



#KINGDOM_OF_ARBITRARY_DETENTION

How Saudi Arabia Shuts Down Its Most Critical Voices

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Arbitrary detentions, secret trials and lengthy prison sentences are the shared fate of anyone who dares to speak up about Saudi Arabia's human rights record or demand basic freedoms from within the Kingdom. Alkarama sheds light on the institutionalised repression practiced by Saudi authorities and honours the fight for human rights led by one of the Kingdom's most prominent groups of victims: ACPRA, the Saudi Civil and Political Rights Association.

Established on 12 October 2009, by prominent Saudi human rights defenders, ACPRA has worked to denounce violations within the Kingdom and has helped victims file legal claims against the responsible authorities. ACPRA has also advocated for a constitutional monarchy, an independent judiciary, broader freedoms, and the respect of fair trial guarantees. In 2013, the association was banned – with all of its members harshly prosecuted for their activism. Most of them are, to this day, still serving their sentence.

The work of human rights defenders is intrinsic to the respect of the fundamental rights of all human beings equally. In Saudi Arabia, however, they are relentlessly hunted down by the authorities and their activism is considered enmity to the State. Saudi human rights defenders urgently require the support and protection of the international community whose duty lies in lending its voice to those that have been rendered voiceless for speaking up against abuse. Therefore, Alkarama is launching an international advocacy campaign on 12 October 2016, which marks the 7th anniversary of ACPRA, to honour the efforts of the group and raise awareness of all victims of arbitrary detention in Saudi Arabia.

2. How Saudi Arabia Shuts Down Its Most Critical Voices

In 2016, Saudi Arabia unveiled “Vision 2030”, a plan for modernising the country within the next decade and weaning off its oil dependency. The Kingdom’s long-term project is headed by the Council for Economic and Development Affairs and aims at developing a “vibrant and fulfilled” life for its citizens and residents. However, the change envisioned leaves aside an important facet of human development, that of basic freedoms and rights. Indeed, if Saudi Arabia wishes to present itself as a “pioneering global model of excellence, on all fronts”,¹ much remains to be done in the ever regressive field of human rights. Despite being twice elected as member of the Human Rights Council in 2009 and 2013 (for three year terms), Saudi Arabia has made no effort to significantly enhance the human rights situation. Indeed, the Kingdom has shown extreme contempt for basic rights – especially civil and political – and has been mercilessly prosecuting those merely freely expressing their opinions, advocating greater civil freedoms and working towards an effective protection of their human rights.

The beginning of popular revolts in the Arab world in 2011, which affected neighbouring countries on a larger scale, brought about an intensification of the repression of basic human rights in the Kingdom. Crackdown on civil society and political dissent in Saudi Arabia became institutionalised with a myriad of tools being developed to further silence peaceful dissident voices, such as the Law on Terrorism and its Financing of 2014, which defines *inter alia* “harming the reputation of the State and its standing” as a terrorist act.

“However, the change envisioned leaves aside an important facet of human development, that of basic freedoms and rights. Indeed, if Saudi Arabia wishes to present itself as a ‘pioneering global model of excellence, on all fronts,’ much remains to be done in the ever regressive field of human rights.”

1 King Salman Abdulaziz Al Saud, Vision 2030, <http://vision2030.gov.sa/en> (accessed 23 September 2016).

The institutionalisation of repression of any dissent in Saudi Arabia has been illustrated by the authorities' *modus operandi*, used in the prosecution of individuals exercising their fundamental rights to freedom of expression and freedom of peaceful assembly.

It appears through cases documented by Alkarama and other human rights organisations, as well as those treated by the United Nations human rights mechanisms – in particular the Working Group on Arbitrary Detention (WGAD) through its Opinions – that a sequence of steps is usually followed by the authorities. The crackdown on basic rights and freedoms in the Kingdom is led by the Ministry of Interior (Moi), under which several players operate, including the Bureau of Investigation and Prosecution, the General Investigation Directorate or Al Mabahith and the Specialised Criminal Court (SCC).

At the base of that repression lays the fact that Saudi Arabia does not have a Criminal Code, but leaves legal interpretation to the discretion of judges. This is in direct contravention to the principal tenet of criminal law that establishes that there is no crime and no punishment without a law prescribing it. The absence of a Criminal Code gives enormous leeway and discretionary powers to the Bureau of Investigation and Prosecution and, in practice, to the Ministry of Interior, to retroactively qualify acts as crimes. Testimonies gathered by Alkarama have shown that the lack of legal certainty has led to victims being charged with vague crimes, such as “questioning the integrity of officials” or “breaking allegiance to and disobeying the ruler.”

Individuals who have been charged with committing such ill-defined crimes -- as a result of the exercise of their rights to freedom of expression and peaceful assembly, i.e. who have protested or criticised the government's repression of demonstrations or documented human rights violations, have all suffered reprisals and prosecution.

The road leading to the trial usually follows a recurring path. Firstly, security forces and intelligence officers of the Al Mabahith, under the command of the Ministry of Interior, arrest or summon individuals without informing them of the reasons for their arrest or showing them a warrant. The person is then detained without access to a lawyer and is often interrogated under torture. The person cannot challenge the lawfulness of his detention before a judicial authority, as prisoners of conscience are not afforded this right. Despite the possibility of reporting torture and ill-treatment to the Saudi Board of Grievances – an administrative court that has jurisdiction over claims of misconduct by the administrative authorities –, allegations often remain ink on paper and are never thoroughly investigated. Yet, if they are, the Moi has the last word and can choose not to implement the decisions of the Board of Grievances, therefore rendering it ineffective as a complaint mechanism.

4. Secret Trials and Unjust Laws

Most prisoners of conscience and political detainees are put on trial before the Specialised Criminal Court, which tries cases of terrorism and state security. The Court, established in 2008, is an exceptional jurisdiction as it is not composed of independent judges, but of a panel nominated directly by the Ministry of Interior. Hearings before this Court are often held in secret and victims are denied access to their criminal files. The Court has also never made its rules and procedures public and defendants have sometimes been denied access to their own hearings. Furthermore, lawyers defending cases before the SCC can be barred from entering the courtroom and are often pressured and threatened to resign from the case, as they are themselves considered “disloyal to the State” for defending such cases.

Political dissent and free expression have further been targeted by the Anti-terrorism Law of 2014, promulgated by Royal Decree 16, which provides for a vaguely worded definition of terrorism and is in practice used to repress free speech. The law gives broad powers to the executive and deprives the accused of his due process rights. Indeed, the 2014 Law allows the Ministry of Interior to order the arrest of an individual without a warrant and raises the limit of pre-trial detention from six to twelve months.

Most prisoners of conscience and political detainees are put on trial before the Specialised Criminal Court, which tries cases of terrorism and state security.

5. From Champion to Victim: the Case of ACPRA

To protect the victims targeted by this institutionalised system of oppression, human rights defenders and civil society actors have seized UN human rights mechanisms, taken to the media or used their own platforms to condemn and report on these practices, but have more often than not, fallen victim to the same abuses. In fact, the symbol of this systematic repression has become the Saudi Civil and Political Rights Association, also known as ACPRA, whose 11 members – all prominent human rights defenders – were subjected to harsh reprisals for their peaceful activism. The association was shut down in March 2013 and as of May 2016 all of its members have faced lengthy prison sentences.

“ If everybody keeps their mouths shut, the situation will only go from bad to worse and I don’t want my kids to think I have failed them in securing their fundamental rights. ”

Established in 2009, to promote fundamental civil and political rights in the country, ACPRA peacefully advocated for a constitutional monarchy, a universally elected parliament, an independent judiciary and for the protection of fair trial rights in Saudi Arabia. The organisation also reported on human rights violations, helped relatives of

victims file complaints with the Board of Grievances and communicated cases of human rights violations to UN human rights mechanisms, such as the UN Working Group on Arbitrary Detention and other Special Procedures.

In 2013, the organisation was banned, and, as of May 2016, all of its members have been prosecuted -- due to ACPRA’s vocal criticism of the Saudi authorities and the repression they exercised against dissident voices. While some of them were held *incommunicado*, others were ill-treated and tortured during interrogations. Lastly, legal proceedings were lengthened due to the referral of their cases to the Specialised Criminal Court to prosecute them on the basis of the 2014 Law on Terrorism, long after their cases had already been heard by ordinary courts.

The members of ACPRA all faced broad and vaguely defined charges such as “insulting the judiciary”, “calling to break allegiance with the ruler”, “accusing the judiciary of being unable to deliver justice”, “communicating with international organisations in order to harm the image of the state” and “forming or joining an illegal organisation.”

In addition to four to 15 years in prison, many of their sentences were also followed by

extended travel bans. The majority of the members are currently in prison serving their sentences.

Committed to making civil and political rights a reality for future generations, co-founding member of ACPRA, Mohammad Al Qahtani, once stated: “If we go to prison, it is worth it, we have done whatever we can, [...] If everybody keeps their mouths shut, the situation will only go from bad to worse and I don’t want my kids to think I have failed them in securing their fundamental rights.”

Mohammed Al Bajadi

Current Status: Released on probation

Bio: Born in 1978, Al Bajadi is a human rights defender. He had previously founded the human rights group Forum for Cultural Debate.

Previous Arrests: Al Bajadi was arrested several times for his calls to end torture and arbitrary detention. In September 2007, he was arrested for “inciting protests” and later released on 1 January 2008. However, Al Bajadi was arrested again in January 2008, with his files and passport confiscated.



ACPRA Related Arrest: March 2011

Reported Mistreatment in Detention: Yes, after his arrest, Al Bajadi was detained in solitary confinement for four months.

Charges: He was charged with “contesting the independence of the judiciary”; “harming the image of the state through the media and calling on the families of political detainees to protest”; “joining a civil society organisation that is not licensed”; “harming the country’s reputation”; “questioning the independence of the judiciary”; “organising a sit-in for the families of prisoners”; and “communication with foreign organisations.”

Trial: His trial began in August 2011 and he was secretly tried, with neither his charges nor his sentence made public. His legal defence team was denied access to him and informed that their right to represent him was not recognised by the court. His lawyers and family were neither informed about the hearings, nor allowed to attend them. In April 2012, the Specialised Criminal Court sentenced him to four years imprisonment, followed by a five-year travel ban. In August 2013, he was suddenly released, only to be re-arrested a few days later. Three years after his imprisonment, the Court of Appeal overturned his sentence. His re-trial before the SCC began in October 2014.

Final Verdict: In March 2015, the Specialised Criminal Court sentenced him to four years in prison and another four with suspension, followed by a ten-year travel ban.

Saleh Al Ashwan

Current Status: Detained at Al Ha'ir Prison

Bio: Born in 1986, Al Ashwan is a human rights defender. He specifically worked on the detention of women in Saudi Arabia.

ACPRA Related Arrest: July 2012

Reported Mistreatment in Detention: After his arrest, Al Ashwan was detained in secret detention for two months. He has reportedly been subjected to torture and ill-treatment in detention. Al Ashwan was also held without charge or trial from 2012 to 2016.

Final Verdict: He was finally sentenced in 2016, by the Specialised Criminal Court to five years in prison, followed by a five-year travel ban.



Sheikh Sulaiman Al Rashudi



Current Status: Detained at Al Ha'ir Prison

Bio: Born in 1937, Al Rashudi is a lawyer and a former judge. He was a member of the Committee to Defend Legitimate Rights.

Previous Arrests: Due to his activism, Al Rashudi was arrested in 1993 and detained for two months, with his law office closed down as well. In 2004, he was arrested for a letter demanding constitutional reforms, and three years later, in 2007, he was arrested again and detained with other re-

formists from Jeddah for meetings held to establish a civil society organisation for political and constitutional reforms, until he was released on humanitarian grounds on 23 June 2011.

ACPRA Related Arrest: December 2012

Reported Mistreatment in detention: Yes. Furthermore, he was detained *incommunicado* and in solitary confinement for two months.

Charges: Charged *inter alia* with “breaking allegiance with the King”; “establishing a secret organisation”; and “money laundering and financing terrorism.”

Final Verdict: In November 2011, Al Rashudi was sentenced by the Specialised Criminal Court to 15 years in prison, followed by a 15-year travel ban. His sentenced was confirmed on appeal in December 2012, and he was consequently arrested.

Dr Mohammad Al Qahtani

Current Status: Detained at Al Ha'ir Prison

Bio: Born in 1965. Dr Al Qahtani holds a PHD in economics from the University of Indiana, he taught political economy in Saudi Arabia. He is a co-founding member of ACPRA.



ACPRA Related Arrest: March 2013

Reported Mistreatment in Detention: Yes

Charges: He faced 11 charges including “inciting dissent and breaking allegiance with the ruler”; “questioning the integrity of the officials and the supreme scholars”; “inciting public opinions against the government by accusations of human rights violations”; “accusing the judicial and legal system of lack of independence and questioning their integrity”; “antagonising international organisations against the Saudi government by disseminating false information”; and “using the Internet to disseminate opinions, petitions, and statements against the government.”

Trial: His trial before the Criminal Court of Riyadh began in June 2012.

Final Verdict: In March 2013, he was sentenced by the Criminal Court of Riyadh to 10 years in prison, followed by a 10-year travel ban.

Dr Abdullah Al Hamid



Current Status: Detained at Al Ha'ir Prison

Bio: Born 1951, Al Hamid is a writer and a human rights defender. In 1992, he founded the Committee to Defend Legitimate Rights.

Previous Arrests: Al Hamid was imprisoned after the Committee to Defend Legitimate Rights was dissolved and was later arrested several times and imprisoned, due to his calls for a constitutional monarchy.

ACPRA Related Arrest: March 2013

Reported Mistreatment in Detention: Yes

Charges: He faced 13 charges including “promoting peaceful protests”, “inciting against the ruler, the King and the supreme scholars”; “causing public disorder and unrest”; ‘making false testimonies to foreign organisations”; “establishing an unlicensed civil society organisation.”

Trial: His trial began in June 2012 before the Criminal Court of Riyadh.

Final Verdict: In March 2013, the Criminal Court of Riyadh sentenced him to five years in prison, in addition to six years from a previous sentence, for breaking the pledge not to pursue any further activities. He was also sentenced to a subsequent 10-year travel ban.

Dr Al Hamid is currently under investigation for having sent, earlier in 2016, a letter to the king from jail entitled “The Flaws of Despotism.”

Dr Abdulkarim Al Khoder

Current Status: Detained at Buraydah Prison

Bio: Born in 1964, Al Khoder was a professor of Comparative Jurisprudence at the Faculty of Islamic Jurisprudence at Al Qassim University. He is a co-founding member of ACPRA.

Previous Retaliation: In 2010, Al Khoder was banned from leaving Saudi Arabia and, in 2011, was dismissed from his position as a professor for his activism.

ACPRA Related Arrest: April 2013

Reported Mistreatment in detention: Yes

Charges: Al Khoder faced a number of charges including “inciting the public against the ruler”; “calling for protest”; “participating in an unlicensed civil society organisation”; “breaking allegiance with the ruler”; and “communicating with foreign agencies on the violations of human rights in Saudi Arabia.”

Trial: In February 2013, his trial began before the Criminal Court in Buraydah. In April 2013, Dr Al Khoder was detained at his fourth trial hearing. In June 2013, he was found guilty of the above charges and sentenced to three years in prison, five years with suspension, and a 10-year travel ban. In 2014, his case was referred to the Specialised Criminal Court -- and his trial only began in 2015.

Final Verdict: In October 2015, he was sentenced by the Specialised Criminal Court to 10 years in prison, followed by a 10-year travel ban.



Omar Al Said



Current Status: Released on probation

Bio: Born in 1990, Al Said is ACPRA's youngest member.

ACPRA Related Arrest: April 2013

Charges: Al Said faced a number of charges including "breaking allegiance with the ruler"; "joining an unlicensed civil society organisation"; "inciting public opinion against officials"; "questioning the supreme scholars and the judiciary"; "taking photos of protests and posting them online to spread rumors and false news".

Trial: In June 2013, Al Said's trial before the Buraydah Criminal Court began. In December 2013, he was sentenced to four years in prison and 300 lashes. After his sentencing hearing, which was held in secret, the Court later referred his case to the Specialised Criminal Court, where his trial began in October 2015. In November 2015, Al Said was sentenced to two and a half years in prison, followed by a two and half year travel ban. In December 2015, he was released on bail, however, the Court of Appeal asked the judge to increase the sentence.

Final Verdict: On 5 September 2016, the SCC sentenced him to seven years in prison, followed by a 10-year travel ban.

Fowzan Al Harbi

Current Status: Detained at Al Ha'ir Prison

Bio: Born in 1977, Al Harbi is an engineer and a human rights defender.

ACPRA Related Arrest: December 2013

Reported Mistreatment in Detention: Yes

Charges: Al Harbi faced a number of charges including: “incitement to demonstrate”; “troubling public opinion by accusing security authorities and high officials of repression, and human rights violations”; “harming the credibility of religious authorities”; “insulting Saudi authorities by describing them as a police state”; “accusing the judiciary system of major flaws”; “participating in an unlawful association”; “preparing, stocking and sending information which might prejudice public policy”; “refusing to comply with the court decision concerning the dissolution of ACPRA.”



Trial: His first hearing before the Riyadh Criminal Court was held in December 2013. The judge issued an order for his arrest during his second hearing, on 26 December 2013. He was detained at Malaz Prison in Riyadh, in a cell that was so overcrowded, it was impossible to lie down. He was released two days before the sentencing hearing. In June 2014, he was sentenced to one year imprisonment and six years on suspension. He was also forced to pledge that he would not communicate or write on social media.

Final Verdict: In November 2014, another hearing was held after the case was reviewed by the Court of Appeal and his sentence was increased to a 10-year prison term, followed by a 10-year travel ban.

Dr Abdulrahman Al Hamid



Current Status: Detained at Al Malaz Prison

Bio: Born in 1962, Al Hamid is a professor of Islamic Economy at the Technical College in Buraydah.

ACPRA Related Arrest: April 2014

Reported Mistreatment in Detention: Yes. He was initially detained *incommunicado* for a month.

Charges: He faced a number of charges including “incitement against public order and spreading chaos by taking part in drafting and publishing a statement that called for demonstrations”; “disrespecting the judicial

authorities”; and “participating in setting up an unlicensed organisation”.

Trial: Al Hamid was detained in pre-trial detention for almost a year. His case was sent to the Criminal Court in Buraydah, which referred it to the Specialised Criminal Court without examination. His trial before the SCC began in February 2015.

Final Verdict: In October 2015, he was sentenced by the Specialised Criminal Court to nine years in prison, followed by a nine-year travel ban.

Essa Al Hamid

Current Status: Free, awaiting final verdict

Bio: Born in 1967, Al Hamid is a human rights defender.

Previous Arrests: In 2007, Al Hamid was arrested for participating in a protest against unlawful detention, for which he was later sentenced to six months in prison for “inciting women to protest.”

ACPRA Related Arrest: Al Hamid has not yet been arrested.

Charges: He was charged with “defaming the Council of Religious Scholars”; “insulting the judiciary”; “participating in the establishment of an unlicensed organisation (ACPRA)”; and “communicating with international organisations in order to harm the image of the State.”

Trial: In June 2014, Al Hamid’s first hearing was held at the Buraydah Criminal Court. After his second hearing, the judge referred the case to the Specialised Criminal Court.

Current Verdict: In April 2016, after 16 hearings, the Specialised Criminal Court sentenced him to nine years in prison, followed by a nine-year travel ban. Al Hamid appealed his judgement and the Court of Appeal requested that he be re-tried for cybercrimes.



Abdulaziz Al Shubaili

Current Status: Free, awaiting final verdict

Bio: Born in 1985, Al Shubaili is a human rights defender.

ACPRA Related Arrest: Al Shubaili has not yet been arrested.

Charges: The charges he faces include “incitement to demonstrate; harming the credibility of religious authorities”; “insulting Saudi authorities by describing them as a police state, which violates human rights”; “troubling public opinion by accusing security authorities and high officials of repression and human rights violations”; “participating in an unlawful association”; “preparing, stocking and sending information, which might prejudice public policy.”

Trial: In October 2014, his case was referred to the Specialised Criminal Court by the Public Prosecution Office.

Current Verdict: In May 2016, after 14 hearings, he was sentenced by the Specialised Criminal Court to a prison term of eight years and an eight-year social media ban, accompanied by an eight-year travel ban. Al Shubaili has since appealed the decision.



2009



October

ACPRA is founded



March

Mohammed Al Bajadi is arrested

2011



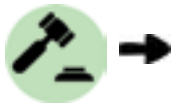
August

Mohammed Al Bajadi's trial begins before the Specialised Criminal Court (SCC)



March

Dr Abdullah Al Hamid, Dr Mohammad Al Qahtani and Dr Abdulkarim Al Khoder are summoned for interrogation



November

Sheikh Sulaiman Al Rashudi is sentenced to 15 years in prison, followed by a 15-year travel ban by the SCC

2012



April

Mohammed Al Bajadi is sentenced by the SCC in a secret trial to four years in prison, followed by a five-year travel ban



June

Dr Abdullah Al Hamid and Dr Mohammad Al Qahtani are put on trial before the Riyadh Criminal Court



July

Saleh Al Ashwan is arrested



December

The Court of Appeal confirms the sentence of Sheikh Sulaiman Al Rashudi, and he is consequently arrested

2013



February

Trial of Dr Abdulkarim Al Khoder begins before the Buraydah Criminal Court



March

Dr Abdullah Al Hamid is arrested and sentenced by the Riyadh Criminal Court to five years imprisonment, followed by a ten-year travel ban

Dr Mohammad Al Qahtani is arrested and sentenced by the Riyadh Criminal Court to 10 years imprisonment, followed by a 10-year travel ban



Ban of ACPRA is ordered



April

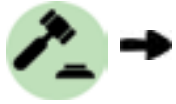
Dr Abdulkarim Al Khoder is arrested

Omar Al Said is arrested



June

Trial of Omar Al Said begins



Dr Abdulkarim Al Khoder is sentenced to three years of imprisonment, five years with suspension, and a 10-year travel ban



August

Mohammed Al Bajadi is suddenly released, only to be re-arrested a few days later



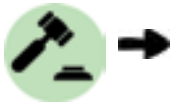
November

Essa Al Hamid and Abdulaziz Al Shubaili are summoned for interrogation



December

Fowzan Al Harbi is put on trial before the Riyadh Criminal Court, and is later arrested



Omar Al Said is sentenced to four years in prison and 300 lashes by the Buraydah Criminal Court

2014



January

Dr Abdulkarim Al Khoder's sentence is overturned, he is released, and his case is referred to another judge



April

Dr Abdulrahman Al Hamid is arrested



May

The new judge in Dr Abdulkarim Al Khoder's case declares himself incompetent and refers his case to the SCC



June

Dr Essa Al Hamid is put on trial before the Buraydah Criminal Court, his case is later referred to the SCC



Fowzan Al Harbi is released two days before being sentenced to a year in prison and six years of suspension

October



→ Abdulaziz Al Shubaili's case is referred by the Public Prosecution to the SCC
Mohammed Al Bajadi's case is retried before the SCC

November



→ Fowzan Al Harbi's sentence is reviewed by the Court of Appeal and he is sentenced to 10 years in prison, followed by a 10-year travel ban

2015

January



→ Dr Abdulkarim Al Khoder's trial before the SCC begins

February



→ Dr Abdulrahman Al Hamid's trial begins before the SCC

March



→ Mohammed Al Bajadi is sentenced to four years in prison and another four years with suspension, followed by a 10-year travel ban

October



→ Omar Al Said's trial begins before the SCC

Abdulrahman Al Hamid is sentenced by the SCC to nine years in prison, followed by a 10-year travel ban



→ Abdulkarim Al Khoder is sentenced by the SCC to 10 years in prison, followed by a 10-year travel ban

November



→ Omar Al Said's sentence is reduced to two and a half years in prison, two and a half-year suspension, followed by a two and a half year-travel ban

December



→ Omar Al Said is released on probation, the Court of Appeal requests a longer sentence

2016

April



→ Essa Al Hamid is sentenced by the SCC to nine years in prison, followed by a nine-year travel ban



→ Mohammed Al Bajadi is released



May

Abdulaziz Al Shubaili is sentenced by the SCC to eight years imprisonment, an eight-year social media ban, and an eight-year travel ban



September

Omar Al Said is sentenced by the SCC to seven years in prison, followed by a 10-year travel ban



Saleh Al Ashwan is sentenced by the SCC to five years in prison, followed by a five-year travel ban

Alkarama is a Geneva-based, independent human rights organisation established in 2004 to assist all those in the Arab World subjected to or at risk of extra-judicial executions, disappearances, torture and arbitrary detention. Acting as a bridge between individual victims in the Arab World and international human rights mechanisms, Alkarama works towards an Arab world where all individuals live free, in dignity and protected by the rule of law. In Arabic, Alkarama means “dignity”.



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