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Death penalty fear for Tweeter facing forcible return to Saudi Arabia from Malaysia

The Malaysian authorities must release Hamza Kashgari and not forcibly return him to Saudi Arabia, where he faces risk of execution for his Tweets about the Prophet Mohammed, Amnesty International said today.

He was arrested at Kuala Lumpur's airport Thursday morning and taken away by two plain-clothed men. Amnesty International called on the authorities to reveal his whereabouts, and ensure his access to lawyers. The Malaysian authorities have not charged Kashgari with any recognizable criminal offense.

"Hamza Kashgari faces imminent risk of forcible return to Saudi Arabia where he could be executed if his statements are deemed to amount to apostasy," said Hassiba Hadj Sahraoui, Amnesty International's Deputy Director for Middle East and North Africa. "Amnesty International considers Hamza Kashgari a prisoner of conscience since he is being detained in Malaysia for peacefully exercising his right to freedom of expression and calls for his immediate and unconditional release."

Hamza Kashgari, who was born in 1989, left Saudi Arabia on 6 February amid death threats after prominent clerics accused him of apostasy following statements he had posted on Twitter which they deemed to be insulting towards the Prophet Mohammed.

Saudi Arabia applies the death penalty for apostasy. On 7 February, Saudi Arabia's king reportedly called on the Saudi Arabian Ministry of Interior to arrest Hamza Kashgari and hold him accountable for the statements he made. Hamza Kashgari arrived in Kuala Lumpur on 7 February, and was arrested two days later as was trying to continue his journey to New Zealand.

Media reports have stated that the Malaysian Home Minister confirmed they had arrested him and were in contact with the Saudi Arabian authorities about their next course of action.

"Saudi Arabian authorities must revoke the request to arrest Hamza Kashgari for exercising his right to freedom of expression, and drop any requests to Malaysia for him to be handed over on this basis," said Hassiba Hadj Sahraoui.

Amnesty International said that the Malaysian authorities repress freedom of expression through jail terms and fines, but they do not carry out executions for peaceful exercise of freedom of expression.

"If the Malaysian authorities hand over Hamza Kashgari to Saudi Arabia, they could end up complicit in any violations he suffers."

Background

In Saudi Arabia, the death penalty is applied for a wide range of offences including for apostasy and sorcery. The criminalization of apostasy is incompatible with the right to freedom of thought, conscience and religion as set out in Article 18 of the Universal Declaration of Human Rights. Although the crime of "sorcery" is not defined it has been used to punish people for the legitimate exercise of their human rights, including the rights to freedom of thought, conscience, religion, belief and expression. In 2011, two people were executed for sorcery.

Amnesty International has documented cases in Saudi Arabia where people whose comments were deemed contrary

to Islam have at times been considered to be tantamount to being an apostate and as such sentenced to death.

Court proceedings in Saudi Arabia fall far short of international standards for fair trial. Defendants are rarely allowed formal representation by a lawyer, and in many cases are not informed of the progress of legal proceedings against them. They may be convicted solely on the basis of confessions obtained under duress or deception.