

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA  
SAU 1/2015:

22 January 2015

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 25/2, 22/20, 25/18, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the public flogging of Mr. **Raef Badawi** on 9 January 2015.

Mr. Raef Badawi is an online blogger and activist. He is also the founder of the website *Free Saudi Liberals*, which he created at the beginning of 2006. This liberal blog promoted freedom of expression and fostered public debate about religion in Saudi Arabia, but was closed by the authorities in July 2013. Mr. Badawi has published many articles criticising the religious authorities and has continuously advocated for human rights and for the rights of minorities, in particular religious minorities.

Mr. Badawi was subject of urgent appeals sent by various Special Procedures mandate holders on 12 July 2012 (SAU 9/2012); on 31 January 2014 (SAU 2/2014); and on 31 October 2014 (SAU 13/2014) presenting allegations of arbitrary arrest and detention, intimidation and prosecution based on Mr. Badawi's above-mentioned activities. To date we received a reply from your Excellency's Government to SAU 2/2014 on 12 February 2014. In the light of the insufficient reply from your Excellency's Government, we remain concerned about the issues raised in our previous communications and express our further concern with regard to the new information received and which we are conveying below.

According to the information received:

Mr. Badawi has been kept in detention in the Jeddah prison since his arrest on 17 June 2012. He was tried for apostasy – punishable by death penalty in Saudi Arabia – and for setting up an illegal website. He was initially sentenced, on 29 July 2013, by the District Court in Jeddah, to seven years of prison and 600 lashes; the verdict cleared him from the capital sentence legally provided for for the crime of apostasy. Mr. Badawi appealed this sentence.

Following his appeal, the Jeddah Court of Appeals nullified, on 12 December 2013, the first instance verdict and sent the case back to the District Court for retrial.

On 7 May 2014, the Criminal Court in Jeddah sentenced Mr. Badawi to 10 years in prison, 1000 lashes, a 10-year travel ban to start on expiration of his jail sentence, a ban on using media outlets, and a fine of one million Saudi Riyals (267,000\$), for “insulting Islam and religious authorities”. The judicial order specifically states that Mr. Badawi must be lashed with “extreme severity”.

On 1 September 2014, the Jeddah Court of Appeal upheld the sentence. The Ministry of Interior gave orders for Mr. Badawi to receive the 1000 lashes over 20 weeks at a rate of 50 lashes each week, in public, outside the Al-Jafali mosque in Jeddah. .

On 9 January 2015, Mr. Badawi received the first 50 lashes. Mr. Badawi was informed of the day of his flogging at the very last minute.

Before the second round of flogging, Mr. Badawi was taken, on Friday 16 January 2015, to the prison clinic for a medical examination. The doctors concluded that the wounds from the first round of flogging had not yet healed properly and that he would not be able to withstand another round of lashes. They recommended that the flogging be postponed until the following week.

The flogging scheduled for Friday 16 January 2015 was suspended at the last moment.

It is unclear whether the Saudi Arabian authorities will comply with the medical recommendation, and when and how Mr. Badawi’s flogging will resume.

In April 2014, Saudi Arabia passed a new anti-terrorism law, classifying anyone who “calls for atheist thought in any form, or calling into question the fundamentals of the Islamic religion” as a terrorist. In the light of this, the arrest, detention, conviction and public flogging of Mr. Badawi appear to form part of a broader attempt on part of the Government to silence human rights activists in the country.

Grave concern is expressed at the public flogging of Mr. Badawi on 9 January 2015, and at any subsequent flogging of this person in the execution of his sentence to 1000 lashes over a period of 18 months. Public flogging clearly amount to torture.

Moreover, we reiterate our concerns in relation to the detention, trial, sentencing and harsh punishment of Mr. Badawi for “apostasy” and acts that relate to his human rights activities and the legitimate exercise of his right to freedom of religion and his right to freedom of opinion and expression, as guaranteed by the Universal Declaration of Human Rights.

Articles 18 and 19 of the Universal Declaration of Human Rights guarantee the right to freedom of thought, conscience and religion and the right to freedom of opinion and expression respectively. Article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Saudi Arabia acceded to on 23 September 1997, provides for the absolute and non-derogable prohibition of torture. We are thus respectfully appealing to your Excellency’s Government to halt Mr. Badawi’s flogging and protect his physical and psychological integrity. We recommend to your Excellency’s Government to abolish corporal punishment and to guarantee Mr. Badawi’s legitimate and peaceful exercise of his human rights, in particular his rights to freedom of religion, opinion and expression, without unjustified hindrance or fear of reprisals.

Paragraph 7a of Resolution 8/8 of the Human Rights Council reminds States that corporal punishment can amount to cruel, inhuman or degrading punishment or even torture. In his report presented to the General Assembly (A/60/316, para. 28), the Special Rapporteur on torture and other cruel or inhuman treatment or punishment concluded that any form of corporal punishment is contrary to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. He noted that States cannot invoke provisions of domestic law to justify violations of their human rights obligations under international law, including the prohibition of corporal punishment and called upon States to abolish all forms of judicial and administrative corporal punishment without delay.

Last, we wish to refer your Excellency’s Government to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5, 6 and 8.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the human rights of Mr. Raef Badawi in compliance with international human rights law, including the treaties ratified by Saudi Arabia.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.

2. Please provide information concerning the legal grounds for the sentencing and punishment of Mr. Badawi, including on the flogging, and how these measures are compatible with the international norms and standards mentioned above, in particular the absolute prohibition of torture and other ill-treatment. Please provide a copy of the relevant laws and legal provisions.

3. Please indicate which measures your Excellency's Government has adopted to respect and protect human rights in Saudi Arabia, including the rights to freedom of religion and belief, and to freedom of opinion and expression, in compliance with international human rights norms and standards.

4. Please indicate what measures have been taken to ensure that individuals with dissenting political or religious views are able to carry out their legitimate work in a safe and enabling environment without fear of harassment, criminalization or other forms of punishment.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas  
Chair-Rapporteur of the Working Group on Arbitrary Detention

David Kaye  
Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression

Heiner Bielefeldt  
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