

Saudi Arabia: 600 lashes and 7 years for activist guilty of 'insulting Islam'

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A Jeddah court on July 29, 2013, convicted a liberal activist of violating Saudi Arabia's anti-cybercrime law and sentenced him to 600 lashes and seven years in prison. The Criminal Court found Raif Badawi, the founder of the Free Saudi Liberals website, guilty of insulting Islam through his website and in comments he made on television, and added three months to his term for "parental disobedience."

The charges against Badawi were based solely on his peaceful exercise of his right to free expression, Human Rights Watch said. Badawi established his online platform in 2008, to encourage debate on religious and political matters in Saudi Arabia. He has been detained in Jeddah's Buraiman prison since his arrest on June 17, 2012. Criminal Court Judge Faris al-Harbi dropped a charge of apostasy, which carries the death penalty, after Badawi assured the court on July 24 that he is a Muslim.

"This incredibly harsh sentence for a peaceful blogger makes a mockery of Saudi Arabia's claims that it supports reform and religious dialogue," said Nadim Houry, deputy Middle East director at Human Rights Watch. "A man who wanted to discuss religion has already been locked up for a year and now faces 600 lashes and seven years in prison."

Badawi's lawyer, Waleed Abu al-Khair, told Human Rights Watch that Judge al-Harbi read the verdict aloud during a trial session on July 29, and that the court will send Abu al-Khair a written notification by August 6, and give him 30 days to appeal.

Abu al-Khair said that the judge sentenced Badawi to five years in prison for insulting Islam and violating provisions of Saudi Arabia's 2007 anti-cybercrime law through his liberal website, affirming that liberalism is akin to unbelief. The judge ordered the closure of the website and added two years to Badawi's sentence for insulting both Islam and Saudi Arabia's Committee for the Promotion of Virtue and Prevention of Vice, or religious police, in comments during television interviews.

Abu al-Khair also said the judge added three months to the sentence for *`Uquq*, or "parental disobedience," apparently because of Badawi's numerous public confrontations with his father over the years.

The judge dropped the apostasy charge after Badawi affirmed to the court that he is a Muslim and recited the *Shehadeh*, or Muslim declaration of faith, the lawyer said. The judge also threw out the evidence that Badawi had violated the anti-cybercrime law in comments on social media sites.

Prosecutors initially charged Badawi in 2011, alleging that his website "infringes on religious values." According to the charge sheet, the prosecution's evidence included five postings by Badawi and anonymous members of his site critical of Saudi religious authorities, and two postings regarding theological questions.

During a hearing on Badawi's case at the Jeddah Criminal Court on December 17, 2012, Judge Muhammad al-Marsoom prevented Badawi's lawyer from representing his client, the lawyer told Human Rights Watch. Judge al-Marsoom informed Badawi that he could face the death penalty if he did not "repent to God" and renounce his liberal beliefs. Badawi refused. Recommending a trial for apostasy, the judge referred the case to the Jeddah Public Court, which tries more serious crimes. In January, the Public Court refused to hear the case, and following a lengthy process to determine which court had jurisdiction, judicial authorities eventually transferred it back to the Criminal Court.

Saudi authorities have long harassed Badawi for debating religious issues. In March 2008, authorities arrested Badawi and questioned him about his website, but released him a day later. In May 2008, Badawi was formally charged with "setting up an electronic site that insults Islam" and he left the country. He returned when prosecutors apparently decided to drop the charges, he told Human Rights Watch. In 2009, the authorities barred Badawi from traveling abroad and froze his business interests, depriving him of a source of income, he told Human Rights Watch.

On March 18, 2012, the well-known cleric Sheikh Abdulrahman al-Barrak issued a religious ruling declaring Badawi an "unbeliever... and apostate who must be tried and sentenced according to what his words require." Al-Barrak claimed that Badawi had said "that Muslims, Jews, Christians, and atheists are all equal," and that even if these were not Badawi's own opinions but "an account of the words of others, this is not allowed unless accompanied by a repudiation" of such words.

Badawi and other contributors to his website declared May 7, 2012, "A Day for Saudi Liberals," hoping to spark an open discussion on distinctions between "popular" and "politicized" religion, Su'ad al-Shammar, the website's director, told Human Rights Watch.

Badawi's wife and children moved abroad in 2012, fearing repercussions.

International human rights law protects freedom of expression. International standards only allow content based restrictions on expression in extremely narrow circumstances, such as cases of slander or libel against private individuals, or speech that threatens national security. Restrictions must be clearly defined, specific, necessary, and proportionate to the threat to the interest protected.

The mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties, the UN Human Rights Committee said in its 2011 General Comment No. 34 regarding permissible limits on freedom of expression. Regarding restrictions for the protection of public morals, the committee in its 1993 General Comment 22 on freedom of religion observed "that the concept of morals derives from many social, philosophical, and religious traditions; consequently, limitations... for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition."

"King Abdullah has received praise for fostering dialogue and an exchange of ideas between religions, but it appears that Saudi authorities' tolerance for open discussion stops at Saudi borders," Houry said.

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