



SAUDI ARABIA: REFORM WITHOUT HUMAN RIGHTS

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC
REVIEW, 31ST SESSION OF THE UPR WORKING GROUP, NOVEMBER 2018

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CONTENTS

INTRODUCTION	4
FOLLOW UP TO THE PREVIOUS REVIEW	5
THE NATIONAL HUMAN RIGHTS FRAMEWORK	6
2015 LAW ON ASSOCIATIONS	6
STRUCTURAL CHANGES UNDER CROWN PRINCE MOHAMMAD BIN SALMAN	6
HUMAN RIGHTS SITUATION ON THE GROUND	7
CRACKDOWN ON FREEDOM OF EXPRESSION	7
CRACKDOWN ON FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY	8
HUMAN RIGHTS DEFENDERS	9
THE DEATH PENALTY	10
TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT	11
DISCRIMINATION AGAINST WOMEN	11
DISCRIMINATION AGAINST MIGRANT WORKERS	12
DISCRIMINATION AGAINST MINORITIES	12
ARMED CONFLICT IN YEMEN	12
RECOMMENDATION FOR ACTION BY THE STATE UNDER REVIEW	13
ANNEX	16

INTRODUCTION

This submission was prepared for the Universal Periodic Review (UPR) of Saudi Arabia in November 2018. In it, Amnesty International evaluates the implementation of recommendations made to Saudi Arabia in its previous UPR, assesses the national human rights framework and the human rights situation on the ground, and makes a number of recommendations to the government of Saudi Arabia to address the human rights challenges mentioned in this report.

Amnesty International is concerned that Saudi Arabia appears not to have implemented the key recommendations it accepted during its previous review in 2013, including to guarantee the rights of women and girls to education, employment, freedom of movement, and protection from violence, and to abolish practices that discriminate against women. Amnesty International also regrets that Saudi Arabia continues to have prohibitive reservations to the international human rights treaties to which it is a party and that the criminal justice system continues to flout essential protections of international law regarding the rights to liberty, security of person, fair trial and freedom from torture and other ill-treatment.

Amnesty International also raises concerns about gross and systematic human rights violations which continue to occur and have worsened in many cases. Since 2014, the authorities have systematically used the Specialized Criminal Court (SCC), a counter-terrorism court, and resorted to the counter-terrorism law of February 2014 to persecute human rights defenders for their peaceful human rights work and to retry others who were already sentenced to lengthy prison terms. Travel and social media bans have also been issued as a result of activists' peaceful human rights work. Torture and other ill-treatment is practised with impunity during arrest and in detention centres and prisons, including during incommunicado detention.

Saudi Arabia also continues to rank as one of the top five executioners in the world. Courts continue to impose death sentences and carry out executions following grossly unfair trials and allegations of coerced "confessions". Moreover, Saudi Arabia continues to sentence to death and execute individuals who were under 18 at the time of their alleged offence.

Despite limited reforms in the area of women's rights, including allowing women to stand as candidates in municipal elections and allowing women to drive, systematic discrimination against women in law and practice continues, notably through the male guardianship system which remains in place.

Migrant workers continue to face systemic discrimination, and those with irregular status face detention and deportation to states where they risk facing human rights violations. Saudi Arabia's Shi'a Muslim community in the Eastern Province continues to face discrimination because of their faith, limiting their right to express religious beliefs and their access to justice, as well as their right to work and access to state services. Shi'a activists who demonstrate in protests or criticize the authorities continue to be subjected to arbitrary arrest, incommunicado detention and in some cases the death penalty following grossly unfair trials.

FOLLOW UP TO THE PREVIOUS REVIEW

During its second UPR in 2013, Saudi Arabia accepted 151 recommendations, partly accepted 36, and rejected 38 recommendations.¹

Amnesty International welcomes the visits by the former Special Rapporteur on counter-terrorism and human rights to Saudi Arabia in 2017 and November 2016,² in line with accepted recommendations.³

Amnesty International regrets, however, that Saudi Arabia has failed to implement many of the recommendations it had accepted in the previous review, including to repeal the guardianship system against women,⁴ criminalize femicide and comply with Committee on the Elimination of Discrimination against Women General Recommendation 19,⁵ adopt and enact legislation to guarantee the right to freedom of peaceful assembly and enable NGOs to operate without fear of reprisals,⁶ end discrimination against women and minority groups,⁷ guarantee due process and fair trials,⁸ prohibit in law the use of torture and other ill-treatment in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁹ and protect workers from all forms of abuse, including migrant workers.¹⁰

Amnesty International also regrets that Saudi Arabia rejected recommendations to become a party to the Rome Statute of the International Criminal Court,¹¹ the International Covenant on Economic,

¹ Report of the Working Group on the Universal Periodic Review, Saudi Arabia (A/HRC/25/3), Report of the Working Group on the Universal Periodic Review, Saudi Arabia, Addendum (A/HRC/25/3/Add.1).

² UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism concludes visit to Saudi Arabia, Preliminary findings of the visit to Saudi Arabia, 4 May 2017.

³ A/HRC/25/3, Recommendations 138.83 (Sierra Leone), 138.87 (Albania), 138.90 (Qatar), 138.91 (Romania).

⁴ A/HRC/25/3, Recommendations 138.100 (Denmark), 138.102 (Australia), 138.107 (Italy), 138.108 (Sweden).

⁵ A/HRC/25/3, Recommendations 138.33 (Ecuador), 138.56 (Spain), 138.136 (Republic of Moldova).

⁶ A/HRC/25/3, Recommendation 138.53 (Czech Republic), 138.172 (Belgium).

⁷ A/HRC/25/3, Recommendations 138.92 (Belgium), 138.94 (France).

⁸ A/HRC/25/3, Recommendations 138.147 (United States of America), 138.151 (France).

⁹ A/HRC/25/3, Recommendation 138.151 (France).

¹⁰ A/HRC/25/3, Recommendations 138.210 (Kyrgyzstan), 138.211 (United States of America).

¹¹ A/HRC/25/3, Recommendations 138.9 (Latvia), 138.10 (Republic of Korea), 138.21 (Slovakia), 138.22 (Uruguay).

Social and Cultural Rights¹² and the International Covenant on Civil and Political Rights,¹³ to abolish corporal punishment and eradicate the use of torture and other cruel, inhuman or degrading treatment or punishment, such as flogging, amputations and eye-gouging, including for juveniles,¹⁴ to withdraw reservations to the Convention on the Elimination of All Forms of Discrimination against Women,¹⁵ to establish a moratorium on the death penalty and restrict its scope in line with international law and standards,¹⁶ and to end the practice of incarcerating, mistreating, and applying travel bans against individuals on the basis of their political or religious beliefs.¹⁷

THE NATIONAL HUMAN RIGHTS FRAMEWORK

2015 LAW ON ASSOCIATIONS

In November 2015, the Council of Ministers approved the Law on Associations. The law excludes any mention of “human rights” and extends wide discretionary powers to the Ministry of Social Affairs, including to deny licenses to new organizations and to disband them if deemed to be “harming national unity”. No independent human rights organizations have been able to register under the new law and several human rights defenders have been put on trial for establishing human rights organizations. The human rights defenders have been accused of “harming public order and national unity” and the text of the law appears to attempt to legalize the current practice of preventing human rights organizations from operating, under the pretext of protecting national unity. As such, this law could become yet another tool to choke the work of human rights organizations and stifle the voice of activists. The only two human rights groups that are currently in operation are the Saudi Human Rights Commission and the National Society for Human Rights, both of which are government bodies.

STRUCTURAL CHANGES UNDER CROWN PRINCE MOHAMMAD BIN SALMAN

While investigative and prosecutorial powers previously fell under the jurisdiction of the Ministry of Interior, recent months have seen major political changes that consolidate these powers in the hands of the King. In June 2017, King Salman bin Abdulaziz Al Saud issued a Royal Decree stripping the Bureau of Investigation and Prosecution (BIP) of its investigative and prosecutorial

¹² A/HRC/25/3, Recommendations 138.5 (Tunisia), 138.7 (Czech Republic), 138.8 (Albania), 138.14 (Maldives), 138.15 (Thailand), 138.16 (France, Lithuania).

¹³ A/HRC/25/3, Recommendations 138.4 (Sweden), 138.5 (Tunisia), 138.7 (Czech Republic), 138.8 (Albania), 138.14 (Maldives), 138.15 (Thailand), 138.16 (France, Lithuania).

¹⁴ A/HRC/2/3, Recommendations 138.45 (Canada), 138.127 (Czech Republic), 138.128 (Albania), 138.129 (Sweden).

¹⁵ A/HRC/25/3, Recommendations 138.24 (Czech Republic), 138.25 (France, Spain, Austria, Finland), 138.32 (Brazil).

¹⁶ A/HRC/25/3, Recommendations 138.40 (Brazil), 138.119 (Slovenia, Sweden, Italy, Poland), 138.120 (Slovakia, Spain), 138.121 (Germany), 138.122 (Australia), 138.124 (Lithuania), 138.125 (France).

¹⁷ A/HRC/25/3, Recommendations 138.165 (Romania), 138.168 (Canada), 138.170 and 138.172 (Belgium).

powers, and transferring these to the newly established Public Prosecution. The BIP fell under the jurisdiction of the Ministry of Interior, whereas the Public Prosecution reports directly to the King. It is yet to be seen how this change might impact respect for human rights in practice.

Following the decision by Saudi Arabia and several other Arab states to sever ties with Qatar in June 2017 due to political disputes, the Saudi Arabian authorities warned people against expressing sympathy with Qatar or criticising actions by the Saudi Arabian government, stating that this would be considered an offence punishable under Article 6 of the Anti-Cyber Crime Law.¹⁸ In the past, activists and human rights defenders have been sentenced to lengthy prison terms for the peaceful exercise of their rights to freedom of expression, association and assembly under this law.

In October 2017, a new counter-terror law was announced, delegating the authority to arrest, investigate, interrogate and refer individuals to the Specialized Criminal Court (SCC) for terrorism-related crimes to the newly established Public Prosecution and Presidency of the State Security, both of which report directly to the King. The new law uses overly broad and vague definitions of “terrorism”, “terrorist crime” and “terrorist entity”; for instance, a “terrorist crime”, as defined in the new law, includes “endangering national unity” and “destabilizing public order and security of the community”,¹⁹ all of which have been and continue to be used to prosecute human rights defenders for their peaceful activism. Additionally, the new law introduces the death penalty for “terrorist crimes” which was not the case previously.

The new law also unduly restricts the right to freedom of expression. For example, Article 30 imposes a prison sentence of up to 10 years for directly or indirectly insulting the King or Crown Prince in a way that impugns religion or justice. Article 32 imposes a prison sentence of up to 25 years for establishing a terrorist entity and Article 33 imposes a prison sentence of up to 20 years for joining or participating in a “terrorist entity”. Moreover, the new law allows for the newly established Public Prosecution to hold detainees without charge or trial for up to 30 consecutive days, renewable by the SCC for an unspecified period of time. It also permits incommunicado detention for up to 90 days during investigations, also renewable for an unspecified period by the SCC, and restricts the rights of detainees to legal counsel during interrogations. It allows the SCC to hear witnesses without the defendant or their lawyer present, in violation of international standards of fair trial.

HUMAN RIGHTS SITUATION ON THE GROUND

CRACKDOWN ON FREEDOM OF EXPRESSION

The right to freedom of expression continues to be severely restricted. Since 2014, the authorities have continued to arrest, prosecute and imprison government critics, including bloggers, writers, political activists and human rights defenders.

¹⁸ Amnesty International, *Families ripped apart, freedom of expression under attack amid political dispute in Gulf* (Press Release, 9 June 2017) <https://www.amnesty.org/en/latest/news/2017/06/families-ripped-apart-freedom-of-expression-under-attack-amid-political-dispute-in-gulf/>

¹⁹ Article 3 of the 2017 Penal Law for Crimes of Terrorism and its Financing.

In March 2016, the SCC sentenced journalist Alaa Brinji to five years in prison and a fine, followed by an eight-year travel ban, for comments he posted on Twitter. Alaa Brinji was held incommunicado and in solitary confinement during the first 50 days of his detention. His trial before the SCC is believed to have begun in December 2015. Initially he was charged, among other things, with “apostasy”, which in Saudi Arabia is a serious crime that carries the death penalty. However, this charge was later dropped due to lack of evidence. On 24 March 2016, he was sentenced to five years in prison to be followed by an eight-year travel ban after he was found guilty of a number of “offences”, including, “insulting the rulers”, “inciting public opinion”, “ridiculing Islamic religious figures”, “violating Article 6 of the Anti-Cybercrime Law” and “accusing security officers of killing protestors in Awamiyya”, an area in Eastern Province of Saudi Arabia.²⁰ The charges relate to his posts on Twitter, some of which call for freedom of religion and support for the “Women to drive” movement and for human rights defenders.

In September 2017, the authorities intensified the crackdown in a wave of arrests,²¹ detaining more than 20 religious leaders, writers, journalists, academics, and activists, many of whom are still held without charge or trial. Those arrested include prominent Islamic cleric Sheikh Salman al-Awda, an influential religious leader, who was held in solitary confinement and in virtual incommunicado detention for the first six months; he remains in detention without charge or trial. He is known for his calls for legislative reform and greater respect of human rights within the Islamic *Shari'a*.

In February 2018, human rights activist Issa al-Nukheifi was sentenced to six years in prison, followed by a six-year social media and travel ban, for criticizing the government and its policies on Twitter. Human rights activist Essam Koshak was also sentenced in the same month to four years in prison, followed by a four-year social media and travel ban, for supporting women’s rights activism and speaking against the male guardianship system on Twitter.

On 12 May 2018, Qatari national and poet Nawaf al-Rasheed was detained at Kuwait International Airport by Kuwaiti authorities and sent to Saudi Arabia. Since then he has been held incommunicado in an unknown location. According to information gathered by Amnesty International, the Kuwaiti authorities said he was wanted by Saudi Arabia and under a travel ban, although no reasons or other information were given.

CRACKDOWN ON FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

Human rights organizations and peaceful gatherings of activists in public places remain outlawed.²²

In January 2018, human rights activists Mohammad al-Otaibi and Abdulah al-Attawi were sentenced to 14 and seven years in prison, respectively, by the SCC. They were presented with a list of charges, including “participating in setting up an organization and announcing it before getting an authorization”, “dividing national unity, spreading chaos and inciting public opinion by preparing, drafting and publishing statements that are harmful to the reputation of the Kingdom

²⁰ Amnesty International, *Further Information: Five Years In Prison For Twitter Posts: Alaa Brinji* (Index MDE 23/3744/2016)

²¹ Amnesty International, *Saudi Arabia: Wave of arrests targets last vestiges of freedom of expression* (Press Release, 15 September 2017), <https://www.amnesty.org/en/latest/news/2017/09/saudi-arabia-wave-of-arrests-targets-last-vestiges-of-freedom-of-expression/>

²² Amnesty International, *Saudi Arabia urged to reverse ban on peaceful protest* (Press Release, 10 March 2011), <https://www.amnesty.org/en/press-releases/2011/03/saudi-arabia-urged-reverse-ban-peaceful-protest/>

and its judicial and security institutions”, and “publishing information about their interrogations despite signing pledges to refrain from doing so”.²³

HUMAN RIGHTS DEFENDERS

The repression of human rights defenders since 2013 is part of a larger campaign by the authorities to silence all forms of dissent and criticism of the government.

Most of the country’s human rights defenders have been brought to trial before the SCC for their peaceful activism and handed harsh sentences following grossly unfair trials, marked by extensive use of the counter-terrorism law. While a number of human rights defenders have been released in recent years, this was only after having served their sentences. Virtually all Saudi human rights defenders are currently behind bars serving lengthy sentences, silenced or have fled the country.

In May 2018, the authorities launched a wave of arrests targeting many individuals, including prominent women’s human rights defenders. This includes Loujain al-Hathloul, Iman al-Nafjan and Aziza al-Yousef, who have been outspoken in campaigning against the ban on women driving and the male guardianship system. They were accused in state-aligned media of violation of Royal Decree 44/A, a follow-up decree to the 2014 counter-terrorism law, due to their “suspicious contact with foreign entities”, “recruiting people working in sensitive government positions” and “providing financial support to hostile entities abroad with the aim of undermining the security and stability of the Kingdom, and shaking the country’s social fabric”.²⁴ If charged with these “offences”, the women’s rights activists risk up to 20 years in prison. Four women’s rights activists detained in the crackdown were released in late May, though the conditions of their release are unknown.

Also in May 2018, founding member of the Saudi Civil and Political Rights Association (ACPRA) Mohammed al-Bajadi was re-arrested. In April 2012 Mohammed al-Bajadi had been sentenced by the SCC due to his peaceful human rights work and re-tried in October 2014. He was released in April 2016 having spent a total of five years in prison. With half of his sentence suspended, he remains at the mercy of the authorities. He was only released after signing scores of pledges, including that he would stop his activism and refrain from communicating with media and foreign organizations. He is currently detained without charge.

Members of ACPRA, one of Saudi Arabia’s few independent human rights organizations, have borne the brunt of the persecution. Since 2013, all 11 founding members have been put on trial, charged and sentenced to prison terms followed by travel bans for their human rights activism. The authorities have also ordered the organization to be shut down.

In September 2017, Abdulaziz al-Shubaily, one of ACPRA’s founding members, was arrested to start serving his sentence.²⁵ He had been sentenced in May 2016 by the SCC to eight years in prison, to be followed by an eight-year travel ban. He was convicted, among other charges, of “insulting the integrity of the judicial system and the judges” and “insisting to not abide by the judicial decision to abolish ACPRA”. In March 2015, he was also charged with “communicating

²³ Amnesty International, *Saudi Arabia: First human rights defenders sentenced under leadership of ‘reformer’ Crown Prince Mohammad Bin Salman* (News Story, 25 January 2018), <https://www.amnesty.org/en/latest/news/2018/01/saudi-arabia-first-human-rights-defenders-sentenced-under-leadership-of-reformer-crown-prince-mohammad-bin-salman/>

²⁴ Amnesty International, *Saudi Arabia: Saudi Arabia Arrests Women’s Rights Defenders: Loujain al-Hathloul, Iman al-Nafjan, and Aziza al-Yousef* (Index MDE 23/8478/2018)

²⁵ Amnesty International, *Further Information: Prison term upheld for Saudi Arabian defender: Abdulaziz Al-Shubaily* (Index MDE 23/6940/2017)

with foreign organizations”, which apparently stemmed, in part, from providing information to Amnesty International.²⁶

Saudi Arabian lawyer and human rights defender Waleed Abu al-Khair is currently serving a 15-year prison term after being convicted in an unfair trial before the SCC under the 2014 counter-terror law on a range of offences in relation to his human rights work.

THE DEATH PENALTY

Saudi Arabia has one of the highest execution rates in the world. Between 2014 and 2017, the average number of executions per year was at least 126 executions, which is a considerable surge from previous years. The authorities use the death penalty for non-violent offences, such as drug smuggling, treason, and adultery. Offences such as apostasy which, under international human rights law,²⁷ should not be criminalised, have also resulted in the application of the death penalty.

As of 26 June 2018, 54 executions have taken place this year, with roughly half the cases related to non-violent drug crimes.

The authorities generally fail to abide by international standards for fair trial and safeguards for defendants in capital cases. Such cases are often held in secret and their proceedings are summary with no legal assistance or representation, as well as no translation services for foreign nationals through the various stages of detention and trial. Death sentences are regularly based on “confessions” which defendants say were extracted under torture.

The authorities also use the death penalty against the country’s Shi’a Muslim minority to silence dissent.

On 2 January 2015, the authorities executed 47 people in a single day, including prominent Shi’a Muslim cleric and vocal critic of the authorities, Sheikh Nimr Baqir al-Nimr, following a grossly unfair trial.

On 11 July 2017, Yussuf al-Mushaikhass was executed along with three others for terror-related offences in connection with their participation in anti-government protests.²⁸ He had been sentenced to death by the SCC following a grossly unfair trial. According to the verdict, the court appeared to have based its decision on signed “confessions” which al-Mushaikhass had claimed were extracted under torture and other ill-treatment. However, the court did not properly investigate his allegations of torture. His family only found out that he had been executed when they saw a government statement on television.

Saudi Arabia also continues to sentence to death and execute individuals for crimes that occurred while they were under 18, in breach of international human rights law and in violation of its obligations under the Convention of the Rights of the Child.²⁹ Some of these death sentences appear to have been based solely on “confessions” which the defendants say were obtained through torture and other ill-treatment.

²⁶ Amnesty International, *Further Information: Saudi Arabian Human Rights Defender Imprisoned: Abdulaziz Al-Shubaily* (Index MDE 23/7161/2017)

²⁷ As a member of the United Nations, Saudi Arabia is expected by customary law to uphold standards set in international human rights law, including the UDHR.

²⁸ Amnesty International, *Saudi Arabia: Saudi Arabian man executed: Yussuf Ali Al-Mushaikhass* (Index MDE 23/6748/2017)

²⁹ Article 9 of the Convention of the Rights of the Child.

Ali al-Nimr, Abdullah al-Zaher, Dawood al-Marhoon and Abdulkareem al-Hawaj, four young men belonging to the Shi'a minority, are currently on death row. They were convicted by the SCC for security-related offences in relation to their participation in anti-government protests when they were under the age of 18. They are all at imminent risk of execution. Abdulkareem al-Hawaj was sentenced to death in July 2016 following a grossly unfair trial. He had no access to a lawyer during his pre-trial detention and interrogations. He was held in solitary confinement for the first five months of his detention, during which he claimed he was tortured to “confess” to having participated in an anti-government protest when he was 16 years old.

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Torture and other ill-treatment are widely used in Saudi Arabia, in violation of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other international law.

Many detainees allege that torture and other ill-treatment are used to extract “confessions” from them, to punish them for refusing to “repent”, or to force them to undertake to not criticize the government. Detainees are often held incommunicado and in solitary confinement during interrogations, which facilitates torture and other ill-treatment.

Flogging is mandatory for a number of offences³⁰ and can be used at the discretion of the judge as an alternative, or in addition, to other punishments, such as amputation and eye-gouging.³¹ Sentences range from dozens to tens of thousands of lashes and are usually carried out in instalments, at intervals ranging from two to four weeks.³²

In February 2016, the General Court in Abha sentenced Palestinian poet and artist Ashraf Fayadh to 800 lashes and eight years’ imprisonment when it commuted his death sentence for apostasy on account of his writing in 2015.

In June 2015, blogger Raif Badawi was sentenced to 10 years in jail, to be followed by a 10-year travel ban, a fine of 1 million Saudi Arabian riyals (about US\$266,600) and 1,000 lashes, for “insulting Islam” and creating an online forum for debate. On 9 January 2015, he received the first 50 lashes of his sentence. Further floggings have been delayed, initially on medical grounds and since then for unknown reasons.

DISCRIMINATION AGAINST WOMEN

Women and girls face discrimination in law and in practice. Discriminatory laws relating to marriage and divorce remain in place, and women are required by law to obtain the permission of a male guardian to enrol in higher education, seek employment, travel or marry. Saudi Arabian women with foreign spouses, unlike their male counterparts, cannot pass on their nationality to their children or spouses.

³¹ Amnesty International, *Saudi Arabia: Saudi Arabia must prevent flogging of teenage girl*, (Press Release, 22 January 2010) <https://www.amnesty.org/en/latest/news/2010/01/saudi-arabia-must-prevent-flogging-teenage-girl-20100122/>

³² Amnesty International, *Saudi Arabia: Saudi Arabia: reported paralysis sentence is 'utterly shocking'* (Press release, 2 April 2013) <https://www.amnesty.org.uk/press-releases/saudi-arabia-reported-paralysis-sentence-utterly-shocking>

³² Amnesty International, *Saudi Arabia: Saudi Arabia must prevent flogging of teenage girl*, (Press Release, 22 January 2010) <https://www.amnesty.org/en/latest/news/2010/01/saudi-arabia-must-prevent-flogging-teenage-girl-20100122/>

In April 2017, King Salman issued a Royal Decree calling on government entities to refrain from requesting the authorization of a male guardian for any services for women unless explicitly stipulated in the regulations, and to review their existing regulations and procedures that require a guardian's permission within a period of three months, with a view to lifting these. If implemented, the Decree could be a significant step towards improving women's freedom to control their own lives. To date, however, the Decree has not been implemented.

In September 2017, the King issued another Royal Decree announcing that women would be allowed to drive. The Decree entered into force on 24 June 2018.

DISCRIMINATION AGAINST MIGRANT WORKERS

Migrant workers and foreign nationals in Saudi Arabia remain subject to discriminatory practices, including a country-wide crackdown against those with irregular status. Thousands have been forcefully returned to Somalia, Yemen and other states where they would be at risk of human rights violations.

DISCRIMINATION AGAINST MINORITIES

The Shi'a Muslim minority, who live mostly in Saudi Arabia's Eastern Province, face entrenched discrimination limiting their access to state services and employment. Shi'a activists and religious leaders accused of supporting or taking part in demonstrations in the Eastern Province or expressing views critical of the state, face arrest, imprisonment and the death penalty.

In June 2016, 14 members of the Shi'a community were sentenced to death for protest-related crimes, following a grossly unfair mass trial of 24 people.³³ On 23 July 2017, the 14 death sentences were upheld by the Supreme Court in Riyadh, rendering their execution imminent. Court documents show that the defendants were held in pre-trial detention for more than two years. Most were held in solitary confinement and denied access to their families and lawyers while interrogated. Several defendants retracted their "confessions", saying they were coerced in circumstances that in some cases amount to torture. The court rejected all torture allegations without investigating the claims.

Fifteen Shi'a men were sentenced to death in December 2016 after an unfair mass trial. The men were charged with a series of offences, including "high treason", and some of them faced several other charges which are not recognisably criminal offences under international law, such as "supporting protests" and "spreading the Shi'a faith". Some of the men told the court they were threatened with solitary confinement and with having no contact with their families if they did not sign "confession" documents. In December 2017, the Supreme Court upheld the death sentences of 12 of the 15 men, rendering their execution imminent.³⁴

ARMED CONFLICT IN YEMEN

On 25 March 2015, the Saudi Arabia-led military coalition launched air strikes against the Huthi armed group in Yemen signalling a major escalation of the armed conflict. Amnesty International has documented violations and abuses by all parties to the conflict in Yemen.³⁵

³³ Amnesty International, *Saudi Arabia: 14 protestors facing execution after unfair trials* (Press Release, 6 June 2017), <https://www.amnesty.org/en/latest/news/2017/06/saudi-arabia-14-protesters-facing-execution-after-unfair-trials/>

³⁴ Amnesty International, *Fourteen men at imminent risk of beheading as Saudi Arabia continues bloody execution spree* (Press Release 24 July, 2017), <https://www.amnesty.org/en/latest/news/2017/07/fourteen-men-at-imminent-risk-of-beheading-as-saudi-arabia-continues-bloody-execution-spreel/>

³⁵ Amnesty International, *Yemen: The Forgotten War* (Story page, 25 March 2018) <https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>

Amnesty International has documented at least 36 air strikes by the coalition that appear to have violated international humanitarian law, in attacks that were indiscriminate, disproportionate or directed against civilians or civilian objects, such as homes, hospitals and schools; these would amount to war crimes. The attacks have resulted in at least 513 civilian deaths, including at least 157 children, and 379 civilian injuries.

The coalition has also used internationally banned cluster munitions, which are inherently indiscriminate weapons.³⁶

After Huthi forces launched an indiscriminate attack that unlawfully endangered civilians in the Saudi Arabian capital Riyadh in late November 2017, the Saudi Arabia-led coalition tightened its sea and air blockade on Yemen. The blockade has been loosened since then; however, the coalition continues to impose restrictions on commercial imports of essential goods, including food, medicine and fuel, exacerbating the already dire humanitarian crisis in Yemen.³⁷

RECOMMENDATION FOR ACTION BY THE STATE UNDER REVIEW

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF SAUDI ARABIA TO:

INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

- Ratify without reservations the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;
- Review all reservations and declarations that limit the enjoyment of rights enshrined in the Convention of the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women, with a view to lifting the reservations, especially those that are contrary to the object and purpose of the treaties.

HUMAN RIGHTS FRAMEWORK

- Implement without delay all accepted recommendations from the previous UPR concerning reform of the judicial system to ensure its independence and impartiality and ensuring that all its practices are in line with international standards of fair trial;
- Repeal the counter-terror law and related legislation or substantially amend it to bring it into full conformity with international law and standards, including by adopting a definition of terrorism that is not vague and does not infringe on the peaceful exercise of human rights.

³⁶ Amnesty International, *Yemen: Saudi Arabia-led coalition uses banned Brazilian cluster munitions on residential areas*, (Press Release, 9 March 2017) <https://www.amnesty.org/en/latest/news/2017/03/yemen-saudi-arabia-led-coalition-uses-banned-brazilian-cluster-munitions-on-residential-areas/> and Amnesty International, *Saudi Arabia: Immediately abandon all use of cluster munitions* (Press Release, 19 December 2016), <https://www.amnesty.org/en/latest/news/2016/12/saudi-arabia-immediately-abandon-all-use-of-cluster-munitions/>

³⁷ Amnesty International, *Yemen: Stranglehold: Coalition and Huthi obstacles compound Yemen's humanitarian crisis* (Index MDE 31/8505/2018)

CRACKDOWN ON FREEDOM OF EXPRESSION

- Immediately and unconditionally release all those imprisoned solely for peacefully exercising their rights to freedom of expression;
- Amend laws, including the Anti-Cyber Crime Law, to ensure that criticism of government policy and practice, and of officials, as well as other forms of protected speech, are not criminalised.

CRACKDOWN ON HUMAN RIGHTS DEFENDERS, FREEDOM OF ASSEMBLY AND FREEDOM OF ASSOCIATION

- Repeal the Law on Associations and related legislation or substantially amend it to bring it into full conformity with international law and standards, and allow the formation of independent human rights organizations;
- End the ban and criminalization of protests and immediately and unconditionally release anyone imprisoned solely for exercising their rights to freedom of association and peaceful assembly, including human rights defenders;
- Ensure that every person arrested is promptly charged with a recognizable criminal offence and brought to trial in accordance with international fair trial standards, or released.

THE DEATH PENALTY

- Declare an official moratorium on all executions with view to abolishing the death penalty;
- Review the cases of all prisoners currently under a death sentence with the aim of commuting their sentences or offering them a new and fair trial without recourse to the death penalty;
- Bring the law and judicial practices in line with fair trial guarantees;
- Stop imposing the death penalty on anyone under the age of 18 at the time of their alleged offence, in accordance with Saudi Arabia's obligations under the Convention on the Rights of the Child;
- Repeal the death penalty on those convicted for crimes committed as minors, provide alternative and fair sentences for those found to have committed internationally recognized crimes, or else release them.

TORTURE AND OTHER ILL-TREATMENT

- Put an end to the practice of incommunicado detention and ensure that every detainee has access to their family and a lawyer of their choice;
- End the practice of corporal punishment;
- Ensure that all allegations of torture and other ill-treatment are thoroughly, independently and impartially investigated and those suspected of criminal responsibility are brought to justice;
- Ensure that evidence obtained through torture or other ill-treatment is excluded from court proceedings.

DISCRIMINATION AGAINST WOMEN

- Immediately abolish the male guardianship system and repeal other laws that discriminate against women and girls;
- Immediately and unconditionally release women human rights defenders Loujain al-Hathloul, Iman al-Nafjan, Aziza al-Yousef, and others.
- Enact and implement existing laws protecting women from violence, including in the

home and family;

- Provide equal citizenship rights for women and men;
- Ensure women's equality with men before the law in the enjoyment of all human rights, including the rights to freedom of movement, education, employment, marriage, and redress for violations.

DISCRIMINATION AGAINST MIGRANT WORKERS

- Reform national labour laws to ensure that migrant workers have adequate protection against abuses by private employers and the state.

DISCRIMINATION AGAINST MINORITIES

- Put an end to all forms of discrimination, intimidation, harassment and detention without charge or trial of members of the Shi'a community and uphold their right to peaceful assembly.

ARMED CONFLICT IN YEMEN

- Fully comply with international humanitarian law in the planning and execution of any airstrikes, including to ensure civilians and civilian objects are not targeted and to end indiscriminate and disproportionate attacks;
- Take all feasible measures to minimize harm to civilians, including giving advance effective warnings of impending attacks to civilian populations in affected areas;
- Immediately cease the use of cluster munitions, which are inherently indiscriminate and internationally banned;
- End the use of explosive weapons with wide area effects in the vicinity of densely populated civilian areas, consistent with the prohibition on indiscriminate attacks;
- Independently and impartially investigate cases where there is credible information that violations of international humanitarian law have taken place, make public the findings of the investigations, and prosecute those suspected of criminal responsibility in fair trials;
- Provide full reparation to victims of unlawful attacks and their families, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition;
- Ensure all humanitarian workers are granted freedom of movement and ensure the rapid and unimpeded delivery of impartial humanitarian relief for civilians in need, and lift arbitrary restrictions on commercial imports of essential goods.

ANNEX

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE³⁸

Yemen: Stranglehold: Coalition and Huthi obstacles compound Yemen's humanitarian crisis, 22 June 2018 (Index: MDE 31/8505/2018).

Saudi Arabia: Women now allowed to drive, but more reforms must follow (Press Release, 21 June 2018).

Saudi Arabia: Qatari National Arbitrarily Held Incommunicado: Nawaf al-Rasheed, 18 June 2018 (Index: MDE 23/8581/2018).

Saudi Arabia: Saudi Arabia Arrests Women's Rights Defenders: Loujain al-Hathloul, Iman al-Nafjan, Aziza al-Yousef, 25 May 2018 (Index: MDE 23/8478/2018).

Saudi Arabia: Further Information: Twelve Men at Imminent Risk of Execution, 15 February 2018 (Index: MDE 23/7894/2018).

Saudi Arabia Must Take Immediate Steps to Address Concerns of UN Special Rapporteur on Counter-Terrorism: Statement to the UN Human Rights Council, 13 February 2018 (Index: MDE 23/7760/2018).

Saudi Arabia: Further Information: Saudi Arabia Executes Man After Unfair Trial: Said Mabkhout al-Sai'ari, 29 September 2017 (Index: MDE 23/7186/2017).

Saudi Arabia: Wave of arrests targets last vestiges of freedom of expression (Press Release, 15 September 2017).

Yemen: Amnesty International Response to the Saudi Arabia-led Coalition's Investigations, 16 January 2017 (Index: MDE 31/5494/2017).

Saudi Arabia: Mass death sentences in 'spy trial' a travesty of justice (Press Release, 6 December 2016).

Yemen: Bombs fall from the sky day and night: Civilians under fire in Northern Yemen, 7 October 2016 (Index: MDE 31/2548/2015).

Saudi Arabia's ACPRA: How the Kingdom Silences its Human Rights Activists, 10 October 2014 (Index: MDE 23/025/2015).

³⁸ All these documents are available on Amnesty International's website:
<https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/>

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