

## Developments in Saudi Arabia's publication laws



**By Abdulaziz A. Al-Bosaily**

Since March 2001, freedom of expression in the Kingdom of Saudi Arabia (KSA) has been governed primarily by the *Law on Publishing & Publications* (Publishing Law). The scope of the Publishing Law was extended to electronic media in March 2011 by the *Implementing Regulations of the Electronic Publishing* (IREP). Royal Order No. O-71 (Religious Scholars' Law), and a subsequent royal order amending the Publishing Law (Amendment), further altered the scope and application of the Publishing Law. This article examines the content and practical effects of the Publishing Law, IREP, Religious Scholars' Law and Amendment (together the Laws).

### The scope of the Laws

The majority of the provisions of the Publishing Law relate to "publications", i.e. any means of expression of a viewpoint that is made for circulation. This definition includes words, drawings, photographs and sounds, so encompasses newspapers, periodicals, radio transmissions and television broadcasts. The author, publisher, printer, distributor and seller of "internal/local" publications are all potentially liable for a violation of the Publishing Law.

The Amendment does not extend the range of "publications" to which the Publishing Law applies, focusing instead on increasing the scope of the persons protected by the Publishing Law, increasing the penalties, and prescribing an exclusive forum for enforcement of the Laws.

The provisions of the Publishing Law are not designed to deal with internet-based and other electronic media. This gap is filled by the IREP, which regulates a broad range of electronic publications, from electronic journals and news websites through to chat rooms, personal blogs and even text messages. The Editor-in-Chief of an electronic journal, the manager of an electronic news agency and the author of text appearing on an electronic source

are examples of individuals on whom liability may fall under the IREP.

The recently published and enabled Religious Scholars' Law is arguably the most all-encompassing of the Laws, since its provisions apply to "all media channels".

### The practical impact on printed and electronic media

The violator of any provision of the Publishing Law and the Amendment may be fined SAR 500,000 (approximately US\$133,000), which may be doubled on a repeat violation. In addition, a violator may be prohibited from writing in newspapers or speaking on satellite channels. Sites responsible for disseminating content found to violate the Laws may be closed, or access to electronic media providing access to such content may be blocked by a decision of the Minister of Culture and Information. In addition to these penalties, separate penalties may always be imposed arising from other law, particularly if content is deemed to violate religious law or to offend the KSA's sacred customs and traditions. Such violations have resulted in the imposition of lashes and other penalties.

Whilst the financial penalties imposed by the Publishing Law have been increased in the Amendment, the Amendment specifies that a specific primary committee will exercise exclusive jurisdiction to handle all claims involving the media and that any complaints against the decisions of the primary committee will be considered by a specific appeal committee. In effect, this means that the regular and religious courts will no longer exercise any jurisdiction over broadcasts of content deemed offensive by any other authority or party in the KSA.

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