

URGENT ACTION

POET RESENTENCED TO PRISON AND FLOGGING

Palestinian poet and artist Ashraf Fayadh has had his death sentence overturned by a court in Saudi Arabia. He has been resented to eight years in prison and 800 lashes. He is a prisoner of conscience.

Ashraf Fayadh's death sentence was commuted by the General Court in Abha, southwest Saudi Arabia, on 2 February. He has been resented to eight years in prison and 800 lashes. According to his lawyer, the Court has also ordered Ashraf Fayadh to publicly announce his repentance in official Saudi Arabian media. The same court initially sentenced him to four years in prison and 800 lashes on the same charges, before sentencing him to death upon the recommendation of an appeal court. His lawyer has stated that he will appeal the latest sentence.

The 35-year-old Palestinian poet and artist, born and residing in Saudi Arabia, 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 rearrested on 1 January 2014 and charged with apostasy due to his supposed questioning of religion and spreading atheist thought via 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.

Ashraf Fayadh was sentenced by the General Court in Abha on 30 April 2014 to four years in prison and 800 lashes for the charges relating to images of women on his phone. The General Court 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 on 17 November 2015. Ashraf Fayadh was denied access to a lawyer throughout his detention and first instance trial, in clear violation of both international and national law.

Please write immediately in English, Arabic 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 human right to freedom of expression;
- Urging them to ensure that Ashraf Fayadh's conviction is quashed;
- Urging them to immediately establish an official moratorium on all executions as a first step towards total abolition, and abolish flogging and all other cruel, inhuman and degrading punishments.

PLEASE SEND APPEALS BEFORE 15 MARCH 2016 TO:

King and Prime Minister

His Majesty King 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

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 first update of 265/15. Further information:

<https://www.amnesty.org/en/documents/mde23/2925/2015/en/>

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ADDITIONAL INFORMATION

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 administrative 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 Specialized Criminal Court (SCC, the counter-terrorism 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, and Fowzan al-Harbi, 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-Ashwan 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 peaceful 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).

Activist Abdulaziz al-Sunaidi was sentenced on 13 October to eight years in prison followed by an eight-year travel ban, and a fine of 50,000 Saudi Arabian riyals (about US\$13,300) by the SCC in the capital Riyadh, for among other things violating Article 6 of the Anti-Cyber Crime Law through his tweets and writings. Throughout his detention, interrogation and trial Abdulaziz al-Sunaidi was denied access to a lawyer.

Dr Zuhair Kutbi, a prominent writer, commentator and critic was found guilty of violating the Counter-Terror Law and Article 6 of the Anti-Cyber Crime Law and sentenced on 21 December 2015 to four years in prison followed by a five-year ban on overseas travel, a fine of 100,000 Saudi Arabian riyals (about US\$26,600) and a 15-year ban on writing and giving interviews to the media, after he was found guilty of violating the Counter-Terror Law and Article 6 of the Anti-Cyber Crime Law by "inciting public opinion", "sowing discord" and "reducing people's respect of the rule of law". The Court also ordered him to erase his social media accounts. It suspended two years of his four-year sentence because of his health, but indicated it would reimpose them if he "offended" again. It is believed that Dr Zuhair Kutbi was arrested on 15 July because of comments he made on 25 June on the TV show *Fi al-Samim* (To the Point), on the Rotana Khalijia satellite channel, in which he criticized political repression in Saudi Arabia and argued for reforms such as transforming the country's political system into a constitutional monarchy.

Amnesty International considers all of the above activists and critics to be prisoners of conscious, detained solely for peacefully exercising their right to freedom of expression and assembly, and calls for their immediate and unconditional release.

Name: Ashraf Fayadh

Gender m/f: m

Further information on UA: 265/15 Index: MDE 23/3383/2016 Issue Date: 3 February 2016