

Saudi Terrorism Trials and the Executions

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Brief Analysis

The executions earlier this month followed an upsurge in convictions in the Specialized Criminal Court.

On Tuesday, al-Qaeda chief Ayman al-Zawahiri responded to Saudi Arabia's execution of forty-seven people on terrorism charges by urging Saudis to overthrow their royal family. The January 2 executions continue to stir debate about why the death sentences were carried out now, and what messages they were meant to send. Understanding the security court that originally convicted the individuals provides context for these issues.

Saudi Arabia established the Specialized Criminal Court in 2008 to tackle a backlog of security cases. A series of al-Qaeda attacks had shaken the kingdom in the mid-2000s, and approximately nine thousand individuals had been detained over the years, according to Saudi figures. Some of the detainees participated in new national rehabilitation programs in prison, and then were released. Others remained in jail for years.

At the time, questions arose about why the government had waited five years after the first major al-Qaeda attacks in 2003 to establish the court. The rehabilitation programs, for their part, had commenced in 2004. One view was that Riyadh had perceived al-Qaeda support in the kingdom as a grave security threat and that prosecuting al-Qaeda defendants early on would have been dangerous. According to this line of thinking, the court's establishment signaled that the government believed it had largely defeated al-Qaeda inside the country and that the threat had been reduced.

The court has tried more than six thousand defendants on terrorism charges since its creation, according to Saudi statements, with acquittals being issued infrequently. The trials generally have been closed and suffered from a lack of due process, with defendants sometimes being denied legal advocates at critical times. A majority of those prosecuted over the years have been linked to the old al-Qaeda plots from the mid-2000s -- if the individual cases made public are representative of all cases tried in the court. Some of the more recent cases have involved Islamic

State supporters.

The security court also has convicted a significant number of Saudis not accused of being connected to violence, but rather whose speech, writings, or other activities did not abide by certain political, religious, or other government norms. This includes Sunni and Shiite civil activists, as well as other nonactivist citizens. A new law in February 2014 married these kinds of behaviors with terrorist activity under a broad definition of terrorism. According to a U.S. Department of State report citing human rights activists, security court judges have received implicit instructions to issue harsh sentences against activists, reformers, journalists, and dissidents.

As for the early January executions, they followed an upsurge in publicly reported convictions of militants that began in late 2013. Around that time, concerns were growing about the number of Saudi citizens leaving the country for the Syrian battlefield, and the possibility that they would turn their attention to plotting terrorist attacks back home in the kingdom. By March 2014, Riyadh had announced the discovery of Saudi members of the Islamic State (IS) in Syria collaborating with Saudis inside the kingdom in plots against the government. Since late 2014, Saudis and others linked to IS inside the kingdom have conducted an extensive terrorism campaign across the country, including deadly mosque bombings.

Carrying out the death sentences of forty-three individuals connected to the old al-Qaeda plots represents the latest tactic in Saudi Arabia's counterterrorism war. Like the recent announcements of militant convictions, the executions communicate to Saudis once again that IS and other terrorist activity will not be tolerated inside the kingdom. As the Saudi Ministry of Interior warned when it first announced the executions, "Anyone [who] tries...these criminal terrorist crimes will have the same legal punishment."

When considering the execution of Saudi Shiite cleric Nimr al-Nimr, the abovementioned Saudi concerns about establishing the security court too early are important to bear in mind. A primary reason for the inclusion of the sheikh and three other Saudi Shiites among the group of forty-seven may have been to "balance" the execution of the forty-three al-Qaeda-linked Sunnis. This includes both tempering the response of the kingdom's ultraconservatives and appealing to the kingdom's broader Sunni-majority citizenry.

The warning aspect of the four Shiite executions vis-a-vis Saudi Shiite (and other) activism would have been an important secondary message. Anxiety is high over the likelihood of Iran stepping up its destabilizing activities in the Arab world, including in the Gulf countries. Several other Shiites not included among the forty-seven, some of them minors at the time of their arrest, remain on death row.

Serious external challenges, led by Iran, concern Riyadh. Still, domestic security and stability remain Riyadh's number-one priority, and the executions were performed first and foremost for a domestic audience. In addition to warning militants and others, the executions may have been partly a response to domestic pressure to show toughness toward extremism -- and specifically to those speculating why the punishments against the al-Qaeda convicts had not been carried out already. The leadership also may be concerned about weakening support in the kingdom for the Yemen war. As Riyadh reduces subsidies and prepares to impose unfamiliar fees at home due to dramatically declining oil revenues, the kingdom will take other measures to maintain security.

Lori Plotkin Boghardt is the Barbara Kay Family Fellow at The Washington Institute. ❖

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