

# Saudi Arabia: Outlawing Terrorism and the Arab Spring

by [Lori Plotkin Boghardt \(/experts/lori-plotkin-boghardt\)](/experts/lori-plotkin-boghardt)

Dec 27, 2013

## ABOUT THE AUTHORS



[Lori Plotkin Boghardt \(/experts/lori-plotkin-boghardt\)](/experts/lori-plotkin-boghardt)

Lori Plotkin Boghardt was a senior fellow in Gulf politics at The Washington Institute from 2013-2018.



Brief Analysis

## The kingdom is codifying current legal practices that do not distinguish between terrorists and nonviolent activists.

**K**ing Abdullah is expected to decree a new "penal system for crimes of terrorism and its financing" in the coming days. This comes on the heels of amendments to the country's criminal procedure law earlier this month.

The terrorism crimes legislation passed December 16 by the Saudi cabinet defines terrorism as "disturbing public order," "endangering national unity," and "defaming the state or its status," among other endeavors. A criminal procedure law change that came into effect December 6 legalizes indefinite detention of prisoners without charge or trial.

Together, the new regulations will tighten the legal framework for the kingdom's approaches to terrorism, nonviolent dissent, and other activity deemed offensive to the government. To date, Saudi Arabia does not have a written penal code, and judges sentence defendants according to their own interpretations of Islamic law based on the Quran and the Prophet Muhammad's teachings, as noted in a Human Rights Watch report released December 18. King Fahd decreed a criminal procedure law in 2001, but judges do not consistently adhere to its provisions. A Specialized Criminal Court has tried both terrorism and peaceful expression cases since it was established in 2008.

## 2011 ORIGINS

**T**he popular Arab uprisings that began three years ago this December also inspired some Saudis to demonstrate on their own streets for change -- which is not allowed in the kingdom. Public protests were held in early 2011 by nationals calling for the release or trial of relatives detained for long periods without charge; by Saudi Shiites demanding social and political reforms; by teachers and unemployed university graduates desiring improved labor conditions; and by women asking for driving rights.

The terrorism crimes legislation passed by the cabinet on December 16 was originally drafted in early 2011 in this

context. In July of that year, the draft law was leaked to Amnesty International, which criticized its contents, leading to public criticism and mockery of the draft by local human rights campaigners. The Saudi leadership blocked Amnesty International's website and shelved the draft. A change in the legal length of detention without charge or trial, from six months to an indefinite period, was also part of the 2011 draft.

This time around, in apparent recognition of the previous criticisms, the Saudi minister of culture and information, Abdel Aziz Khoja, identified first among the "most prominent features" of the new 2013 terrorism legislation "the principle of balance...between the risks...from such crimes, and the protection of human rights being preserved...by Islamic law."

## LIKELY TARGETS

**T**he new legislation can be expected to support existing state policies against political dissent, perceived nonconformance with religious values through activities such as women's driving, and terrorism itself. It may also support wider and tougher action. Targets of the new laws may include:

- **Women's driving rights campaigners.** These campaigners have been charged recently with "disturbing public order," which would be a terrorism crime according to the new legislation passed by the cabinet.
- **Shiite protestors in the Eastern Province.** These protestors have been charged with "terrorism" and "instigating unrest," among other charges.
- **Muslim Brotherhood associates and supporters.** Some such figures have shown increased political activity following the ouster of former Egyptian president Muhammad Morsi.
- **Terrorists and terrorism financiers.** This includes those linked to the 2003-2008 al-Qaeda campaign in the kingdom, such as the Saudis sentenced last month for the December 2004 attack on the U.S. consulate in Jeddah.
- **Demonstrators protesting the long-term detention of prisoners without charge or trial.** The new amendment to the criminal procedure law that legalizes indefinite detention would help legitimize targeting the demonstrators for security action.
- **Prisoners themselves who have been detained for long periods.** The new criminal procedure amendment would help legitimize these prisoners' detention.
- **Human rights and other civil society activists.** These activists have been charged with "breaking allegiance with the ruler" and "attempting to distort the reputation of the kingdom," among other charges.

The penalties for committing the newly defined terrorism crimes, to be issued at a later date according to the Ministry of Interior, will likely represent a tactic of intimidation more than an actual change in policy, given judges' history of not adhering to the existing criminal procedure code. The 2011 draft law imposed a minimum prison term of five years for promoting so-called terrorism acts verbally or in writing; ten years for belonging to a "terrorist" organization; and twenty-five years for establishing, leading, organizing, or administrating such an organization.

## POPULAR REACTION

**T**he new legislation has deeply disappointed human rights activists and other Saudis calling for reform from inside and outside the kingdom. At the same time, many of the kingdom's nationals likely perceive the terrorism crimes law as helping secure society and preserve conservative Saudi values. Activist campaigns like those for human rights and women's driving rights have not garnered major support on the streets from Saudis, who feel strong loyalty to the king.

Likewise, the new amendment legalizing indefinite detention probably is not viewed unfavorably by many inside the kingdom. Saudis typically associate longtime detainees without trial with the deadly al-Qaeda campaign that took

place across the country during the previous decade. This is the case even though nonviolent activists have also suffered from prolonged periods in prison without charge or trial.

The human rights campaign, for one, is growing in the kingdom. It is aided by the country's large young adult population connected on social media and the thousands of young Saudis returning home from U.S. university studies after Washington reopened the door to Saudi students in 2005. These factors are likely to have an impact on popular responses to Saudi government practices toward calls for reform in the near term.

## CONCLUSION

This month's legislative developments in Saudi Arabia are a testament to the domestic pressures the royal family continues to feel three years into the Arab Spring. President Obama has made it clear that Saudi stability is a Middle East policy priority. At the same time, the kingdom's muddying of the waters between terrorism and nonviolent expression once again brings into sharp relief important differences on political, social, and religious rights between the United States and its strategic partner. Private discussions with the Saudi leadership regarding the issue -- perhaps including rewards for progress -- remain important to our own and longer-term Saudi interests.

*Lori Plotkin Boghardt is a fellow in Gulf politics at The Washington Institute.* ❖

---

## RECOMMENDED

### BRIEF ANALYSIS

#### Unpacking the UAE F-35 Negotiations

Feb 15, 2022



Grant Rumley

(/policy-analysis/unpacking-uae-f-35-negotiations)



### ARTICLES & TESTIMONY

#### How to Make Russia Pay in Ukraine: Study Syria

Feb 15, 2022



Anna Borshchevskaya

(/policy-analysis/how-make-russia-pay-ukraine-study-syria)



BRIEF ANALYSIS

# Bennett’s Bahrain Visit Further Invigorates Israel-Gulf Diplomacy

Feb 14, 2022

◆  
Simon Henderson

(/policy-analysis/bennetts-bahrain-visit-further-invigorates-israel-gulf-diplomacy)

## TOPICS

- Democracy & Reform (/policy-analysis/democracy-reform)
- Gulf & Energy Policy (/policy-analysis/gulf-energy-policy)
- U.S. Policy (/policy-analysis/us-policy)

## REGIONS & COUNTRIES

- Gulf States (/policy-analysis/gulf-states)