



PEN International AND

Americans for Democracy & Human Rights in Bahrain AND

Committee to Protect Journalists

Contribution to the 31st session of the Working Group of the Universal Periodic Review Submission
on Saudi Arabia

**Concerning Systematic Restrictions on the Right to Freedom of Expression
in the Kingdom of Saudi Arabia**

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I. Introduction

1. PEN International is a worldwide association of writers founded in 1921 to promote friendship and intellectual cooperation among writers everywhere and with the goal of fighting for freedom of expression and acting on behalf of writers harassed, imprisoned, and killed for their views.

Formed in 2002, Americans for Democracy & Human Rights in Bahrain (ADHRB) fosters awareness of, and support for, democracy and human rights in Bahrain and the Middle East.

Founded in 1981, Committee to Protect Journalists (CPJ) is an independent, nonprofit organization that promotes press freedom worldwide.

PEN International, Americans for Democracy & Human Rights in Bahrain (ADHRB), and the Committee to Protect Journalists (CPJ) welcome the opportunity to offer comments on the state of freedom of expression in Saudi Arabia to the Office of the High Commissioner on Human Rights. This submission assesses the Kingdom of Saudi Arabia's implementation of its 2nd Cycle Universal Periodic Review (UPR) recommendations on promoting and protecting the right to freedom of expression and associated rights. This submission assesses Saudi Arabia's implementation of recommendations concerning:

- Primary legislation used to restrict freedom of expression; and
- Detention of journalists, bloggers and writers, etc.

II. Executive Summary

2. The Government of the Kingdom of Saudi Arabia does not recognize the right to free expression, and it criminalizes certain forms of expression, in particular criticism of the ruling family, the ruling system including the kingdom's official religion, or the government. Authorities regularly arbitrarily arrest, detain, and torture writers, bloggers, human rights defenders, and other activists who criticize state policies, sentencing many to lengthy prison sentences after unfair trials marred by severe due process violations. Authorities also ban activists and writers from traveling internationally, intimidate, harass, and threaten them into silence, and occasionally sentence some to public floggings.

3. During its 2nd UPR in 2013, Saudi Arabia received four recommendations pertaining to protecting and promoting the right to freedom of expression.

138.47 Adopt laws to protect freedoms of association, expression, and religions, and give all individuals a legal basis to form NGOs without interference (United States of America);

138.52 Revise the 2011 law in order to guarantee freedom of opinion and expression, as well as freedom of association and peaceful assembly (France);

138.53 Bring its domestic legislation in line with the rights to freedom of expression, association, and assembly, and to enact and implement a law of association enabling all NGOs to operate legally without harassment and undue government interference (Czech Republic); and

138.164 Remove all obstacles to freedom of expression and movement against human rights defenders, including travel bans (Norway).

The government fully accepted recommendations **138.47**, **138.52**, and **138.53** and partially accepted recommendation **138.164**, committing to “removing all obstacles to freedom of expression and movement against human rights defenders, including travel bans” and “guaranteeing the right to freedom of expression and conscience of all representatives of civil society.” While the government adopted a law in 2015 ostensibly protecting the freedom of association, as per recommendation **138.47**, the government has failed to implement the law in a manner that allows the free and unrestricted organization of independent civil society and human rights organizations. In contrast, the government uses its law on associations to criminalize independent civil society groups. Thus, ADHRB and PEN International assess that the Saudi government has not implemented its recommendations with authorities continuing to criminalize certain kinds of expression, including peaceful dissent and criticism, while arbitrarily arresting, torturing, and jailing writers and activists who cross this boundary.

III. Lack of positive legislation to protect freedom of expression

4. The Government of Saudi Arabia holds the *Qur’an* and *Sunna* as its Constitution, while its 1992 Basic Law sets out the kingdom’s system of governance, the powers and duties of government, and the rights of citizens. The Basic Law does not provide protections for free speech. Rather, it requires all media and publications to adhere to an undefined standard of “good speech” and to the laws of the state which explicitly prohibit the publishing of content considered by authorities to harm national security, the state’s public relations, or anything which leads to internal strife.

The Saudi government has promulgated several laws restricting the right to freedom of expression. The 2014 and 2017 counterterror laws restrict freedom of expression under the guise of fighting terrorism, and protecting the Basic Law and public security. The 2007 Anti-Cybercrime law criminalizes free expression through electronic devices under the guise of protecting public morality. The 2015 law governing associations prohibits the formation of independent civil society groups on the grounds that such organizations’ missions contradict Sharia. The 2000 Press and Publications Law governs the circulation and content of printed materials, bookstores, foreign media offices, printing presses, television and radio.

Saudi Arabia is not a party to several central international human rights treaties, including the International Covenant on Civil and Political Rights which guarantees the right to peaceful freedom of expression. However, as a Member State of the United Nations, the kingdom is bound to respect universal, fundamental freedoms like the right to freedom of expression and opinion, enumerated in the Universal Declaration on Human Rights as part of customary international law. In 1997, Saudi Arabia signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, it has stated several reservations¹ and torture remains rampant in prisons, while authorities continue to utilize corporal punishments like flogging and amputations.

IV. Vaguely worded judicial provisions criminalizing freedom of expression

5. Saudi Arabia’s Counterterror and Anti-Cybercrime laws are the primary legislative methods by which the government criminalizes the right to freedom of expression and detains writers and activists. These laws rely on overly broad definitions and vaguely worded provisions to classify peaceful criticism and dissent as a crime punishable under law. As a result, these laws allow Saudi authorities to arrest bloggers, journalists, writers, and political activists for expressing their views through peaceful means.

¹ See <http://indicators.ohchr.org/> for a list of human rights treaties Saudi Arabia is a party to, as well as the kingdom’s reservations.

6. The kingdom promulgated its first counterterror law, the Law on Terrorism and Its Financing, on 27 December 2013, although the law came into force on 3 February 2014. Article 1 of the law, broadly defines terrorism as,

Any act carried out by an individual or collective criminal project, whether directly or indirectly, towards the purpose of *disrupting public order; harming the security and stability of the community risking national unity; disabling the Basic Law or any of its articles; harming the reputation or status of the country; [...] or threatening or inciting the commission of any of the aforementioned acts.*²

Article 3 states that authorities can apply the law to individuals intending to commit, establish, or incite “changes in the ruling system of the kingdom” or “harming the interests, economy, and national and social security of the kingdom.” The law does not require a terrorist act to involve violence. Because of this, Saudi authorities can classify non-violent, peaceful activity as terrorism. Officials also include calling for atheist thought in any form, and supporting banned groups by circulating their material in any form, within the law’s broad definition of terrorism. These interpretations have increasingly been used to prosecute and imprison activists disseminating their views on social media.

Chapter Three of the law sets out the law’s procedures. The first article in the chapter, Article 4, grants the Ministry of Interior (Moi) the authority to oversee the arrest of terror suspects and broadly grants the Moi significant security powers. Subsequent articles in Chapter Three empower the Moi to hold detainees (Article 7), search houses without arrest warrants (Article 16), order the surveillance of suspects (Article 17), and seize assets (Article 18).

The law also expands the power of Saudi Arabia’s Specialized Criminal Court (SCC), which was originally established in 2008 to handle terrorism-related cases, but which has been increasingly used to try human rights defenders, activists, and dissidents as terrorists. In particular, the law allows trials in the SCC to bypass due process and fair trial principles, especially concerning transparency. The law grants the SCC the jurisdiction to rule on any crime stipulated under the counterterror law (Article 8). Under the law, the SCC can issue a verdict with the defendant *in absentia* (Article 9) and the SCC can hear witnesses and receive testimony in secret in coordination with the Public Prosecution (Article 12). Article 5 states that an investigatory body may detain an individual accused of a terror crime for six months pending their trial, although the SCC can order an extension of their detention for another six months. Article 6 reinforces Article 5 and allows an investigatory body to hold the accused *incommunicado* for 90 days, although the SCC can extend this period, potentially indefinitely. Article 17 allows the Moi to order the monitoring and surveillance of residents, if the Moi has reason to believe that a terror crime has been, or will be, committed.

7. On 1 November 2017, the Saudi government approved a new counterterror law to replace the 2013/4 law. Also entitled the Law on Terrorism Crimes and Its Financing, the 2017 law shares many similarities with its predecessor, most importantly its reliance on an overly broad definition of terrorism. Article 1 of the 2017 law defines a terrorist act as,

All behaviour done by the offender implementing an individual or collective criminal scheme directly or indirectly, *aiming to disturb public order, or destabilize the security of the community and the State’s stability or threaten national unity, or disable the Basic Law of Governance or some of its provisions, or damage one of the State’s facilities or its natural and economic resources, or try to force one of its powers to do a certain act or refrain from,*

² Italics added.

or hurt someone or cause their death, when the purpose is – by its nature or context – to terrify people or to force a government or an international organization to do certain acts of refrain from doing them, or threaten to do acts that would lead to aforementioned intents and purposes or instigate the same.³

Article 3 states that the law is valid for anyone – whether they are a Saudi citizen or foreigner – who “has committed a crime of the crimes mentioned in the system or helped in its execution or initiating to, or incited for or contributed in doing it without being tried, if it was aimed” to “change the regime of the kingdom,” “disable the basic system of government,” or “affect the Kingdom’s interests, or economy, or national security.” In this way, a terrorist crime does not need to be violent, but can encompass peaceful dissent.

Chapter Three outlines the law’s procedures, which grant significant power to the Public Prosecution and the Presidency of State Security.⁴ Several provisions in Chapter Three allow the Saudi authorities to circumvent due process principles through opaque trials, a three month period – and potentially more – of *incommunicado* detention during which officials may torture and coerce defendants into giving a confession, and restrictions on a defendant’s right to an attorney. The 2017 law grants the Presidency of State Security the power of search, investigation, seizure, and oversight over criminal and administrative prosecution (Article 4), effectively supplanting the MoI as the primary government body empowered to prosecute terror crimes. The Presidency of State Security reports directly to the Prime Minister, who is the King.⁵

The law also grants the Public Prosecution, which reports to the King, enormous powers, empowering it to issue arrest warrants and capture suspects (Article 5) as well as issue permits to enter houses and capture suspects (Article 7). Under Article 18, the Public Prosecution can conduct investigations, while Article 20 grants it the power to order a detainee to be held in *incommunicado* detention, for 90 days, although a court can approve a longer period. Under Article 21, the Public Prosecution has the power to restrict a defendant’s right to an attorney during a trial.

The law empowers the Head of State Security and Attorney General to order a travel ban without needing to inform the suspect (Article 10). Article 25 of the law also grants specialized courts the power to try defendants *in absentia*. Article 27 empowers courts to hear experts and witnesses without requiring the defendant and their lawyer to be present in the courtroom. The effects of these provisions allow for, and will likely lead to, systematic violations of due process and fair trial rights, including ensuring that trials are conducted transparently and defendants are fairly represented and able to participate in court hearings.

Chapter Four outlines the penalties for committing terror crimes. While Saudi authorities used the 2013 Counterterrorism law to criminalize and prosecute free expression, the law itself did not explicitly criminalize free expression. In contrast, the 2017 law criminalizes certain types of free expression, in particular criticism of the King or Crown Prince. Similarly, while the government has prosecuted and executed a number of peaceful dissidents under the 2013 Counterterrorism law, the law did not prescribe punishments, much less mandate the death penalty, for terror crimes. However, the 2017

³ Italics added.

⁴ The Presidency of State Security is a relatively new body, founded in July 2017 by royal decree, that consolidates the counterterrorism and domestic intelligence services in one body overseen directly by the king, as opposed to another cabinet-level minister. See “Saudi Arabia forms new apparatus of state security,” Arab News, 21 July 2017, <http://www.arabnews.com/node/1132466/saudi-arabia>.

⁵ The rescinding of power from the MoI and the empowerment of the Presidency of State Security in its place is part of a broader move by the King to significantly weaken the MoI and consolidate power directly in the hands of the King and Crown Prince at the expense of other princes and government bodies.

Counterterrorism law explicitly delineates specific punishments for committing terror crimes, including prescribing a mandatory death sentence for several crimes.

Article 30 of the law prescribes imprisonment of 5 – 10 years for any “individual who has ever described – directly or indirectly – the King or the Crown Prince with an offensive.”

Articles 33 and 34 prescribe a prison sentence of at least eight years for joining a terrorist organization or agreeing with, or promoting, a terrorist ideology. Articles 43 and 44 mandate a prison sentence for specific cybercrimes, including using a website or spreading information “with the aim of terrorism.” Article 53 states that “a Saudi sentenced to imprisonment for committing any of the crimes mentioned in the system is not allowed to leave the kingdom – after he is done serving his sentence – for a period equal to that he was sentenced to,” effectively instituting travel bans on all those sentenced of committing a terror crime. Lastly, Articles 40, 41, and 50 prescribe a mandatory death sentence for committing certain terror crimes.

7. Saudi Arabia’s Anti-Cybercrime Law was passed on 26 March 2007. Article 6 of the law is the most pertinent, stating that it is illegal to “produce, prepare, transmit, or store material impinging on public order, religious values, public morals, and privacy through the information network or computers.” Restrictions on online content were further increased by the passage in January 2011 of the Executive Regulations for Electronic Publishing Activity, which bring online publications under the remit of the 2000 Press and Publications Law. The Executive Regulations require all online operators including website managers, discussion forums, blogs, personal websites and anyone publishing information via text messages or group emails to have a license or registration from the Ministry of the Interior.⁶ In 2014, the government amended the Cybercrime law to include social media and social networks and it raised the fine to 500,000 Saudi riyals (\$133,000).

8. On 29 November 2000, the Saudi government promulgated the Law of Printed Materials and Publications, also known as the Law on Press and Publications. The law governs the circulation and content of printed materials, bookstores, foreign media offices, printing presses, television, and radio. Article 4 of the law states that all forms of media (ranging from printed material to radio to photography) in addition to their sites of production and places of distribution, cannot operate without a license from the Ministry of Information. Article 8 states that freedom of expression is guaranteed “within the limits of Sharia rulers and law,” although the law does not define these limits. Article 9 states that approved printed material must “not conflict with Sharia rules, lead to a breach of public security, public policy, conflict with national interest, stir up discord among citizens, lead to approval and incitement of criminal conduct, injure the economic or health situation of the country,” and that it must “observe objective and constructive criticism that aims at public interest and which is based on facts and evidence.” Article 18 enumerates that external printed matters shall be approved if free from anything insulting to Islam or the system of Government of injurious to high interests of the state or scarify public morality and conflict with ethical standards.⁷ Article 38 outlines the legal sanctions the government can impose on violators of the law, allowing officials to fine an individual up to 50,000 Saudi riyals for breaking the law (\$13,000). Additionally Article 38 allows the Ministry of Culture and Information to temporarily close a media establishment for up to two months or shut it down permanently if it does not abide by the law.

9. In addition to using the counterterrorism laws, Anti-Cybercrime law, and publications law to criminalize free expression, the Saudi government uses the 2015 Law on Associations to maintain strict control over the regulation and functioning of civil society organisations. The law allows the

⁶ Salah Deeb, “Saudi Arabia – New Web Publishing Law,” AlTamimi & Co, February 2011, <http://www.tamimi.com/law-update-articles/saudi-arabia-new-web-publishing-law/>.

⁷ See also, <https://www.boe.gov.sa/ViewSystemDetails.aspx?lang=en&SystemID=14&VersionID=22>.

government to interfere in the internal work of Saudi associations, including an association's elections of board members (Article 18) and the appointment of their board members (Article 19). Importantly, Article 8 of the law prohibits the establishment of any association which doesn't respect the principles of Sharia. The government has used this open-ended restriction to categorically refuse to officially license human rights organizations. Article 8 also prohibits the approval of any organization whose principles "contradicts with public order or public ethics, or disrupts the national unity."

V. Main charges affecting persons exercising their right to freedom of expression

10. The Saudi government frequently charges those accused of committing freedom of expression crimes – writers, bloggers, and journalists – with crimes related to religion, namely blasphemy, atheism, and apostasy. These crimes can be filed beneath the counterterrorism laws, because authorities perceive atheism, blasphemy, and apostasy as attempts to subvert or alter the Basic Law, which declares Islam the official religion, and the *Qur'an* and *Sunna* to be the foundation of the kingdom's laws.

For example, Saudi authorities arrested Ashraf Fayadh, a Palestinian poet and artist, in January 2014 on charges of atheism and apostasy, because his poetry was perceived to be "insulting the divine self" and to contain and espouse atheist content. He had previously been sentenced to death on 20 November 2015, but had appealed his ruling. His appeal was successful and his sentence was reduced to a lengthy prison term of eight years, and 800 lashes.

Raif Badawi, a prominent blogger, is also currently serving a lengthy prison sentence because of his writings. Badawi founded an online blog, "Liberal Saudi Network," in which he discussed politics and liberalism. He was arrested in June 2012 on atheism charges because his writings questioned the kingdom's religious establishment. He was sentenced to ten years in prison and 1,000 lashes. Due to medical concerns, he has only received 50 lashes. However, while his floggings have been indefinitely postponed he remains at risk of the resumption of his punishment at any time.

In addition to criminalizing expression for atheism, apostasy, and blasphemy, the government criminalizes expression that it deems critical of the royal family, government, or ruling structure. For example, on 4 February 2014, the SCC sentenced Wajdi al-Ghazzawi, the owner of the religious satellite broadcaster Al-Fajr Media Group to 12 years in prison on charges of "harming the nation's image" stemming from seven episodes of a television show his network had aired called *Fadfadah* in which he criticized the government and accused it of widespread corruption. His sentence included a five-year term under Article 6 of the Anti-Cybercrime law. In addition to his 12 year sentence, the SCC banned al-Ghazzawi for life from appearing on media outlets and imposed a 20-year international travel ban.

On 6 May 2014, the SCC sentenced Jalal Mohamed al-Jamal, a manager of the *Al-Awamia* website to five years in prison and a fine of 50,000 Saudi riyals (approximately US \$13,330) for establishing a website that "called for protests, disobeying the king, and disrupting public security." *Al-Awamia* covered pro-reform demonstrations in the Eastern Province and was known for its criticism of the government.

On 15 July 2015, officials arrested television commentator and critic Zuhair Kutbi at his home in Mecca. It is believed that he was detained due to his appearance on a television program called *Fi al-*

Samim (In Depth) on 22 June 2015,⁸ where he criticised political and religious repression and called for political reforms, including the installation of a constitutional monarchy in Saudi Arabia. He was tried in the SCC and sentenced to four years in prison and banned from writing for 15 years, banned from international travel for five years, and fined \$26,600. While he was released on 7 November 2017 after serving two years in prison, he remains banned from writing and travelling.

On April 2016, officials arrested Mohanna Abdulaziz al-Hubail, a scholar and the Director of the Islamic Orient Studies Bureau in Istanbul. He was arrested on charges of “insulting the state and its rulers” and “being in solidarity with imprisoned members of the Saudi Civil and Political Rights Association” (ACPRA) in comments he had made on Twitter and which were also critical of the kingdom more generally. As a result, the SCC sentenced him to six years in prison to be followed by a six-year travel ban.

That same month, according to Human Rights Watch, on 6 April, authorities arrested Fahad al-Fahad, a former labor ministry consultant. He was tried in the SCC on charges of violating the Saudi cybercrime law in tweets criticizing the criminal justice system, government corruption, and “inciting hostility against the state, its structure, and its justice systems.” The court also accused him of assisting and “sympathizing with” the members of ACPRA by publishing their statements and attending meetings. The SCC sentenced him in June 2017 to five years in prison, a 10-year travel ban, and a ban on writing and media work.⁹

On 8 February 2018, the Specialized Criminal Court sentenced *al-Watan* columnist Saleh al-Shehi to five years in prison and a five-year travel ban for “insulting the royal court.” Al-Shehi regularly reported on topics including the government’s economic policies and its treatment of expatriate workers. Security forces arrested al-Shehi on 3 January in connection with his appearance on the Rotana Channel’s show *Yahalla*, in which he discussed corruption and the royal court, in particular concerning the distribution of land.

Another Saudi writer, Nadhir al-Majid who was arrested in 2011, had his sentence upheld by the Riyadh Court of Appeal on 4 June 2017. The judgment is final and cannot be subject to further appeal and concerns his 18 January 2017 conviction for “writing articles supporting protests,” “failing to obey the ruler,” having “contact with foreign news agencies,” and “participating in demonstrations.” The SCC sentenced him to seven years in prison as well as a seven-year travel ban and fined him 100,000 riyals (\$26,000). This was not his first conviction for criticizing the government in his writings and publications, as he had been previously detained in relation to an article he wrote entitled *I protest, I am a human being*, in which he supported the right to protest and freely assemble.

Waleed Abu al-Khair, Ashraf Fayadh’s lawyer, is also currently serving a lengthy prison term for comments and writings criticizing the government over its human rights violations. Abu al-Khair was the lawyer not only for Fayadh, but also for a number of ACPRA members. His 15-year sentence stems from a number of broad and vaguely-worded charges that are believed to relate solely to his peaceful human rights activism, including comments to news outlets and on Twitter criticizing Saudi human rights violations, but that are classified as terrorism. According to several reports, Samar Badawi – Raif Badawi’s sister – was also detained briefly after calling for the release of Abu al-Khair, her former husband, and for publishing a photo of him in prison on Twitter.

⁸ See: <https://www.youtube.com/watch?v=Wv4hmuOrYaY>.

⁹ “Saudi Arabia: Activist marks 2 years behind bars,” Human Rights Watch, 5 April 2018, <https://www.hrw.org/news/2018/04/05/saudi-arabia-activist-marks-2-years-behind-bars>.

On 8 September 2018, according to the BBC, Saudi prosecutors stated that they will punish satire on social media that “mocks, provokes or disrupts public order, religious values, and public morals.” Anyone found producing or distributing such material faces up to five years in prison and an \$800,000 fine.¹⁰

More recently, on Tuesday 2 October, prominent Saudi dissident and former editor-in-chief of the *Al-Watan* newspaper, Jamal Khashoggi disappeared in Istanbul, Turkey after entering the Saudi consulate to get papers necessary to get married. Turkish investigators allege that a team of Saudi agents killed him the consulate and dismembered his body, although Saudi Arabia denies this.¹¹ Khashoggi was a prominent journalist in Saudi Arabia and a former advisor to senior Saudi government officials before he split with the government, becoming a vocal critic of Saudi Arabia. He was a contributor to the *Washington Post*.

VI. System of censorship

11. The Saudi government not only imprisons individuals for criticizing the government, but also censors information about political views, art, culture, and religion that differ from the official views of the Saudi state. The censorship rules were formally established under the 2003 Law on Printed Materials and Publication. The law also affects content produced in foreign newspapers that are circulated in the kingdom, with articles blacked out, or pages stuck together. For example, in November 2013, booksellers were told to remove a popular science fiction book by Ibraheem Abbas following a complaint that it was “blasphemous” and promoted devil worship.¹² The following year, the government banned over 10,000 copies of 420 books, including books by the acclaimed Palestinian poet Mahmoud Darwish which were banned from the 2014 Riyadh Book Fair on the grounds that the texts contained passages that were “blasphemous.”¹³ Also during the fair, Saudi youths disrupted and mobbed the stall of the Arab Network for Research and Publishing, which focused on books about Saudi Arabia and political Islam.

12. The Communications and Information Technology Commission is charged with monitoring and censoring online material, including documents and reports produced by political dissidents and human rights defenders that are deemed “un-Islamic.” For example, YouTube – a favoured vehicle for dissidents to circulate information – has been a consistent target for authorities. Officials have blocked individual YouTube accounts and threatened to block the entire website. Government censors also regulate Internet cafes, prohibiting anyone under the age of 18 from entering, forcing the cafes to close at midnight, and monitoring and surveilling those who use the café’s computers. SIM cards must be registered on purchase with the purchaser’s fingerprints, and encrypted phone calls and text messages are viewed with suspicion. Authorities have also banned the use of the encrypted messaging application Viber, while residents cannot use WhatsApp, another encrypted messaging application, to make phone calls.¹⁴ This tight censorship has led Freedom House to

¹⁰ “Saudi Arabia to punish online satire ‘mocking public order,’” BBC, 4 September 2018, <https://www.bbc.com/news/world-middle-east-45410676>,

¹¹ David Kirkpatrick and Ben Hubbard, “Jamal Khashoggi Disappears, a Mystery Rattling the Middle East,” *New York Times*, 7 October 2018, <https://www.nytimes.com/2018/10/07/world/middleeast/turkey-jamal-khashoggi-saudi-arabia.html>.

¹² Milana Knezevic, “Saudi Arabia: Popular sci-fi novel banned, 2 December 2013, <https://www.indexcensorship.org/2013/12/popular-saudi-sci-fi-novel-banned-book-stores/>.

¹³ “Saudi bans books at fair in wide-ranging crackdown,” *The National*, 16 March 2014, <https://www.thenational.ae/world/saudi-bans-books-at-fair-in-wide-ranging-crackdown-1.336791>; Allison Flood, “Saudi book fair bans ‘blasphemous’ Mahmoud Darwish works after protest,” *The Guardian*, 14 March 2014, <https://www.theguardian.com/books/2014/mar/14/saudi-book-fair-bans-mahmoud-darwish-blasphemy>.

¹⁴ “How to Unblock Viber in Saudi Arabia,” Sahrzad VPN Blog, 2 June 2015, <http://sahrzad.net/blog/how-to-unblock-viber-in-saudi-arabia/>; “Confusion over short-lived repeal of Whatsapp call ban in Saudi Arabia,” *Arabian Business*, 8 February 2016, <http://www.arabianbusiness.com/confusion-over-short-lived-repeal-of-whatsapp-call-ban-in-saudi-arabia-620872.html>.

describe digital surveillance in Saudi Arabia as “rampant,” with anyone using communications technology subject to government monitoring.¹⁵

¹⁵ “Freedom on the Net 2015: Saudi Arabia,” Freedom House, 2016, <https://freedomhouse.org/report/freedom-net/2015/saudi-arabia>.

VII. Recommendations

Saudi Arabia is failing to abide by its international commitments to protect human rights, in particular the right to the freedom of expression. We therefore call on the Government of the Kingdom of Saudi Arabia to implement the following recommendations:

- Ratify without reservations the main human rights instruments to which it is not yet a party;
- Cease the arbitrary arrest and detention of individuals for politically and religiously motivated reasons;
- Immediately and unconditionally release all persons arbitrarily detained for exercising their right to freedom of expression, and where applicable, quash their convictions and remove restrictions on their freedom of movement;
- Enact legislation guaranteeing the right to freedom of expression which includes the right to receive or impart information;
- Reform the 2017 Counterterror Law, the 2007 Anti-Cybercrime Law, the 2015 Associations Law, 2003 Press and Publications Law and other laws and regulations to remove language that does not comply with international human rights law on freedom of expression;
- Ensure that websites are only blocked on the basis of an independent court order and are strictly proportionate to the aim pursued.

VIII. Annex: Implementation of Recommendations made during the 2nd Cycle UPR

Recommendation Number	Recommendation and State	2 nd Cycle Status	2 nd Cycle Implementation	Progress	Current Assessment
138.47	Adopt laws to protect freedoms of association, expression, and religions, and give all individuals a legal basis to form NGOs without interference (United States of America)	Accepted	Not implemented	No perceived progress	Not implemented ¹⁶
138.52	Revise the 2011 law in order to guarantee freedom of opinion and expression, as well as freedom of association and peaceful assembly (France)	Accepted	Not implemented	No perceived progress	Not implemented ¹⁷
138.53	Bring its domestic legislation in line with the rights to freedom of expression, association, and assembly, and to enact and implement a law of association enabling all NGOs to operate legally without harassment and undue government interference (Czech Republic)	Accepted	Not implemented	No perceived progress	Not implemented ¹⁸
138.164	Remove all obstacles to freedom of expression and movement against human rights defenders, including travel bans (Norway)	Accepted	Not implemented	No perceived progress	Not implemented ¹⁹

¹⁶ While the kingdom adopted a law governing the formation and operation of civil society and human rights organizations, Saudi authorities use the law to criminalize independent human rights organizations rather than to promote and protect human rights.

¹⁷ See sections III paragraph IV and Section IV paragraph V, in particular the counter-terror and Anti-Cybercrime laws.

¹⁸ Saudi Arabia's counter-terror and Anti-Cybercrime laws continue to criminalize the freedom of expression and opinion, its 2015 Law on Associations criminalizes the freedom of association and assembly.

¹⁹ This has not been implemented, as Saudi laws (in particular the counter-terror and Anti-Cybercrime laws) continue to criminalize free expression and opinion.