

Mandates of 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; and the Special Rapporteur on the situation of human rights defenders.

REFERENCE: UA
SAU 13/2014:

31 October 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 25/2, 22/20, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the sentencing of Mr. Raef Badawi on charges of "insulting Islam" under Anti-Cyber Crime Law.**

Mr. Raef Badawi is a blogger and co-founder of the Free Saudi Liberals website, a web forum created to foster political and social debate in Saudi Arabia. Through the website Mr. Badawi has documented abuses by the national religious and morality police. He was the subject of a communication from various Special Procedures mandate holders, dated 31 January 2014. While we welcome the response to that communication, we remain concerned given the new allegations below.

According to the information received:

On 7 May 2014, Mr. Badawi was allegedly sentenced by a Jeddah District Criminal Court to 10 years' imprisonment, 1000 lashes and a fine of 1 million Saudi riyals (266,545 US Dollars). In addition, he was imposed a ban on using media outlets and a ten-year travel ban. He was allegedly convicted of "insulting Islam" under Anti-Cyber Crime Law (2007).

According to reports, on 1 September 2014, the Court of Appeal in Jeddah upheld the sentence. It is alleged that the lashing is to be carried out at an undetermined date in public after Friday prayers in front of al-Jafali Mosque in Jeddah. It is claimed that Mr. Badawi will receive no more than 50 lashes at a time, with a break of no less than a week between lashings.

Grave concern is expressed at sentencing of Mr. Badawi, which appears to reflect a pattern of criminalising the activities of human rights defenders in Saudi Arabia. Further concern is expressed regarding the severe sentence that was handed down to Mr. Badawi.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would also like to refer 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 12.

We would like to refer to articles 18 and 19 of the Universal Declaration of Human Rights which guarantee the right to freedom of thought, conscience and religion and the right to freedom of opinion and expression respectively. Besides, the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief art. 6 (d) establishes that the right to freedom of thought, conscience, religion or belief includes the freedom, "To write, issue and disseminate relevant publications in these areas".

The full texts of the human rights instruments and standards recalled above are available on 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 rights of the above-mentioned person in compliance with international instruments.

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 indicate what measures have been taken to ensure that the legitimate right to freedom of expression or opinion, including through social media or Internet, are respected and that the physical and psychological integrity of those exercising these rights is guaranteed.

3. Please kindly indicate what measures have been taken to ensure that human rights defender in Saudi Arabia are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

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.

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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

Michel Forst
Special Rapporteur on the situation of human rights defenders