

2006 ANNUAL REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Countries Named as CPCs by the Department of State

Saudi Arabia

The government of Saudi Arabia engages in systematic, ongoing, and egregious violations of the right to freedom of religion or belief. Despite the State Department's contention in its 2005 *International Religious Freedom Report* that there were, in fact, slight improvements in Saudi government efforts to foster religious tolerance in Saudi society, the report again concluded that freedom of religion "does not exist" in Saudi Arabia. Since its inception, the Commission has recommended that Saudi Arabia be designated a "country of particular concern," or CPC. In September 2004, the State Department for the first time followed the Commission's recommendation and designated Saudi Arabia a CPC. In September 2005, Secretary of State Rice approved a temporary 180-day waiver of further action, as a consequence of CPC designation, to allow for continued diplomatic discussions with the Saudi government and "to further the purposes of the International Religious Freedom Act." The waiver expired in late March 2006.

The repressive Saudi government continues to engage in an array of severe violations of human rights as part of its repression of freedom of thought, conscience, and religion or belief. Abuses include: torture and cruel and degrading treatment or punishment imposed by judicial and administrative authorities; prolonged detention without charges and often incommunicado; and blatant denials of the right to liberty and security of the person, including coercive measures aimed at women and the broad jurisdiction of the *mutawaa* (religious police), whose powers are vaguely defined and exercised in ways that violate the religious freedom of others.

The government of Saudi Arabia continues to enforce vigorously its ban on all forms of public religious expression other than the government's interpretation and enforcement of the Hanbali school of Sunni Islam. This policy violates the rights of the large communities of non-Muslims and Muslims from a variety of doctrinal schools of Islam who reside in Saudi Arabia, including Shi'as, who make up 8-10 percent of the population. The government tightly controls even the restricted religious activity it permits—through limits on the building of mosques, the appointment of imams, the regulation of sermons and public celebrations, and the content of religious education in public schools—and suppresses the religious views of Saudi and non-Saudi Muslims who do not conform to official positions.

Members of the Shi'a and other non-Sunni communities, as well as non-conforming Sunnis, are subject to government restrictions on public religious practices and official discrimination in numerous areas, particularly in government employment. In past years, prominent Shi'a clerics and religious scholars were arrested and detained without charge for their religious views; some were reportedly beaten or otherwise ill-treated. Reports indicate that some of these Shi'a clerics have been

released, but the current status of a number of others remains unknown. Between 2002-2004, several imams, both Sunni and Shi'a, who spoke out in opposition to government policies or against the official government interpretation of Islam, were harassed, arrested, and detained. On a positive note, in February 2006, thousands of members of the Shi'a community in Qatif, in the Eastern Province, made their largest public appearance in observance of Ashura without government interference.

Spurious charges of "sorcery" and "witchcraft" continue to be used by the Saudi authorities against non-conforming Muslims. Several individuals remain in prison on these charges. In 2000, in the Najran region, after the *mutawaa* raided an Ismaili mosque for practicing "sorcery," approximately 100 Ismailis, including clerics, were arrested. Many were released after serving reduced sentences, but dozens remain in prison and reports indicate that some are occasionally subject to flogging. Members of the Sufi community continue to be harassed, arrested, and detained because of their non-conforming religious views; some are held for hours but others are detained for days. In September 2003, the *mutawaa* arrested 16 foreign workers for allegedly practicing Sufism; their status remains unknown. In June 2005, Saudi authorities shut down a weekly gathering held by a Sufi leader who adheres to the Shafi'i school of Islamic jurisprudence.

Criminal charges of apostasy, blasphemy, and criticizing the nature of the regime are used by the Saudi government to suppress discussion and debate and silence dissidents. Promoters of political and human rights reforms, as well as those seeking to debate the appropriate role of religion in relation to the state, its laws, and society, are typically the target of such charges. For example, in April 2006, a Saudi journalist was arrested and detained by Saudi authorities for almost two weeks for "denigrating Islamic beliefs" and criticizing the Saudi government's strict interpretations of Islam. In November 2005, a Saudi high school teacher, accused for discussing topics such as the Bible, Judaism, and the causes of terrorism, was tried on charges of blasphemy and insulting Islam and sentenced to three years in prison and 750 lashes. Although he was pardoned by King Abdullah in December 2005, he nevertheless lost his job and suffered other repercussions. In a positive development, in August 2005, King Abdullah pardoned three human rights reformers who had been imprisoned since March 2004 on charges of "sowing dissent and disobeying the ruler."

Restrictions on public religious practice, for both Saudis and non-Saudis, are enforced in large part by the *mutawaa*, official enforcers of religious behavior that fall under the direction of the Ministry of Interior. The *mutawaa* conduct raids on worship services, including in private homes. They have also harassed, detained, whipped, beaten, and otherwise meted out extrajudicial punishments to individuals deemed to have strayed from "appropriate" dress and/or behavior, including any outward displays of religiosity, such as wearing Muslim religious symbols not sanctioned by the government. In November 2004, a press report identified a former member of the *mutawaa* as the leader of an attack on the U.S. consulate in Jeddah that resulted in the deaths of five people. In recent years, the Saudi government has stated publicly that it has fired and/or disciplined members of the *mutawaa* for abuses of power, although

reports of abuse persist. Equally troubling, many of the human rights abuses committed by the *mutawaa* are within the scope of their authority.

Although the government has publicly taken the position—reiterated again in early 2006—that it permits non-Muslims to worship in private, the guidelines as to what constitutes “private” worship are vague. Surveillance by the *mutawaa* and Saudi security services of private non-Muslim religious activity continues unabated. Many persons worshipping privately continue to be harassed, arrested, imprisoned, tortured, deported, and generally forced to go to great lengths to conceal religious activity from the authorities. Even diplomatic personnel from Western countries report difficulties in their religious practices. Foreign guest workers without diplomatic standing, and with little or no access to private religious services conducted at diplomatic facilities, face even greater difficulties. Moreover, the Saudi government does not allow clergy to enter the country for the purpose of performing private religious services for foreigners legally residing in Saudi Arabia.

There is a continuing pattern of punishment and abuse of non-Muslim foreigners for private religious practice in Saudi Arabia. In September 2004, seven Filipino Christian leaders were arrested and detained when the *mutawaa* raided a religious service. All were released within one month, but the *mutawaa* reportedly pressured their employers to deport them, resulting in six deportations by late 2005. In March 2005, a Hindu temple constructed near Riyadh was destroyed by the *mutawaa*, and three guest workers worshipping at the site were subsequently deported. Also in March 2005, the *mutawaa* arrested an Indian Christian and confiscated religious materials in his possession; he was released in July 2005 after four months of detention. In April 2005, the *mutawaa* raided a Filipino Christian private service in Riyadh and confiscated religious materials such as Bibles and Christian symbols. Also in April 2005, at least 40 Pakistani, three Ethiopian, and two Eritrean Christians were arrested in Riyadh during a raid on separate private religious services. All of the Pakistani Christians were released within days and all five of the African Christians were released after a month in detention. In May 2005, at least eight Indian Protestant leaders were arrested, interrogated, and subsequently released for reportedly being on a list, obtained by the *mutawaa*, of Christian leaders in the country. Throughout the spring of 2005, dozens of Christian guest workers were detained, some for several days and others for several months, for holding religious worship services in private homes. Several of those who were released have been deported and others fear criminal charges and possible deportation. In April 2006, an Indian Catholic priest, who was visiting Saudi Arabia, was deported after being detained for four days in Riyadh for conducting a private religious service.

The government’s monopoly on the interpretation of Islam and other violations of freedom of religion adversely affect the human rights of women in Saudi Arabia, including freedom of speech, movement, association, and religion, freedom from coercion, access to education, and full equality before the law. For example, women must adhere to a strict dress code when appearing in public and can only be admitted to

a hospital for medical treatment with the consent of a male relative. Women need to receive written permission from a male relative to travel inside or outside the country and are not permitted to drive motor vehicles. Religiously based directives limit women's right to choose employment by prohibiting them from studying for certain professions such as engineering, journalism, and architecture. In addition, the Saudi justice system does not grant women the same legal status as men.

In March 2006, the Saudi Embassy in Washington published a report summarizing efforts by the Saudi government to revise the state curriculum and a number of school textbooks to exclude language promoting religious intolerance. Nevertheless, non-governmental organizations from outside Saudi Arabia continue to report the presence of highly intolerant and discriminatory language, particularly against Jews, Christians, and Shi'a Muslims, in these educational materials. Moreover, in the past year, there were frequent reports of virulently anti-Semitic and anti-Christian sentiments expressed in the official media and in sermons delivered by clerics who are under the authority of the Ministry of Islamic Affairs. In some cases, the State Department reported, clerics prayed for the death of Jews and Christians.

In March 2004, the Saudi government approved the formation of a National Human Rights Association, the country's first purportedly independent human rights body, comprised of 40 members and chaired by a member of the Consultative Council, a 150 member advisory body appointed by then-Saudi King Fahd. In September 2005, the Council of Ministers, chaired by King Abdullah, approved the establishment of a government-appointed, 25 member Human Rights Commission. The following month, King Abdullah appointed, with the rank of minister, Turki bin Khaled al-Sudairi, a former state minister and Cabinet member, as chairman of the Commission. The Human Rights Commission is mandated to "protect human rights and create awareness about them ... in keeping with the provisions of Islamic law." It is not yet possible to determine if either human rights body will prove to be a positive mechanism for addressing human rights concerns in Saudi Arabia.

Throughout the past year, senior Saudi government officials, including the Crown Prince and the Grand Mufti, made statements with the reported aim of improving the climate of tolerance toward other religions; both also continued publicly to call for moderation. In a public interview in October 2005, King Abdullah reiterated that non-Muslims are free to practice their faith privately but that public worship by non-Muslims is not permitted. He also said that to allow any non-Muslim places of worship to be built in Saudi Arabia "would be like asking the Vatican to build a mosque inside of it."

In addition to the Saudi government's violations of religious freedom within its own borders, evidence has mounted that funding originating in Saudi Arabia has been used to finance globally religious schools and other activities that support religious intolerance, and, in some cases, violence toward non-Muslims and disfavored Muslims. The Saudi government itself has been implicated in promoting and exporting views associated with certain Islamic militant and extremist organizations in several parts of the world, and a number of reports have identified members of extremist and militant groups that have been trained as clerics in Saudi Arabia. These reports point to a role

for the Saudi government in propagating worldwide an ideology that is incompatible with universal norms of the right to freedom of religion or belief.

The Saudi government funds mosques, university chairs, Islamic study centers, and religious schools known as madrassas all over the world. During Afghanistan's war against the former Soviet Union, Saudi-funded madrassas were established in Pakistan that were concerned less with scholarship than implementing an extremist agenda glorifying violence. These madrassas provided ideological training for some of those who went to fight in Kashmir, Chechnya, and Afghanistan—and some of these schools still do. The peaceful propagation of religious beliefs, including Islam, is a human right. However, there is legitimate concern when a government may be propagating an ideology that promotes hatred and violence against both Muslims and non-Muslims.

The form of Islam allegedly preached by some Saudi clerics and the violence incited and perpetrated by certain radicals continues to warrant further investigation by the U.S. government. The Commission has urged the U.S. government to address publicly concerns arising from the propagation of religious hatred and intolerance from Saudi Arabia. The Commission has published reports and held public hearings over the past several years regarding this issue, and issued a number of recommendations for U.S. policy. The Commission welcomed the public statements made in the past year by the Ambassador-at-Large for International Religious Freedom, John V. Hanford III, and the State Department Deputy Spokesman Adam Ereli, raising concerns about the role of the Saudi government in the promotion of religious intolerance and extremism.

In 2004, the Government Accountability Office (GAO) was asked by the Government Affairs Committees of the House and Senate to undertake a comprehensive review of U.S. oversight of Saudi support for an ideology promoting violence and religious intolerance globally. The study was inspired by the Commission's 2003 recommendation that Congress initiate a review of Saudi Arabia's global exportation of religious hatred and intolerance. The unclassified portion of the report was released in September 2005; the classified portion of the report is available but has not been officially released. The public GAO report concludes that while Saudi Arabia claims to have made reforms, and in some case has done so, "U.S. agencies do not know the extent of the Saudi government's efforts to limit the activities of Saudi sources that have allegedly propagated Islamic extremism outside of Saudi Arabia." Moreover, the report states that, "as of July 2005, agency officials did not know if the government of Saudi Arabia had taken steps to ensure that Saudi-funded curricula or religious activities in other countries do not propagate extremism." It should be noted that the GAO's public report also states that very few U.S. government agencies actually responded to the GAO's inquiries, and none of the U.S. government's intelligence agencies are cited in the report. Thus, the study should be seen as a first step in a continuing investigation.

Throughout the past year, the Commission has spoken out numerous times about religious freedom concerns in Saudi Arabia. After the State Department failed to act for several months in accordance with the requirements of the International Religious Freedom Act of 1998 (IRFA) in response to the designation of Saudi Arabia as a CPC, the Commission released a statement in April 2005 expressing concern about this inaction. In May 2005, a Commission op-ed was published in the *Dallas Morning News* on this and other concerns about Saudi Arabia.

In September 2005, one year after the designation of Saudi Arabia, Secretary Rice approved a temporary 180-day waiver of further action, as a consequence of CPC designation, to allow for continued diplomatic discussions with the Saudi government and “to further the purposes of the International Religious Freedom Act.” Later that month, the Commission stated publicly that the U.S. government should use the 180-day extension directly to engage the Saudi government to achieve demonstrable progress by the end of that period of time. The waiver expired in late March 2006. As of the time this report went to print, no action with regard to Saudi Arabia had been announced by the U.S. government. Given the extent of religious freedom violations in Saudi Arabia, the Commission urged Secretary Rice in its May 2006 letter to consult with Congress and other parts of the U.S. government, including the Commission, during its discussions with the Saudis, and to make any agreement reached with the Saudi government public in the interest of the accountability that results from transparency. Since religious freedom conditions in Saudi Arabia have not substantially improved in the last year, the Commission also told Secretary Rice that the U.S. government must not hesitate in taking aggressive action as suggested below which meets the requirements of IRFA to demonstrate that it will not disregard the persistent and egregious religious freedom violations committed by the Saudi government.

Throughout 2005, the Commission continued to meet with representatives of a variety of human rights and other non-governmental organizations, academics, and other experts on Saudi Arabia. Moreover, the Commission influenced a number of legislative initiatives, including the Saudi Arabia Accountability Act of 2005, which is still pending and which contains Commission recommendations with regard to prohibitions on the issuance of any specific licenses and not granting any other specific authority for the export to Saudi Arabia of any item on the U.S. Commerce Control List of dual-use items.

As a consequence of the designation of Saudi Arabia as a CPC, the Commission recommends that the U.S. government should:

- identify those Saudi agencies and officials thereof who are responsible for particularly severe violations of religious freedom and vigorously enforce section 604 of IRFA with respect to Saudi Arabia, rendering inadmissible for entry into the United States any Saudi government official who was responsible for or directly carried out such violations;

- issue a proclamation, under the President's authority pursuant to section 212(f) of the Immigration and Nationality Act (8 USC 1182(f)), to bar those Saudi government officials from entering the United States who have been responsible for propagating globally an ideology that explicitly promotes hate, intolerance, and human rights violations;
- issue a demarche urging the government of Saudi Arabia to cease funding or other support for written materials or other activities that explicitly promote hate, intolerance, and human rights violations, including the distribution of such materials in the United States and elsewhere outside of Saudi Arabia; and
- order the heads of appropriate U.S. agencies, pursuant to section 405(a)(13) of IRFA, not to issue any specific licenses and not to grant any other specific authority for the export of any item on the U.S. Commerce Control List of dual-use items [Export Administration Regulations under part 774 of title 15] to any agency or instrumentality of the government of Saudi Arabia that is responsible for committing particularly severe violations of religious freedom. In FY 2004, the Commerce Department approved approximately \$67 million worth of articles for Saudi Arabia, including, for example, such items as thumbcuffs, leg irons, shackles, and other items that could be used to perpetrate human rights violations.

With regard to religious freedom conditions in Saudi Arabia, the Commission has recommended that the U.S. government should:

- press for immediate improvements in respect for religious freedom, including: (1) establishing genuine safeguards for the freedom to worship privately, (2) entrusting law enforcement to professionals in law enforcement agencies subject to judicial review and dissolving the *mutawaa*, (3) permitting non-Wahhabi places of worship in certain areas and allowing clergy to enter the country, (4) reviewing cases and releasing those who have been detained or imprisoned on account of their religious belief or practices, (5) permitting independent non-governmental organizations to advance human rights, (6) ending state prosecution of individuals charged with apostasy, blasphemy, sorcery, and criticism of the government, (7) ceasing messages of hatred, intolerance, or incitement to violence against Muslims and members of non-Muslim religious groups in the educational curricula and textbooks, as well as in government-controlled mosques and media, (8) inviting the UN Special Rapporteur on Freedom of Religion or Belief to conduct a fact-finding mission, and (9) ratifying international human rights instruments, including the International Covenant on Civil and Political Rights, and cooperating with UN human rights mechanisms; and

- use its leverage to encourage implementation of numerous Saudi government statements to ensure that the Saudi government carries out political, educational, and judicial reforms in the Kingdom by: (1) raising concerns about human rights, including religious freedom, both publicly and privately in the U.S. anti-terrorism dialogue with the Saudi government, (2) ensuring that the U.S.-Saudi Strategic Dialogue, initiated in 2005, includes discussions on freedom of religion or belief, and (3) expanding human rights assistance, public diplomacy and other programs and initiatives—such as the Middle East Partnership Initiative—to include components specifically for Saudi Arabia.

With regard to the exportation of religious intolerance from Saudi Arabia, the Commission has recommended that the U.S. government should:

- continue efforts, along with those of the Congress, to determine whether and how—and the extent to which—the Saudi government, individual members of the royal family, or Saudi-funded individuals or institutions are directly or indirectly propagating globally, including in the United States, a religious ideology that explicitly promotes hate, intolerance, human rights violations, and, in some cases, violence, toward members of other religious groups, both Muslim and non-Muslim;
- request the Saudi government to provide an accounting of what kinds of Saudi support have been and continue to be provided to which religious schools, mosques, centers of learning, and other religious organizations globally, including in the United States;
- urge the Saudi government to stop funding religious activities abroad until it knows the content of the teachings and is satisfied that such activities do not promote hatred, intolerance, or other human rights violations;
- urge the Saudi government to monitor, regulate, and report publicly about the activities of Saudi charitable organizations based outside Saudi Arabia in countries throughout the world; and
- urge the Saudi government to: a) cease granting diplomatic status to Islamic clerics and educators teaching outside Saudi Arabia; and b) close down any Islamic affairs sections in Saudi embassies throughout the world that have been responsible for propagating intolerance.

The Commission urges the U.S. Congress to hold biannual hearings at which the State Department reports on what issues have been raised with the Saudi government regarding violations of religious freedom and what actions have been taken by the United States in light of the Saudi government's response.