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An amendment to a judicial order

Praise be to Allah alone and forward, I Abdulrahim bin Ibrahim Almuhaythef, the judge in Jeddah's jurisdiction criminal court. The hearing opened on Tuesday 28/07/1435(Hijri) at 09:44 AM with the presence of the public prosecutor Mohammed Bin Obaid Alqahtany and the defendant. The case was sent back to revision from the court of appeals as agreed upon in file number 342709543 on 12/04/1435 (Hijri). Enclosed is decision number 35194727 from the court of appeals issued on 03/04/1435 (Hijri) from the first criminal court that concludes a request for revision after studying the ruling and its adjustment and the filing of an objection it has been decided to send the case back to the judge to review the following: first, the procedure conducted by your eminence following our court's decision number 34388916 on 26/08/1434 (Hijri) is not convincing and not logical because two rulings were issued to this case, the first to dismiss the case due to the lack of specialization and the second ruling issued by his eminence sheikh Fares Al-Harbi who recommends to review the case and to punish the accused, which results in having two contradicting rulings, and that cannot be accepted systematically. It has been pointed out that sheikh Fares Al-Harbi has a history of court cases and rulings, yet his long history of cases does not include a case of that nature, hence we request him to go back to our first ruling and to ask Allah's help. Secondly, the court did not find that his eminence sheikh Fares Al-Harbi stepped back from his sentence and we did not find a copy of the record to what his eminence did from the beginning of the case to the end to help me see what happened in order to take the required action. Based on the decision of their eminence I decided to proceed with the case, and after viewing the records from the previous trials and reciting the statements on the defendant and the prosecutor I turned to the prosecutor to ask if he has any additional declarations he replied that he said everything he has to say. I turned to the defendant afterwards and asked him if he has an account on Facebook, he replied positively but also added that the posts mentioned [earlier in other trials] by the witnesses are neither his own writings nor even his own thoughts. He explained that these posts originated from different publications posted online on the World Wide Web and that his accounts on Facebook and twitter were hacked several times while he was incarcerated and he declared all he had to say to sheikh Fares Al-Harbi on a televised

interview, and for those declarations I take full responsibility, but I do not assume responsibility for the declarations mentioned in the witnesses testimony because they are false and are not my own. Based on the previous facts, and upon the convict's approval of creating the Saudi Liberal Network website, which contains reports of blasphemy, infidelity, disbelief in the Islamic Shariaa's provisions and other publications that Insult Allah almighty and his prophet (peace be upon him) and his companions. The convict's publications on his website also mock the grand Mufti of the Kingdom of Saudi Arabia, its scholars and preachers. The defendant declared that [as an admin] he had the authority to withdraw or omit or stop any subject or any person that contravenes the Islamic morals and values. The following examples were on his website:

1. A post by a blogger named Abu Banqal titled "Is Allah unjust?". May Allah be exalted above all that.
2. A post by the convict titled "Happy Valentine's Day to all the nations around the world and congratulations to us for the virtue" sealing that comment with a mocking phrase "congratulations to us on the CPVPV<sup>1</sup> our virtuous teacher that is always keen to save the Saudi people's spot in heaven".
3. A post by a blogger named "Dear mind can you be seen" titled "Why the Kingdom's Mufti is blind?"
4. A post by a blogger named "The female's bosom" in which he mocks a member of the grand clerics of the kingdom, sheikh Saleh Al-Fawzan titled "Mr Al-Fawzan is playing the fool "
5. A post by the blogger "flickers of fire" titled "The crimes of the gangsters called the CPVPV"
6. A post by a blogger named "Raoum" titled "Closing the University of Imam Muhammed Bin Saud" where he declares the university campus as a home for terrorists, Talibans and fundamentalists.

The defendant admitted that he is one of the writers on the forum.

Based on the previous proofs and due to other publications by this liberal network that contain blasphemy and atheism, along with the mocking of the divine being, Allah, his prophet (peace be

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<sup>1</sup> Committee for the Promotion of Virtue and the prevention of Vice

upon him), the angels, and the Islamic religion, its doctrines and followers. Also, mocking and insulting the scholars of this blessed country, criticizing the religious leaders, people of righteousness, which will eventually lead to sedition and problems among fellow Muslims and destabilizing the security. Forasmuch as to the control of the convict on the publications of this website, and due to him letting these blasphemies and insults, toward the religion of Allah and his righteous people, to be published on it, moreover he is also one of the participants in the forum. And because the forum tells what it was made for since the name tells the content and because liberalism is a call for absolute freedom in opinion, expression, and criticism, which means whoever insulted Allah (may be exalted) or his prophet (PBUH) or the Islamic religion, he is free to do so and should be respected (!) Liberalism is parting away from religion according to the western definition of it, and the convict has embraced it as mentioned. And because he established this network and disregarded the blasphemy being spread through it, he shows that he accepts it and adopts its content. How come that he established a network that gathers who insults Allah (may be exalted) and his prophet (PBUH) and in the same time he could be considered as [a believer] who hates that and denies it. Allah said [in the Quran 4:140] “And it has already come down to you in the Book that when you hear the verses of Allah [recited], they are denied [by them] and ridiculed; so do not sit with them until they enter into another conversation. Indeed, you would then be like them. Indeed Allah will gather the hypocrites and disbelievers in Hell all together”, the late Imam Al-Bughawi further explains that “if you sit with them while they are discussing and mocking [your religion] you are considered infidels like them.” Therefore, if Allah judged the one who sits with them and considered him like them then it is much more evident in the case of a person who gathered them and prepared the gathering for them. And the virtual gatherings have the same ruling as the physical gatherings, to a point that many electronic websites are called gatherings or forums. And because the convict has helped through his electronic website and encouraged sinfulness and ridiculing Islamic sanctities and spreading sedition and corrupting faith, as Allah almighty says “Sedition is far worse than murder” [Quran 2:191] and also adds “but those who follow [their] passions want you to digress [into] a great deviation” [Quran 4:27] and “And cooperate in righteousness and piety, but do not cooperate in sin and aggression.” [Quran 5:2].

The convict confessed that he posted the following:

1. The month is coming and the hypocrisy and disturbance are coming along, I wish I was not in Saudi Arabia during that time but I am forced to stay not by choice.
2. The atheist has the right to speak his mind and to declare his atheism in public and no one has the right to hold him accountable for it
3. The liberal network is a liberal forum that aims to adopt the enlightening intellect that is free of the religious authority.
4. Preventing women from fulfilling her rights and sounding her voice is a shock to intellectuals and it is definitely considered a backlash with ongoing effects on the reformist project led by King Abdullah and it rather leads to a retardation project that will be strongly rooted in the social life for a term of several centuries and that manifests the Islamic control on every aspect of life. Silencing and disregarding these preventions will result in abstracting the freedom of speech from everyone and not only females, therefore, we have to demand the fulfillment of women rights in all aspects of life and women should object to this irreverence
5. The Salafists see themselves to be the only ones who hold the truth and the government has helped and protected them after the Grand Mosque Seizure, hence the soreness surrounding the people in our society..
6. In the west they have better laws even than Saudi Arabia.

The judicial evidence against the defendant shows that he wrote also on his Facebook page the following:

1. The month is coming and the hypocrisy and disturbance are coming along, I wish I was not in Saudi Arabia during that time but I am forced to stay not by choice.
2. My almighty lord told me to drink according to Abi Hanifa's school
3. You, the one sitting to my right side, write that I have rebelled and chosen the liquor glass as my tapster, write! I'm not ashamed of it.
4. You, the one sitting to my left side, write and add more to my fire account, write for you are the traitor do not try to wrangle
5. Why human greatness is incapacitated in front of what is called death, the one that humiliates us.

6. The combination of the sword and the Quran are more dangerous than a nuclear bomb
7. If someone declared his atheism in our country, what fate would be awaiting for him in the kingdom of humanity?
8. Is there a start for life? In Buddhism to have a start for life is not logical, the one who believes that this life was created by Allah will be surprised by this answer, but if we ask him what is the beginning of Allah he will say that he has no beginning without being surprised of his own answer.
9. Why we consider any rational explanation of Islam specifically, as a blasphemy, disbelief and heresy?
10. Every religion claims validity among others, for the Jewish says that his bible is the accurate book and his god is the truth, and so does the Christian and the Muslim. Whereas the atheist claims that there is no god and that all of them are deluded because none of them can prove that his religion or beliefs are right.
11. Heavenly father remain in heaven
12. She told me: from what I know, the wife is sent along with her husband to heaven as part of the heavenly virgins he receives, but I am not married and I will never be, so what is my reward then?
13. The lack of an explanation what comes after death and the question of whether there is another life drives people out of sanity and encourages them to believe and hold on to myths and legends
14. The man who said that Islam is the solution was right because Islam is the true solution when you grow a beard and your clothes start resembling the Scottish kilt, with all due respect to the Scottish kilt in the land of the two Mosques, and you use words like : the prophet said, according to Omar and according to Hussein.. you will make a fortune, and when you wish to atone and be forgiven for the despoliation, corruption, plunder and persecution you go to the Hajj for a couple of days and then you are as pure as the day you were born, and the list never ends therefore Islam is the solution only in third world countries
15. She told me: the Muslim woman is the one that should reject Islam after [reading] this Hadith: “for the prayers can be interrupted by three – a donkey, a black dog and a woman”, as commented by the Bukhari

16. They lie in order for them to be able to see God beautiful
17. It is well known to observers of Muslims in Saudi Arabia that they do not respect others' beliefs; furthermore they treat them as blasphemers. Every non Muslim is a blasphemer and even every Muslim of a faith different than the Hanbali is an outlaw, so how can we create a human culture and good relationships with 4.5 billion out of 6 billion people do not follow Islam.
18. A brave Egyptian blogger challenges everybody and posts nude pictures of herself in the name of freedom
19. when the man rebels, culture is born
20. The sheikh of the Arab mind Abdullah Alquseimy says: whoever does not know of my existence cannot harm me, but the one who knows of my existence and acknowledges it and then ascribes evils and flows to me, is the one who harms me
21. The legend of Adam's sin was an introduction to the creation of culture on earth in which man has all the glory and all the glory is for him alone
22. When Islamists in our countries cannot reply to ideas or thoughts they turn to The Inquisition
23. Why don't we ask ourselves about the reason behind America welcoming Muslim missionaries in its land, while the kingdom of Saudi Arabia denies it? We cannot disregard all these questions and put our heads in the sand like an ostrich, then pretend that no one can see us and we do not care. We want it or not we are a part of humanity, we have the same duties and the same rights, we must respect others' rights and differences as they respect ours.
24. Can I have a mediator who will intervene and allow me to travel temporarily during Ramadan?
25. What makes me feel more pain is the Islamic chauvinist arrogance over people, by claiming that the blood of innocent people, which were shed by some barbaric minds under the banner of "Allah Akbar", does not weight anything when it is compared to building a Mosque (which will serve as a hatching place of new terrorists).
26. The jihadist doctrine of the Islamic extensions that happened after the death of the prophet (pbuh), which encouraged the outbreak of the Muslim conquests and the apostasy

wars, in contradiction to the essence of Islam, which led to civil war between the companions, remains the same until today.

Based on what is written in these declarations by the convict, which he confessed and were recorded according to sharia as evidence against him being the writer of some of them, which proves his violation of the sanctity of the religion and its people. It shows his disparagement of the one who made the Quran and the Sunnah as a guiding light and a law that equates the ruler and the ruled. And based on these thoughts that spread doubt in the fundamentals of the religion and its values, violates the five essentials which sharia came to protect, and spread sedition and conflict among the people in society. Hence, according to act 23 of the basic law of governance which says: "the government protects the Islamic doctrine, applies the law of the Shariaa, and promotes virtue and prevents vice" and according to act 11 of the same law "the Saudi people live based on the tenacity of its individuals to the rope of Allah, and cooperate on righteousness, piety and interdependence among each other, and never be separated". And due to the convict's father allegations of impiousness, (the need of his father to sue him is an evidence of impiousness) and because the statements he confessed writing it contain overall the perverted liberal thought and a call to embrace it and to reject the way of people of goodness and righteousness, it is a call to liberation from the duties of religion and its values, and to disrespect its tenants. The convict's acts are condemned and considered a crime according to sharia and according to [our] government according to paragraph 1 of article 6 and article 9 of combating cybercrime which says "any person who commits the following cybercrimes is to be sentenced to serve a maximum of 5 years in prison and fined not more than 3 million Saudi Riyal or one of the penalties: forming whatever affects public order and religious values, and public manners and the privacy of personal life via composing, sending or publishing the compromising material on the cyber web or any other electronic device". Due to the fact that what the witnesses said does not constitute evidence since the defendant did not admit it saying that others wrote it since his page on the program called Facebook was hacked.

However due to all what was said before it is proven to me that the defendant Raif bin Muhammad bin Raif Badawi should be convicted for establishing the website called the Saudi Liberal Network as well as for the following statement declared by him:

1. The month is coming and the hypocrisy and disturbance are coming along, I wish I was not in Saudi Arabia during that time but I am forced to stay not by choice.
2. The atheist has the right to speak his mind and to declare his atheism in public and no one has the right to hold him accountable for it
3. The liberal network is a liberal forum that aims to adopt the enlightening intellect that is free of the religious authority.
4. Preventing women from fulfilling her rights and sounding her voice is a shock to intellectuals and it is definitely considered a backlash with ongoing effects on the reformist project led by King Abdullah and it rather leads to a retardation project that will be strongly rooted in the social life for a term of several centuries and that manifests the Islamic control on every aspect of life. Silencing and disregarding these preventions will result in abstracting the freedom of speech from everyone and not only females, therefore, we have to demand the fulfillment of women rights in all aspects of life and women should object to this irreverence
5. The Salafists see themselves to be the only ones who hold the truth and the government has helped and protected them after the Grand Mosque Seizure, hence the soreness surrounding the people in our society.
6. In the west they have better laws even than Saudi Arabia.

Additionally, it was proven to me that he should be charged strongly for statements shared by him personally on his personal account on Facebook, for these reasons:

1. The legally [accepted] and recorded testimony of the two witnesses who discussed the statements with him..
2. The wide spread of his reputation among people and Muslims that he adopts these perverted thoughts and that he calls others to embrace it.
3. His admission to part of the allegations against him and disregarding other accusations although they all share the same meaning, as well as to charge him for being ungrateful towards his father (since the need of a father to go to court to report that is an evidence of impiousness and sign of it).

Since the convict has declared his repentance and dissatisfaction with what was being published on his website and on his personal Facebook account; and due to the reasons mentioned above; and according to article 13 of the law of combating cybercrime and because the prophet (PBUH) “jailed a man for an accusation” narrated by At-Tirmidhi and judged authentic by Al Albany I find the convict guilty and to be sentenced to the following:



1. **Imprisonment of 5 years, and a fine of 1 million Saudi Riyal, to be deposited Bayt Al-Mal financial institution and spent on charitable causes, as a punishment for him for establishing the network. As well as closing the network and expropriation of his Dell laptop and damaging it and its content.**
2. **Imprisonment of [another] 5 years and 1000 lashes divided on 20 times, [50 each] between them not less than a week, to be carried out in front of people after the Friday prayers in AlJafali mosque\_in Jeddah district as a punishment for the statements he confessed and for the strong accusation proven against him, being the writer of blasphemous phrases on his page on Facebook.** And for his ingratitude towards his father, the two periods of imprisonment should not interfere. Taking into account the period he served during this trial. I also ordered that he is to be prevented from having any interaction with all kinds of media devices for a period of 10 years after finishing serving his sentence and to be prevented from traveling outside the borders of Saudi Arabia for 10 years. After posting the indictment the convict rejected it, while the prosecutor objected. The convict was presented with a copy of the indictment and the penalties, he was shown how to file an objection within 30 days from this day, or else he shall be deprived from the right to object, while the prosecutor was satisfied with the objections he filed in past. May Allah grant us success. Peace be upon our prophet Muhammad, his family and companions. 28/07/1435 (Hijri) [27 May 2014]

The Judge in the appeal court in Jeddah district

Abdulrahim bin Ibrahim Almuhaythef