

SPECIAL
EDITION

GLOBAL INFORMATION SOCIETY WATCH 2011 UPDATE I

INTERNET RIGHTS AND DEMOCRATISATION

Focus on freedom of expression and association online



Global Information Society Watch

2011 UPDATE I



Internet rights are human rights team

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SECURING INTERNET RIGHTS IN SAUDI ARABIA



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Background

Saudi Arabia is a theocratic monarchy that some¹ have argued does not recognise freedom of expression and association, a presumption more recently fuelled by the development of internet policy in the country. It has become a popular assumption amongst commentators that the internet will help to drive political liberalisation throughout the Middle East and North African (MENA) region. For instance, Al-Jazeera's first Managing Director Mohamed Jassim Al Ali has stated that "democracy is coming to the Middle East because of the communication revolution".² However, the relationship between the internet and the Saudi political sphere as a liberalising force in the country is profoundly ambiguous. While a casual link between the internet as a liberalising medium and a backdrop to political reform might be the case in some states in the Middle East, Saudi political and socio-economic fabric is historically very different. Although the internet does have a transformative agency, some have overlooked the fact that this agency might be conservative in nature.

While Saudi Arabia's internet penetration has been growing at a very slow pace – 39% in 2009 increasing to 40% in 2010 (during the Arab uprising the number of internet users spiked significantly) penetration still remains an extremely low rate considering that almost 60% of the population are under the age of 24.³ The number of Facebook users in the country was logged at 4,534,769 users on December 2011 (29% of internet users in Saudi Arabia

visit Facebook). Women under 25 account for 48% of all internet users in the kingdom.⁴

When it comes to the information society, Saudi Arabia is a place of contradictions. While the Saudi government has been spending heavily on the ICT sector, Saudi Arabia, along with China, is widely considered to have one of the most restrictive internet access policies.⁵ Before granting public access to the internet in 1999, the Saudi government spent two years building a controlled infrastructure, so that all internet traffic would pass through government-controlled servers. With the huge expansion in public network and wireless access, government policy is changing to allow the development of new technologies while maintaining the same security and control of media use that is part of Saudi socio-political culture.

The country's filtering system is run by the internet services unit at King Abdulaziz City for Science and Technology (KACST), and regulated by the Communications & Information Technology Commission (CITC). It blocks clear-cut violations⁶ – including criminal activity, porn and gambling – by assessing all incoming web traffic to the Saudi Kingdom. This passes through a proxy farm system running content filtering software – a system commonly used by many governments to ensure internet content in their sovereignties comply with national laws.⁷ A list of addresses for banned sites is maintained by the filtering system. This unpublished list is updated daily based on the content filtering policy team. A list of sites deemed to be "pornographic" is also provided periodically by the filtering software provider.

KACST is a scientific institution reporting to the Saudi Arabian King Abdullah Bin Abdul-Aziz and the Prime Minister. It includes both the Saudi Arabian national science agency and its national laboratories.

1. See the Arabic Network for Human Rights Information, "ANHRI Condemns Ongoing Stifling of Freedom of Expression by Authorities", *The Global Network of Free Expression*, 18 October 2011, www.ifex.org/saudi_arabia/2011/10/18/show_staff_detained; and Human Rights Watch, *World Report 2012: Saudi Arabia*, www.hrw.org/world-report-2012/world-report-2012-saudi-arabia
2. Mohamed Zayani, "Introduction - Al Jazeera and the Vicissitudes of the New Arab Mediascape" in *The Al-Jazeera Phenomenon* (Boulder, CO: Paradigm Publishers, 2005)
3. Internet World Stats – Usage and Population Statistics, "Saudi Arabia", www.internetworldstats.com/middle.htm

4. Ibid

5. OpenNet Initiative, "China", 9 August 2012, opennet.net/research/profiles/china-including-hong-kong

6. For more information on what is deemed "clear-cut" by the Saudi authorities, please visit: Rafid Fatani, "Saudi Arabia" in *Global Information Society Watch*, 2009, www.giswatch.org/country-report/2009-access-online-information-and-knowledge/saudi-arabia

7. OpenNet Initiative, "China"; and OpenNet Initiative, "Global Internet Filtering Map", map.opennet.net

The functions of the science agency include policy-making on science and technology, data collection, funding of external research, and services such as the patents office. As a result, KACST is responsible for developing and coordinating internet-related policies and managing the connections between the national and international internet. All privately owned service providers are linked to the country gateway server at KACST.

In spite of the fact that Saudi Arabia is considered to be one of the world's main internet content "over-regulators",⁸ the Saudi government devotes very few resources to regulating internet content. There are only 25 government employees managing the censoring of content. The kingdom, however, encourages citizen control by relying on a bottom-up approach to censorship, allowing citizens to report what they deem inappropriate content.⁹ KACST maintains a web-based form that users can fill-out to report sites they feel should be blocked for whatever reason, and CITC receives roughly 1,200 requests a day from the public to have sites blocked (as of early 2012, blocking and unblocking requests are made through the CITC website). While this is arguably not the most efficient way to safeguard the interests of citizens, it is a system in which the government relies heavily on a very conservative citizenship, and in doing so does not safeguard the interest of all citizens.

The small team of full-time employees at KACST study the citizen requests and implement them based on personal evaluations of the request. Sites of various kinds are also blocked based upon direct requests from governmental security bodies.¹⁰ KACST has no authority in the selection of these sites and its role is limited to carrying out the directions of the security bodies.

While the UN Special Rapporteur on the right to freedom of expression and opinion Frank La Rue suggests that any restriction to the right to freedom of expression must meet the strict criteria under international human rights law,¹¹ the Saudi authorities justify the limitation on access to internet content from a cultural, religious and national security perspective. However, it is claimed by Khalid M. Al-Tawil, from the College of Computer Sciences &

Engineering at the King Fahd University of Petroleum & Minerals in Dhahran, that control and censorship in Saudi Arabia is an historical phenomenon, and is motivated by socio-political reasons.¹² Email and chatrooms are also reportedly monitored by the Saudi Telecommunications Company,¹³ and it is not uncommon for the Saudi Arabian government to temporarily block BlackBerry and other smartphone messaging services.¹⁴ The government's lack of transparency in not publishing a list of offending sites only highlights the need for change.

Internet-related human rights issues in Saudi Arabia

In March 2007, Saudi Arabia's legislative body, the Council of Ministers, issued a set of laws¹⁵ affecting policy and regulations for internet users in the kingdom. The new policy measures and regulations prohibited internet users from

[P]ublishing data or information that could contain anything contravening the Saudi interpretation of Islamic principles (directly or implicitly) or infringing the sanctity of Islam and its benevolent Shari'ah, or breaching public decency, anything damaging to the dignity of heads of states or heads of credited diplomatic missions in the Kingdom, or harms relations with those countries, the propagation of subversive ideas or the disruption of public order or disputes among citizens and anything liable to promote or incite crime, or advocate violence against others in any shape or form among many other things.¹⁶

While some on this list mentioned above tend to security matters and are arguably clearer to identify, most clauses are very ambiguous and come down to interpretation.

While Saudi Arabia's history and culture is unique in its contribution to Islam, understanding this history and culture holds the key to understanding the government's relationship with the religious right. The kingdom is host to Mecca and Medina, cities of

8. Fatani, "Saudi Arabia"

9. The Kingdom of Saudi Arabia Internet Portal, "General Information on Filtering Service", www.internet.gov.sa/learn-the-web/guides/content-filtering-in-saudi-arabia

10. Ibid

11. Frank La Rue, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/17/27* (Geneva: United Nations General Assembly, Human Rights Council, 2011), www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

12. Khalid Al-Tawil, "The Internet in Saudi Arabia", College of Computer Sciences & Engineering report, at the King Fahd University of Petroleum & Minerals in Dhahran, 2007, www.faculty.kfupm.edu.sa/coe/sadiq/.../Internet%20in%20SA-update1.doc

13. Freedom House, *Freedom of the Press 2011 - Saudi Arabia*, 17 October 2011, www.unhcr.org/refworld/docid/4e9bec2fc.html

14. Josh Halliday, "BlackBerry Service Back in Saudi Arabia", *The Guardian*, 6 August 2010, www.guardian.co.uk/technology/2010/aug/06/blackberry-saudi-arabia

15. The Kingdom of Saudi Arabia, Council of Ministers Report 11561/B, "Electronic Transitions Legislation", 27 Mar 2007, www.ncda.gov.sa/media/low217.pdf (in Arabic)

16. Ibid

immense religious significance to nearly two billion Muslims globally, and the royal family comes under frequent pressure from religious bodies to maintain the sacredness of the land. In most cases, the Saudi government is under pressure not for being intolerant, but for not being intolerant enough. As a result, when internet legislation is taken on face value, it is no surprise that human rights activists describe the current status of freedom of expression and association in Saudi Arabia to be repressive. However, a religious-political context must be applied to the debate in order to fully examine the reasons behind the status quo.

Additionally, government censorship on internet users in Saudi Arabia, while invading internet users' privacy and right to information, is not a new concept – nor is it a concept that is only available in the East. Most, if not all, governments censor their internet content depending on local laws, norms and customs. Government censorship generally highlights an important debate on the right to privacy, and access to content over citizen security, and many countries tend to abuse such powers and over-regulate internet content. This by no means is an excuse to over regulate internet content, but puts the issue of censorship in Saudi Arabia in perspective.

One core element that the Saudi Arabian authorities have to deal with is balancing modernisation – including access to and use of the internet – and local cultural values and traditions. The religious establishment in the country has been leading a mass call to “purify” Saudi society from any entity that could destabilise the monotonous structure it currently holds, often campaigning for further censorship, and encouraging people to report material they deem “inappropriate” – including what individuals deem “offensive” and might consider “vulgar”¹⁷ – thereby legitimising the censorship process.

Given the restricted environment for print and broadcast media, there has been a significant rise in the number of Saudi blogs in recent years. A report from Freedom House estimates the number to be 10,000 in 2011.¹⁸ The Saudi government has increasingly responded by blocking select blogs and in some instances, such as the case of Foad Al-Farhan, by harassing and detaining bloggers.¹⁹

According to the Freedom House report, the Saudi authorities also continued to attempt to block websites, and pages on the Twitter micro-blogging service that comment on political, social, religious, and human rights issues. Despite the cultural and religious context, this is a clear example of criminalising legitimate expression, as imprisoning individuals for seeking, receiving and imparting information and ideas can rarely be justified as a proportionate measure to achieve one of the legitimate aims under Article 19, paragraph 3, of the International Covenant on Civil and Political Rights.²⁰

Content “over-regulation”

While some Saudi youth and human rights activists agree that the authorities over-regulate internet content in the kingdom, government censorship has a lot of support amongst the wider Saudi population. This public pulse can be assessed via debates on online forums and reactions to liberalisation projects. This said, there is still a struggle between socio-religious groups, human rights activists and the few civil society organisations in the kingdom promoting freedom of expression. The public outcry against the arrest and execution of those with opposing opinions has turned to the internet as the new battle ground of choice, and different social media campaigns such as the ‘Free Hamza’, the Mannal Al-Sharif and the Josoor campaigns, have been using social media tools such as Twitter, Facebook and YouTube, while conservative groups have been doing the same.

To reflect on the type of support that religious authorities have in the country, one only needs to look at the interest and support Islamic scholars enjoy online and compare this to local music artists and celebrities. Some preachers have in the excess of a million followers on Twitter, with similar figures on Facebook, compared to the tens of thousands local celebrities have. For instance, the religious scholar Mohamed Al-Arifi has just under two million followers on Twitter and over a million ‘likes’ on his Facebook page, and the scholar Salman Al-Oda has 1.2 million followers on Twitter. This compared to the most popular non-religious celebrities and public figures such as Fahad Al-Butairi who has just under 340 thousand Twitter followers and Omar Hussein with just under 200 thousand followers.

With the Saudi Arabian authorities responding to what might be considered “overzealous” cries of protection from modernisation, and the government

17. OpenNet Initiative, “Saudi Arabia”, 6 August 2009, opennet.net/research/profiles/saudi-arabia

18. Freedom House, *Freedom of the Press 2011 – Saudi Arabia*

19. Claire Soares, “Blogger Who Dared to Expose Saudi Corruption Is Arrested”, *The Independent*, 3 January 2008, www.independent.co.uk/news/world/middle-east/blogger-who-dared-to-expose-saudi-corruption-is-arrested-767807.html

20. Frank La Rue, *Report of the Special Rapporteur*

attempting to play a balancing act in order to sustain the status quo in the kingdom's governance structure, arguably more human rights are being denied to minorities, particularly those opposing the Saudi interpretation of Islamic teachings.

In September 2010, the Ministry of Information proposed a new law²¹ that would require online newspapers, blogs, and forums to obtain licences from the government in order to operate (the new legislation took effect in January 2011). In 2012, the same ministry introduced a new law²² making it illegal to be an internet journalist without a licence issued by the government. It is still not clear how the Saudi authorities intend to define journalism, and what will eventually fall under that category, or how they intend to regulate it.

To cause further confusion, according to the Human Rights Watch annual report of 2011, the Saudi Arabian Ministry of Culture and Information spokesperson made conflicting statements regarding the requirement that blogs and news websites obtain a licence.²³ The report highlighted that journalists and bloggers strongly condemned the proposed legislation, which would significantly increase the government's oversight of online expression.²⁴

Despite these arguably draconian laws, Saudi Arabia has the largest number of Twitter users per capita in the Middle East. The Saudi billionaire Prince Al-Waleed Bin Talal recently bought USD300 million in shares of Twitter, which will give him a 6% stake in the company. Surprisingly, the country is said to have amongst the highest YouTube usage in the world.²⁵

While the balancing act of maintaining security and freedom of expression is not new to almost all governments, the Saudi authorities use security concerns as an excuse to over-regulate and control content. In his report, La Rue was concerned about the emerging trend of timed (or "just-in-time") blocking that prevents users from accessing or disseminating information at key political moments, such as times of social unrest.²⁶ In Saudi Arabia, when an Arabic website published US diplomatic cables obtained by WikiLeaks, the site was blocked as some of the content was embarrassing to sen-

ior royal family members.²⁷ In other instances of censorship, in August 2009 prosecutors charged Nasir Al-Subai'i under unspecified articles of a law against cybercrime with making allegedly libellous comments against the Saudi consul in Beijing. Al-Subai'i had written on his website about his ordeal trying to secure funding for his brother's medical care abroad.²⁸ On the 13 November 2010 Facebook was blocked for a day after some users published content that was deemed to "cross a line", according to Saudi authorities.²⁹

In response to the use of the internet by human rights defenders the Saudi authorities have also issued several detentions without trails and travel bans on activists. In 2012, public prosecutors banned foreign travel to two human rights activists, Mohammed Al-Qahtani and Walid Abu Al-Khair. This was after they used the internet as a way to gather momentum in highlighting some of the country's human rights shortcomings.

Abu Al-Khair, who founded the internet page Human Rights Monitor in Saudi Arabia, was due to leave for the United States on 23 March 2012 to participate as a fellow in the Leaders for Democracy Fellowship, the US State Department's flagship international engagement project. However, he had to decline participating due to the ban.

Al-Qahtani is a university professor, and the president and co-founder of the Saudi Association of Civil and Political Rights (ACPRA), for which the Saudi authorities have denied an operating licence. Since mid-February 2012, ACPRA has filed more than three dozen court cases against the Ministry of Interior's intelligence service and the Department for General Investigations for arbitrary detention, and in some cases torture. To date, all attempts to overturn court rulings have been lost.

There have also been online campaigns calling for the closing of some of the few cultural venues in Saudi Arabia, where young people meet to discuss and talk openly about a variety of topics. For example, Jusoor (literally meaning "Bridges"), a bookstore and café where young people hold lectures, workshops and run book clubs, was closed in April 2012 after another "religious" campaign, supported by the Ministry of Interior.

There have also been a notable number of social events cancelled, mainly those promoting public

21. The Saudi Arabian Ministry of Information, "Media Legislation", 2011, www.info.gov.sa/Files/activities.doc (in Arabic)

22. Ibid

23. Human Rights Watch, "Saudi Arabia" in *World Report 2012* (New York: HRW, 2012), www.hrw.org/world-report-2012/world-report-2012-saudi-arabia

24. Ibid

25. According to interview with YouTube spokesman Aaron Zamost (2012).

26. Frank La Rue, *Report of the Special Rapporteur*

27. Committee to Protect Journalists, "After Running Leaked Cables, Websites Face Harassment", 10 December 2010, cpj.org/2010/12/after-running-leaked-cables-websites-face-harassme.php

28. Human Rights Watch, "Saudi Arabia"

29. Jorge Cino, "Saudi Arabia Temporarily Blocks Facebook", *All Facebook*, 13 November 2012, allfacebook.com/saudi-abiatariporariy-blocks-facebook_b23072

intellectual debate. Some of these show the influence the kingdom has on its neighbours. For example, *Multaqa Al-Nahda* is a forum held annually for young people to meet with different intellectuals in the Arab world. This was supposed to be held in Kuwait recently and was reportedly cancelled by a royal decree issued by the Prince of Kuwait, allegedly due to pressure from the Saudi government, backed by the far right religious establishment.

Another event cancelled was the Choose Your Career Conference (CYCC) – a conference that was to be held in the Western region city of Jeddah, with the intention of young people meeting professionals from different sectors to get an idea of the different career paths they could follow. However, it was cancelled one day prior to the date it was supposed to be held, with no official reasons given as to why.

Again, these are all signs of non-proportionate content censorship, and a lack of transparency in the system.

Online journalism and citizen media

The internet has had a significant impact on human rights when it comes to the new role of citizen and online journalism. However this has not discouraged the continuation of the over-regulated system that exists when it comes to old media.

As mentioned, in September 2010, the Ministry of Information proposed a new law that would require online newspapers, blogs, and forums to obtain licences from the government in order to operate.³⁰ The new legislation took effect of January 2011, making governmental journalist licences subject to several restrictive conditions including: Saudi citizenship, a minimum age of 20 years, a high school degree, and “good conduct”. The final condition is so general and ambiguous that it could be used to prevent anyone from practising journalism.³¹

In 2012, the Ministry of Information also imposed a new law making it illegal to be an internet journalist without a governmental journalism licence.³² The 2012 amendment to the media law suggests that first-time violators could face fines of 500,000 Saudi riyals (USD135,000), while second-time offenders could draw a one million riyal fine (USD270,000) and a potential life-time ban on working in journalism. The new law also suggests that editors-in-chief of online newspapers must be approved by the Ministry of Culture and Information.

Without transparency or accountability mechanisms included, this law could be used to stop anyone from practising journalism.

Saudi Arabia has been added to the Committee to Protect Journalists’s (CPJ) 2012 list of most-censored countries, ranking at number eight.³³ CPJ’s staff judged all countries according to fifteen benchmarks. They included the blocking of websites; restrictions on electronic recording and dissemination; the absence of privately owned or independent media; restrictions on journalists’ movements; licence requirements to conduct journalism; the monitoring of journalists by security services; jamming of foreign broadcasts; and blocking of foreign correspondents. All of the countries on the list met at least ten benchmarks.

The Case of Hamza Kashgari and Twitter

Under Saudi Sharia law, insulting the Islamic prophet Mohammad is considered blasphemous and is punishable by death. The criminalisation of apostasy is incompatible with the right to freedom of thought, conscience and religion as set out in Article 18 of the Universal Declaration of Human Rights.³⁴

In this context, there was a furore when a 23-year-old Saudi columnist and blogger Hamza Kashgari, who was a former columnist for the daily newspaper *Al-Bilad*, posted his reflections on the occasion of the Prophet’s birthday on 4 February 2012. He wrote three tweets on Twitter about the occasion in a very sarcastic manner in response to a series of articles by the Saudi Grand Mufti (the highest religious authority in the land). In his tweets he depicted the Prophet as a human, and not in the sacred state that most Muslims observe him in. His supposed offence was to have tweeted part of an imaginary conversation with the prophet Muhammad: “I have loved things about you and I have hated things about you and there is a lot I don’t understand about you”, he tweeted; and: “I will not pray for you.”

Fuelled by Saudi religious scholars, over 30,000 tweets about Hamza’s comments flew through cyberspace within hours. Many “scholars” accused him of being an apostate. Different groups with tens of thousands of followers formed on Facebook, calling for his execution. Others suggested that his upbringing was at fault, and the number of hate crimes towards him and his immediate family grew fast. A far right Saudi scholar Nasser al-Omar used YouTube as a platform and wept during a lecture, supposedly over the “harsh” words that Hamza had

30. The Saudi Arabian Ministry of Information, “Media Legislation”, 2011, www.info.gov.sa/Files/activities.doc (in Arabic)

31. Ibid

32. Mariam Abdallah, “Saudi Ties the Tongues of Its Journalists”, *Alakhbar*, 2 June 2012, english.al-akhbar.com/content/saudi-ties-tongues-its-journalists

33. cpj.org/mideast/saudi-arabia

34. Universal Declaration of Human Rights, Article 18, www.un.org/en/documents/udhr/index.shtml

dared to say about Prophet Mohammad. This clip received over 1.5 million views.

After seeing this reaction on the social media platforms, within hours Hamza removed the tweets and issued a lengthy apology, but to no avail. Hours after that he removed his account from Twitter and fled for his life to Malaysia late at night on 6 February. In the early hours of 7 February, Saudi Arabia's king reportedly called on the Saudi Arabian Ministry of Interior to arrest Hamza and to hold him accountable for the statements he made. Hamza arrived in Kuala Lumpur on 7 February, and was arrested two days later as he was trying to continue his journey to New Zealand. Under the request of the Saudi Arabian authorities, some claim an Interpol arrest warrant had been issued, and the Malaysian authorities deported him back to his home country (however Interpol has denied its involvement). To date, he is still detained in a Saudi Arabian jail.

According to Amnesty International, court proceedings in Saudi Arabia fall far short of international standards for fair trial.³⁵ Defendants are rarely allowed formal representation by a lawyer, and in many cases are not informed of the progress of legal proceedings against them. This was not the case with Hamza. According to local sources, on 7 March the court accepted Hamza's apology and his life is no longer in any danger, but they cannot release him due to the grave danger he faces from the general public. His mother is allowed to visit him and, under the circumstances, Hamza is doing well. It is impossible at this time to predict how long they will keep him there. There are measures that could be put in place to protect Hamza – however that would put the Saudi government in a difficult political situation with the public who have been calling for the death penalty. According to Hamza's close supporters, allowing the dust to settle would allow time for public anger to cool down, however it would be difficult for the 24-year-old to continue to make a living as a writer in Saudi Arabia.³⁶

Ever since the Hamza incident, there have been several campaigns launched against “liberals” and those “calling for atheism” on Twitter. To highlight the conservative reaction of the general public, the BBC reported that many Saudis phoned their broadcast service to complain that reporting on the Hamza case showed that the Saudi media were controlled by a liberal elite, given that they did not call for the death penalty to be imposed on Hamza. In the comments in one Saudi newspaper a writer said: “[T]he

only choice is for Kashgari to be killed and crucified in order to be a lesson to other secularists”. The Saudi information minister even tweeted that he had burst into tears when he read Hamza's tweets: “When I read what he posted, I wept and got very angry that someone in the country of the two holy mosques attacks our Prophet in a manner that does not fit a Muslim...”; and “I have given instructions to ban him from writing for any Saudi newspaper or magazine, and there will be legal measures to guarantee that.”

The religious “scholar” Al-Arifi, has, along with other religious icons, led an aggressive campaign against liberals³⁷ and anyone calling for freedom of expression and belief, in an attempt to “rid” the Saudi society from secularist thoughts and liberal lifestyles that their “opponents” advocate. Al-Arifi is a young populist who appeals to a young audience. He is the most popular Saudi on any social media site by far.

His followers are called Al-Arifi “soldiers”, and they follow his every word as doctrine without question. Al-Arifi soldiers frequently request CIRC to block and censor websites. Any criticism of Al-Arifi usually results in personal attacks by his followers. This ranges from verbal written abuse, to the illegal hacking of personal emails and Twitter accounts – including those of Hamza supporters.

Awareness

The role of civil society

It is illegal to form a civil society group without prior permission from the Saudi Arabian authorities. In general the government takes little notice of civil society activities, as long as they do not cross what it deems as political or religious boundaries. As a result, the official and unofficial civil society organisations that do exist participate in various cultural, social, professional and some religious activities only.

The need for permission to form a civil society group means that there is no legislative framework governing unofficial civil society organisations in Saudi Arabia. Because of this, they cannot register or ask international organisations for cooperation or funding. Moreover, the Saudi authorities, via different bodies, also interfere in the management of civil society groups, including in their governance and financial management, limiting their role and impact where necessary.

Licences granted by the Saudi authorities to civil society groups are issued only in very limited cases

35. Amnesty International, “Saudi Arabia” in *Annual Report 2012*, 2012, www.amnesty.org/en/region/saudi-arabia/report-2012#ai-reports

36. Source from Kashgari's support group

37. A term used for anyone influenced by the West

and under extreme exceptions, and are usually permitted by special royal decrees issued by the Saudi King himself. Furthermore, there is no official public intent to relax or increase the number of permits to new civil society associations, or expanding their activities. Currently, the law is still the biggest obstacle in the way of increasing the number of organisations and the scope of their activities.

There are two main human rights institutions officially working in Saudi Arabia. These two institutions work on observing, documenting and responding to human rights violations by reporting them to the authorities. They also hold general human rights educational programmes and publish reports and studies. The first is an official research institute called the Human Rights Commission (HRC). The second, the National Society for Human Rights, was granted special permission under a royal decree. It has a broader scope than the HRC, and organises workshops, public lectures and conferences on human rights issues.

There are also some smaller and “non-official” human rights groups that act as civil society defenders in their own capacity and through their own private networks. These include Human Rights First Society, Association for the Protection and Defence of Women’s Rights in Saudi Arabia, the Saudi Civil and Political Rights Association (ACPRA), the Human Rights Monitor in Saudi Arabia, and the Saudi Liberal Network. Another organisation founded in the Eastern Province is the Society for Development and Change that campaigns for equal human rights for the Shia minority in the Eastern Province (the organisation calls for a constitution and elected legislature in that province).

Despite their size, the role played by these civil society groups using social media networks has had an important effect on human rights awareness in Saudi society. The Facebook page of the Human Rights Monitor in Saudi Arabia has almost 5,500 fans and its supervisor, Waleed Abualkhair, has almost 40,000 followers on Twitter. Other human rights defenders have similar figures on Twitter, making Twitter a real battlefield between campaigns aimed at raising the awareness of rights, democracy and violations, and the conservative masses fuelled by the religious right.

Gender: internet and human rights issues

The socio-economic empowerment of women has emerged in the last few years as a priority in the kingdom. There has been an emphasis on national policies and strategies aimed at increasing women’s participation in the economic and social development processes, without contradicting Islamic laws

and cultural values. However, there is still a lot to be done before gender equality is achieved.

Women’s rights issues recently came to the fore in the ‘Women2Drive’ campaign, led by Manal Al-Sharif. On 17 June 2011, around 40 women with international drivers’ licences participated in the campaign by recording Saudi female drivers driving through the streets of Saudi Arabia and uploading the pictures and videos on YouTube. Officially, no law bars women from driving, but senior government clerics have ruled against the practice, a ruling generally supported by the public. Saudi Arabia is the only country in the world to tacitly prohibit women from driving. The campaign is still active after over a year since its inception.

Al-Sharif’s video of the social protest received over 700,000 views just before she was arrested in May 2011 on charges of “disturbing public order” and “inciting public opinion”.³⁸ Although Al-Sharif was released nine days later, her release was on the conditions that she post bail, return for questioning upon request, and refrain from driving and from speaking to the media.

Al-Sharif recently spoke at the Oslo Freedom Forum 2012 about the campaign, mentioning the positive effect the YouTube video of her driving had in Saudi Arabia. She used the opportunity to talk about how social media and the internet changed her life, and the lives of many women in Saudi Arabia. Her speech was a trending topic online for days, with both positive and negative results. Discussions went as far as attempting to disown her as a Saudi citizen, while others applauded her for her courage to speak openly and freely.

The *New York Times* described Al-Sharif’s campaign as a “budding protest movement” that the Saudi government tried to “swiftly extinguish”, attributing Al-Sharif’s detention to the Saudi authorities fear of a wider protest movement in the country.³⁹

New and emerging advocacy strategies

While the internet has helped to improve awareness of human rights issues, it has, as mentioned, also been used by religious icons, such as Al-Arifi, to create a new public-driven approach to censorship by their supporters. During the Hamza Kashgari case, human rights activists only provided limited support to his case, and advocated support for the

38. The original video was removed, but this is a copy: www.youtube.com/watch?v=sowNSH_W2ro (video).

39. Robert Mackey, “Saudi Woman’s Driving Video Preserved Online”, *The New York Times* (blog) – *The Lede*, 24 May 2011, thelede.blogs.nytimes.com/2011/05/24/saudi-womans-driving-video-preserved-online

case indirectly. This was out of fear of religiously led campaigns against Hamza – as they would be personally attacked if they supported his case. Many activists fear to be seen as sympathetic to what is deemed as unforgivable crimes by many in the country, weakening their effect on Saudi society when it comes to human rights issues.

As the religious icons make huge gains on social media networks as well as traditional media, it diverts the human rights struggle. However, examples of campaigns led by human rights activists do manage to gain a foothold. These include the Twitter campaigns #Saudi, #WhatWeNeedInSaudi, #SaudiWomen, and others where Saudis have been expressing themselves freely and openly in an unprecedented manner.

Detention without trial remains a big issue in the country, mainly due to the Saudi authorities absolute denial of such detentions. However, the public, through the internet, is becoming more aware of these cases, with video footage often being leaked using YouTube.

At times, the liberty with which these campaigns can operate is surprising. The Saudi hashtag #tal3mrak, which can be translated as “your majesty”, has served as a way for citizens to express themselves to the Saudi King in an open way, and has become so famous that even non-Saudi’s have started using it to express dissent against the Saudi government. Such venting on a large scale in Saudi Arabia is unprecedented, and highlights the role the internet has on modern day Saudi society. This venting is one of limited ways in the country to test the political waters, since public policy polls are limited.

Another important role the internet has played in relation to Saudi human rights activism is e-petitioning. In the Hamza case, 25 thousand signatories were raised worldwide in his support, while Al-Sharif’s campaign received over 12 thousand supporters on Facebook. E-petitions have not been used by the conservative far right, possibly because they would not gain much momentum abroad compared to human rights campaigns and causes.

A further interesting development is an anonymous Saudi Twitter account with the name @Mujtahid – which translates to “assiduous” – that has been set up, which now has nearly half-a-million Twitter followers. This regularly denounces various excesses of princes, ranging from those who earn huge commissions on government contracts, to those who have huge palaces. It is revealing that some of the princes have even responded to the accusations, by joining Twitter and defending themselves personally, something that would never happen in

traditional media, which is tightly controlled by the government.

Freedom of expression has also been felt in other quarters online. On YouTube, around a dozen filmmakers are gaining thousands of followers with their shows, mini-series of 15-minute episodes, which they post regularly. These deal with a wide variety of topics ranging from urban poverty to recent local news.

Conclusions and recommendations

The internet has become a vital tool for social change in Saudi Arabia, in reporting human rights violations and acting against them. Moreover, the internet is a key resource for activists in reporting either to the outside world, or in raising awareness amongst the local population at very little cost. The internet also helps them avoid traditional media regulations.

International human rights organisations depend on the internet to access local news directly from the source, and in doing so avoid the distortion of government censorship. In light of the Arab uprising in the region, social networks have proved to be a very important tool for spreading news and a faster method of communication.

The Saudi Arabian government has often responded to external calls to change its heavily censored system by suggesting most censorship is self regulated by citizens, and, in doing so, suggesting a quasi-democratic self-imposed regulation in its place. However, this response is too simple, as there is no policy in place to protect minorities from the wider religious community, led and often fuelled by conservative religious “scholars”. Most censored websites are not filtered automatically by software, but are blocked based on requests made by government bodies. These requests lack transparency, and are sometimes only in the interest of the ruling elite.

The general public has often been accused of blind support of religious icons, empowering the authority to control those who oppose them in the process. While citizen self-censorship is supported and encouraged by religious-led campaigns that repress human rights to free speech and association, marginalised groups such as women, Shia minority and liberals are sidelined in the governance process.

The Saudi government, like many other states, is burdened in its attempt to balance internal security concerns and human rights commitments, with broad support from the masses pushing for more censorship. Religious icons and personalities, who enjoy growing popularity, have made their battles personal, making it harder for activists to support specific causes without losing the support of the wider public. This limits public campaigns, and

diverts their efforts into spending much of their time defending themselves.

To a large degree, the regulation of the internet in Saudi Arabia reflects the approach to regulation elsewhere. However, Saudi human rights activists and liberals⁴⁰ have also found the internet a great platform to express themselves freely and openly, especially using Twitter.

On occasion, the Saudi government has been accused of not being neutral, more often than not supporting the religious right. This is embodied in the fact that it is almost impossible to register civil society groups legally in order to report human rights abuses and hold governmental bodies accountable for such behaviour. This is also prevalent in travel and writing bans. Activists promoting freedom of speech and association face arbitrary detentions and travel bans, and journalists are arrested with no charges brought against them.

If Saudi Arabia wants to be a leader in the region, it needs to promote the free-flow of information without infringing on the rights of individuals on the internet. In order to do this, the government censorship system needs to be reviewed. Checks and balances need to be made when content is filtered on religious or national security grounds. Furthermore, transparency in content regulation needs to be encouraged by publishing a list of all filtered websites, with reasons for their filtering. The introduction of privacy and individual rights laws is overdue.

Human rights activists have been remarkably successful in stopping injustices occurring in Saudi Arabia by highlighting issues for a wider audience. The internet has been promoting great opportunities for progressive change. However, while it provides further opportunities for young people to learn about their rights, it has also been used as a platform for many conservative right wing groups to expand their majority in the country.

This said, there are approximately 150 thousand Saudis currently studying in North America, Europe and Australasia on scholarships from the Saudi government. Many human rights activists hope that this group of young Saudis will return in a couple years and support human rights causes, changing the shape of Saudi society and its views on issues related to freedoms and equality.

Some of the main issues Saudi Arabia needs to confront include allowing civil society groups to form and freely associate around human rights issues. Additionally, it needs to adjust the current laws to allow freedom of expression, both online and offline. Civil society organisations could also form stronger partnerships with foreign NGOs in order to establish best practises on human rights issues. ■

40. This term is used to identify citizens who are more accepting of Western influences.

This publication is a follow-up to the 2011 issue of **GLOBAL INFORMATION SOCIETY WATCH** (GISWatch), an annual report that offers a civil society perspective on critical emerging issues in information societies worldwide. The theme for **GISWATCH 2011** was internet rights and democratisation, with a focus on freedom of expression and association online. In line with this, the reports gathered here offer an in-depth account of the human rights challenges faced online in six countries: South Africa, Argentina, Pakistan, Indonesia, Saudi Arabia and Azerbaijan.

As Jillian York writes in the introduction, the reports

...seek to inform, from a human rights-focused perspective, on the challenges facing freedom of expression—and its advocates...Each country of the six is different, with varied forms of government, cultural backgrounds, and national aspirations, but the similarities in the challenges faced by their citizens in preserving the principles of free expression on the frontiers of the internet are all too similar.

We hope that this publication helps to alert activists to the critical issues faced when it comes to the internet and human rights in the countries surveyed, and also serves as a way to galvanise civil society advocacy in these areas.

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