

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 3/2015:

12 June 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 **Mr. Raef Badawi's sentence being upheld by the Supreme Court in Riyadh and the imminent resumption of public flogging of Mr. Badawi.**

Mr. Badawi was subjected of urgent appeals sent by various Special Procedures mandate holders on 12 July 2012 (SAU 9/2012); on 31 January 2014 (SAU 2/2014); on 31 October 2014 (SAU 13/2014) and on 22 January 2015 (SAU 1/2015) presenting allegations of arbitrary arrest and detention, intimidation and prosecution, sentencing based on Mr. Badawi's activities on his website *Free Saudi Liberals* to which we received a reply from your Excellency's Government on 26 January 2015.

According to information received:

On 7 June 2015, the Supreme Court in Riyadh upheld Mr. Raef Badawi's sentence of 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 USD), for “insulting Islam and religious authorities”. This sentence was handed down by the Jeddah Criminal Court on 7 May 2014 and previously upheld by the Jeddah Court of Appeal on 1 September 2014. The public flogging of Mr. Badawi since its suspension reportedly may resume as soon as 12 June 2015.

Mr. Badawi received on 9 January 2015 the first 50 lashes ordered by the Ministry of Interior outside Al-Jafali Mosque in Jeddah. Following a medical examination with the conclusion that Mr. Badawi’s wounds had not healed from the first round of flogging and that he would not be able to withstand another round of lashes, the second round of public flogging was first postponed and subsequently suspended since 16 January 2015.

Grave concerns are expressed regarding the imminent resumption of public flogging of Mr. Badawi that clearly amounts to torture after his sentence being upheld by the Supreme Court. We reiterate our grave concerns in relation to the arbitrary 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. We also express concern on the deterrent effect that Mr. Badawi’s judgment and sentence would have on other bloggers and journalists, among other individuals and groups in Saudi Arabia, to exercise their right to freedom of opinion and expression without fear of prosecution and of being subject to treatments that amount to torture.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned person is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR).

Articles 18 and 19 of the UDHR guarantee the right to freedom of thought, conscience and religion and the right to freedom of opinion and expression respectively. Articles 2 and 16 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.

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 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 Mr. Badawi 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 provide information concerning the legal grounds for the Supreme Court's sentence of Mr. Badawi, including the flogging, and how these measures are compatible with the above mentioned international norms and standards and do not amount to torture?

While awaiting a reply, we urge that all necessary interim measures be taken to halt the imminent resumption of public flogging of Mr. Badawi and to ensure the immediate release of Mr. Badawi if not provided with all the guarantees of due process, as established in international human rights norms and standards.

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.

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Special Rapporteur on the promotion and protection of the right to
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