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The impossible defense of an accused 'atheist' the Saudis want to behead

WWRN (14.12.2015) - <http://bit.ly/1m6AiZM> - It's been a bad year for Saudi Arabia's public image. An unusually large number of death sentences and executions have sparked outrage from rights groups and activists across the world.

The latest controversy comes from the case of Ashraf Fayadh, a 35-year-old Palestinian poet whose death sentence was handed down for charges of apostasy on Nov. 17.

Now, in a strange twist, a Palestinian human-rights lawyer in the besieged Gaza Strip will do his best to save Fayadh's life. But Raji Sourani, Fayadh's representative and a veteran human-rights crusader, isn't quite sure how to do it. He began an interview with The Daily Beast by admitting it's his "first time dealing directly with the Saudi Arabian legal system."

Sourani does know that he won't have access to Fayadh. "Our only contact is through his sister and mother in Saudi Arabia," he said. "His other sister is here [in Gaza]. She's the one who asked for my assistance."

Sourani says that the charges against the poet are baseless and motivated by a personal dispute with another Saudi over a European soccer match. "He was arrested in 2013, then again in 2014, and that time he was sentenced to four years in prison and 800 lashes."

The repeated arrests, followed by a new judge being appointed to the case who decided Fayadh was promoting atheism (through a collection of poems that weren't even published in Saudi Arabia), seems fishy to Sourani.

Also, Fayadh was accused of having inappropriate relations with women, a charge supported by the fact that Fayadh had some photos on his phone of female friends and colleagues he had met while attending cultural events throughout the world.

What's more, Fayadh has denied that he's anything but an atheist.

"I am not an atheist and it is impossible that I could be," he told the Associated Press. "The judgment against me was based on the testimony of this student... The terminology I am condemned for is not even in the book, but the accusation against me was based on wrong interpretations for some of the poems."

Sourani, the experienced lawyer and founder of the Palestinian Center for Human Rights, says that the next step is to write Fayadh's appeal, and to reach out to Saudi officials, including King Salman.

Sourani recognizes that appealing to the king may seem like a suspiciously extrajudicial move for the head of a human-rights organization to make, but he points to Article 50 of the Saudi constitution, which says that "The King, or whoever deputizes for him, is responsible for the implementation of judicial rulings."

Adam Coogle, a researcher for Human Rights Watch (HRW) specializing in Saudi Arabia's implementation of the death penalty, told The Daily Beast there's little that any defense attorney could do to help Fayadh.

"At this point, it's really a matter of writing the appeal. Fayadh's case won't be argued in front of judges," Coogle said. It's up to the appeals court to repeal the decision.

The researcher pointed out that Saudi Arabia "doesn't really have a penal code. They basically use principles of Islamic law to criminalize a wide swathe of charges." In Coogle's experience, he says, he's seen apparently "ad-hoc" legal allegations that "were basically just a description of whatever broad accusations of which the defendant was being accused."

The charge of renouncing one's faith leveled against the Palestinian poet is a grave one, known as a hadd crime in Islamic law, an offense against God whose punishments are divinely set in stone, meaning that not even Saudi King Salman bin Abdul Aziz Al Saud could pardon him if he is guilty. However, the king could refuse to sign the death warrant, in which case the punishment would not be carried out.

In response to Fayadh's impending doom, many on Twitter took to comparing Saudi Arabia to the Sunni so-called Islamic State widely known as ISIS, due to their similarly strict interpretations of Islamic law.

The Saudi justice minister then threatened to "sue the person who described... the sentencing of a man to death for apostasy as being 'ISIS-like.'"

This prompted a Twitter storm of people comparing Saudi Arabia to ISIS with the hashtag #SueMeSaudi. Coogle said that the issue was run by HRW's legal team, and there's really no need to worry about any non-Saudi being sued.

Fayadh's case is the latest in a line of public outrage. Recently, Ali Mohammed al-Nimr, 21, a member of the Shia minority, which comprises between 15 and 20 percent of the Saudi population, is awaiting a Roman-style (in the imperial sense) execution, sentenced to both beheading and crucifixion.

Nimr participated in anti-government protests in 2012, at the age of 17, and his case was highlighted in September 2015 after campaigners asked King Salman to pardon him during the Eid al-Adha holiday.

Earlier in the year, Raif Badawi, a blogger and well-known reformist, was convicted of "cybercrime and insulting Islam," and sentenced to 1,000 lashes and 10 years in prison.

Although a lot of recent media attention has surrounded cases of Saudi human-rights abuses, under King Salman's reign, which began in January, the number of executions has almost doubled from 88 in 2014 to 151 in 2015, yet it could be worse. "It's not even a particularly egregious year," said Coogle. "It's great that these cases are receiving attention, but there are others that flew under the radar."

He cites the case of Waleed Abu al-Kheir, a prominent Saudi human-rights activist and lawyer who marked the first of 15 years behind bars this past April. He was convicted of "broadly worded and vague charges that stemmed solely from his peaceful activism," according to HRW. "That's five more years than Badawi," Coogle noted.

Saudi Arabia's questionable human-rights record has stirred debate about the moral efficacy of its involvement in the fight against ISIS.

In October 2014, Sevag Kechichian of Amnesty International told Newsweek that if the U.S. and other Western governments want their concerns about human rights in the region, including the atrocities committed by ISIS, to be taken seriously, "they must apply the same standards to their closest allies."

Former U.S. Senator Norm Coleman, a lobbyist in the employ of Saudi Arabia (at a reported \$60,000 monthly retainer fee) and head of the conservative Congressional Leadership Fund, one of the largest super PACs in the nation, did not respond to The Daily Beast's request for comment.

During King Salman's meeting with President Barack Obama in his first official visit to the United States, the focus was on economic issues, as well as the Saudi-Iran proxy war taking place in Yemen.

The issues of human rights and even ISIS were both reportedly sidestepped. Instead, both leaders pledged to "significantly elevate the relationship between the two countries."

Back in Gaza, Sourani told The Daily Beast that he "would do everything in his power to secure Fayadh's release." He said he has to trust in Fayadh and his family, whom he says is "very sincere, and very worried."

When asked if he trusts in the Saudi justice system, Sourani said, simply, "There isn't one to speak of."

Parliamentary question on the case of Raif Badawi

Lord Alton –

Q by Lord Alton of Liverpool (CB): My Lords, does the Minister agree that the point raised by the noble Lord, Lord Avebury, about the role of the United Nations Human Rights Council is fundamental? As recently as last week, the conference held by the OIC took place in Jeddah of all places—in a country which ranks sixth on the World Watch List for countries that violate freedom of religion and belief. Will she say whether the United Kingdom raised Raif Badawi's case during that conference?

A by Baroness Anelay of St Johns: My Lords, I repeat that I have raised this case on several occasions over a period. We remain deeply concerned and will continue to do our duty in that regard. On Tuesday in another place, the Foreign Secretary made it clear that we are urgently seeking to make contact with interlocutors and continue to do so. He said:

"It will be my intention certainly to ensure that nothing happens on Friday"—[Official Report, Commons, 9/6/15; col. 1042.],

and he hopes that nothing of that nature happens at all.

Saudi court upholds blogger's 10 years and 1,000 lashes

BBC (07.06.2015) - <http://www.bbc.com/news/world-middle-east-33039815> - Speaking from Canada, his wife Ensaf Haidar told the BBC she feared his punishment would start again on Friday.

Badawi was arrested in 2012 for "insulting Islam through electronic channels".

Saudi authorities sent his case for review amidst global protests, after the first round of lashes in January.

For four years Badawi ran the Liberal Saudi Network, which encouraged online debate on religious and political issues.

Ms Haidar said she had held high hopes that her husband was about to be released, but he remained less optimistic.

When they last spoke three days ago he told her not to expect him home in the near future.

She called on the countries and rights groups that had campaigned for her husband's release to mobilise once more.

Badawi received his first 50 lashes in January, but subsequent floggings have been postponed.

A shaky video taken on a mobile phone showed Badawi being lashed by a member of the security forces.

The footage prompted international protests which were repeated every Friday, the scheduled day for the beatings.

In March, the kingdom expressed "surprise and dismay" at international criticism over the punishment.

At the time, the foreign ministry issued a statement saying it rejected interference in its internal affairs.

It is not clear why Badawi has not yet endured a second round though a medical report found he was not fit for the punishment.

Saudi Arabia enforces a strict version of Islamic law and does not tolerate political dissent. It has some of the highest social media usage rates in the region, and has cracked down on domestic online criticism.

Saudi grand mufti calls for demolition of churches

Mohabat news (24.03.2015)

http://www.mohabatnews.com/index.php?option=com_content&view=article&id=10052:saudi-grand-mufti-calls-for-demolition-of-churches&catid=81:regions&Itemid=278 -

Saudi Arabia's top Muslim cleric called on Tuesday for the destruction of all churches in the Arabian Peninsula after legislators in the Gulf state of Kuwait moved to pass laws banning the construction of religious sites associated with Christianity.

Speaking to a delegation in Kuwait, Sheikh Abdul Aziz bin Abdullah, who serves as the grand mufti of Saudi Arabia, said the destruction of churches was absolutely necessary and is required by Islamic law, Arabic media reported.

Abdullah, who is considered to be the highest official of religious law in the Sunni Muslim kingdom, also serves as the head of the Supreme Council of Ulema (Islamic scholars) and of the Standing Committee for Scientific Research and Issuing of Fatwas.

Last month, Osama Al-Munawer, a Kuwaiti member of parliament, announced his plans to submit a draft law calling for the removal of all churches in the country, according to the Arabian Businesses news site. Al-Munawer later clarified that the law would only apply to new churches, while old ones would be allowed to stay erect.

Saudi court gives death penalty to man who renounced his Muslim faith

Reuters (24.02.2015) - An Islamic court in Saudi Arabia has sentenced a man to death for renouncing his Muslim faith, the English-language daily Saudi Gazette reported on Tuesday.

The man, in his 20s, posted an online video ripping up a copy of Islam's holy book, the Koran, and hitting it with a shoe, the newspaper reported.

Saudi Arabia, the United States' top Arab ally and birthplace of Islam, follows the strict Wahhabi Sunni Muslim school and gives the clergy control over its justice system.

Under the Wahhabi interpretation of Sharia Islamic law, apostasy demands the death penalty, as do some other religious offences like sorcery, while blasphemy and criticism of senior Muslim clerics have incurred jail terms and corporal punishment.

Executions in Saudi Arabia are usually carried out by public beheading.

International rights groups say the Saudi justice system suffers from a lack of transparency and due process, that defendants are often denied basic rights such as legal representation and that sentencing can be arbitrary.

The Saudi government has taken some steps to reform its judicial system but has also defended it as fair.

Last year a court in Jeddah sentenced Saudi liberal Raif Badawi to 1,000 lashes and 10 years in prison for publishing criticism of the kingdom's ruling religious and political elite and calling for reforms in Islam.

The first of 50 of those lashes were carried out in January, but subsequent rounds of flogging have not occurred. Officials have not publicly commented on the case, but insiders say the lashing appears to have been quietly dropped.

Religious freedom advocates offer to take lashes for imprisoned Saudi blogger

Huffington Post (21.01.2015) http://www.huffingtonpost.com/2015/01/21/uscirf-raif-badawi-lashes_n_6516354.html - Seven religious freedom advocates have offered to personally receive 100 lashes each in the place of Raif Badawi, a liberal Saudi blogger [sentenced](#) to 1,000 lashes and 10 years in prison for "insulting Islam through electronic channels."

Badawi, who has said he [identifies as Muslim](#), was arrested in 2012 for promoting secular government on his blog site, [Saudi Free Liberals Forum](#).

The blogger [received](#) the first of 20 weekly sets of 50 lashes on Friday while activists and politicians around the world [descried](#) the government's "barbaric" choice of punishment.

Seven members of the U.S. Commission on International Religious Freedom (USCIRF), including Chair Dr. Katrina Lantos Swett and Vice Chair Dr. Robert P. George sent a letter to the Saudi Ambassador to the United States on Tuesday urging the kingdom to overturn Badawi's sentence. If not, the signers state, they will each take 100 lashes in the blogger's place.

"Raif Badawi is being made to suffer for exercising basic human rights to religious liberty and freedom of expression and for standing up for these rights for others in the Saudi Kingdom and beyond," George, also a professor at Princeton University, told The Huffington Post by email.

The signers did not release the letter as part of their official capacities with USCIRF, George noted.

The professor added that the group includes Republicans and Democrats, conservatives, liberals, Christians, Jews, and one Muslim, highlighting the resonance of Badawi's case for so many around the globe.

"Badawi's case is important," George said, "because he is a human being, a precious member of the human family, who is being made to suffer unjustly."

Transcript of the letter

Your Excellency:

We were pleased to see officials representing the Kingdom of Saudi Arabia participating in the recent March in Paris to protest the brutal murders committed in the name of Islam at the Hyper Cacher market and the offices of Charlie Hebdo. The March was a demonstration in support of human rights and civil liberties, including the liberty to criticize religion, particular religions, schools of thought within religions, and religious figures and leaders. The Saudi presence was an important statement from the Kingdom about basic rights and liberties enshrined in international covenants and agreements to which the Kingdom has, to its credit, subscribed.

And yet, we note with sorrow that in the Kingdom itself Raif Badawi stands condemned under rules that flagrantly violate these human rights and civil liberties and is being subjected to an unspeakably cruel punishment of 1000 lashes. We call on the government of the Kingdom to put a halt to this grave injustice. We are informed that Mr. Badawi has already endured 50 lashes and will soon be made to endure 50 more. We are deeply alarmed by the prospect of his continued and grave suffering.

Compassion, a virtue honored in Islam as well as in Christianity, Judaism, and other faiths, is defined as "suffering with another." We are persons of different faiths, yet we are united in a sense of obligation to condemn and resist injustice and to suffer with its victims, if need be. We therefore make the following request. If your government will not remit the punishment of Raif Badawi, we respectfully ask that you permit each of us to take 100 of the lashes that would be given to him. We would rather share in his victimization than stand by and watch him being cruelly tortured. If your government does not see fit to stop this from happening, we are prepared to present ourselves to receive our share of Mr. Badawi's unjust punishment.

HRWF comment about the accession of the new king to the throne and Raif Badawi's case

While it is true that King Salman has been carefully groomed by the Wahhabi establishment, he will also find his ascent to the throne an opportunity to distinguish his rule from that of his father. He does not have to make dramatic change – as welcome as that would be – to garner more respect from the international community, nor would this be anticipated. However, some change is to be expected whenever there is a change of power, even in an absolute monarchy like Saudi Arabia.

The royal family is no stranger to criticism and disputes of all sorts. King Salman will certainly face conflicts over the coming months. He would do well to make one of them a greater opening to democratic reforms, such as wider participation in political life, the right to peaceful dissent and the freedom of conscience and religion. This should begin with the amnesty of those who are in prison solely for reasons of free expression and conscience, including Raif Badawi.

Saudi blogger to be publicly flogged on charges he insulted Islam

The Guardian (08.01.2015) - A Saudi blogger who was sentenced last May to 10 years in prison and 1,000 lashes will be publicly flogged for the first time after Friday prayers outside a mosque in the Red Sea coastal city of Jeddah, according to a person close to his case.

Raif Badawi was sentenced on charges related to accusations that he insulted Islam on a liberal online forum he had created. He was also ordered by the Jeddah criminal court to pay a fine of 1m Saudi riyals, or about \$266,000.

Rights groups and activists say his case is part of a wider clampdown on dissent throughout the kingdom. Officials have increasingly blunted calls for reforms since the region's 2011 Arab Spring upheaval.

Badawi has been held since mid-2012, and his Free Saudi Liberals website is now closed. The case has drawn condemnation from rights groups.

He called from prison and informed his family of the flogging, due Friday, said a person close to the case. The person, who spoke to the Associated Press on condition of anonymity for fear of government reprisal, said Badawi was "being used as an example for others to see".

Badawi's lawyer Waleed Abul-Khair was sentenced in July to 15 years imprisonment and barred from travelling for another 15 years after being found guilty by an anti-terrorism court of "undermining the regime and officials", "inciting public opinion" and "insulting the judiciary".

Amnesty International has said that Badawi is to receive 50 lashes once a week for 20 weeks.

"It is horrifying to think that such a vicious and cruel punishment should be imposed on someone who is guilty of nothing more than daring to create a public forum for discussion and peacefully exercising the right to freedom of expression," said Philip Luther, Amnesty's Middle East and north Africa director.

Badawi was originally sentenced in 2013 to seven years in prison and 600 lashes in relation to the charges, but after an appeal, the judge stiffened the punishment. Following his arrest, his wife and children left the kingdom for Canada.
