

URGENT ACTION

POET FACES DEATH FOR APOSTASY IN SAUDI ARABIA

Ashraf Fayadh, a Palestinian poet and artist, has been sentenced by a court in Saudi Arabia to death for the “crime” of apostasy. He was denied access to a lawyer throughout his detention and trial. He is a prisoner of conscience.

Ashraf Fayadh, a 35 year-old Palestinian poet and artist born and residing in Saudi Arabia, was sentenced to death on 17 November. The General Court in Abha, southwest Saudi Arabia, found him guilty of apostasy after an appeal court overturned the original sentence of four years in prison and 800 lashes for violating Article 6 of Saudi Arabia’s Anti-Cyber Crime Law.

Ashraf Fayadh was first arrested on 6 August 2013 following a complaint by a Saudi Arabian citizen alleging that the poet was promoting atheism and spreading blasphemous ideas among young people. He was released the next day, but was rearrested on 1 January 2014 and charged with apostasy because of his supposed questioning of religion and spreading atheist thought through his poetry. He was also charged with violating Article 6 of the country’s Anti-Cyber Crime Law by taking and storing photos of women on his phone.

On 30 April 2014, the court sentenced Ashraf Fayadh to four years in prison and 800 lashes for the charges relating to images of women on his phone. It found the poet’s repentance in relation to the charge of apostasy to be satisfactory. The court of appeal, however, recommended that he should nevertheless be sentenced for apostasy and sent the case back to the General Court, which in turn sentenced him to death for apostasy.

Ashraf Fayadh was denied access to a lawyer throughout his detention and trial, in clear violation of international and national law.

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

- Calling on the authorities to release Ashraf Fayadh immediately and unconditionally, as he is a prisoner of conscience, held solely for peacefully exercising his right to freedom of expression;
- Urging them to ensure that Ashraf Fayadh’s conviction and sentence are quashed;
- Urging them to ensure that the death penalty is not used for offences which do not meet the threshold of “most serious crimes”, including for apostasy which, in addition, is not a recognisably criminal offence under international law.

PLEASE SEND APPEALS BEFORE 5 JANUARY 2015 TO:

King and Prime Minister

His Majesty Salman 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 11 403 3125 (please keep trying)
Twitter: @KingSalman

Salutation: Your Majesty

Minister of Justice

His Excellency Dr Walid bin Mohammed
bin Saleh Al-Samaani
Ministry of Justice
University Street,
PO Box 7775, Riyadh 11137
Kingdom of Saudi Arabia
Fax: +966 11 401 1741 / 402 031

Salutation: Your Excellency

And copies to:

President, Human Rights Commission
Bandar Mohammed ‘Abdullah al-Aiban
Human Rights Commission
PO Box 58889, Riyadh 11515
King Fahd Road
Building No. 3, Riyadh
Kingdom of Saudi Arabia
Fax: +966 11 418 5101
Email: info@hrc.gov.sa

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.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Saudi Arabia is one of the most prolific executioners in the world, putting more than 2,200 people to death between 1985 and 2015. Between 1 January and 9 November 2015, it executed at least 151 people, almost half of them for offences that did not meet the threshold of “most serious crimes” for which the death penalty can be imposed under international law. Saudi Arabia also continues to impose the death penalty on those convicted of “offences” that are not recognizably criminal offences under international human rights law. These include apostasy, adultery, witchcraft and sorcery.

The authorities repeatedly fail to abide by international standards for fair trial and UN Safeguards guaranteeing protection of the rights of those facing the death penalty. Trials in death penalty cases are often held in secret and their proceedings are unfair and frequently summary, with no legal assistance or representation through the various stages of detention and trial. Defendants may be convicted solely on the basis of “confessions” obtained under torture or other ill-treatment, duress or deception.

Since 2012, the Saudi Arabian authorities have been persecuting human rights defenders, civil society activists and critics with complete impunity, using both the courts and extrajudicial means such as the imposition of travel bans. Members of the independent Saudi Civil and Political Rights Association (ACPRA) bore the brunt of this persecution. Eight of the organisation’s founding members are currently in prison either serving their sentence or awaiting the outcome of their retrial before the counter-terror court. Only two members remain at liberty, pending the outcome of their ongoing trials in front of the same court. Dr Abdullah al-Hamid, Dr Mohammad al-Qahtani, Dr Suliaman al-Rashudi, Dr Abdulkareem al-Khoder, Dr Abdulrahman al-Hamid, Fowzan al-Harbi, Mohammed al-Bajad and Omar al-Sa’id are currently serving prison sentences for up to 15 years, to be followed by a travel ban of equal duration, for their peaceful activism. Abdulaziz al-Shubaili and Issa al-Hamid are still free pending the outcome of their trials. Saleh al-Ashan has been detained since April 2012 without any charge or trial. In March 2013 the court also ordered the disbanding of ACPRA, confiscation of its property and the closure of its social media accounts.

Other activists persecuted by the authorities include human rights defenders Waleed Abu al-Khair and Fadhel al-Manasif (see <https://www.amnesty.org/en/documents/mde23/1546/2015/en/> and <https://www.amnesty.org/en/documents/MDE23/008/2014/en/> respectively), activists Abdulaziz al-Sunaidi, Shi’a Muslim cleric Sheikh Nimr al-Nimr, and writer Dr Zuhair Kutbi (See <https://www.amnesty.org/en/documents/mde23/2856/2015/en/>, <https://www.amnesty.org/en/documents/mde23/2753/2015/en/>, and <https://www.amnesty.org/en/documents/mde23/2351/2015/en/>)

Under international law, the death penalty can only be imposed for the “most serious crimes”; which has been most recently interpreted by UN experts to refer to “intentional killing”. “Apostasy” does not meet that threshold – and indeed should not be a crime at all, since it is not a recognisably criminal offence in terms of international law, and it negates the right to freedom of thought, conscience and religion or belief set out in the Universal Declaration of Human Rights.

The death penalty is a cruel, inhuman and degrading punishment. Amnesty International opposes the death penalty at all times - regardless of who is accused, the crime, their guilt or innocence or method of execution.

Name: Ashraf Fayadh
Gender m/f: m