



The Kingdom of Saudi Arabia

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**Submission by CIVICUS: World Alliance for Citizen Participation,
NGO in General Consultative Status with ECOSOC**

And

**Gulf Centre for Human Rights (GCHR),
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1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2 The Gulf Centre for Human Rights (GCHR) is an independent CSO, founded in 2011 and based in Lebanon, that works to provide support and protection to human rights defenders (HRDs) in order to promote human rights, including freedoms of association, peaceful assembly and expression.
- 1.3 In this submission, the two organisations examine the Government of Saudi Arabia's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Saudi Arabia's fulfilment of the rights to freedoms of association, peaceful assembly and expression and unwarranted restrictions on HRDs since its previous UPR examination in November 2018. To this end, we assess Saudi Arabia's implementation of recommendations received during the 3rd UPR cycle relating to these issues and provide follow-up recommendations.
- 1.4 During the 3rd UPR cycle, the Government of Saudi Arabia received 52 recommendations relating to the space for civil society (civic space). Forty of these recommendations were accepted and 12 were noted. An evaluation of a range of legal sources and human rights documentation addressed in this submission demonstrates that the Government of Saudi Arabia has only partially implemented eight recommendations relating to civic space. The government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination and acute implementation gaps were found with regard to the rights of HRDs and freedom of expression.
- 1.5 We are deeply concerned by the legal framework, which lacks basic rights protections and severely restricts freedoms of association, peaceful assembly and expression, and particularly the continued misuse of the overly broad and vague Counter-Terrorism Law of 2017 and the Cybercrime Law of 2007 to clamp down on human rights and peaceful activists.
- 1.6 We are further alarmed by the continued judicial persecution of HRDs, including women HRDs (WHRDs), who face additional systemic barriers and challenges such as sexual harassment as they advocate for gender equality and the rights of women.
- 1.7 As a result of these issues, civic space in Saudi Arabia is currently classified as 'closed' by the CIVICUS Monitor, the most serious category, indicating the existence

of severe civic space restrictions.¹

- Section 2 of this submission examines Saudi Arabia's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of association.
- Section 3 examines Saudi Arabia's implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section 4 examines Saudi Arabia's implementation of UPR recommendations and compliance with international human rights standards concerning freedom of expression and media freedom.
- Section 5 examines Saudi Arabia's implementation of UPR recommendations and compliance with international human rights standards related to freedom of peaceful assembly.
- Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 3rd cycle.
- Section 7 is an annex on the implementation of 3rd cycle UPR recommendations related to civic space.

2. Freedom of association

- 2.1** During Saudi Arabia's examination under the 3rd UPR cycle, the government received 12 recommendations on the right to freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government committed to 'Continue to support civil society institutions and strengthen their independence, which guarantees their ability to contribute to promoting and protecting human rights' and 'Revise all legislation that restricts the right to freedom of association and peaceful assembly as well as freedom of expression, and ensure these laws are in line with international standards'. The government accepted six and noted six recommendations. However, as evidenced below, the government has not implemented any of the recommendations.
- 2.2** Saudi Arabia's 1992 Basic Law of Governance, its quasi-constitution, does not expressly protect or guarantee the right to freedom of association. Saudi Arabia is also not a party to the International Covenant on Civil and Political Rights (ICCPR).
- 2.3** The Law on Associations and Foundations and its regulations, which came into effect in March 2016, provides a comprehensive legal framework on the establishment, operation and supervision of CSOs. CSOs may register as either associations or foundations, and their registration and oversight fall primarily under the Ministry of Labour and Social Development (MLSD). Informal and unregistered organisations

¹ CIVICUS Monitor: Saudi Arabia, <https://monitor.civicus.org/country/saudi-arabia>.

are not recognised by the law, and foreign associations and foundations are not permitted to register their branches within the country's borders.² The law states that the registration process may not take longer than 60 days.³

- 2.4** Despite this registration framework, those wishing to register new associations face serious impediments. Before an organisation can apply for registration as an association, the founders must fulfil several requirements. According to article 8 of the Law on Associations and Foundations, the organisation must have a minimum of 10 founding members, all of whom must be Saudi nationals. These members must be at least 18 years old and have a clean criminal record. Additionally, the founders are required to deposit 5 million Saudi riyals (approx. US\$1.3 million) into the organisation's bank account within the first year of operation.
- 2.5** The law's provisions to ensure efficiency in registration are belied by the difficult experiences of those who attempt to register associations. Organisations have been denied licences, sometimes through arbitrary delays, and the law is silent on whether organisations may begin operations if the MLSA has failed to issue a licence after 60 days have elapsed.
- 2.6** Before the law came into effect in March 2016, the authorities regularly refused to issue operating licences to independent CSOs, forcing them to operate illegally at the risk of imprisonment. Even following the law's introduction, the courts have continued to punish those who set up organisations prior to the new law, denying them the opportunity to regularise, evidently going against the intention of the new law. On 25 January 2018, the Specialised Criminal Court (SCC), the court that deals with terrorism cases, sentenced Mohammed Abdullah Al-Otaibi⁴ to 14 years in prison and Abdulla Madhi Al-Attawi⁵ to seven years in prison for participating in the establishment of the Union for Human Rights, a human rights organisation, in 2013. They were also charged for announcing the formation of their organisation prior to obtaining an official permit, preparing and publishing petitions that harm the reputation of Saudi Arabia and its justice and security institutions on the internet, and retweeting a tweet by a member of the Civil and Political Rights Association in Saudi Arabia (ACPRA), which has since been disbanded. Al-Otaibi was sentenced to another year in prison on 1 December 2020, increased to three years on appeal in March 2021.⁶

² Civic Freedom Monitor, International Centre for Not-for-Profit Law (ICNL), <https://www.icnl.org/resources/civic-freedom-monitor/saudi-arabia>.

³ Article 8 (3) of the Associations and Foundations Regulation.

⁴ 'Human rights defender Mohammed Abdullah Al-Otaibi calls on the international community to protect him', GCHR, 23 April 2017, <https://www.gc4hr.org/human-rights-defender-mohammed-abdullah-al-otaibi-calls-on-the-international-community-to-protect-him>.

⁵ 'Authorities continue systematic targeting of human rights defenders', GCHR, 26 January 2018, <https://www.gc4hr.org/authorities-continue-systematic-targeting-of-human-rights-defenders>.

⁶ 'Human rights defender Mohammad Abdullah Al-Otaibi sentenced to additional three years in prison', GCHR, 15 April 2021, <https://www.gc4hr.org/human-rights-defender-mohammad-abdullah-al-otaibi-sentenced-to-additional-three-years-in-prison>.

- 2.7 Upon registration, the law grants the MSLD extensive oversight powers over the internal affairs of organisations, with MSLD officials having the right to attend board meetings at which voting occurs⁷ and the right to suspend or disband an organisation for reasons that include going against public order, public morals, or Islamic Sharia and committing an act that will adversely affect national unity.⁸

3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

- 3.1 Under Saudi Arabia's previous UPR examination, the government received 35 recommendations on the protection of HRDs, journalists and civil society representatives. The government committed to several relevant recommendations including to 'Narrowly define "terrorist", "terrorism", and "public order" in the counter-terrorism and cybercrime laws so as not to criminalise expression, association or peaceful assembly', 'Release anyone imprisoned solely for exercising their rights to freedom of expression and association and to peaceful assembly, including human rights defenders and journalists' and 'Conduct a thorough, credible, transparent and prompt investigation into the death of Jamal Khashoggi'. Of the recommendations received, 27 were accepted and eight were noted. However, as examined in this section, the government has failed to operationalise these recommendations effectively, and has only partially implemented six of them.
- 3.2 The Counter-Terrorism Law of 2017 has not been reformed. It still uses vague and overly broad language to define terrorism and includes a wide range of peaceful non-violent acts. Within this definition are acts such as 'disturbing public order', 'shaking the security of the community and the stability of the State', 'exposing national unity to danger', and 'suspending the basic laws of governance', which are often used to target, criminalise and punish people who voice dissent, advocate for human rights, or engage in peaceful activism.
- 3.3 The continued abuse of the criminal and judicial system through the use of the SCC as a weapon to systematically silence dissent, vexatious lawsuits and the abuse of counter-terrorism legislation has resulted in a chilling effect on HRDs, writers, journalists, reformists and political activists.⁹ HRDs continue to suffer in the Saudi justice system, as courts that ought to administer justice and protect rights continue to be used to illegally punish and retaliate against those who speak out against injustice.

⁷ 'Saudi Arabia Philanthropy Law Report', ICNL, 2017, <https://www.icnl.org/wp-content/uploads/Saudi-Arabia-Philanthropy-Law-Report-May-2023.pdf>.

⁸ Ibid.

⁹ 'Women's rights defender, Loujain Al-Hathloul, due in court', CIVICUS Monitor, 12 March 2020, <https://monitor.civicus.org/explore/womens-rights-defender-loujain-al-hathloul-due-court>.

- 3.4** Many HRDs face extremely long sentences and the death penalty, and there are recurring cases of enforced disappearance and continued detention beyond the expiry of prison sentences.¹⁰
- 3.5** Three members of the Howeitat tribe face the death penalty, and three others face lengthy sentences, for resisting forced evictions to pave the way for the NEOM project and the construction of The Line, a 170km linear city. Shadly Ahmad Mahmoud Abou Taqiqa Al-Huwaiti, Ibrahim Salih Ahmad Abou Khalil Al-Huwaiti and Atallah Moussa Mohammed Al-Huwaiti were sentenced to death on 5 August 2022 and their sentences were upheld by the Specialised Criminal Court of Appeal on 23 January 2023. Three others – Abdelnasser Ahmad Mahmoud Abou Taqiqa Al-Huwaiti, Mahmoud Ahmad Mahmoud Abou Taqiqa Al-Huwaiti and Abdullah Dakhilallah Al-Huwaiti – were sentenced to 27 years, 35 years and 50 years respectively. All six were charged with terrorism under the 2017 Counter-Terrorism Law.¹¹
- 3.6** Dr. Mohammed Al-Qahtani, imprisoned co-founder of the now-disbanded ACPRA, has been forcibly disappeared by Saudi authorities since October 2022. While Al-Qahtani's 10-year sentence was supposed to end in November 2022, his family has not had any contact with him since October 2022, as the authorities refuse to disclose any reliable information confirming his location, in what is believed to be retaliation to a complaint filed by his family about the repeated assaults he faced from other prisoners. In May 2023, unspecified charges were laid against him, and two court hearings were scheduled in the case, but he was not brought to court.¹² He has been arbitrarily detained since 2013 in relation to his peaceful human rights work.¹³
- 3.7** HRD Issa Al-Nukhaifi, who was transferred on 24 October 2022 from Al-Ha'ir Reformatory Prison in Riyadh to an unknown destination, is also facing new charges.¹⁴ He was due in court in May 2023 along with Dr. Mohammed Al-Qahtani. His supporters and family hoped that he would be released after he completed his six-year sentence on 18 December 2022. On 28 February 2018, the SCC sentenced

¹⁰ 'Middle East and North Africa, People Power Under Attack', CIVICUS Monitor, 2023, <https://monitor.civicus.org/globalfindings/middleeastandnorthafrica>.

¹¹ 'CSOs caution actors against business with Saudi Arabia without human rights impact assessments, HRD still missing after forceful disappearance', CIVICUS Monitor, 14 June 2023, <https://monitor.civicus.org/explore/csos-caution-actors-against-business-with-saudi-arabia-without-human-rights-impact-assessments-hrd-still-missing-after-forceful-disappearance>.

¹² 'Imprisoned human rights defenders Dr Mohammed Al-Qahtani and Issa Al-Nukhaifi brought to court months after sentences ended', GCHR, 9 May 2023, <https://www.gc4hr.org/imprisoned-human-rights-defenders-dr-mohammed-al-qahtani-and-issa-al-nukhaifi-brought-to-court-months-after-their-sentences-ended>.

¹³ 'International community turns a blind eye as Saudi Arabia increases oppression of HRDs and civil society', CIVICUS Monitor, 30 December 2022, <https://monitor.civicus.org/explore/international-community-turns-blind-eye-saudi-arabia-increases-oppression-hrds-and-civil-society>.

¹⁴ GCHR, 9 May 2023, op. cit.

him under the Cybercrime Law in connection with his online activities on social media networks, including calling for freedom for ACPRA members.

- 3.8** In a similar vein, internet activist and aid worker Abdulrahman Al-Sadhan, who is serving a 20-year prison sentence followed by a 20-year travel ban, has not been heard from since October 2021. Al-Sadhan was charged with terrorism-related offences¹⁵ in relation to tweets criticising the government's repression and was deprived of access to legal counsel during a trial lacking the most basic of international standards on fair trials and due process. Saudi officials continue to deny him calls and visits.¹⁶
- 3.9** The harrowing extent of the inhumane conditions endured by HRDs imprisoned in Saudi prisons was exemplified by the death of imprisoned HRD Dr Abdullah Al-Hamid, a founding ACPRA member. Dr Al-Hamid died in Al-Ha'ir prison in Riyadh on 24 April 2020 while serving his 11-year sentence, after the authorities negligently and deliberately failed to intervene on time to ensure that Al-Hamid received necessary urgent treatment for his heart condition.¹⁷
- 3.10** Even for HRDs and journalists based outside Saudi Arabia, safety remains elusive. The brutal murder and dismemberment of exiled Saudi Arabian journalist Jamal Khashoggi in the Saudi Consulate in Istanbul on 2 October 2018¹⁸ was tragically emblematic of the systematic surveillance and brutal targeting that exiles face outside the borders of Saudi Arabia. The murder also demonstrated the evasive nature of justice for those who advocate even while abroad. Following a sham trial, a Saudi court sentenced eight people to jail in 2020 after finding them guilty of Khashoggi's brutal murder. Despite evidence that the murder was coordinated by the then deputy-head of the general intelligence presidency and a senior adviser to the crown prince, no senior officials were held accountable.¹⁹ CSOs also raised concern²⁰ that the trial did not consider investigating the involvement of the Crown

¹⁵ 'Release Aid Worker Sentenced to 20 Years', Amnesty International, 5 May 2021, <https://www.amnesty.org.uk/urgent-actions/release-aid-worker-sentenced-20-years>.

¹⁶ 'Two activists released despite authorities' complete intolerance of online activism and dissent', CIVICUS Monitor, 10 May 2022, <https://monitor.civicus.org/explore/two-activists-released-despite-authorities-complete-intolerance-online-activism-and-dissent>.

¹⁷ 'Activists and women human rights defenders continue to face reprisals', CIVICUS Monitor, 14 August 2020, <https://monitor.civicus.org/explore/activists-women-human-rights-defenders-continue-face-reprisals>.

¹⁸ 'CSOs and governments criticise systematic violations during Saudi Arabia's UPR review', CIVICUS Monitor, 19 November 2018, <https://monitor.civicus.org/explore/csos-and-governments-criticize-systematic-violations-during-saudi-arabias-upr-review>.

¹⁹ 'Saudi Arabia, Freedom in the World 2023', Freedom House, <https://freedomhouse.org/country/saudi-arabia/freedom-world/2023>.

²⁰ 'Nearly One Year on, French Prosecutor is Yet to Appoint an Investigative Judge in the Criminal Case Filed by DAWN Against MBS', Democracy for the Arab World Now, 14 June 2023, <https://dawnmena.org/france-appoint-investigative-judge-in-criminal-complaint-against-mohammed-bin-salman-for-the-murder-of-jamal-khashoggi>.

Prince and Prime Minister of Saudi Arabia, Mohammed bin Salman Al Saud, despite a June 2019 report²¹ by the UN special rapporteur on extrajudicial executions, Agnès Callamard, which found that there was credible evidence warranting the investigation of bin Salman's involvement in Khashoggi's murder.

- 3.11** The targeting of HRDs advocating for human rights in Saudi Arabia while outside its borders was further demonstrated in January 2020 when Callamard received death threats from Saudi officials during a meeting with UN officials in Geneva, in retaliation against her investigation and report on Khashoggi's murder.²²
- 3.12** The plight of WHRDs and women's rights activists remains a particular issue of concern, as the authorities continue repeatedly to sentence and imprison WHRDs, keeping them in jail. A wave of arrests of HRDs, religious leaders and activists that started in September 2017 was renewed on 15 May 2018 as Saudi Arabia's most well-known WHRDs were among those arrested. Those arrested included leaders and supporters of #Oct26driving, #Right2Drive and #IAmMyOwnGuardian campaigns that advocated for gender equality and the right of women to drive. These arrests came in the weeks before Saudi Arabia lifted its ban on women driving.²³
- 3.13** At least 13 women's rights activists were put on trial following the 2018 arrests²⁴ for vague charges such as harming national security under the Counter-Terrorism Law and Cybercrime Law. Five of them, Loujain Al-Hathloul, Samar Badawi, Nassima Al-Sada, Nouf Abdulaziz and Maya'a Al-Zahrani, were convicted and sentenced to prison terms of up to five years and eight months. They were placed in detention for almost three years until four of them were conditionally released²⁵ between February and July 2021²⁶ following pressure from CSOs globally. Al-Zahrani remains in prison²⁷ among other imprisoned WHRDs. Several of the detained WHRDs were subjected to electric shocks, flogging, sexual threats and other forms of torture during interrogation, with some held in prolonged solitary confinement, and were

²¹ 'Inquiry into the killing of Mr. Jamal Khashoggi', UN Office of the High Commissioner for Human Rights, 2019, <https://www.ohchr.org/en/special-procedures/sr-executions/inquiry-killing-mr-jamal-kashoggi>.

²² 'Reports reveal death threats by Saudi officials against UN expert, reprisals against HRDs unabating', CIVICUS Monitor, 6 April 2021, <https://monitor.civicus.org/explore/reports-reveal-death-threats-saudi-officials-against-un-expert-reprisals-against-hrds-unabating>.

²³ 'Saudi authorities' relentless crackdown on WHRDs continues', CIVICUS Monitor, 19 June 2018, <https://monitor.civicus.org/explore/saudi-authorities-relentless-crackdown-whrds-continues>.

²⁴ 'Saudi Arabia: 'Heartbreaking' anniversary marks two-year detention of women human rights defenders', Amnesty International, 14 May 2020, <https://www.amnesty.org/en/latest/news/2020/05/saudi-arabia-heartbreaking-anniversary-marks-two-year-detention-of-women-human-rights-defenders>.

²⁵ 'Nouf Abdulaziz, Loujain Al-Hathloul, Eman Al-Nafjan, Saudi Arabia', PEN America, 2019, <https://pen.org/advocacy-case/nouf-abdulaziz-loujain-al-hathloul-eman-al-nafjan>.

²⁶ 'Saudi Arabia: further information: Saudi woman human rights defender released: Nassima al-Sada', Amnesty International, 12 July 2021, <https://www.amnesty.org/en/documents/mde23/4448/2021/en>.

²⁷ Maya Al-Zahrani, ALQST, <https://www.alqst.org/en/prisonersofconscience/mayaa-al-zahrani>.

given travel bans of up to five years after their release.²⁸

4. Freedom of expression and media freedom

- 4.1** Under the 3rd UPR cycle, the government received 25 recommendations relating to freedom of expression and media freedom. For example, the government pledged to 'Take steps to guarantee the exercise of the rights to freedom of expression and opinion without fear of reprisal, giving due consideration to women and girls' and 'Take urgent action towards media freedom in the country, including by reviewing the 2007 anti-cybercrime law'. Nineteen of the recommendations were accepted and six were noted. However, as discussed below, the government has not implemented any of the recommendations.
- 4.2** Saudi Arabia's Basic Law does not guarantee the freedom of the press and the government does not recognise the rights to freedoms of opinion and expression. Article 8 of The Printing and Publication Law guarantees freedom of expression within the limits of Sharia Rules and Law.
- 4.3** Article 39 of the Basic Law bans the publication and expression of 'all that may give rise to mischief and discord or may compromise the security of the State and its public image or may offend against man's dignity and rights'. Print media is regulated under the 2003 Press and Publications Law, radio and television is regulated under the Audio Visual Media Law and online media content is regulated under the 2007 Cybercrime Law.²⁹ A 2011 Royal Decree amending the Press Law criminalises criticism of the country's grand mufti, the Council of Senior Religious Scholars and government officials, an offence that can be punished through fines or closure of media outlets.³⁰
- 4.4** The government exercises significant control over the content of domestic media and exerts significant influence over regional print and satellite television coverage, and extensively regulates and undertakes surveillance of social media.³¹
- 4.5** The authorities also use the broad and vaguely worded Cybercrime Law to restrict online sharing of information perceived to be critical. Under this law, some WHRDs received decades-long sentences in 2022,³² including a 34-year prison

²⁸ 'Saudi women activists appear in court on 'human rights-related' charges', CNN, 27 March 2019, <https://edition.cnn.com/2019/03/27/middleeast/saudi-women-activists-court-intl/index.html>.

²⁹ 'ASG Analysis: New Law Governing Media in Saudi Arabia', Albright Stonebridge Group, 25 August 2020, <https://www.albrightstonebridge.com/news/asg-analysis-new-law-governing-media-saudi-arabia>.

³⁰ Freedom House, 2023, op. cit.

³¹ Ibid.

³² 'Crown Prince Mohammed bin Salman turns Saudi Arabia into a police state par excellence', GCHR, 27 September 2022, <https://www.gc4hr.org/crown-prince-mohammed-bin-salman-turns-saudi-arabia-into-a-police-state-par-excellence>.

sentence handed down to Salma Al-Shehab and a 45-year sentence imposed on Nourah bint Saeed Al-Qahtani for their online activities. Salma Al-Shehab was imprisoned for following and sharing the posts of activists on Twitter, and for being in possession of a banned book. Noura Al-Qahtani was imprisoned for using social media to allegedly ‘spread lies’, among other purported crimes.³³ Their sentences are the longest ever handed down to women in the country.

- 4.6** Dr Lina Al-Sharif has been in arbitrary detention since May 2021 after she was arrested and forcibly disappeared for two months following her arrest. Prior to her arrest, Dr Al-Sharif was active on social media, discussing Saudi politics and advocating for human rights in Saudi Arabia.³⁴ While still in detention, in 2022 the authorities opened new terrorism-related investigations against her because of her social media activism.³⁵
- 4.7** On 17 May 2020, online activist Amani Al-Zain was arrested³⁶ in Jeddah by the Presidency of State Security on the direct orders of bin Salman. She remains in detention in an unknown location. It is believed that Al-Zain was arrested in relation to a widely disseminated online video chat on 15 October 2019 with the Egyptian online activist Wael Ghonim where, in a veiled reference to the murder of Jamal Khashoggi, Al-Zain referred to bin Salman as Abu Munshar (‘father of the saw’). The video became the subject of a Twitter campaign by government supporters calling for Al-Zain’s arrest.³⁷
- 4.8** Osama Khalid and Ziad Al-Sufyani, two young doctors known for their contribution to Wikipedia posts in Arabic, were sentenced to prison in Saudi Arabia. Both contributed to Wikipedia over the last decade and had edited articles about WHRD Loujain Al-Hathloul. They were arrested in mid-2020 while Saudi Arabia was under COVID-19 lockdown and initially sentenced to five and 14 years’ in jail respectively, before Khalid’s sentence was increased to 32 years upon his appeal.³⁸
- 4.9** Surveillance is extensive in Saudi Arabia, and Saudis living and travelling abroad are also subject to spying and intimidation. The government is known to have purchased Pegasus spyware, which allows users to secretly hack into a target’s phone and spy on their location and communications in real time. Investigations in 2021 by foreign journalists and technology researchers uncovered a new form of surveillance tool used by the Saudi government that needed no interaction with the targeted user to

³³ Freedom House, 2023, op. cit.

³⁴ ‘Saudi civil society at serious risk as global energy crisis leads US and others to abandon human rights commitments’, CIVICUS Monitor, 23 September 2022, <https://monitor.civicus.org/explore/saudi-civil-society-serious-risk-global-energy-crisis-leads-us-and-others-abandon-human-rights-commitments>.

³⁵ GCHR, 27 September 2022, op. cit.

³⁶ ‘Internet activist Amani Al-Zain arrested after a large Twitter campaign’, GCHR, 27 May 2020, <https://www.gc4hr.org/internet-activist-amani-al-zain-arrested-after-a-large-twitter-campaign>.

³⁷ CIVICUS Monitor, 14 August 2020, op. cit.

³⁸ ‘Call for release of two Saudi Wikipedians’, GCHR, 18 January 2023, <https://www.gc4hr.org/call-for-release-of-two-saudi-wikipedians>.

access their personal devices.³⁹

4.10 In May and June 2018, two Saudi activists including Yahya Assiri and a staff member from Amnesty International were targeted by hackers who attempted to phish them through suspicious WhatsApp messages with malicious links that belonged to infrastructure connected with NSO Group and with previously documented attacks.⁴⁰

4.11 The authorities employ strict regulations to prevent access to a diverse array of websites with content they consider harmful, illegal, offensive, or contrary to Islamic principles. Any form of criticism directed at the Saudi government, its policies, influential individuals, or its regional allies is strictly forbidden, both online and offline. Consequently, websites and social media platforms associated with human rights or political organisations such as Avaaz and the National Assembly Party, which is a pro-democracy political party established by Saudi political activists living abroad, are inaccessible to users in the country.⁴¹

5. Freedom of peaceful assembly

5.1 During Saudi Arabia's examination under the 3rd UPR cycle, the government received nine recommendations on the right to freedom of peaceful assembly. Among other recommendations, the government committed to ensuring that it would 'Ensure no one remains jailed for peaceful assembly' and 'Revise all legislation that restricts the right to peaceful assembly'. The government accepted four of the recommendations and noted five. However, as evidenced below, the government has not realised any of the recommendations.

5.2 Saudi Arabia's Basic Law and its legal framework in general do not expressly provide for or protect freedom of peaceful assembly.⁴²

5.3 Public protests and demonstrations are effectively banned. The government maintains strict control over public gatherings and requires prior approval for any form of assembly. The authorities categorically prohibit political protests and unauthorised assemblies. Spontaneous or unauthorised protests are generally not tolerated and the government imposes severe punishment, which may include the death penalty, for people who organise or take part in unauthorised public

³⁹ Freedom House, 2023, op. cit.

⁴⁰ 'Amnesty International Among Targets of NSO-powered Campaign', Amnesty International, 1 August 2018, <https://www.amnesty.org/en/latest/research/2018/08/amnesty-international-among-targets-of-nso-powered-campaign>.

⁴¹ 'Freedom on the Internet 2022', Freedom House, 2022, <https://freedomhouse.org/country/saudi-arabia/freedom-net/2022>.

⁴² ICNL, 2017, op. cit.

protests.⁴³

- 5.4** The 2017 Counter-Terrorism Law and 2007 Cybercrime Law are used to criminalise assemblies, which are often interpreted as acts deemed to ‘disturb the public order’.
- 5.5** On 10 February 2021, the SCC sentenced WHRD Israa Al-Ghomgham to eight years in prison followed by an eight-year travel ban once her prison sentence is served. She had been charged with ‘joining a terrorist entity aimed at creating chaos and unrest within the Kingdom’, and ‘storing material that would harm the public order’ against the Cybercrime Law. The charges were in relation to her participation in peaceful protests in Al-Qatif in 2011 as demonstrations spread across the Middle East and North Africa. Al-Ghomgham faced the death sentence, which was lifted in January 2019 following intense international pressure.⁴⁴
- 5.6** On 25 October 2019, 10 Egyptian citizens⁴⁵ who are members of the Nubian community in Riyadh were arrested after they organised a celebration to commemorate the Nubian heroes of the October War of 1973.⁴⁶ They were charged at the SCC with offences related to terrorism and organising an unauthorised gathering. After a grossly unfair trial, they were sentenced to between 10 and 18 years in prison.⁴⁷
- 5.7** Hussein Al-Rabea was executed on 23 April 2019, in a mass execution of 37 men⁴⁸ who had been convicted following unfair trials for various alleged crimes, including protest-related offences, espionage and terrorism.⁴⁹ Hussein Al-Rabea’s trial, which was tainted with reports of a forced confession, was conducted in a terrorism court and was in relation to his participation in a 2011 protest in Eastern Province.⁵⁰ Al-Rabea’s cousin Munir is also wanted by the authorities for allegedly protesting in Al-Awamiyah in 2011 and his cousin Ali Mohammed is currently in detention facing the

⁴³ ‘Laws on the rights of peaceful assembly worldwide: Saudi Arabia’, Centre for Human Rights of the University of Pretoria, <https://www.rightofassembly.info/country/saudi-arabia>.

⁴⁴ ‘Peaceful WHRD Israa Al-Ghomgham sentenced to 8 years in prison’, GCHR, 13 February 2021, <https://www.gc4hr.org/peaceful-whrd-israa-al-ghomgham-sentenced-to-8-years-in-prison>.

⁴⁵ The 10 are: Adel Sayed Ibrahim Fakir, Dr Farajallah Ahmed Yousif, Jamal Abdullah Masri, Mohammed Fathallah Jumaa, Hashim Shater, Ali Jumaa Ali Bahr, Saleh Jumaa Ahmed, Abdulsalam Juma Ali, Abdullah Jumaa Ali Bahr and Wael Ahmed Hassan.

⁴⁶ ‘Egypt: Stop the farce trial of 10 Egyptian Nubians before the Saudi Specialized Criminal Court’, Committee for Justice, 11 November 2021, <https://www.cfjustice.org/egypt-stop-the-farce-trial-of-10-egyptian-nubians-before-the-saudi-specialised-criminal-court>.

⁴⁷ ‘Saudi Arabia’, Amnesty International, 2022, <https://www.amnesty.org/en/location/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia>.

⁴⁸ ‘Saudi Arabia: Mass Execution of 37 Men’, Human Rights Watch, 24 April 2019, <https://www.hrw.org/news/2019/04/24/saudi-arabia-mass-execution-37-men>.

⁴⁹ ‘Hassan al-Rabea’s extradition constitutes a grave violation of Morocco’s international obligations’, CIVICUS, 13 February 2023, <https://www.civicus.org/index.php/media-resources/media-releases/open-letters/6259-hassan-al-rabea-s-extradition-constitutes-a-grave-violation-of-morocco-s-international-obligations#:~:text=Furthermore%2C%20al%2DRabea's%20extradition%20may,fact%20been%20made%20for%20the>

⁵⁰ ‘Freedom in the World 2021, Saudi Arabia’, Freedom House, 2021, <https://freedomhouse.org/country/saudi-arabia/freedom-world/2021>.

death penalty following his sentencing in November 2022.⁵¹

6. Recommendations to the Government of Saudi Arabia

CIVICUS and GCHR call on the Government of Saudi Arabia to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made:

6.1 Freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit freedom of association.
- Amend the Law on Associations and Foundations to remove undue restrictions on the registration of associations, including the financial and membership requirements for new associations, and remove the in-country geographical limitations placed on the mandate of registered associations.
- Abolish criminal responsibility for organising and participating in the activities of non-registered organisations and lift the ban on the activities of non-registered organisations.
- Immediately reinstate any CSOs that have been arbitrarily and unduly sanctioned or disbanded, including ACPRA.
- Cease unwarranted and unjustifiable disruptions of legitimate activities organised by CSOs.
- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of CSOs, HRDs, journalists, political activists and others.

⁵¹ CIVICUS, 13 February 2023, op. cit.

6.2 Protection of human rights defenders

- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work, conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- Amend the legal definition of terrorism in the Counter-Terrorism Law of 2017 to ensure that it does not lead to the prosecution of WHRDs, human rights activists, political dissenters and other people merely for exercising their human rights.
- Immediately and unconditionally release all HRDs, including journalists and bloggers detained for exercising their fundamental rights to freedoms of association, peaceful assembly and expression, and review their cases to prevent further harassment.
- Adopt a framework for the protection of journalists and HRDs from persecution, intimidation and harassment.
- Publicly condemn at the highest levels of government instances of harassment and intimidation of CSOs and activists.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs, including by adopting a specific law on the protection of HRDs.

6.3 Freedom of expression and media freedom

- Amend the 2003 Press and Publication Law, 2007 Cybercrime Law and 2017 Counter-Terrorism Law to enshrine protections for free and peaceful expression and dissent.
- Reform defamation, blasphemy and apostasy legislation so as not to criminalise free expression.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may deem sensitive.
- Take steps to lift restrictions on freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation, and harassment.

- Guarantee unfettered access for all people in Saudi Arabia to independent domestic and foreign media information, both offline and online.
- Develop an action plan to ensure that internet laws comply with the government's commitment to guarantee freedom of expression and media freedom, including by ensuring free access to electronic media, ceasing censorship and surveillance, liberalising electronic media ownership rules and enabling journalists, bloggers and other internet users to play a full and active role in promoting and protecting human rights.
- Refrain from adopting any laws providing for censorship or undue control over social and conventional media content.
- Refrain from censoring social and conventional media and ensure that freedom of expression is safeguarded in all arenas, including in the arts.

6.4 Freedom of peaceful assembly

- Promulgate a law granting residents the right to peaceful assembly.
- Adopt best practices on freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, which calls for simple processes for the notification of assemblies being held rather than permission being required, and by General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.
- Unconditionally and immediately release all protesters, HRDs and journalists detained for exercising their right to freedom of peaceful assembly and review their cases to prevent further harassment.
- Review and if necessary, update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

6.5 Access to UN Special Procedures mandate holders

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; 3) Special

Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; 4) Special Rapporteur on the independence of judges and lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Special Rapporteur on the right to privacy; and 7) Working Group on Arbitrary Detention.

6.6 State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.