

URGENT ACTION

FLOGGING NOT CARRIED OUT FOR UNKNOWN REASONS

Raif Badawi's anticipated public flogging on 30 January was not carried out for unknown reasons. He is a prisoner of conscience who was publicly flogged three weeks ago and remains sentenced to 10 years in prison and 1,000 lashes.

Raif Badawi was not publicly flogged on Friday 30 January for unclear reasons. Unlike in previous weeks he was not called from his cell and examined by the prison doctor. It is unclear why the routine medical check-up did not take place and or why the flogging was not carried out.

Amnesty International also learned that Raif Badawi's case was referred on 3 February from the Supreme Court back to the Criminal Court in Jeddah. No further information about the details of this transfer were made available. The Supreme Court could have upheld the conviction and sentence, or it could have called for a retrial by overturning the sentence and conviction or by making observations and recommendations. The Saudi Arabian authorities have not yet made an official statement on the case despite the international outcry.

However as long as the sentence to flogging and prison stands, Raif Badawi remains at risk of flogging and will serve his 10-year prison sentence.

Raif Badawi was sentenced by the Criminal Court in Jeddah on 7 May 2014 to 10 years in prison and 1,000 lashes, followed by a 10-year travel ban, a ban on using media outlets, and a fine of one million Saudi Arabian riyals (about US\$266,600). The conviction and sentence stemmed from Raif Badawi's creation of the Saudi Arabian Liberals website (which the court ordered to be closed) and the accusation that he had "insulted Islam". The Court of Appeal in Jeddah upheld the sentence on 1 September. The case is thought to have been referred to the Supreme Court in December but now is back to the Criminal Court.

Please write immediately in English, Arabic or your own language:

- Calling on the authorities to put a stop to any further flogging of Raif Badawi;
- Calling on them to release him immediately and unconditionally as he is a prisoner of conscience, detained solely for exercising his right to freedom of expression;
- Calling on them to ensure that his conviction and sentence are quashed.

PLEASE SEND APPEALS BEFORE 18 MARCH 2015 TO:

King Salman bin Abdul Aziz Al Saud
The Custodian of the two Holy Mosques
Office of His Majesty the King
Royal Court, Riyadh
Kingdom of Saudi Arabia
Fax: (via Ministry of the Interior)
+966 11 403 3125 (please keep trying)
Salutation: Your Majesty

Minister of Interior
His Royal Highness Prince Mohammed
bin Naif bin Abdul Aziz Al Saud
Ministry of the Interior, P.O. Box 2933,
Airport Road, Riyadh 11134 Kingdom of
Saudi Arabia
Fax: +966 11 403 3125 (please keep
trying)

Salutation: Your Excellence

And copies to:
Minister of Justice
His Excellency Sheikh Mohammed bin
Abdulkareem Al-Issa
Ministry of Justice University Street,
Riyadh 11137 Kingdom of Saudi Arabia
Fax: +966 11 401 1741 +966 11 402 031

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the eleventh update of UA 3/13. Further information:
<http://www.amnesty.org/en/library/info/MDE23/008/2015/en>

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INTERNATIONAL**



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ADDITIONAL INFORMATION

Raif Badawi's trial began in July 2012 before the General Court in Jeddah. On 21 January 2013, the General Court sent the case to the Criminal Court in Jeddah, saying it did not have jurisdiction to examine the case because it did not find that Raif Badawi had insulted Islam and therefore an "apostasy" charge did not apply. The General Prosecutor, however, insisted that Raif Badawi should be tried for "apostasy". The case was then sent to an appeal court to determine whether it should be heard by the Criminal Court in Jeddah or another tribunal, in particular the General Court in Jeddah, which has jurisdiction over "apostasy" cases. The Court of Appeal in Jeddah referred the case to the Criminal Court and on 29 July 2013 Raif Badawi was sentenced to seven years in prison and 600 lashes. His lawyer appealed the decision arguing that the case had been dealt with by a temporary judge who was not impartial. On 11 December 2013 the Court of Appeal ruled that the case should be reviewed again and sent it back before the Criminal Court in Jeddah. On 25 December 2013, the judge in the Criminal Court ruled that he did not have jurisdiction to review the case, arguing that the charges related to "apostasy". The case was sent back to the Court of Appeal in Jeddah to decide whether to send the case back to the Criminal Court or to examine it itself. The Court of Appeal sent the case back to Jeddah's Criminal Court which sentenced Raif Badawi on 7 May 2014 to 10 years in prison, 1,000 lashes and a fine of 1 million Saudi Arabian riyals (about US\$266,600). Raif Badawi appealed, but on 1 September the Court of Appeal upheld the sentence. In December, his case was reportedly referred to the Supreme Court and now is back to the Criminal Court.

On 9 January Raif Badawi received 50 lashes in public, in front of al-Jafali Mosque in Jeddah. The second set of 50 were expected to take place the following Friday on 16 January, but a doctor examined him and concluded that his wounds had not sufficiently healed and he could not withstand another round of lashes. On Wednesday 21 January, Raif Badawi was taken to King Fahad Hospital in Jeddah and was thoroughly examined by a medical committee of eight doctors. After hours of examinations, the committee concluded that he has high blood pressure and recommended to the authorities that he not be flogged. However, on Friday 23 February, he was taken from his cell and examined by a prison doctor he had not previously seen. This doctor found him fit to be flogged. It was brought to the doctor's attention that a medical committee had two days earlier recommended that Raif Badawi not be flogged. Only then did the doctor recommend that Raif Badawi be sent back to the medical committee for further examination, instead of signing the papers recommending that he be flogged.

The Saudi Arabian authorities have continued their widespread campaign to persecute civil society activists and human rights defenders with complete impunity, using both the courts and extrajudicial means such as the imposition of travel bans. On 6 July 2014, Raif Badawi's lawyer, prominent human rights defender Waleed Abu al-Khair, was sentenced by the Specialized Criminal Court to 15 years in prison, of which he will only serve 10 years, to be followed by a 15-year travel ban. He was found guilty of "disobeying the ruler and seeking to remove his legitimacy", "insulting the judiciary and questioning the integrity of judges", "setting up an unlicensed organization", "harming the reputation of the state by communicating with international organizations" and "preparing, storing and sending information that harms public order". On 12 January 2015, his sentence upheld upon appeal by the SCC in Riyadh. The judge has also ordered that he now must serve the full 15-year prison sentence because he has refused to apologize for his "offences" (see UA 98/14 <http://www.amnesty.org/en/library/info/MDE23/003/2015/en>)

For more information on the most recent cases of crackdown on other peaceful activists in Saudi Arabia, see Saudi Arabia: The authorities continue to punish activists for speaking up (MDE 23/036/2014, <http://www.amnesty.org/en/library/info/MDE23/036/2014/en>) and also Saudi Arabia: Counter-terror law continues to provide legal cover to silence dissent a year on (MDE 23/012/2015, <http://www.amnesty.org/en/library/info/MDE23/012/2015/en>)

Name: Raif Badawi

Gender m/f: M

Further information on UA: 3/13 Index: MDE 23/013/2015 Issue Date: 4 February 2015