

URGENT ACTION

DEFENDER SENTENCED TO PRISON AND FLOGGING

Saudi Arabian human rights defender, Mikhlif al-Shammari, had his sentence of two years in prison and 200 lashes upheld by a court of appeal on 2 November. He is at risk of being imprisoned and flogged at any time. If detained he will be considered a prisoner of conscience.

On 22 November, Saudi Arabian human rights defender **Mikhlif bin Daham al-Shammari** was informed by a Criminal Court judge in al-Khobar, in Saudi Arabia's Eastern Province, that his conviction and sentence were upheld by the court of appeal on 2 November. He was sentenced on 6 November 2014 by the Criminal Court in al-Khobar to two years in prison and 200 lashes for two key charges: "stirring public opinion by sitting with the Shi'a" and "violating instructions by the rulers by holding a private gathering and tweeting". He now is at risk of being imprisoned and flogged at any time.

At some point after the initial sentencing on 6 November 2014, the court amended the wording of the first charge, so that it now reads, "stirring up public opinion by sitting with trouble makers from the Shi'a." When Mikhlif al-Shammari complained about this change to the head of the Criminal Court in al-Khobar on 22 November, he was told that such amendments are up to the discretion of the judge and he had no right to interject or oppose it. The head of the Criminal Court also informed him that his sentence had been finalized and referred to the Governor of the Eastern Province for implementation.

Mikhlif al-Shammari is an outspoken human rights defender. Through his writings and activism he has advocated for the rights of minorities, especially those of Saudi Arabia's Shi'a Muslims. His peaceful human rights activism has led the Saudi Arabian authorities to arbitrarily detain and try him on a number of occasions. He has already spent over 20 months in jail and has also reported being tortured and otherwise ill-treated in custody.

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

- Calling on the Saudi Arabian authorities to ensure all the convictions and sentences imposed on Mikhlif bin Daham al-Shammari are quashed, as they are based solely on his peaceful exercise of his rights to freedom of expression and association;
- Calling on them to conduct a thorough, impartial and independent investigation into his allegations that he was subjected to torture and other ill-treatment in custody;
- Urging them to end the harassment and persecution of those peacefully exercising their rights to freedom of expression, association and assembly, including human rights defenders and activists calling for reforms.

PLEASE SEND APPEALS BEFORE 6 JANUARY 2015 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 Interior)
+966 11 403 3125 (please keep trying)
Twitter: @KingSalman

Salutation: Your Majesty

Minister of Interior

His Royal Highness Prince Mohammed bin Naif bin Abdul Aziz Al Saud
Minister of Interior
Ministry of the Interior, P.O. Box 2933,
Airport Road, Riyadh 11134
Kingdom of Saudi Arabia
Fax: +966 11 403 3125 (please keep trying)

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 second update of UA 169/13. Further information:

<https://www.amnesty.org/en/documents/MDE23/031/2014/en/>

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ADDITIONAL INFORMATION

Mikhlif al-Shammari was first detained in 2007 when he spent three months in prison without charge shortly after meeting a prominent Shi'a Muslim cleric.

On 14 June 2010, Mikhlif al-Shammari was rearrested in al-Khobar after he published an article criticizing what he said was prejudice by Sunni religious scholars against members of the Shi'a community and their beliefs. He was charged with the "offence" of "annoying others" and held in the General Prison in the city of Dammam for 20 months. Two separate courts in Dammam (the Court of First Instance and the General Court), however, refused to hear the case, arguing that it did not fall under their jurisdiction. He challenged the lawfulness of his long detention in a submission to the Board of Grievances, an administrative court with jurisdiction to consider complaints against the state and its public services, but his challenge was dismissed on 13 November 2011 on the basis that the Board did not have jurisdiction to hear his case since it was security-related and had been transferred to the Specialized Criminal Court (SCC). When the prosecution finally moved the case to the SCC, a court set up in 2008 to deal with security-related issues, it called for him to be executed for apostasy. The prosecution eventually withdrew the charge of apostasy, filing a list of charges against him including: sowing discord, harming public order and the image of the state, violating the information technology law, questioning the integrity of state officials and defaming religious leaders.

Mikhlif al-Shammari has said that during his detention at the General Prison in Dammam he was tortured and otherwise ill-treated. He has said that he was suspended from the walls by his arms with his feet barely touching the floor for an hour each day and that, in July 2011, he was beaten unconscious by prison guards and woke up to find that they were making him drink a toxic cleaning product. He was taken to hospital where the staff told him that he had attempted to commit suicide, and when he was discharged he was placed in solitary confinement for around 15 days.

Mikhlif al-Shammari was released on 29 February 2012 after he signed a pledge that "he will adhere to the rules and regulations set up by the rulers of the country, be a good citizen, attend his trial and investigations sessions, refrain from talking to or writing in national and international media outlets and refrain from communicating with external parties and representatives of foreign and international organizations inside and outside the Kingdom and refrain from hosting and attending social events, conferences and gatherings without prior permission". It was also made clear to him that if he did not comply with what he had pledged, he would be arrested again. His trial in front of the SCC began 16 days after his release and on 17 June 2013 he was sentenced to five years in prison. In June 2014 his sentence was upheld by the Court of Appeal of the SCC.

Shortly after his trial started before the SCC in 2012, Mikhlif al-Shammari was presented with a list of separate charges and was brought to trial before the Criminal Court in al-Khobar. He was accused of breaching his pledge by, among other things, hosting a gathering which was attended by a number of reformists to celebrate his release, visiting the family of a Shi'a Muslim protester killed in al-Qatif in the Eastern Province and posting a tweet that reads "Out of my belief in the coexistence between the society's spectrums and tolerance between Muslims I will pray the Friday prayers in Hamza Mosque in Saihat" (referring to a Shi'a mosque in the Eastern Province). On 6 November 2014 the Criminal Court in al-Khobar sentenced him to two years in prison and 200 lashes. On 22 November 2015 he learned that his sentence was upheld by the Court of Appeal.

Name: Mikhlif bin Daham al-Shammari
Gender m/f: m

Further information on UA 169/13 Index: MDE 23/2932/2015 Issue Date: 25 November 2015