

URGENT ACTION

NEW TRIAL, THOUGH SENTENCE OVERTURNED

Website founder Raif Badawi, jailed in 2012, has had his conviction and sentence overturned on appeal, but could now be tried again. Amnesty International considers him a prisoner of conscience.

The Court of Appeal in Jeddah is reviewing the case of **Raif Badawi**. It referred his case back to the Criminal Court on 11 December, after overturning his July 2013 conviction and sentence. The judge in the Criminal Court ruled on 25 December that his court did not have jurisdiction over the case, arguing that the charges related to "apostasy", an "offence" punishable by death and one which falls under the jurisdiction of the General Court. The Court of Appeal will decide whether to send the case back to the Criminal Court or to examine it itself. Raif Badawi's lawyer asked for him to be released pending trial, but the request was rejected.

The Criminal Court in Jeddah had convicted Raif Badawi on 29 July 2013 of offences including violating Saudi Arabia's information technology law and insulting religious authorities by creating and managing an online forum, Saudi Arabian Liberals. Raif Badawi was also convicted of insulting religious symbols in his Twitter and Facebook posts, and of criticizing the Commission for the Promotion of Virtue and Prevention of Vice (also known as the religious police) and officials who argued against including women in the Shura Council. Raif Badawi was sentenced to seven years in prison and 600 lashes. The judge also ordered that the online forum be shut down.

Raif Badawi has been detained since 17 June 2012 in a prison in Briman, in Jeddah. His trial that began that month was marred by irregularities. According to his lawyer, the original trial judge was replaced by a judge who had advocated that Raif Badawi be punished for "apostasy".

Please write immediately in Arabic, English or your own language:

- Calling on the authorities to release Raif Badawi immediately and unconditionally as he is a prisoner of conscience detained solely for the peaceful exercise of his right to freedom of expression;
- Urging them to drop any pending charges against him and desist from charging and convicting people for "apostasy", as its criminalization is incompatible with the human right to freedom of thought, conscience and religion.

PLEASE SEND APPEALS BEFORE 3 MARCH 2014 TO:

King and Prime Minister

King Abdullah bin Abdul Aziz Al Saud
The Custodian of the two Holy Mosques
Office of His Majesty the King
Royal Court, Riyadh
Kingdom of Saudi Arabia
Fax: (via Ministry of the Interior)
+966 1 403 3125 (please keep trying)
Salutation: Your Majesty

Minister of the Interior

His Royal Highness Prince Mohammed
bin Naif bin Abdul Aziz Al Saud
Ministry of the Interior, P.O. Box 2933,
Airport Road, Riyadh 11134
Kingdom of Saudi Arabia
Fax: +966 1 403 3125 (please keep
trying)
Salutation: Your Royal Highness

And copies to:

Minister of Justice

Sheikh Dr Mohammed bin Abdul Kareem
Al-Issa
Ministry of Justice
University Street, Riyadh 11137
Kingdom of Saudi Arabia
Fax: +966 1 401 1741 / +966 1 402 0311
Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the third update of UA 3/13. Further information:

www.amnesty.org/en/library/info/mde23/027/2013/en

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ADDITIONAL INFORMATION

Raif Badawi's trial began in July 2012 before the General Court in Jeddah. On 21 January 2013, the General Court sent the case to the Criminal Court in Jeddah (previously referred to as the District Court), stating that it did not have jurisdiction to examine the case because it did not find that Raif Badawi had insulted Islam and therefore an "apostasy" charge did not apply. The General Prosecutor, however, insisted that Raif Badawi should be tried for "apostasy". The case was then sent to an appeal court to determine whether it should be heard by the Criminal Court in Jeddah or another tribunal, in particular the General Court in Jeddah, which has jurisdiction over "apostasy" cases. The Court of Appeal in Jeddah referred the case to the Criminal Court and on 29 July 2013 Raif Badawi was sentenced to seven years in prison and 600 lashes. His lawyer appealed the decision arguing that the case was dealt with by a temporary judge who was not impartial. On 11 December 2013 the Court of Appeal ruled that the case should be reviewed again and sent it back before the Criminal Court in Jeddah. On 25 December 2013, the judge in the Criminal Court ruled that he did not have jurisdiction to review the case arguing that the charges relate to "apostasy".

The Saudi Arabian authorities have continued their widespread campaign of persecution of civil society activists and human rights defenders, both through the courts and through arbitrary measures such as the imposition of travel bans. Since 2012, this campaign has singled out activists who have used the judiciary to seek redress for violations by the Interior Ministry and security forces, those who have criticized state institutions for shortcomings, and those who have challenged restrictions on basic freedoms and rights, such as the standing ban of freedom of assembly and the right to peaceful protests.

In June 2013 alone, at least 11 activists were sentenced to prison terms amidst an ongoing crackdown on activism, including online activism. Between 17 and 24 June, four prominent activists were sentenced to between 10 months and 10 years in prison for their human rights activism and seven young men were sentenced by a special court in Dammam to between five and 10 years in prison for their Facebook posts in support of a detained Saudi Arabian Shi'a Muslim cleric in the country's Eastern Province, where ongoing demonstrations have been repressed with excessive force.

The Universal Declaration of Human Rights upholds the rights to freedom of expression and freedom of association. Restrictions on these rights are not permissible unless they are provided by law, for the purpose of protecting certain public interests (national security, public order, public health or morals) or the rights of others, and, in each case, are demonstrably necessary and proportionate for the achievement of that purpose. Criminal charges for peaceful criticism of public officials and institutions and for peaceful defence of human rights violate international human rights law. Corporal punishment such as flogging also violates international law, which prohibits torture and other cruel, inhuman or degrading treatment or punishment.

Name: Raif Badawi
Gender m/f: m

Further information on UA: 3/13 Index: MDE 23/001/2014 Issue Date: 20 January 2014