

Institute on Religion and Public Policy Report:

Religious Freedom in the Kingdom of Saudi Arabia

Executive Summary

Saudi Arabia is one of the worst countries in the world for religious freedom. Saudi citizens are regularly harassed, discriminated against, beaten, tortured, and executed for their religious beliefs. The Official Religion of the Kingdom of Saudi Arabia is Sunni Islam. Article 1 of the Saudi Basic Law states that the Constitution comes from the Quran and the Sunna (traditions and sayings of the Prophet Muhammed). The country adheres to a very strict interpretation of Islamic Law. Discrimination is rampant for the country's Shia population and members of other minority religious groups. This includes not only official and systemic discrimination, but also societal bias. For these reasons since 2004 the US State Department has kept Saudi Arabia on its list of "Countries of Particular Concern" with regards to religious freedom. All possible violations of the law must be taken seriously as Saudi Arabia executes an average of 2 people per week. In recent years King Abdullah bin Abdul Aziz Al Saud has made efforts aimed at fostering religious freedom including a regional Intra-faith dialogue between Sunni and Shia Muslims held in Mecca and an international Inter-faith Dialogue held in Madrid. Additionally the King and the Government have begun reviewing various facets of civilian life in an effort to combat religious extremism. While the Kingdom is slowly improving for practitioners of minority religions, it is still clear that Saudi Arabia does not allow for the free exercise of religion.

Institute on Religion and Public Policy

Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Government and Politics of Religious Discrimination in Saudi Arabia

The Official title of the Saudi King is "Custodian of the Two Holy Mosques," and as such, the Government regards upholding Islam as one of its most vital

functions. The Government draws a significant portion of its legitimacy from its protection and jurisdiction over the two holiest sites in Sunni Islam, Mecca and Medina. The country operates under a very strict interpretation of Sharia law. All persons within Saudi Arabia are forced to abide by this regardless of their personal religious orientation. Public religious practice is limited to the Government's interpretation of Islam. All other religious practices must be practiced privately.

Several offenses against Islam are punishable by death. This includes blasphemy, conversion from Islam (apostasy) and proselytizing by non-Muslims. While there have been no recent executions for any of these crimes, there have been recent convictions including one in 2008 of a Turkish citizen who allegedly used "obscene language" when referring to God because two men reported to authorities that he swore when referring to God and the Prophet Muhammad. The trial against the Turk, Sabri Boğday, was closed to the public and he was not given access to counsel. The case is currently in the appeals process but if the Appeals Court rejects his appeal and King Abdullah verifies the sentence, Boğday will be executed.

Throughout the Kingdom's history there has been a fundamental suspicion of non-Sunni Muslims. Many top clerics have issued Fatwas labeling Shia or Ismaili Muslims as kufaar (unbelievers), rafidah (rejectionists), infidels, or polytheists. Many of these clerics are recipients of government stipends through the Ministry of Islamic Affairs, Endowment, Call, and Guidance (MOIA). The same government financed members of the clergy often use vehemently anti-Christian, anti-Jewish and anti-Shia language in their sermons. One of the most infamous cases in the Kingdom's history is of Hadi al-Mutaif, an Ismaili Muslim who, at the age of 18, was convicted of blasphemy because of a joke he told in school about prayer and the Prophet Muhammad. While initially convicted and sentenced to death, his death sentence was vacated by then-Prince Abdullah; al-Mutaif will now serve the remainder of his life in prison because of a single joke he made as a teenager. At the time of this writing al-Mutaif has been in prison for 15 years.

Enforcement of Government Sharia

The Committee to Promote Virtue and Prevent Vice (CPVPV) is charged with enforcing the country's Islamic Laws. In addition to the aforementioned crimes of blasphemy, apostasy and proselytizing, the organization is also responsible for preventing and punishing activities deemed un-Islamic. These include modesty provisions such as headscarves for women and a prohibition against public interaction between the sexes. They also include dietary restrictions banning the sale of pork and alcohol. In recent years the CPVPV has stepped up enforcement against holidays deemed un-Islamic as well with an outright ban on Valentine's Day in 2008. Their enforcement efforts included harassment of shopkeepers who sell Valentine's Day gifts and the banning of all red gifts and flowers until after the February holiday.

The arm of the CPVPV dedicated to enforcement of the Government's Sharia is the mutawwa'in or religious police. The mutawwa'in play an important role in the Government's denial of free exercise of religion. Over the past years there have been many reports of violence, harassment, discrimination and even killings at the hands of the mutawwa'in. Many of these incidents center on the enforcement of modesty provisions. One recent example was a man who was beaten to death in Riyadh when the mutawwa'in raided his home on suspicion of alcohol sales. Another man died in custody of a heart attack and when his family asked for the body to perform an autopsy they were denied. In another incident a student was beaten when the religious police found allegedly inappropriate pictures in his wallet. The brutality of the religious police has forced many non-Muslims to worship in secret out of fear of the mutawwa'in. There have been efforts over the past years to reign in the mutawwa'in; however, like most efforts towards religious freedom in Saudi Arabia, they have been slow.

Specific Discrimination against Non-Sunni Muslims

The Saudi Arabian Government interferes with the worship of non Sunni Muslims in the Kingdom by making it difficult to find or create a place to worship, and by placing non-Sunni Muslims under surveillance. As of March 23, 2009 at least ten Shia men, including seven juveniles, were imprisoned in connection with a film made by security forces of Shia women visiting the tomb of Prophet Muhammad.

While Sunni Mosques are entitled to receive funding from the MOIA, Shia Mosques are not. Their construction also must comply with greater licensing requirements than Sunni Mosques, and as a practical matter this often leads to lengthy delays or outright refusals. It has been reported that while the Government will approve the construction of new Shia Mosques in the al-Ahsa and Qatif regions, it will not approve Shia mosques in the Dammam region, an area with a significant Shia population. One example of government control occurred on May 22, 2008 when construction on the Imam Rida Mosque, the largest Shia Mosque in al-Ahsa, was halted by the local government.

The Saudi education system has a strong bias against Shia Muslims, even in regions where Shia are a majority of the population. The Shia suffer from severe under-representation as well as black letter discrimination. For example, in the leading university in al-Ahsa, an area that is at least half Shia, only 2% of the professors are Shia. This trend is prevalent throughout the entire national system of education. Additionally, there are courses that Shia instructors are not allowed to teach, including religious studies, a course required for all students in public schools.

Shia Muslims, despite their differing interpretations of Islam, are forced to live under Sunni Islamic Law. There are three courts with a combined seven Shia Judges (two trial courts and one court of appeals) that are permitted to use Ja'afari (Shia) jurisprudential thought. This is, however, only for cases of family

law, inheritance and endowment management. These Courts are only entitled to operate in the Eastern Province cities of Qatif and al-Ahsa. Shia Muslims who live in other parts of the Eastern Province (an area that has a majority Shia population throughout) or the rest of the country must adjudicate all issues under the Government's strict interpretation of Sunni Islam. Even in the Qatif and al-Ahsa areas, any litigant unhappy with the ruling of a Ja'afari Judge may seek another ruling from a Sunni Judge. The Sunni ruling can void the ruling of a Shia court. There is also a wide belief that Shia Judges do not enjoy the independence that Sunni Judges do. In support of this belief Sheikh Mohammad al-Obaidan, the senior Shia Judge on the Qatif Court was arbitrarily replaced on April 13, 2008.

Specific Discrimination against Non-Muslims

Non-citizens of Saudi Arabia are required to carry pass cards that signify whether they are a Muslim or a non-Muslim. There are many reports that those deemed to be non-Muslim are subject to harassment and discrimination at the hands of police. Additionally, there are reports that the mutawwa'in attempts to convince business owners to not renew the residency card of individuals believed to have conducted private religious ceremonies. While it is not officially a requirement that one be a Muslim in order to be naturalized as a Saudi citizen, it is required that applicants include in the application their religious affiliation and article 14.1 requires that they receive a certificate of endorsement from the local Imam. This is a near impossible hurdle for non-Muslims.

Another legal example of official discrimination based on religion is in the assessment of damages in civil litigation, specifically in injury or accidental death compensation. While Christians and Jews are entitled to only half (50%) of what a Muslim male would receive, polytheistic religions including Hindus, Sikhs and Buddhists are only entitled to receive one sixteenth (approximately 6%) of the amount that a Muslim male would be entitled to.

Witchcraft, Sorcery and Black Magic

In addition to the institutionalized discrimination against members of traditional religions, there are broadly drawn restrictions against non traditional practitioners. This includes all forms of witchcraft, sorcery and black magic. There have been several well publicized death sentences under this law. One such example is Fawza Falih Muhammad Ali who was sentenced to death in 2005 for sorcery. This case has been overturned due to lack of evidence; however, at the retrial the death sentence was reinstated on a discretionary basis based on the "public interest" of "protecting the creed, souls and property of [Saudi Arabia]."

US Foreign Policy in Saudi Arabia

The US State Department is continuing to discuss religious freedom with the Saudi Government along with the Kingdom's overall human rights record. The US has held several high profile meetings with Saudi governmental and religious leaders to discuss fundamental issues of religious freedom and extremism. Since 2004 the US Commission on International Religious Freedom (USCIRF) through the US State Department has kept Saudi Arabia on the list of "Countries of Particular Concern." However, due to the fundamental diplomatic importance of the Kingdom, the US Government has kept in place a waiver of sanctions against the country. On March 28, 2009 the head of USCIRF and globally renowned expert on international religious freedom Felice D. Gaer wrote an open letter formally asking President Obama to remove that waiver. The two countries have been working together in an effort to curtail intolerance and extremism since the inception of America's War on Terror. Saudi Arabia has also established a rehabilitation program that has succeeded in ridding many former extremists of their fanaticism. The rehabilitation program is centered on the intervention of Islamic clergy to mend former extremists and normalize their relations with society. This program is heavily supported by the US.

Conclusion

Attempts are being made to increase religious freedom in Saudi Arabia. There are attempts to control the brutality and tyranny of the mutawwa'in. There has also been recent participation in both Inter-faith and Intra-faith dialogues by the ruling family, a step towards acceptance of other religions. The Saudi Government has also claimed to have begun reviewing school materials in an effort to eliminate subtly and overtly anti-Christian, anti-Jewish and anti-Shia sentiments from the education system. Additionally, the Government has begun a monitoring program of hundreds of Mosques deemed at risk for hate speech and extremism. The Government promised to retrain or dismiss all Imams found to have been spreading hatred and a considerable number have already been dismissed. Finally, in 2008, the Kingdom ratified the Arab Charter on Human Rights, a document that reaffirms the Universal Declaration of Human Rights and unequivocally guarantees the right to religious freedom. Despite the recent progress, Saudi Arabia remains among the most restrictive regimes for religious expression in the world. The Kingdom clings to a strict interpretation of Sunni Islam and Sharia. Law forbids the free public exercise of religion other than the Government's interpretation of Sunni Islam. While private practice of other religions is technically legal, there have been frequent reports of confiscation and destruction of non-Islamic religious materials, even if they were intended for private use. A culture of fear and repression blankets all those who do not adhere to the Government's interpretation of Islam. In recent months, the Saudi Government has attempted to extend their crushing reach beyond their borders by pushing for the creation of a United Nations blasphemy law that would allow

those deemed to have insulted religion to be punished regardless of where their statements were made. Overall, Saudi Arabia is not free.