



SAUDI ARABIA

Key Findings

Despite the fact that Saudi Arabia remains unique in the extent to which it restricts the public expression of any religion other than Islam, there were some improvements in religious freedom, including further progress on revisions to public school religious textbooks. The government privileges its own interpretation of Sunni Islam over all other interpretations and prohibits any non-Muslim public places of worship in the country. It continues to prosecute and imprison individuals for dissent, apostasy, blasphemy, and sorcery, and a new 2014 law classifies blasphemy and advocating atheism as terrorism. In addition, authorities continue to repress and discriminate against dissident clerics and members of the Shi'a community. Based on these

lims. In recent years, the Saudi government has made improvements in policies and practices related to freedom of religion or belief; however, it persists in restricting most forms of public religious expression inconsistent with its particular interpretation of Sunni Islam. Saudi officials base this on their interpretation of *hadith* and state that this is what is expected of them as the country that hosts the two holiest mosques in Islam, in Mecca and Medina. This policy violates the rights of other Sunni Muslims who follow varying schools of thought, Shi'a and Ismaili Muslims, and both Muslim and non-Muslim expatriate workers.

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severe violations of religious freedom, USCIRF again recommends in 2015 that Saudi Arabia be designated as a “country of particular concern,” or CPC, under the International Religious Freedom Act (IRFA). Although the State Department has designated Saudi Arabia a CPC repeatedly since 2004, most recently in July 2014, an indefinite waiver has been in place since 2006 on taking an otherwise legislatively mandated action as a result of the CPC designation.

Background

Saudi Arabia is officially an Islamic state with approximately eight to 10 million expatriate workers of various faiths, including at least one to two million non-Mus-

sermons and educational materials, other government actions continue to restrict peaceful religious activities and expression by suppressing the religious views and practices of Saudi and non-Saudi Muslims who do not conform to official positions. Furthermore, the government has not codified the protection of private religious practice for non-Muslim expatriate workers in the country, which fosters a sense of insecurity.

On January 23, 2015, King Abdullah passed away. He was succeeded immediately by his half-brother, Crown Prince Salman bin Abdulaziz al-Saud. In various remarks, King Salman stated that he would continue many of his predecessor's policies, advance a Saudi foreign policy committed to the teachings

of Islam, and maintain the country's Shari'ah legal system. He also announced a significant reshuffling of several cabinet-level positions, including appointing new Ministers of Justice, Education, and Islamic Affairs, and a new head of the Commission for the Promotion of Virtue and Prevention of Vice (CPVPV), among others.

Religious Freedom Conditions 2014–2015

Recent Improvements

USCIRF has noted some improvements in recent years that include: curtailing the powers of the CPVPV; promoting a “culture of dialogue” and understanding between Muslim religious communities inside the Kingdom and advancing inter-religious dialogue in international fora; improving conditions for public religious expression by Shi'a Muslims in the Eastern Province; continuing efforts to counter extremist ideology inside the Kingdom; and making further revisions to remove intolerant passages from textbooks and curriculum.

Restrictions on Shi'a Muslims and Dissidents

Sporadic arrests and detentions of Shi'a Muslim dissidents continued. For many years, particularly since 2011, the government has detained and imprisoned Shi'a Muslims for participating in demonstrations or calling for reform; holding small religious gatherings in private homes; organizing religious events or celebrating religious holidays; and reading religious materials in private homes or *huseiniyas* (prayer halls). Saudi officials often cite security concerns to justify cracking down on religious minorities and Muslim dissidents. The Shi'a community also faces discrimination in education, employment, the military, political representation, and the judiciary.

During the past year, several Shi'a clerics received lengthy prison terms or death sentences. For example, in October 2014, Nimr al-Nimr, a prominent Shi'a cleric who has criticized the government, was sentenced to death by a Specialized Criminal Court. The Specialized Criminal Court is a non-shari'ah court that tries terrorist-related crimes, although human rights activists also have been tried in these courts. Al-Nimr's brother and legal advocate, Mohamed, reportedly was arrested after announcing the verdict on Twitter. Nimr Al-Nimr had been arrested in July 2012 and was convicted on a range

of unfounded charges, including “inciting sectarian strife,” disobeying the government, and supporting rioting. According to reports, days after al-Nimr's sentencing, a Saudi court sentenced two individuals to death for participating in Shi'a protests, saying it imposed the penalty “as a deterrent to others.” A third person was jailed for 12 years. In August 2014, Tawfiq al-Amr, a Shi'a cleric from the al-Ahsa governorate, was sentenced to eight years in prison, followed by a 10-year travel ban, and barred from delivering sermons. According to human rights groups, a Specialized Criminal Court convicted him on charges of defaming Saudi Arabia's ruling system, ridiculing its religious leaders, inciting sectarianism, calling for change, and “disobeying the ruler.” Al-Amr was arrested in 2011 following a series of public speeches calling for reforms in the Kingdom.

Dissident Sunni Muslims also encountered repression. For example, in November 2014, Mikhlif al-Shammari, a Sunni Muslim writer and activist, was convicted by a criminal court and sentenced to two years in prison and 200 lashes for, in part, visiting prominent Shi'a leaders in the Eastern Province and promoting reconciliation between Sunni and Shi'a Muslims. The Specialized Criminal Court previously convicted him in 2013 in a separate trial on charges of “sowing discord” and criticizing Saudi officials, for which he received a five-year prison sentence and a 10-year travel ban.

Violence against Shi'a Muslims

During the past year, Shi'a worshippers were targeted by violent extremists. In November, during Ashura celebrations in the Eastern Province of al-Ahsa, masked gunmen shot and killed at least seven Shi'a worshippers and wounded more than a dozen. After a violent gun battle that resulted in the death of two police officers and two gunmen, authorities arrested more than 15 suspected perpetrators, including several others already in jail on terrorism charges. Authorities linked the incident to the armed group ISIL (the Islamic State of Iraq and the Levant). At the end of the reporting period, an investigation was ongoing. In addition, Minister of Interior Mohammed bin Naif traveled to the site of the attack and visited family members of the victims; he also announced that the government would provide compensation to the families of those who were killed. At the funeral for the victims, tens of thousands of

Sunni and Shi'a Muslims demonstrated in solidarity against sectarianism.

Apostasy, Blasphemy, and Sorcery Charges

The Saudi government continues to use criminal charges of apostasy and blasphemy to suppress discussion and debate and silence dissidents. Promoters of political and human rights reforms, and those seeking to debate the role of religion in relation to the state, its laws, and society, typically have been the targets of such charges.

In February 2015, after the end of the reporting period, a General Court reportedly sentenced to death a Saudi man for apostasy. According to multiple reports, the unidentified man allegedly posted a video of himself on a social networking site tearing pages from a Quran while making disparaging remarks. The court used this video as evidence to convict him and justify the death sentence.

In May 2014, a Saudi appeals court sentenced blogger Raif Badawi to 10 years in prison and 1,000 lashes, and fined him \$1 million SR (\$266,000 USD) for, among other charges, insulting Islam and religious authorities. The sentence called for Badawi – the founder and editor of a Web site that served as an online forum for diverse views to be expressed freely – to be lashed 50 times a week for 20 consecutive weeks. On January 9, 2015, Badawi received his first set of 50 lashes. Immediately after the flogging was carried out, several governments, including the United States, and numerous international human rights groups and individuals condemned the implementation of the sentence. Badawi has not received additional floggings, due in part to the international outrage and in part to a medical doctor's finding that he could not physically endure more lashings. At

Saudi Supreme Court in January 2015. Badawi's lawyer, Waleed Abu al-Khair, was sentenced in July 2014 by a Specialized Criminal Court to 15 years in jail on various trumped-up charges related to his work as a human rights defender.

In June 2014, two Saudi men, Sultan Hamid Marzooq al-Enezi and Saud Falih Awad al-Enezi, were released from prison after being arrested under the pretext of drug charges and spending more than two years in prison without charges. Although formal charges were not filed, reports suggested the two men were held for committing the capital crime of apostasy for converting to the Ahmadi interpretation of Islam.

Individuals arrested for sorcery – a crime punishable by death – continued to be prosecuted during the reporting period. In June 2014, the Saudi Ministry of Justice announced that prosecutors had filed 191 cases of alleged sorcery between November 2013 and May 2014. In August, authorities reportedly beheaded a Saudi man, Mohammed bin Bakr al-Alawi, in the al-Jawf Province for allegedly practicing sorcery. His death sentence had been upheld by an appeals court and the Supreme Judiciary Council. In February 2014, King Abdullah pardoned a female Indonesian domestic worker, Ati Bt Abeh Inan, who had been on death row for more than 10 years following a 2003 sorcery conviction.

New Law Classifies Blasphemy, Advocating Atheism as Acts of Terrorism

Saudi Arabia's new terrorism law, the Penal Law for Crimes of Terrorism and its Financing, and a series of subsequent royal decrees create a legal framework that criminalizes as terrorism virtually all forms of peaceful dissent and free expression, including criticizing the gov-

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the end of the reporting period, Badawi continued to languish in prison, where he has been held since June 2012. Badawi's case reportedly was referred to the

ernment's interpretation of Islam or advocating atheism. Under the new law, which went into effect in February 2014, a conviction could result in a prison term ranging

from three to 20 years. The Interior Ministry's March 2014 regulations state that, under the new law, terrorism includes "[c]alling for atheist thought in any form, or calling into question the fundamentals of the Islamic religion on which this country is based." While Saudi Shari'ah courts already permit judges to criminalize various forms of peaceful dissent, the new law provides an additional mechanism to classify as terrorism actions considered blasphemous or to be advocating for atheism.

Abuses by the CPVPV

The Commission for the Promotion of Virtue and Prevention of Vice (CPVPV), which reports to the King and is not subject to judicial review, officially enforces public morality and restricts public religious manifestations and practice by both Saudis and non-Saudis. In recent years, the public presence of the CPVPV has diminished. Nevertheless, in 2014, members of the CPVPV periodically overstepped their authority in parts of the

USCIRF found that there were improvements concerning the removal of intolerant content. USCIRF subsequently requested seven additional textbooks, which it hopes to review in the future. USCIRF had not received these books by the end of the reporting period. The Saudi government acknowledged that some of the high school-level textbooks were still in the process of being revised.

In recent years, a Saudi royal decree banned the financing outside Saudi Arabia of religious schools, mosques, hate literature, and other activities that support religious intolerance and violence toward non-Muslims and non-conforming Muslims. Nevertheless, some literature, older versions of textbooks, and other intolerant materials reportedly remain in distribution in some countries around the world despite the Saudi government's policy that it would attempt to retrieve previously-distributed materials that teach hatred toward other religions and, in some cases, promote violence. For example, some of the

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country. In 2013, a law was passed limiting the jurisdiction of the CPVPV. Despite the fact that the CPVPV is not allowed to engage in surveillance, detain individuals for more than 24 hours, arrest individuals without police accompaniment, or carry out any kind of punishment, its members have been accused over the past year of beating, whipping, detaining, and otherwise harassing individuals. USCIRF continues to call for the dissolution of the CPVPV.

Improvements in Saudi Textbooks, Yet Continued Dissemination of Intolerant Materials

During the reporting period, USCIRF's longstanding request was largely fulfilled when the Saudi Embassy in Washington, DC provided most textbooks used in public schools in the Kingdom during the 2013-2014 school year. After an analysis of some of the relevant religious textbooks that had been cited previously as containing inflammatory language advocating hatred and violence,

older books justified violence against apostates, sorcerers, and homosexuals, and labeled Jews and Christians "enemies of the believers;" another high school textbook presented the "Protocols of the Elders of Zion" – a notorious forgery designed to promote hostility toward Jews – as an authentic document. Concerns also remain about privately-funded satellite television stations in the Kingdom that continue to espouse sectarian hatred and intolerance.

U.S. Policy

Despite a series of challenges in recent years, U.S.-Saudi relations remain close. For years, the U.S. government's reliance on the Saudi government for cooperation on counterterrorism, regional security, and energy supplies has limited its willingness to press the Saudi government to improve its poor human rights and religious freedom record. Since 2012, the U.S. government has notified Congress of more than \$24 billion in proposed

arms sales to the Kingdom. During the past year, shared concerns over Islamist terrorism, particularly advances by ISIL, and Iranian regional ambitions provided a renewed impetus for increased strategic cooperation. As a result, there are concerns that the United States has been reluctant to jeopardize important bilateral initiatives by pushing publicly for political and human rights reforms, despite opportunities that arose during the year, such as two high-profile visits to the Kingdom by President Obama. However, in January 2015, the State Department issued a public statement urging the Saudi government to cancel the flogging against blogger Raif Badawi and to review his case and sentence.

According to the State Department, U.S. policy seeks to press the Saudi government “to respect religious freedom and honor its public commitment to permit private religious worship by non-Muslims, eliminate discrimination against minorities, promote respect for non-Muslim religious belief, and combat violent extremism.” The U.S. government continues to encourage the Saudi government’s efforts to remove intolerant passages advocating violence in textbooks, and it continues to include Saudi officials in exchange and U.S. visitor programs that promote religious tolerance and interfaith dialogue. In addition, according to the U.S. Ambassador to Saudi Arabia, as of mid-2014, more than 83,000 Saudi students were studying in American colleges and universities, the highest figure to date.

In September 2004, consistent with USCIRF’s recommendation, the State Department designated Saudi Arabia a CPC for the first time. In 2005, a temporary waiver was put in place, in lieu of otherwise legislatively mandated action as a result of the CPC designation, to allow for continued diplomatic discussions between the U.S. and Saudi governments and “to further the purposes of IRFA.” In July 2006, the waiver was left in place indefinitely when the State Department announced that ongoing bilateral discussions with Saudi Arabia had enabled the U.S. government to identify and confirm a number of policies that the Saudi government “is pursuing and will continue to pursue for the purpose of promoting greater freedom for religious practice and increased tolerance for religious groups.” USCIRF has concluded that full implementation by the Saudi government of these policies would diminish signifi-

cantly the government’s institutionalized practices that negatively affect freedom of religion and belief. The measures that Saudi Arabia confirmed as state policies included the following:

- Revise and update textbooks to remove remaining intolerant references that disparage Muslims or non-Muslims or that promote hatred toward other religions or religious groups, a process the Saudi government expected to complete in one to two years [no later than July 2008].
- Prohibit the use of government channels or government funds to publish or promote textbooks, literature, or other materials that advocate intolerance and sanction hatred of religions or religious groups.
- Control distribution of Saudi educational curricula to ensure that unauthorized organizations do not send them abroad.
- Ensure Saudi embassies and consulates abroad review and destroy any material given to them by charities or other entities that promote intolerance or hatred.
- Guarantee and protect the right to private worship for all, including non-Muslims who gather in homes for religious practice.
- Address grievances when the right to private worship is violated.
- Ensure that customs inspectors at borders do not confiscate personal religious materials.
- Ensure that members of the CPVPV do not detain or conduct investigations of suspects, implement punishment, violate the sanctity of private homes, conduct surveillance, or confiscate private religious materials.
- Hold accountable any CPVPV officials who commit abuses.
- Bring the Kingdom’s rules and regulations into compliance with human rights standards.

On July 28, 2014, the State Department re-designated Saudi Arabia a CPC but kept in place a waiver of any action citing the “important national interest of the United States,” pursuant to section 407 of IRFA.

Recommendations

USCIRF urges the U.S. government to address religious freedom issues actively and publicly with the Saudi government and to report openly on the government's success or failure to implement genuine reforms, in order to ensure that the Saudi government's initiatives will result in substantial, demonstrable progress. Specifically, USCIRF recommends that the U.S. government should:

- Continue to designate Saudi Arabia a CPC, no longer issue a waiver, and press the Saudi government to take concrete action towards completing reforms confirmed in July 2006 in U.S.-Saudi bilateral discussions; provide a detailed report on progress and lack of progress on each of the areas of concern;
- At the highest levels, press for and work to secure the release of Raif Badawi, his lawyer Waleed Abu al-Khair, and other prisoners of conscience, and press the Saudi government to end state prosecution of individuals charged with apostasy, blasphemy, and sorcery;
- Undertake and make public an annual assessment of the relevant Ministry of Education religious textbooks to determine if passages that teach religious intolerance have been removed;
- Press the Saudi government to publicly denounce the continued use around the world of older versions of Saudi textbooks and other materials that promote hatred and intolerance, to include the concepts of tolerance and respect for the human rights of all persons in school textbooks, and to make every attempt to retrieve previously distributed materials that contain intolerance;
- Press the Saudi government to continue to address incitement to violence and discrimination against disfavored Muslims and non-Muslims, including by prosecuting government-funded clerics who incite violence against Muslim minority communities or individual members of non-Muslim religious minority communities;
- Press the Saudi government to ensure equal rights and protection under the law for Shi'a Muslim citizens;

- Press the Saudi government to remove the classification of advocating atheism and blasphemy as terrorist acts in its 2014 terrorism law;
- Include Saudi religious leaders, in addition to government officials, in exchanges and U.S visitor programs that promote religious tolerance and interfaith dialogue; and
- Work with the Saudi government to codify non-Muslim private religious practice, and permit foreign clergy to enter the country to carry out worship services and to bring religious materials for such services.

The U.S. Congress should:

- Require the State Department to issue a public progress report on efforts and results achieved by the Saudi government to implement religious freedom reforms announced in July 2006.

Dissenting Statement of Vice Chair James J. Zogby:

I did not disagree with designating Saudi Arabia as a "country of particular concern" (CPC) because as the report makes clear Saudi Arabia does not allow "public expression of any religion of any religion other than Islam."

Where I strongly disagree is with USCIRF's decision to call on the Department of State to remove the waiver provision that defers any action that might be taken as a result of Saudi Arabia's CPC status.

What I would have preferred was a recommendation that would have coupled the CPC designation with a full review of the progress or lack of progress the Saudi government has made in implementing the 2006 "US-Saudi Discussions on Religious Practice and Tolerance."

That 2006 discussion paper included 32 specific areas where the Saudi government committed to make reforms. Saudi officials have said that they are making these reforms, not because of outside pressures, but because these are changes they know they need to make to move their country forward. Annually we report, in piecemeal fashion, on some of the progress the government has made in a number of these areas: removal of both intolerant literature from their schools and intolerant speech from their mosques, insuring the right to private worship, creating a Human Rights Commission,

etc. What we are lacking is a comprehensive review of just how much progress made and a list of the areas that still need to be addressed.

What the State Department should do is go back to the 2006 discussion paper and treat its 32 items as a check list. They should go through it with their Saudi interlocutors and report, in detail, on progress or lack of progress made in each case. In some instances, such engagement may provide opportunities for U.S. officials or USCIRF to offer assistance or new ideas to help Saudi officials find a way to move forward. In an effort to achieve progress, engagement with Saudi officials is the preferred and most effective course of action. On the other hand, should we move to end the waiver and enact the punitive measures that might flow from this action, we would risk shutting off further discussion. This would prove to be counterproductive.

**Additional Statement of Commissioners
Eric P. Schwartz and Thomas J. Reese, S.J.:**

We strongly supported and voted for the CPC designation, but we write to comment on the Commission recommendation to urge the Administration to remove the waiver provision, which, pursuant to the IRFA legislation, effectively constitutes a recommendation to impose sanctions absent a U.S.-Saudi “binding agreement” to improve religious freedom. To be sure, we believe that both a readiness to impose sanctions and the imposition of sanctions can send important signals to offending governments and help bring critical pressure to bear in efforts to improve conditions related to human rights and religious freedom. Commissioner Schwartz notes further that, as a White House and State Department official, he was in general quite reliably on the side of those supporting sanctions as a tool to promote human rights. In short, we should impose sanctions when we have a fair degree of confidence that, over time, they will strengthen the position of human rights activists or help to change behavior of offending governments. But sanctions can also be ineffective or sometimes even counterproductive. Policy goals can be frustrated if the sanctions have little economic impact, permit a government easily to stoke nationalist or religious fervor against perceived outside interference, or are imposed when our influence is uncertain. Thus, their possible imposition

merits careful discussion of costs and benefits. In this case, Commissioners did not subject their decision to such careful consideration, and, in the absence of such deliberation, we were not prepared to support elimination of the waiver.