



Bullets Against Freedom of Speech

Bloody Arrest of Opponent Sheikh Nemer Al-Nemer

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European Saudi Society for Human Rights

الجمعية الأوروبية السعودية لحقوق الإنسان

Arresting the Political Opponent

Sheikh Nemer Baqir Al Nemer

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The political opponent, Sheikh Nemer Al Nemer, was arrested by the Saudi security forces in July 8, 2012. The Saudi government could not bear his stances which call to stop suppressing all citizens, ask for the political and civil rights and equal distribution of wealth and development.

After more than 500 days since his arrest, and due to ambiguity surrounding his secret trials where Saudi public prosecutor is still demanding Hirabah (death penalty), ESSHR is worry about Al Nemer situation. In this report, as it is Al Nemer's first anniversary in prison, we address the following points:

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First: Introduction:

- 1- The nature of the domestic political state in Saudi Arabia generally.

The light can be shed on the political state in Saudi Arabia through the three following titles:

First title: Decline of Freedom and Lack of Democracy

There are no signs to indicate the existence of an atmosphere of freedom and political participation. The royal family represented in Al Saud family monopolizes the political practice and opinion. In addition, many activists and writers who call for reforms face security harassments and imprisonment.¹

Moreover, the Saudi government dominates various media outlets such as newspapers, radios, satellite channels. It monitors and bans websites that adopt different opinion than its ones and many bloggers and activists who are in control of these websites get arrested and imprisoned.² In addition to the government striving to dominate the communication means which are not owned by Saudi investors, it consistently strives to ban or monitor the international communication means that citizens use. The Saudi government via its Communication and Information Technology Commission announced banning the (Viber) smartphone application in a statement issued in June.³ Moreover, the commission managed to sign a contract with the Canadian company Research in Motion, best known as the developer of the BlackBerry brand smartphones. The contract enables the commission to exchange the users' data.⁴ Until recently, citizens are still talking about rumours related to the

¹ A report has been issued from a group of human rights activists to monitor targeting the activists by Saudi Arabia's government:

<http://s3dali.wordpress.com/2013/08/03/%D8%AA%D9%82%D8%B1%D9%8A%D8%B1-%D8%AD%D9%88%D9%84-%D9%85%D9%84%D8%A7%D8%AD%D9%82%D8%A9-%D8%A7%D9%84%D9%86%D8%A7%D8%B4%D8%B7%D9%8A%D9%86-%D9%88%D8%A7%D9%84%D9%86%D8%A7%D8%B4%D8%B7%D8%A7%D8%AA-%D9%81-2/>

² Reporters Without Borders: Saudi Arabia – 2012 Enemies

<http://en.rsf.org/saudi-arabia-12-03-2012,42052.html>

³ The communications and information technology commission has issued a statement in 05/06/2013 entitled: (Stopping Viber in Saudi Arabia).

http://www.citc.gov.sa/arabic/MediaCenter/PressReleases/Pages/PR_PRE_102.aspx.aspx

⁴ A report for Reporters Without Borders in 11/10/2011 entitled: (Pressures on BlackBerry)

<http://ar.rsf.org/2011/10/11/3717/>

commission intention to ban Skype and WhatsApp while the commission denies this.⁵

Saudi Arabia is still away from the international standards related to the judiciary system, freedom, justice and human rights. It has always been classified at the bottom of ranks in related reports issued by the international organisations. Freedom House⁶ has classified Saudi Arabia (worst of the worst) out of 195 countries for freedom:

(Of the 47 countries designated as Not Free, nine have been given the survey's lowest possible rating of 7 for both political rights and civil liberties: Eritrea, Equatorial Guinea, North Korea, Saudi Arabia, Somalia, Sudan, Syria, Turkmenistan, and Uzbekistan)⁷

The Freedom House observes in its latest reports for 2013 indicated that⁸, including but not limited to:

- Saudi authorities continued to crack down on Shia activists and protesters in the Eastern Province throughout 2012.
- The judiciary, which must coordinate its decisions with the executive branch, is not independent.
- The penal code bans torture, but allegations of torture by police and prison officials are common, and access to prisoners by independent human rights and legal organizations is strictly limited.
- Substantial prejudice against ethnic, religions, and national minorities prevails.

Also, Reporters without Borders designated Saudi Arabia in 2011-2012 report, as 158 out of 179 countries in the annual (journalism freedom scale). In 2013, Saudi Arabia fell back additional 5 grades to be 163.⁹

What makes it worse is the absence of any serious or tangible initiative to reform or to stop the violations. Controversy, we have witnessed that the government went too far as to deprive freedom, to extend dictatorship and to

⁵ An Article in the Saudi newspaper, Okaz, entitled: (The Telecommunication denies banning WhatsApp and Skype) <http://www.okaz.com.sa/new/Issues/20130719/Con20130719621633.htm>

⁶ is an independent watchdog organization dedicated to the expansion of freedom around the world www.freedomhouse.org

⁷ <http://www.freedomhouse.org/report/freedom-world/freedom-world-2013>

⁸ Look at the report <http://www.freedomhouse.org/report/freedom-world/2013/saudi-arabia>

⁹ PRESS FREEDOM INDEX 2013 <http://en.rsf.org/press-freedom-index-2013,1054.html>

imprison the opponents and reformers without a proven accusation.¹⁰ All this happened in the absence of fair trials and without the rule of the law while the legislative and executive authorities are not separated.

The second title: The absence of legalizing the criminal penalties and the lack of commitment to the international conventions which Saudi Arabia has endorsed.

(The lack of a penal code remains a key deficiency in Saudi law and a primary obstacle to protecting Saudi citizens and residents from arbitrary arrest, detention, and unfair trials).¹¹ This explains what we observe from random and variation in arrests taken by the authorities on activists and the verdicts issued against them.

Saudi Arabia does not commit on international laws and conventions that has endorsed.¹² Activists, journalists, human rights defenders are accused and charged dealing with foreign organizations¹³. Saudi Arabia does not authorize civil society organizations¹⁴ and therefore it prevents activists in the Saudi society from civil practices.

Also, (The specified laws for criminal acts must be accessible to the persons concerned with and be formulated with sufficient precision to enable defendants to have been able to foresee, with legal advice if necessary, to a degree that is reasonable in the circumstances, the consequences that a given action might entail. Where the law does not specify a prohibited act in a manner that is accessible and reasonably foreseeable, a person cannot be

¹⁰ In 09/03/2013, the Saudi Authority sentenced two of most pro-human rights, Mohammed Alqahtani for 10 years and Abdullah Alhamid for 5 years. A report in HRW: <http://www.hrw.org/ar/news/2013/03/11>

¹¹ HRW report: (Unsafe Justice). Arbitrary imprisonment, unfair trial and lack of penal code in the Saudi Criminal Justice System) March, 2008: <http://www.hrw.org/ar/node/62306/section/8>

¹² An article, Who is Responsible for the Lack of the Rights Education in Saudi Arabia?

http://waleedsulais.blogspot.de/2011/08/blog-post_6360.html

Waleed Sulais: The article includes a list of some the international agreements and conventions related to human rights which Saudi Arabia has approved.

¹³ Look at the article: (Is dealing with human rights organization is a crime in Saudi Arabia?)

http://waleedsulais.blogspot.de/2012/11/blog-post_22.html

Waleed Sulais: (One of the charges the Public Prosecution in Saudi Arabia addresses against human rights activists is dealing with human rights organizations. These Are the charges that Mohammed Alqahtani, Mokhlif Alshomari and Waleed Abo Alkheer were accused of)

¹⁴ Report: (Saudi Arabia: Banning human rights organizations from working) HRW: <http://www.hrw.org/ar/news/2013/08/29>

lawfully charged with having committed an offense).¹⁵ This is very important particularly when we observe that (vague, over-broad, and inaccessible laws violate this principle and thus undermine the rule of law).¹⁶ This is what we observe today in Saudi Arabia through what is happening nowadays there where it is left up (to a judge to decide when a certain act may have crossed an unwritten line of “obedience to the ruler” and “public interest.” These concepts of obedience and public interest are part of an undefined area in which the ruler, through edicts, and the judge, by adjudicating individual acts, lay temporary and unpredictable boundaries as to what constitutes a criminal act).¹⁷ These cases illustrate (the wide latitude judges have, in the absence of a written and clear penal code),¹⁸ and (This wide latitude enables judges to criminalize peaceful advocacy).¹⁹

Reports issued by the international human rights organisations in recent years have assured the bad state of the Saudi Criminal Justice System, as (Saudi Arabia's criminal justice system lacks any codified penal law and grants prosecutors and judges broad discretion in charging and sentencing individuals for ill-defined offenses. This promotes arbitrary outcomes that contravene international standards of due process).²⁰

This description for the justice state is applied to the normal crimes while when it is related to security issues; the arbitrary arrest takes advance stages.

(The absence of a penal code or similar set of laws making clear what are and what are not criminal offenses renders arrests and prosecutions inherently arbitrary as the lack of legal specificity means that whether particular behaviour constitutes an offense is essentially a subjective assessment. This vagueness leaves the door open for prosecutors to fit the crime to the act, as opposed to their obligation to prove the defendant has committed clearly defined elements of a crime).²¹

¹⁵ HRW report: (Unsafe Justice). Arbitrary imprisonment, unfair trial and lack of penal code in the Saudi Criminal Justice System) March, 2008: <http://www.hrw.org/ar/node/62306/section/8>

¹⁶ ibid

¹⁷ ibid

¹⁸ ibid

¹⁹ ibid

²⁰ HRW Report: Adults Before Their Time. Children in the Saudi Criminal Justice System) March 2008 <http://www.hrw.org/ar/node/62310/section/2>

²¹ HRW report: (Unsafe Justice). Arbitrary imprisonment, unfair trial and lack of penal code in the Saudi Criminal Justice System) March, 2008: <http://www.hrw.org/ar/node/62306/section/10>.

The third title: The illegal practices against political and human rights activists.

Prisoners, especially prisoners of conscious, are sent to prison for years before the charges are proved just because they are suspects. The head of the Bureau of Investigation and Public Prosecution, Ibrahim Juhaiman, told Human Rights Watch, (You will never find out the exact crime until the end of the investigation).²² This saying violates the local and international regulations.

The investigation that Juhaiman is talking about here is not verbal investigation. Several testimonies have been received for horrible torturing incidents carried out by the investigators on the prisoners of conscious to force them to confess. In fact, Article 102 of the Saudi Law of Criminal Procedure is not considered in the investigation prisons which states: (The interrogation shall be conducted in a manner that does not affect the well of the accused in making his statements. The accused shall not be asked to take an oath nor shall he be subjected to any coercive measures). Also, Article 2 of the Saudi Law of Criminal Procedure establishes that persons arrested shall not be subjected to “physical or moral harm” or “any torture or degrading treatment”.

Those who have been tortured by authority are scared to reveal their testimonies in public or in various media means and the authority do not dare to open its prisons for neutral international parties to assure what is going for a enormous number of prisoners, some who spent around 20 years without a clear legal state. The most prominent for this case is Waleed Alsinani, imprisoned since 1994 and he is about to reach 20 years of imprisonment. Moreover, the nine prisoners who are called (the forgotten prisoners)²³, the total years for their imprisonment is 149 years.

²² ibid

²³ Arrested: 1. Hani Abdulrahim Alsaigh 45 years old, was arrested since 1996. 2. Abdullah Ahmed Aljarash 46 years old, was arrested since 1996. 3. Hussain Abdullah Al Moghais 42 years old, was arrested since 1996. 4. Abdulkareem Hussain Al Nemer 54 years old, was arrested since 1999. 5. Mostafa Alqasab 45 years old, was arrested in 1997. 6. Fadel Alalawi 41 years old, was arrested since 1996. 7. Mostafa Jaffar Almoalem 37 years old, was arrested in 1996. 8. Ali Ahmed Almarhoon 41 years old, was arrested since 1996. 9. Saleh Mahdi Ramadan 31 years old, was arrested since 1996. A complete report and in details about the ‘forgotten prisoners’ on Rasid News Website

Practically, there is no such an organization to protect tortured prisoners or to provide a fair trial to them in Saudi. Article 38²⁴ of the LCP provides detainees with the right to submit complaints—presumably including complaints about torture under interrogation—to the Bureau of Investigation and Public Prosecutions. Prosecutors serve under the Ministry of Interior and are thus not fully independent of law enforcement authorities.²⁵

<http://www.rasid.com/?act=artc&id=1921>

Also, (unsafe Justice) touched the case of the ‘forgotten prisoners’ on HRW

http://www.hrw.org/ar/node/62306/section/16#_ftnref422

²⁴ Article 38 of the Saudi LCP states: (Every prisoner or detainee has the right to propose at any time to the prison warden or the detention place an verbal or written complaint asking to be delivered to the member of the Bureau of Investigation and Public Prosecution. The warden has to accept it and deliver it immediately after it has been documented in a special folder. The sender has to receive and receipt. The prison administration or detention has to offer an independent place for the member of the bureau to check and meet the prisoners and detainees).

²⁵ HRW report: (Unsafe Justice). Arbitrary imprisonment, unfair trial and lack of penal code in the Saudi Criminal Justice System) March, 2008: http://www.hrw.org/ar/node/62306/section/14#_ftnref366

2. Discrimination against minority, Shia particularly.

Different components are facing discrimination²⁶ in Saudi Arabia. The discrimination takes various forms, and for the Shia case, the discrimination takes religion as a cover.

Discussing what the Shia faces is not a claim that they are the only citizens who suffer in Saudi Arabia. There are many other sects or ideological groups or else which face different suffering under different titles. Talking about the Shia here is an example to explain one side from a broad category of citizens suffering and it is related to the context of this report.

The discrimination against the (minority Shia)²⁷ forms one of the most oppression in this country, whether it is in regulations, written scripts and propagated, or it is in (customary) behaviours that the regime has accustomed to carry out against the Shia by its various institutions or through citizens who are fulfilled by hatred against Shia through the official media propagation.

This discrimination emerges at several aspects:

1. Employment and official positions.
2. Education. (Shia is excluded from teaching religion while it is prohibited for Shia children to learn their religious sect).²⁸ The state

²⁶ A study entitled: (The Forgotten Uprising in Eastern Saudi Arabia) issued by Carnegie Endowment for International Peace, by Frederic Wehrey. The study states that (Sectarian discrimination has proved beneficial for the ruling family in addition to the Salafis. The Saudi regime has long permitted the proliferation of anti-Shia and anti-Persian tracts, sermons, and Internet statements, many of them recycled from the kingdom's ideological counteroffensive against the Iranian Revolution of 1979. Anti-Shiism frequently serves as a useful domestic tool for the regime—a means to placate potential critics in the Salafi establishment and deflect popular sentiment away from the regime's failings.)

<http://m.ceip.org/2013/06/14/%D8%A7%D9%84%D8%A7%D9%86%D8%AA%D9%81%D8%A7%D8%B6%D8%A9-%D8%A7%D9%84%D9%85-%D9%86%D8%B3%D9%8A-%D8%A9-%D9%81%D9%8A-%D8%B4%D8%B1%D9%82-%D8%A7%D9%84%D9%85%D9%85%D9%84%D9%83%D8%A9-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A%D8%A9-%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A9/gct8>

²⁷ Official estimations indicate that the population of Saudi Arabia for 2012 is about 19,838,448 and estimations indicate that the Shia population is about 15%. Therefore, they are about 2975767, that is, 3 million.

²⁸ HRW Report: issued in September 03, 2009 Denied Dignity: <http://www.hrw.org/node/85347/section/2>

- carries out counter-measures against social activities that are religious teaching according to the Shia method.²⁹
3. Freedom of worship, where the Shia are criminalized when they practice their way of worshipping.³⁰
 4. Judiciary and the justice regulation, (based on religious law that follows only Sunni interpretations for law)³¹, and it is not allowed for Shia to prosecute according to their religious teaching in general courts.
 5. The cultural prohibition through banning books, obstructing events and activities related to the Shia society, by not permitting or banning them.

Despite (the king led call for tolerance between world religions at the United Nations General Assembly in New York, he neglected to promote tolerance for Saudi Arabia's Shia minority at home.)³² And this leads us to conclude that the government does not have the intention in solving the discrimination problem, not even acknowledging it as a prickling problem needing a solution and a regulation to stop and to criminalize sectarianism and discrimination.

Also, the government of Saudi Arabia allows its religious official men to issue anti-Shia fatwas, as Sheikh Abdullah bin Jibrin, member, Council of Senior Religious Scholars issued: Fatwa No. 12869, "Our Position on the Shia [موقفنا من الرافضة]," Fatwa No. 12461, "On The Way to Treat the Rejectionists [Shia] [في طريقة التعامل مع الروافض]," Fatwa No. 8222: Ruling on Marriage by an Ismaili to a Sunni Woman [حكم تزويج الإسماعيلي بامرأة سنية], and Fatwa No. 7827 "Prohibition on Shia to Pray in Mosques of Muslims [منع الشيعة من الصلاة في مساجد المسلمين]," all published, undated, on Ibn Jibrin's website: Abdullah bin Jibrin, "Ibn Jibrin's Fatwas," <http://ibn-jebreen.com/ftawa.php?view=subj&subid=1&parent=0> (accessed July 30, 2009). The Council of Senior Religious Scholars is the kingdom's highest organ for interpreting Islam. The king appoints its members, who are all Sunni).³³

²⁹ In 13/05/2013, the religious police and the civil police raided a nursery in Qatif region. Shia educational books were seized

Video report <http://www.youtube.com/watch?v=lprAtFPsGal>

News report <http://elbadil.com/arabic-affaires/2013/05/14/147266>

³⁰ HRW Report: issued September 03, 2009 Denied Dignity: <http://www.hrw.org/node/85347/section/5>

³¹ ibid

³² <http://www.hrw.org/node/85347/section/2>

³³ ibid <http://www.hrw.org/node/85347/section/3>

Thus, this clarifies that there is a negative official stance from the Saudi government against its Shia citizens. Moreover, the government prevents the civil efforts made by activists to enhance tolerance and harmony between Sunnis and Shias:

- On August 13, 2012, a gathering event entitled (no sectarianism)³⁴ was cancelled.
- Also, (On February 4, 2007, the Saudi secret police arrested Mukhlif bin Dahham Al-Shammari, a Sunni human rights activist working toward greater Shia-Sunni understanding, and detained him for three months for having visited Sheikh Hasan al-Saffar, the top Shia cleric in Saudi Arabia).³⁵

Neutral international bodies have documented this kind of discrimination through their various reports and news:

1. A report issued in 2011, from Human Rights Watch, entitled (Freedom of Expression, Belief, and Assembly):

(Saudi Arabia...systematically discriminates against its religious minorities, in particular Shia and Ismailis (a distinct branch of Shiism). Official discrimination against Shia encompasses religious practices, education, and the justice system. Government officials exclude Shia from certain public jobs and planning meetings and publicly disparage their faith. This discrimination sometimes amounts to persecution. Professing Shia beliefs in private or in public, in particular at holy sites in Mecca and Medina, may lead to arrest and detention. In October the Interior Ministry said that it would pursue what it called “radicalized or hired instigators” among the Shia with an “iron fist.” Prince Badr bin Jilawi, governor of Ahsa' province, repeatedly had Shia citizens detained, in violation of Saudi criminal procedure law, for private prayer or public display of Shia banners or slogans. The domestic intelligence agency in February summoned and then arrested Shia cleric Tawfiq al-‘Amir³⁶ after he had called for a constitutional monarchy and equal rights for Shia in his Friday sermon. On March 5 the

³⁴ A report (Saudi Arabia does not like the unity of people by cancelling the event ‘no sectarianism’)

http://shmsaljazeera.blogspot.de/2012/08/blog-post_3087.html

³⁵ HRW report (Denied Dignity) <http://www.hrw.org/node/85347/section/3>

³⁶ A brief overview on religious scholar Shaikh Tawfeeq Al’amer.

<http://labekyiqatif.blogspot.de/2013/05/blog-post.html>

Interior Ministry categorically prohibited public protests “because they contradict the principles of the Islamic Shari'a and the values and customs of Saudi society.”³⁷ The royally appointed Council of Senior Religious Scholars, whose interpretation of religious law is binding, seconded the ban, and intelligence forces in March arrested Muhammad Al-Wad'ani, and Khalid Al-Juhani for advocating protests for political change. Small, peaceful protests by Shia took place since late February³⁸ in the Eastern Province, demanding the release of nine "forgotten" Shia detained for over 13³⁹ years with no charge or trial on suspicion of involvement in a 1996 Kohbar Tower bombing attack on a United States Air Force personnel, which killed 19 people. Saudi authorities detained 160 protesters until May, and at least 40 remained in detention at this writing).⁴⁰

2. A report issued in July 18, 2013 entitled (Religion and intolerance), written by Tom Porteous, the deputy program director at Human Rights Watch⁴¹, says:
(The monarchy in Saudi Arabia, which has long cultivated a conservative and intolerant strain of Sunni Islam to prop up its political legitimacy, often plays the sectarian card to suppress its own Shias minorities).⁴²
3. The Denied Dignity's report which was issued by Human Rights Watch in September 03, 2009, we have already cited its contents in this report.

³⁷ This violates (The Arabic convention of Human Rights) in Article 24 that supports : (freedom of meeting and freedom of gathering peacefully) and Saudi Arabia has approved it in 16/04/2009.

³⁸ It is 2011.

³⁹ According to this date used in HRW report, most of the ‘forgotten prisoners’ spent more than 15 years in prison not 13 years.

⁴⁰ HRW report: <http://www.hrw.org/world-report-2012/world-report-2012-saudi-arabia>

⁴¹ His twitter account: <https://twitter.com/tomporteous>

⁴² HRW report to see the complete report: <http://www.hrw.org/ar/news/2013/07/18-0>

Second: Glances of Sheikh Nemer political and human rights activities.

Beside the traditional religious role of educating and preaching, Sheikh Nemer Baqir Alnemer interested in demanding the political rights intensively and escalatingly, and demanding to respect human rights, in such an audacity that the Saudi government was not familiar with from opponents inside.

We clarify this in details as follow:

1. **Demanding the release of arbitrary arrested detainees:** The issue of prisoners of conscious in Saudi Arabia is the most political issue concerns the citizens. There are a huge⁴³ number of prisoners behind bars for years, distributed in different regions, and have different religious and ideological affiliations. Saudi Arabia did not have a clear procedure related to sort out the prisoners of conscious issue. What makes it worse, there was no single case took into account the related local and international regulations. This clearly and intentionally ignores of what the government of Saudi Arabia has ratified of international conventions.

Therefore, Sheikh Nemer has paid a sustained and continuous attention through many sermons and speeches he delivered in demanding to implement the international standards and regulations as it is not allowed to criminalize who express their opinions.

2. **Asking for justice for all citizens:** In one of Sheikh Nemer's speeches, which is widespread on Youtube, he asked for justice for Sunnis and Shia saying: (For this, we will continue asking for our rights, dignity, honour, freedom, justice, equality in opportunities, to withdraw the Peninsula Shield Forces from Bahrain, to release all oppressed prisoners, all prisoners of conscious, 16 years and more, and so on even for the Sunni,

⁴³ The actual number of the detainees is not accurate and it seems that it is caused because of the lack of transparency from the ministry of the interior plus disallowing third parties from field visits. But according to the government website (Nafethah), in the article titled (Statment of the detainees in the General Directotote of Invistigation's presions) published in 28/11/2013, the number of detainees is 2371.
<https://www.nafethah.gov.sa/Nafethah/jsps/index.xhtml>

why someone is imprisoned for 30 years? A 30-year sentence then banned from travelling for 30 years).⁴⁴

3. **The political education and awareness:** Sheikh Nemer talked frequently under different titles in different aspects about the political education including an awareness clip for the political role of Saudi Arabia in propagation the state of division and strife among the Sunnis and Shia, he says: (The sectarian discrimination is made by the authority, to maintain its discrimination on us, so the Shias and Sunnis fight and struggle with each other, while the ruler remains dominating, and both sides “Sunnis and Shia” are weak, the Shia needs the authority’s protection, and the Sunnis needs the authority’s protection).⁴⁵

Also, to continue his role in clarifying the political reality apart from ambiguity or being biased, he said in another sermon: (the authoritarian discrimination is the most dangerous one. Who rules the country? Al Saud, Who controls the regions? Al Saud, who.. who.. who? Al Saud, thus, they are privileged rather than all the society Sunnis and Shia, they live and own billions and live in palaces, while many others do not own houses, let alone those who live in slums, isn’t this a dangerous authoritarian discrimination?).⁴⁶

4. **Emphasising the importance of the peaceful change and demonstration:** Al Nemer has talked in more than one event that the word is the weapon of real political change. He excluded and forbidden use of weapon. He said in one of his sermons: (Let’s not allow the government to take us into using the weapon. No one is allowed to use the weapon as it is spoils what the society has gained through its martyrdom and its speech. The authority will send people to use the weapon to militarize the demands and to find international excuses and social excuses to marginalize who demands his rights and kill him. (and kill those who order justice from among the people) So, if someone calls for equity and goes in a demonstration, the state intention will be to kill

⁴⁴ Youtube clip: (Shaikh Nemer Al Nemer stresses on the right of justice for both Shia and Sunni) <https://www.youtube.com/watch?v=V-SkRHqUWnw>

⁴⁵ Youtube clip (Shaikh Nemer Al Nemer stands with Sunni and Shia , against sectarianism) <https://www.youtube.com/watch?v=MjOHwQB84Rs>

⁴⁶ Youtube clip (Do you know Shaikh Nemer Baqir Al Nemer Listen to sounding words from the Mujahid Shaikh May God protect him from all evils.) <https://www.youtube.com/watch?v=Z5FodNCWe4Y>

him as if he is a murderer and a criminal. Therefore, the state will use some men to do this.

Thus, using weapons are rejected. We reject anyone carries a weapon. We ask him to go back home, we do not want your weapon. Our strength is not with weapon but with the spirit of martyrdom and Alhussain's word: "Hello death" this is our strength).⁴⁷

5. Criticizing the Saudi regime and his call to reforms: Saudi government imposed strict restrictions on freedom of expression represented in:

- Political arrest and torturing.
- Signing pledges.
- Ban from travelling.⁴⁸
- Denying Governmental services.
- Frequent summons.
- Frequent calls from the investigation and police stations for activists to intimidating and limiting activity.
- Send threat and warning messages via brokers.

Despite all of this, Al Nemer continued to express his opinion about the Saudi government in different occasions in issues related to its interior and foreign policies. His reformative efforts took a transitional step when he expressly announced in 2008/01/18 the (Wise Opposition Front) speaking to masses: (I call to form the Wise Opposition Front, to oppose hypocrisy and social deterioration, to oppose priesthood and religion exploitation, to oppose injustice and political tyranny, to oppose the international arrogance and oppression. We must oppose, because this is corruption, injustice, oppression, evil... We must oppose it).⁴⁹ After this speech, the government took steps to contain the escalation level of Sheikh Nemer's political speech. In 27/01/2008, that is nine months after

⁴⁷ Youtube clip (Shaikh Nemer is against weapons and words are his only weapon

<https://www.youtube.com/watch?v=OkF8YtSGSUM>

The Youtube clip is translated in different title (The truth about the Public prosecutor about the *crucifixion* on Shaikh Nemer Al Nemer)

https://www.youtube.com/watch?v=SdZWL_GI_NA#at=23

⁴⁸ A'adala report (constrained freedom) 2012: There are hundreds who are banned from travelling <http://www.adalacenter.net/?act=artc&id=663> . An article (Banning from Travelling) Jaffar Alshaib.

<http://www.arabrenewal.info/2010-06-11-14-22-29/39420-%D8%A7%D9%84%D9%85%D9%86%D8%B9-%D9%85%D9%86-%D8%A7%D9%84%D8%B3%D9%81%D8%B1.html>

⁴⁹ Youtube clip: Ayatollah Al Nemer (establishing the Wise Opposition Front) January 19, 2008. Look at this time 16:14 <https://www.youtube.com/watch?v=ips6gPqvylg>

the speech, the governor of Qatif province⁵⁰ visited Sheikh Nemer at his home in Awamia. This step was understood by observers as to contain his opposition stances.

In the context of criticism and the call for reformation, it has been noticed that Sheikh Nemer's political demands were growing gradually. Thus, his announcement about (Wise Opposition Front) came 6 months after delivering a letter to the local governor of the Eastern Province, known later as (Pride and Dignity Petition).⁵¹ The petition included several advices such as to support the political security and stability, to demand justice, instalment and freedom in various fields, and details of the political, intellectual, educational, legalisation and others. However, because the Saudi government ignores these demands, Sheikh Nemer had to escalate his political movement through his announcement (Wise Opposition Front).

6. **Sheikh Nemer's commitment in the political principles:** He considers that everyone has equal rights, regardless of their religion or sect. In his speeches dealing with the local issue, he called for equal rights for all citizens without an exception.

Moreover, his opinion regarding the political order has not been influenced by the narrow factional interests. He believes that justice⁵² is the scale through which the political order can be evaluated. This has been clear in his articles, his speeches which he delivered, particularly after the beginning of the Arab Spring in 2011.

⁵⁰ Rasid report: (Shaikh Nemer meets the governor of Qatif few days after announcing the (Wise opposition Front) <http://www.rasid.com/?act=artc&id=20371>

⁵¹ See the petition at <https://www.skner.com/web/article/view/212>

⁵² Shaikh Nemer wrote four articles entitled (Good life is a fruit of those who order for justice). He clarifies his point of view regarding the principle and value of justice, particularly, the political justice.

<https://www.skner.com/web/article/view/308>

<https://www.skner.com/web/article/view/309>

<https://www.skner.com/web/article/view/311>

<https://www.skner.com/web/article/view/312>

Third: The violations of rights and law against Sheikh Al Nemer.

First: Security harassment and incidents of the arrest.

Sheikh Nemer has various arrests; this is apart from the security harassments, through unwritten summons as follow:

Fist arrest: 1424 H (2003): This happened after having the Friday prayer in Qatif province and it lasted several weeks. He was asked to stop leading Friday prayers and other programmes. Also, he was asked to remove the prayer building in Karbala yard then he was finally released.

Second arrest: 1427 H (2006): He was arrested suddenly on his way back from Bahrain. He was taken from King Fahad's bridge to prison. He was humiliated physically and psychologically. His arrest lasted about a week. He was released after a demonstration took place in his hometown.

Third arrest: In 1429H (2008): He was summoned to Qatif province. As he did not respond, he was sent to the Emitate of Dammam then to prison. He was forced to sign not to deliver religious speeches and lessons but he refused. As a result, the interior minister ordered to put him in incommunicado if he does not stop delivering speeches for an indefinite period. So he was imprisoned for one day and a night.

Second: details of the last arrest:

In July 8, 2012, at 04:00 p.m., Sheikh Nemer was driving his car when suddenly armoured vehicles and tens of fully armed soldiers belong to state surrounded and chase his car until he crashed into nearby house.

Soldiers got off, and aggressively took him out of his car and opened fire targeted his left leg. Such an arrest left him with head wounded treated by surgery later. After been shot, Sheikh Nemer lost his conscious and some of his teeth. He had different bruises in his body. Then he was taken to the Medical Tower in Dammam and then transferred to the Military Medical Complex in Dhahran.

Needless to say, such an arrest is illegal as it is stated in Article 9 in the Universal declaration of Human rights 'No one shall be subjected to arbitrary arrest, detention or exile' and Article 12 'Everyone charged with a penal offence has the right to be presumed innocent until proved guilty

according to law in a public trial'. Also Article 9 in the International Covenant on Civil and Political Rights gives detainees the right 'to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful'.

Third: Arrest Proceedings:

Sheikh Nemer's arrest and overall stages of his detention bear witness on the lack of consideration of the Criminal regulations and the acute decrease to respect local and international human rights laws. This has been stressed by the human rights reports monitoring Saudi Arabia.

We ensure here that our discussion of the human rights laws violations happened to Sheikh Nemer until now does not mean we acknowledge and approve the legitimacy of his arrest. It does not agree with the related laws and legislative regulations.

We monitor the most prominent stations that took place since the arrest and issuing this report:

The first station: He was arrested in 08/07/2012.

The second station: His wife (Mona Jaber Alshariawi) passed away in 29/07/2012⁵³, but he was not allowed to attend her funeral and burial ceremony.

The third station: in 25/07/2013, after 260 days of Sheikh Nemer's detention, the Specialized Criminal Court had its first session, with no justification for the violation of Article 114 in Law of Criminal Procedure which states: (detention ends after five days unless the investigator decides to extend it, then, before it ends, he must present the papers to the head of the Bureau of Investigation and Public Prosecution branch in the region to issue an order to extend the detention for a period or successive periods but not to exceed 40 days since the day of arrest or to release the accused person. In situations when the detention required to be extended more, the matter is referred to the head of the Bureau of Investigation and

⁵³ A statement: Al Nemer and Al Alshariawi mourn Ayatollah Al Nemer's wife
<http://www.alnemer.ws/?act=artc&id=906>

Public Prosecution to issue his order to extend it again for a period or successive periods do not exceed 30 days, and do not exceed 6 months as a total since the date of arresting the accused, then the court has to transfer him immediately to the Specialized Court or release him). As the government violated its Penal System, Sheikh Nemer was not sent to court until he spent about 9 months.

According to a report broadcasted by Nabaa TV⁵⁴, the Public Prosecution has delivered to Sheikh Nemer a list general and special charges as well as unwilling confessions taken by force and tutoring from detainees while Sheikh Nemer confessed some of what he does or believes in. Here are the details:

General Accusations:

1. He defended and met with the '23 wanted' as listed by the ministry of the interior in his Friday sermons.
2. He aborted the attempt to arrest the wanted: Hussain Al Rabie
3. He prevented security men to do their job forcefully.
4. He led a gathering in Awamia with the wanted: Hussain Al Rabie, Morsi Al Rebh, Fadel Alsafwani and Abdullah Sreeh.
5. He delivered sermons which disrupt the national unity.
6. He supported Albaqie incidents in Medina.
7. After Albaqie incident, he was summoned. He did not hand himself in but hid.
8. He offended the King through the Friday sermons.
9. He considered the loyalty to Al Saud contradicts with the loyalty of God and his messenger.
10. He did not approve the legitimacy of the ruling regime in the country and he encouraged people to believe so. Also, he defended the forgotten 9 prisoners.
11. He intervened in the Bahrain's affairs.
12. He was involved with someone else in uploading his sermons in the internet.

⁵⁴ Nabaa report: Al Nemer is facing an absolute political trial
<http://www.youtube.com/watch?v=rnkbnN-Xp-4&list=TL3Fj4Tjg9sl>

Special Accusations:

1. He delivered a supportive pro-Iran speech, Friday 11/07/2008.
2. He had an interview with a website called Islam Online in 22/07/2008. He threatened to have clashes between Shia and Sunnis if the demands have not been fulfilled.⁵⁵
3. He called to build shrines for Albaqie Imams' graves in a speech after Maghreb prayer in 06/09/2011.
4. He called to release the '9 forgotten prisoners' on the Friday sermon in 09/09/2011.
5. He supported the protesting in Bahrain on Friday sermon in 29/09/2011.
6. He said that his loyalty is not for Al Saud on Friday sermon in 01/10/2011.
7. He supported the anti-state's shouting on Friday sermon in 25/11/2011.
8. He called not to forget the martyrs through a speech in 26/11/2011.
9. He attacked the Mufti of Saudi Arabia. He accused the security forces to kill the martyrs and described them for inciting riots on Friday sermon in 09/12/2011.
10. He urged to struggle and not to go to kings and princes on Friday sermon in 30/12/2011.
11. He urged people to defend the 23-wanted men on Friday sermon in 06/01/2012.
12. He urged people to demonstrate. He described it as an uprising and he who is killed is a martyr, on Friday sermon in 17/01/2012.
13. He described the Gulf rulers as oppressors. He considered who deals with the Saudi state as an immoral, on Friday sermon in 20/01/2012.
14. He urged to get rid of Al Khalifa and Al Saud on Friday sermon in 10/02/2012.
15. He described Saudi Arabia Ulama (scholars) as the King's tools on Friday sermon in 09/03/2012.
16. He incited to the necessity of getting out the Peninsula Shield from Bahrain on Friday sermon in 16/02/2012.
17. He led a march entitled (We are all Mohammed Alzinadi) in Awamia with the participation of a number of the 23-wanted men in 24/03/2012.

⁵⁵ Islam Online: A scripted phone call interview with Shaikh Nemer
<https://www.skemer.com/web/article/view/276>

18. He delivered a speech after Maghreb prayer to support the 23-wanted list and to accuse the state of oppressing them.
19. He mocked the security men in checkpoints on Friday sermon in 05/05/2012.
20. He did not approve the legitimacy of Al Saud and called to overthrow them on Friday sermon in 25/05/2012.
21. He showed happiness after the death of the interior minister Naif Al Saud and he accused him of killing and abusing women on Friday sermon in 22/06/2012.

After investigation, Sheikh Nemer has acknowledged the following:

1. The state has acknowledged and fabricated the charges against ‘the forgotten 9 prisoners’.
2. All those has been arrested by the charge of owning weapons do not deserve to be imprisoned for a long period because they have owned weapons to show off not for the security disruption. They did not do anything related to security disruption.
3. All the sermons attributed to Sheikh Nemer in the internet have been published on his own will and he does not regret about that but it achieved his goals.
4. He acknowledged meeting a number of the 23-wanted list and refused to disclose what have they talked about.
5. He acknowledged that he followed up the incidents of Qatif through the internet and refused to disclose the websites he accessed or his email.
6. He acknowledged that his role in the incidents of Qatif has been limited to the sermons he delivers.
7. He acknowledged that he considers the raid of the security men on houses to arrest the wanted is considered to be an encroachment and a person has the right for self-defence in anyway.
8. He acknowledged that he escaped from the security men when they came to arrest him after the incidents of Albaqie.
9. He acknowledged that he refused all attempts which sought to prevent him to incite people for demonstrations.

Confessions of a number of detainees included:

1. Sheikh Nemer used to meet them and incite them for the necessity to continue gathering and demonstrating.
2. Those who have been arrested from the 23-wanted list have confessed that Sheikh Nemer was inciting them not to hand themselves in.

At the end of the session, the prosecutor called for (*haraba* crucifixion)⁵⁶, a term means capital punishment. As a regular procedure, a copy of the prosecution list has to be delivered to the defence attorney but it did not happen.

The fourth station: in 29/04/2013, 35 days after the first session, the second session was held. It was supposed to be dedicated to hear from the defence attorney but it did not happen because he did not receive the charges list from the court. However, Dr Sadiq Aljobran and Mohammed Baqir Al Neme, Sheikh Nemer's brother, were assigned as defence attorneys. They were handed a copy of the prosecution list and allowed to visit Sheikh Nemer.

Sheikh Nemer's brother asked the judge to release Sheikh Nemer on bail as Article 123 in LCP states: (if the defendant has been transferred to court, then the court is in charge to release the defendant if he was detained or to detain him if he was released. The judge replied (write to court). The third session was supposed to be assigned but it did not happen.

The fifth station: In 17/05/2013, the defence attorney, Dr Sadiq Aljobran, asked the court to have a permission to visit Sheikh Nemer as he has not been able to meet him until today. They asked him to check with the General Directorate of Investigation.

The sixth station: In 02/06/2013, the defence attorney, Dr Sadiq Aljobran wrote: (Until now, we have not been enabled to meet Sheikh Nemer Al Nemer to prepare a defence memorandum, despite an order to enable us have been

⁵⁶ To know more about *Haraba - crucifixion* http://www.ejabh.com/arabic_article_115516.html

issued by the judge, Sheikh Nemer's brother, Mohammed Baqir, and have checked the case)

The seventh station: In 30/07/2013, Sheikh Nemer met his attorney and his brother Mohammed in his detention place, Security Forces Hospital in Riyadh, for about two hours to talk about the defence memorandum.

The eighth station: Sheikh Nemer met his attorney, Dr Sadiq Aljobran and his brother Mohammed to prepare the defence memorandum. Al Nemer appeared to be clearly denied what he did not do or say and acknowledged all what he said, especially regarding the peaceful movement and demands.

Until the issue of this report, it has been 7 months since the last session in 29/04/2013, while the third session, dedicated to listen to the defence attorney's saying against the prosecution accusations, was supposed to be set.

Sheikh Nemer is still imprisoned individually in the Security Forces Hospital in Riyadh, which belongs to the Ministry of Interior. He has been held in a dark cell (3.5 m x 3 m) with no windows, wood door which is opened for food only, and has a carpet in the middle, a table and chair, and he has a Quran and prayer rug, in absolute isolation from outsider's world with an exception of some visits and phone calls with his family members. He is still using a stick to walk as a result of being shot intentionally. His broken bone has not been healed yet and still has one bullet in his leg and tissues have grown around it. The government refuses to treat him properly and because of the medical mistreatment, he lost 2.50 centimetres from his leg's length and became disabled. He also noticeably lost weight, where his cheeks and jawbone indicated a clear loss of weight.

Fourth: The conclusion

The European Saudi Society for Human Rights calls Saudi authorities:

1. To immediately and unconditionally release the prisoner of conscious Sheikh Nemer Baqir Al Nemer and to drop all the charges against him.
2. To offer him the necessary health care sponsored by the state to get him recovered from the affects he has as a result of using excessive force, shooting, and anything else if applicable.
3. Compensation for Sheikh Nemer's imprisonment as the law states.
4. Prosecute the Security forces for their use of excessive force by shooting live-bullets on Sheikh Nemer which disabled him and to prosecute everyone violated Sheikh Nemer's rights or assaulted him. It must be ensured that the accused Security forces have all their legal rights and fair trial.
5. To ensure the civil and political freedoms especially the freedom of expression and peaceful gathering and to charge everyone opposes that.
6. To be committed to local laws and legislations and the international and regional conventions related to human rights which Saudi Arabia has joined.
7. To stop the sectarian discrimination and to approve the Shia sect, which includes about 3 million citizens, in laws and legislations and to enact laws and legislations which offer protection to citizens from any violations they receive because they belong to their sect.
8. To release all prisoners of conscious and compensate them for all the physical and psychological damages they had as a result of the arrest.

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5. Al Nemer Family, the family website <https://www.sknermer.com/web/>

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1. Tom Porteous [@tomporteous](#)
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We tried to be précised in the report. If there is a mistake or something else, it is because of the ambiguity and secrecy practiced by the Saudi authorities in addition to the lack of public trial.