. Here are some of the select texts we find cited over and over again in court documents.

Verses from the Qur’an:

- “Verily, those who divide their religion and break up into sects, have no concern with them in the least. Their affair is only with Allah, Who will then tell them what to do” (6:159).
- “O you who believe! Obey Allah and obey the Messenger and those of you who are in authority” (4:59).

Hadiths from the Prophetic Tradition:

- “Ibn Omar reported the Prophet as saying: A Muslim person must listen and obey concerning what he likes and hates, unless he is ordered to commit a sin. If he is ordered to commit a sin, then he should neither listen nor obey.”
- “He reported him as saying: Whoever removes a hand from obedience to Allah will meet Allah on the Day of Resurrection and there will be no excuse for him. Whoever dies and does not have allegiance on his neck dies a death of Ignorance.”

- “Abu Huraira reported that the Messenger of Allah said: It is obligatory upon you to listen and obey (the ruler) in times of your ease and of your difficulty, whether you feel energetically stimulated or you feel compelled, and even when someone else is given undue preference over you.”
- “Abu Hunaida Wael ibn Hajar reported: Salama ibn Yazid al-Ju’afi asked the Messenger of Allah: O Prophet of Allah, if we have rulers who demand from us their rights towards them, but they do not give us our rights, what do you order us to do?” The Messenger of Allah turned his face away (without giving any answer). He repeated the question, so the Messenger of Allah said: Listen and obey, for verily, they will be held accountable for what they are responsible for and you will be held accountable for what you are responsible for.”

Legal texts:

- Article 12 of the Basic Law of Governance: “Consolidation of the national unity is a duty. The State shall forbid all activities that may lead to division, disorder and partition.”
- Royal Decree No. 44/A, issued 3 February 2014: “The punishment shall be a prison term of not less than three years and not more than 20 years for anyone, whoever they may be, who commits any of the following acts: participating in hostilities outside the kingdom, in any form whatsoever, subject to the definition indicated in the Preamble to this Decree; belonging to religious or intellectual currents of thought or groups that are extremist or classified as terrorist organisations domestically, regionally or internationally, or supporting them or adopting their thinking or methods in any form whatsoever, or shows sympathy for them by any means, or provides any form of material or moral support for them, or incites, encourages or promotes any of these things in speech or writing in any way. If the perpetrator of any of the acts aforementioned in this clause is an officer or member of the military forces, the punishment shall be a prison term of no less than five years and no more than 30 years.”

- Article 6 of the Anti-Cyber Crime Law: “The punishment shall be a prison term of not more than five years and/or a fine of no more than three million riyals for any person who commits any of the following cyber crimes: producing, preparing, sending or storing by means of the Internet or a computer anything liable to harm public order, religious values, public morals or the sanctity or private life.” (emphasis added)
- Article 6 of the Travel Document Law, regarding bans on foreign travel: “No person may exit the Kingdom without a valid travel document. Exit or entry into the Kingdom is allowed only through points of entry designated by the Minister of Interior. The Implementing Regulations shall specify entry and exit procedures. No person maybe barred from travelling except by a judicial ruling or a decision issued by the Minister of Interior for specific reasons relating to security and for a specific period of time. In both cases, the person barred from travelling shall be notified within a period not exceeding one week from the date of issuance of said ruling or decision.”
- Article 114 of the Law of Criminal Procedure, which is used to justify keeping detainees in prison for long periods without trial, states: “Detention shall end upon the lapse of five days, unless the investigator decides to extend such period. In which case, he shall, prior to its expiry, refer the file to the head of the branch of the Bureau of Investigation and Public Prosecution or his designee from among the heads of departments within his jurisdiction to issue an order for release of the accused or extension of detention for a period or consecutive periods provided that such period(s) do not exceed in their aggregate forty days from the date of arrest. In cases requiring detention for a longer period, the matter shall be referred to the Chairman of the Bureau of Investigation and Public Prosecution, or his designee from among his deputies, to issue an order extending the detention for a period or consecutive periods. Each of such periods shall not exceed thirty days and their aggregate shall not exceed one hundred and eighty days from the date of arrest of the accused, after which the accused shall be immediately referred to the competent court or be released. In exceptional cases requiring

detention for longer periods, the court may approve a request for the extension of detention for a period or consecutive periods as it may see fit and issue a reasoned judicial order to this effect.” (emphasis added)

Punishments may also be determined on the basis of ta’zir, i.e. at the discretion of a judge. This is a disciplinary punishment applied for crimes where no penalty is specified either in Islamic Sharia law or in the Penal Code, and in these cases, judges have broad powers of discretion, which is extremely dangerous. ALQST insists that these powers must be curbed, and criminal punishments must be fully codified in legislation.

Turning to the question of civil society, there are still severe restrictions in place on all its activities. The Saudi authorities have a de facto ban on the establishment of human rights organisations, while other civil society organisations are placed under close government supervision.

For years the establishment of civil society organisations was not allowed, on the pretext that there was no law to regulate their activities. But after more than five years of procrastination the Law on Associations and Foundations, which had already been passed by the Shura Council, was approved by the Cabinet on 1 December, 2015. While it seemed at first that the new law would open a window for civil society activities, it has in fact in created a barrier preventing and restricting them. Not a single application to form a human rights organisation has been approved to date.

In practice, the new law brought in restrictions and conditions in defiance of the right to freely set up associations. Some Articles were vaguely worded and loosely drafted, while some flew in the face of human rights principles. The law did not even identify the agency that was to oversee its implementation and operation. Below are notes on some Articles of the Law on Associations and Foundations.

Supervisory body:

- There are references in several Articles to a “supervisory body”, but neither the law nor its executive regulations name or identify it, despite

its significance and its power to approve or reject applications, and even to attend the meetings of civil society organisations. The failure to clearly identify this body confirms security agency interference in obstructing the founding and activities of such associations. This means the authorities lack any credibility and are not serious about allowing civil society organisations to function properly; it shows they are intent on maintaining their obstructionist and prohibitive approach towards civil society action, and simply using the new law to cover up that fact.

Restrictions on purposes:

- The law restricts the purposes for which associations are allowed to be established to those set out in the regulations. The law is thus simply regulating relief work and donations under cover of the state, thus limiting and restricting the principle of freedom to form associations and corraling them within a very limited range. Making it conditional to obtain the Ministry of Labour and Social Development (MLSD)'s agreement to found an association represents unnecessary government interference if the association's purposes are legal and it meets all the legal requirements.

Government oversight:

- The law gives the MLSD excessive power to oversee and supervise associations. There are numerous articles giving the MLSD wide-ranging powers to interfere even in their internal decision-making processes. This violates the Arab Charter on Human Rights (ACHR), of which Article 24, paragraph 6 states that every citizen has the right "[t]o freely form and join associations with others" and paragraph 7 elaborates: "No restrictions may be placed on the exercise of these rights other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public order or safety, public health or morals or the protection of the rights and freedoms of others."

The law nevertheless contains several Articles that violate this right. Ar

ticle 13, for example, gives the MLSD and the (unspecified) supervisory body the right to attend associations' ordinary and extraordinary general meetings and even meetings of the management board. Article 20 of the executive regulations stipulates that minutes of all extraordinary general meetings must be approved by the MLSD. Article 23 states that copies of the minutes of all voting at general meetings must be submitted to the MLSD within 15 days of the meeting. These and many other Articles give the authorities excessive power to interfere in the internal affairs of civil society organisations.

Dissolving associations:

- The Law on Associations and Foundations gives the ministry unwarranted authority to dissolve associations, bypassing judicial authority. Article 23 states that the ministry has the right to dissolve an association if it violates the Sharia, social norms, the Law on Associations and Foundations or its executive regulations, or even the association's own internal regulations. It does not give associations the right of judicial appeal against the ministry's decision, or even to file an administrative grievance. The law requires no judicial oversight, or even supervision by a different administrative agency, of a decision to dissolve an association. Moreover, the Minister of Labour and Social Development is given the right to suspend, dissolve, or even merge associations. This raises fears of extensive and dangerous abuse by the ministry of its authority.

Violation of privacy:

- The MLSD and the (unspecified) supervisory body are given the authority to inspect private documents, communications, and records of associations. They also have the authority to acquire copies of these documents or even seize the originals. Associations are obligated to cooperate fully with ministry requests. These measures violate the privacy of these associations and their members. Such powers should not be granted without judicial oversight, in order to ensure that they are not abused.

Human rights organisations:

- Before the Law on Associations and Foundations was introduced, the Saudi authorities did not allow human rights organisations to operate and forcibly closed them down, arresting their founders, on the pretext that there was no law to regulate civil foundations. The Saudi Civil and Political Rights Association (ACPRA) was closed down and all of its members were arrested; Monitor of Human Rights in Saudi Arabia was not granted a licence to operate, even after its founder, Waleed Abu al-Khair, wrote a letter to the King. He was later arrested. The Administrative Court rejected an appeal by al-Adalah Center for Human Rights against the MLSA's refusal to register it. Activists were also put on trial for trying to found an association called al-Ittihad (Union) for Human Rights.

To this day, no human rights or political – or even economic – organisation has been licenced.

Statistics

There are no accurate statistics covering everyone who has faced repression during King Salman's reign. This is because of the difficulty of documenting many methods of repression, which go beyond arrests to include writing bans, travel bans, confiscation of property, and coercion to show total support for every move the Crown Prince makes. The authorities do not accept neutrality, seculsion or even retirement from public affairs. Indeed there are now serious fears that the repression has reached the point of denying critics, activists, and dissidents their right to life.

Due to this generalised state of fear among Saudis, many will not speak out or report the various acts of repression either they themselves or those around them have experienced, for fear of reprisals. When we reported the detention of around 150 people in the latest campaigns of repression, the Crown Prince claimed in an interview with Bloomberg that he had arrested

3 ALQST, <https://alqst.org/itthad/>

about 1,500 people. This means that we, as grassroots NGOs with a presence on the ground, are only aware of a fraction of the authorities' violations.

This demonstrates the scale of the authorities' intimidation of victims' families. Some have even provided us with false information, so as not to report the authorities' violations. Some have contacted us to confirm that their detained relative has been released, only for us to discover later that this is not the case. This is not surprising when we consider, to take just a couple of examples, that Khalid al-Awdah was arrested for tweeting about the arrest of his brother, Salman al-Awdah, and al-Abbas al-Maliki was arrested because he tweeted about the arrest of his father Hasan Farhan al-Malki. In this harshly repressive climate, therefore, and with the total absence of civil society institutions or any freedom of expression, it is clearly impossible and unreasonable to ask for precise numbers and statistics or measures of public opinion.

Conclusion and recommendations

The reign of King Salman and his son, Crown Prince Mohammad bin Salman, has seen a qualitative shift in the scale and nature of state repression. However, one would be mistaken in imagining that the problem might disappear with a change in the person of the King or Crown Prince. The roots of the problem predate both Salman and his son, and are bigger than the two of them. The problem lies deep in the structures of power in Saudi Arabia. These structures form the foundation on which the Crown Prince has been able to commit his abuses and carry on doing so without anyone holding him to account.

Rather than simply changing rulers, Saudi Arabia needs to change the foundations on which their rule is based, empowering the people to exercise their right to run the country, impose civil oversight over the actions and policies of authorities, and call those responsible for all these violations to account.

ALQST calls for:

- the immediate and unconditional release of all prisoners of conscience in Saudi jails, and prompt and fair trials for all those charged with recognised criminal offences;
- an end to the restrictions on women, and especially the male guardianship system;
- freedom of expression and of peaceful assembly, and the right to form civil associations;
- the separation of executive, legislative and judicial powers in Saudi Arabia;
- an independent judiciary, and an end to ta'zir punishments. Remove judges' discretion to impose the death penalty, and codify all criminal sanctions;
- a total moratorium on executions of minors;
- serious steps toward allowing Saudi society to participate in their country's development, and to elect their representatives;
- an end to human rights violations outside the country, and an immediate end to the crimes being committed in the Yemen war.



Website: www.alqst.org

Email: info@alqst.org

Unit 24.7, Coda Studio
189 Munster Rd, Fulham
London SW6 6AW
United Kingdom