

Kingdom of Saudi Arabia

Ministry of Justice

Court of Appeal in the Eastern Province — Seventh Criminal Circuit

Instrument (Judgment Deed) No.: 4830373716 | Instrument Date: 06/04/1448 - 17/09/2026

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In the Name of Allah, the Most Gracious, the Most Merciful

Praise be to Allah, and prayers and peace be upon the Messenger of Allah. To proceed:

Before the Seventh Criminal Circuit, and based on Case No. 4870140454 dated 29/01/1448 AH:

Parties to the Case

Name	ID Type	ID Number	Nationality	Capacity in the Case	Capacity in the Appeal
ANOJAN SIVARASA	Regular Residency (Iqama)	2616165706	Sri Lankan	Defendant	Appellee
Public Prosecution in Al-Ahsa	—	—	—	Plaintiff	Appellant

FACTS

Praise be to Allah alone, and thereafter: On this day, Thursday, corresponding to 06/04/1448 AH, the session was opened at 9:55 a.m. and was convened in person in the judicial council (courtroom) to consider the appeal request submitted, based on the transaction referred to the Circuit by His Eminence the President of the Court of Appeal in the Eastern Province, bearing No. (4870140454) dated 21/03/1448 AH, together with the Instrument No. (4830160902) dated 14/02/1448 AH issued therein by the Second Circuit at the Criminal Court in Al-Ahsa, in which the Public Prosecutor charged the defendant, Anojan Sivarasa, with the following:

[Insulting and verbally assaulting our Prophet Muhammad – peace and blessings be upon him – which is criminalized under Sharia; and producing and publishing that which would prejudice religious values and public morals via the information network, by publishing a comment on one of the social media programs containing a verbal assault on our Prophet Muhammad – peace and blessings be upon him – in words contrary to religious values and public morals; which is criminalized by statute under paragraph (1) of Article (6) of the Anti-Cyber Crime Law issued by Royal Decree No. (M/17) dated 08/03/1428 AH.]

He requested that the defendant's conviction of what was attributed to him be established and that he be sentenced as follows:

[1- The penalties of imprisonment and fine at their maximum limits, for producing and publishing that which would prejudice religious values and public morals, pursuant to paragraph (1) of Article (6) of the Anti-Cyber Crime Law and its amendment issued by Royal Decree No. (M/54) dated 22/07/1436 AH. 2- Confiscation of the digital device used in the crime, pursuant to Article (13) of the Anti-Cyber Crime Law and its aforementioned amendment. 3- Closure of the account identifier used in committing the crime, pursuant to Article (13) of the aforementioned Anti-Cyber Crime Law. 4- Publication of a summary of the judgment, pursuant to Article (6) of the Anti-Cyber Crime Law and its aforementioned amendment. 5- A severe discretionary (ta'zir) penalty that deters him and dissuades others, in return for his verbal assault on our Prophet Muhammad – peace and blessings be upon him.]

After the first-instance court circuit considered the case, it reasoned and ruled as follows: [Based on the foregoing claim and answer, and after contemplating the case, reviewing the papers of the transaction and studying them; and whereas the claimant party aims through its claim to establish the conviction of the defendant, Anojan Sivarasa, of insulting and verbally assaulting our Prophet Muhammad

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– peace and blessings be upon him – which is criminalized under Sharia; and of producing and publishing that which would prejudice religious values and public morals via the information network, by publishing a comment on one of the social media programs containing a verbal assault on our Prophet Muhammad – peace and blessings be upon him – in words contrary to religious values and public morals; which is criminalized by statute under paragraph (1) of Article (6) of the Anti-Cyber Crime Law issued by Royal Decree No. (M/17) dated 08/03/1428 AH; and it requests his punishment accordingly, as detailed in the public indictment; and in view of the defendant's admission of the truth of what was stated in the Public Prosecutor's claim; and since an admission is binding proof against the one who makes it, as established in jurisprudence and statute, and pursuant to Article One Hundred Sixty-One (161) of the Law of Criminal Procedure and Article Seventeen (17) of the Law of Evidence; and whereas the Public Prosecutor presented the following in proof of his claim:

(1- The accused's admission during his interrogation of the truth of what was attributed to him regarding his insulting the Prophet Muhammad – peace and blessings be upon him – and his violation of the Anti-Cyber Crime Law, by producing and publishing a comment written in his own language containing a verbal assault on our Prophet Muhammad – peace and blessings be upon him – on his account on the social media platform Facebook registered under his name, “Anojan Sivarajh”, by saying in the post: (If Muhammad were alive, I would cut off his penis).

2- The accused's acknowledgment, during the hearing of his preliminary statements, that the account used in the offending post belongs to him, and his acknowledgment of publishing the words offensive to the status of our Prophet Muhammad – peace and blessings be upon him – which indicates the truth of what was attributed to him.

3- The accused's acknowledgment, in the presence of witnesses before his employer, of his publishing the comment containing his statement: (If Muhammad were alive, I would cut off his penis) through his private account on the Facebook platform, and that he is the one who wrote that comment.

4- The transmitted post containing the insult to our Prophet Muhammad – peace and blessings be upon him.

5- The translation of the transmitted post containing the insult to our Prophet Muhammad – peace and blessings be upon him.)

And whereas what the defendant did falls under what is stated in Article (6) of the Anti-Cyber Crime Law, the text of which is: “Producing that which would prejudice public order, religious values, public morals, or the privacy of private life, or preparing, sending, or storing it via the information network or any computer device”; and pursuant to Article (13) of the aforementioned Law; and whereas the penalty of publication is discretionary and no anticipated preponderant benefit in publishing it appeared to the Circuit; and whereas what emanated from the defendant calls for aggravating the penalty; and applying the principle of the merger of penalties; for all of the above: the conviction of the defendant – Anojan Sivarasa – was established before the Circuit of insulting and verbally assaulting our Prophet Muhammad – peace and blessings be upon him – which is criminalized under Sharia; and of producing and publishing that which would prejudice religious values and public morals via the information network, by publishing a comment on one of the social media programs containing a verbal assault on our Prophet Muhammad – peace and blessings be upon him – in

words contrary to religious values and public morals. It ruled, in respect of the public right, to imprison him for a period of five years, from which shall be deducted the period he spent in detention in connection with this case; to fine him three million riyals; to confiscate the digital device used in the crime; and to close the account identifier used in committing the crime; and it rejected the remainder of the Public Prosecutor's requests for publication of a summary of the judgment and for a severe discretionary penalty to deter him and dissuade others in return for his verbal assault on our Prophet Muhammad – peace and blessings be upon him – for the reasons set out.] End quote.

The appellant Public Prosecutor submitted his objection memorandum No. (4810701103) within the statutorily prescribed period, consisting of two pages and containing the following: [Failure to sentence him to a severe discretionary penalty that dissuades him and deters others, and failure to sentence him to publication of the penalty at the defendant's expense. I request

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amendment of the issued judgment in accordance with what is stated in the statement of claim, or referral of the judgment, together with the objection memorandum and all papers, to the Court of Appeal to consider it by way of (pleading), pursuant to Article (196) of the Law of Criminal Procedure.]

Likewise, the attorney of the defendant submitted his objection memorandum No. (4810718976) within the statutorily prescribed period, containing the following:

[With reference to the above subject, and in my capacity as attorney for the defendant pursuant to Power of Attorney No. (481134911) dated 27/02/1448 AH, I submit to Your Eminences an objection to the judgment issued in the above case, as follows:

Operative part of the contested judgment: (The conviction of the defendant / Anojan Sivarasa was established before the Circuit of insulting and verbally assaulting our Prophet Muhammad – peace and blessings be upon him – which is criminalized under Sharia; and of producing and publishing that which would prejudice religious values and public morals via the information network, by publishing a comment on one of the social media programs containing a verbal assault on our Prophet Muhammad – peace and blessings be upon him – in words contrary to religious values and public morals. It ruled, in respect of the public right, to imprison him for a period of five years, from which shall be deducted the period he spent in detention in connection with this case; to fine him three million riyals; to confiscate the digital device used in the crime; and to close the account identifier used in committing the crime; and it rejected the remainder of the Public Prosecutor's requests for publication of a summary of the judgment and for a severe discretionary penalty to deter him and dissuade others in return for his verbal assault on our Prophet Muhammad – peace and blessings be upon him – for the reasons set out.)

Whereas my client adheres to his statutory right to object to the judgment, we beseech Your Eminences to reconsider the judgment with respect to the quantum of the penalty and its proportionality to the circumstances and surroundings of the incident and the personal circumstances of the accused, for the following reasons:

Grounds of Objection:

First: Exaggeration in the quantum of the penalty and the imposition of the maximum limit of both imprisonment and fine together. It is established from the operative part of the judgment that the penalty imposed reached imprisonment for a period of five years and a fine in the amount of three million riyals, thereby punishing my client with the maximum limit in accordance with paragraph (1) of Article Six of the Anti-Cyber Crime Law. The said Article provides that the penalty shall be imprisonment for a period not exceeding five years and a fine not exceeding three million riyals, or

either of these two penalties. Consequently, reaching both penalties together at their maximum requires taking into account the gravity of the incident in all its aspects, the extent to which grounds for aggravation are present, and the proportionality of the penalty to the circumstances of the accused and the incident. My client does not dispute the prohibition of the act or its gravity, nor does he intend by his objection to diminish the station of the Prophet – peace and blessings be upon him – or to violate the sanctity of religion; rather, his objection is directed at the quantum of the penalty and the proportionality between the penalty and the actual circumstances surrounding the incident, and the absence of intent. The principle in discretionary punishment is that it should achieve deterrence and reform and be proportionate to the condition of the offender and the circumstances of the crime, so that the penalty does not become an end in itself, detached from its Sharia and statutory purpose. Accordingly, we beseech Your Eminences to reassess the penalty, reduce it below the maximum limit, and suffice with a penalty that achieves deterrence.

Second: The incident – as established by the judgment – was a single comment issued in the context of a verbal altercation. It is established from my client's answer before the Circuit that the post subject of the claim was connected to a verbal altercation and that the phrase was issued in a moment of anger. My client also stated that he deleted the comment after a short time, and that following the incident he hastened to publish a video clip in which he expressed his apology, regret, and remorse for what he had done, asked Muslims for forgiveness, and affirmed his respect for the Islamic religion and for the Prophet Muhammad – peace and blessings be upon him –

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and for Muslims, which reflects his retraction of what he had done and his desire to correct his position and contain the effects of the incident; and this was before any report was filed against him and before he was confronted and arrested. The judgment established that my client, when asked about the post, answered that it was in the context of a verbal altercation and that he deleted the comment after about ten minutes; it also established that he stated that this was issued by him in a moment of anger. These circumstances – even if they do not erase responsibility for the act – are among the circumstances that must have an effect in assessing the quantum of the discretionary penalty, since the case of one who commits the act in a passing manner and in a moment of agitation and then retracts and deletes it differs from the case of one who deliberately repeats the act, persists in it, or publishes multiple content with the intent of offending and promoting it. The judgment – according to the facts established therein – did not establish that my client repeated this conduct or published a series of similar posts; rather, the incident was confined to the post subject of the claim.

Third: Absence of prior intent to offend. What emanated from the accused did not result from a prior intent or a premeditated design to offend the Prophet Muhammad – peace and blessings be upon him – or the Islamic religion; rather, it came in the context of a reaction and agitation following his exposure to provocation through previous electronic content.

Fourth: Deletion of the post and desistance from continuing the act. Among the important circumstances that ought to be taken into consideration is that my client deleted the post a short time after publishing it. We do not argue that deletion removes statutory responsibility for the act; rather, we rely on it as an indication of not continuing the conduct and of retracting it, which has an effect in assessing the degree of criminal danger and in determining the quantum of the discretionary penalty. Moreover, the speed of deleting the post indicates that my client did not persist in publishing it, republishing it, or deliberately keeping it for a long period to achieve further spread; hence this circumstance merits being a reason for lowering and mitigating the penalty.

Fifth: Repetition or habitual commission not established. It was not established from the facts of the judgment that my client is accustomed to committing such acts or that he previously committed a similar crime; nor was it established that he managed an account dedicated to offense, or that the

incident was part of a continuous activity or an organized campaign. What is established is solely the incident of the post subject of the claim. This matter is important when assessing the penalty, since the effect of specific deterrence varies according to the personality of the accused, his prior record, and his conduct after the incident, particularly if the accused is not habitually criminal and has no prior convictions. Whereas the incident subject of the case is the first of its kind for the accused, and he has never before committed such conduct, we hope that Your Eminences will take this into account when assessing the penalty.

Sixth: My client's cooperation with the investigating authorities and his not insisting on denial. It is established in the judgment that my client admitted before the investigating authorities that the account belongs to him and that the post was issued from his account, and he also admitted to publishing the comment. Although the court adopted this admission as evidence of the occurrence of the incident, on the other hand it demonstrates the cooperation of the accused, his lack of procrastination in the investigation and trial procedures, and his not attempting to conceal the truth about the account or to attribute the post to another person. Accordingly, this conduct ought to have an effect in assessing the penalty, particularly when coupled with the deletion of the post and the expression of remorse.

Seventh: Remorse, retraction, and undertaking not to repeat the incident. My client expresses before Your Eminences his deep remorse for what he did, acknowledges his mistake, and affirms that he did not intend to continue the offense or repeat it; what emanated from him was a mistaken act in a moment of agitation, and he hastened to delete the post after a short period, and it was not established against him – according to what is stated in the judgment – that he continued the same conduct. My client undertakes

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a definitive undertaking not to repeat what he did, to respect the laws of the Kingdom of Saudi Arabia and its religious and social values, and commits not to use social media in a manner that violates the laws. We hope that Your Eminences will give this remorse and retraction an effect in assessing the penalty, so as to achieve the reformatory purpose of the discretionary penalty.

Eighth: Request for suspension of execution of the imprisonment sentence. We hope – as an alternative – for a ruling suspending execution of the imprisonment sentence. The Law of Criminal Procedure has permitted the court to provide in its judgment for the suspension of execution of the imprisonment penalty in the public right whenever it becomes apparent to it, from the morals of the convicted person, his past, his age, his personal circumstances, the circumstances in which the crime was committed, or otherwise, that which gives rise to conviction that execution should be suspended. This statutory power was prescribed solely to take into account cases in which the purpose of the penalty can be achieved without actual execution of imprisonment. My client maintains that the circumstances of the incident – being an isolated incident, issued in a moment of anger and a verbal altercation, the deletion of the post after a short period, the non-establishment of repetition, and the expression of remorse and retraction – justify the request to exercise this statutory power. We also beseech Your Eminences – whenever it is established from the papers that my client has no prior convictions – to take into account his clean record when assessing the appropriateness of suspending execution of imprisonment.

Ninth: The fine imposed constitutes an excessive burden disproportionate to the purpose of the penalty. The judgment imposed a fine of three million riyals, which is the fine at its maximum limit. If the purpose of the penalty is to achieve deterrence, dissuasion, and reform, we hope that Your Eminences will assess the fine in a manner that achieves this purpose without reaching the maximum limit, particularly if it is established to Your Eminences that the financial and personal circumstances of the accused are not commensurate with this amount. We also hope – as an alternative – that the fine be reduced to an amount much less than that imposed, commensurate with the circumstances of the accused and his financial condition.

Tenth: Alternative request to apply the lighter penalty. While my client adheres to his principal request to reconsider the judgment, we hope from Your Eminences – as an alternative – to reduce the penalty to the lowest extent the Court of Appeal deems appropriate, and not to combine the maximum of the two penalties of imprisonment and fine. We also hope – in the event the imprisonment penalty is maintained – that its execution be suspended as permitted by law, together with reducing the fine to an amount commensurate with the circumstances of the incident and the accused.

Your Eminences: The accused is the sole breadwinner of his family, and the continuation of the penalty against him may result in severe harm not confined to him personally, but extending to the members of his family who depend on him for their livelihood and basic expenses.

Requests: Therefore, and based on the foregoing, we request Your Eminences the following:

First – principally: To accept the objection in form and substance, overturn the judgment under Instrument No. “4830160902” dated 14/02/1448 AH issued by the Second Circuit at the Criminal Court in Al-Ahsa, and rule anew dismissing the claim for lack of intent.

Second – alternatively: To overturn the judgment insofar as it imposed a severe penalty, and to reassess the penalty in a manner proportionate to the circumstances of the incident and the accused.

Third: To reduce the imprisonment sentence imposed, and not to rule the maximum limit prescribed by law.

Fourth: To reduce the fine imposed, lowering it from the amount of three million riyals to an amount commensurate with the circumstances of the accused and the incident.

Fifth: As an alternative, to suffice with one of the two penalties or mitigate one of them in a manner that achieves the purpose of the penalty.

Sixth: In the event the imprisonment sentence is maintained, to rule for suspension of execution of the imprisonment sentence in the public right pursuant to Article (214) of the Law of Criminal Procedure.]

Both objections were reviewed, and the preliminary matters relating to jurisdiction and the conditions

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for accepting the request were verified. At this session, the Public Prosecutor, Wael bin Siraj bin Abdullah Alfi, Saudi national, delegated by his superior pursuant to the letter of His Eminence the Head of the Public Prosecution in the Eastern Province No. (19613) dated 01/03/1444 AH, attended. The defendant, Anojan Sivarasa, Sri Lankan national, holding Resident Identity No. (2616165706), was brought and attended in person in the judicial council, in the presence of the translators of the Unified Translation Center: the first, Muhammad Ilyas Adam, Sri Lankan national, holding Resident Identity No. (2026749750), and the second, Muhammad Ilham Afaldeen, Sri Lankan national, holding Resident Identity No. (2219103997). Also present was Adlan bin Abdullah bin Buqairan Al-Subaie, Saudi national, holding National Identity No. (1026256030), in his capacity as attorney for the aforementioned defendant.

Upon studying the case, the Circuit deemed it appropriate to consider it by way of pleading pursuant to paragraph (1) of Article One Hundred Ninety-Seven (197) of the Law of Criminal Procedure and what is provided in Article Thirty-Two (32) of the Implementing Regulations for the Methods of Objection to Judgments, the text of which is: [If the court, while examining the case by way of audit, finds that which necessitates overturning the judgment in whole or in part, it shall consider it by way of pleading and rule thereon].

Thereafter, the appellate Circuit asked the defendant, Anojan Sivarasa, for his answer to the public claim through the translators, the first, Muhammad Ilyas, and the second, Muhammad Ilham, and he answered

saying: [What the Public Prosecutor mentioned regarding my insulting and verbally assaulting the Prophet Muhammad, and producing and publishing that which would prejudice religious values and public morals via the information network by publishing a comment on one of the social media programs containing a verbal assault on the Prophet Muhammad in words contrary to religious values and public morals, is true. However, what I published on the (Facebook) program was in a comment between me and one of the persons of my nationality, and it was a verbal altercation. He had insulted my gods, and I insulted the Prophet Muhammad with the following text: “(If the Prophet Muhammad were in front of me, I would cut off his male organ)”, and ten minutes later I deleted the comment.] Thus he stated.

The two parties to the claim present were then asked whether they had anything to add to the foregoing and to what had been submitted to the first-instance court, and each of them said: “I have nothing to add to the foregoing.” Thus they answered, and the Circuit decided to close the door of pleading pursuant to Article One Hundred Fifty-Nine (159) of the Law of Sharia Procedure.

REASONS

Based on the foregoing, and after studying and contemplating the appealed judgment, its record, the case attachments, and the objection submitted against the judgment; and whereas the Circuit that issued the judgment applied the requirement of Article One Hundred Ninety-Six (196) of the Law of Criminal Procedure and Article One Hundred Forty-Three (143) of the Implementing Regulations of the Law of Criminal Procedure; and based on the reasons for its judgment set out by the first-instance court circuit; and whereas the facts of this case have been set out in the appealed judgment referred to above, this Circuit refers thereto to avoid repetition; and whereas the objection was submitted within the period prescribed by law and has fulfilled the statutory requirements for its formal acceptance; as to the merits: whereas what the

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defendant committed is a prohibited act punishable under Sharia, and it constitutes an assault on the religion of Allah, Islam, and on the honoured station of the trustworthy Prophet Muhammad – the prayers and peace of our Lord be upon him – and is a form of spreading corruption in the land. Allah the Exalted, mighty is His mention, said: {...and do not seek corruption in the land. Indeed, Allah does not like the corrupters}. He, Glorified be He, said: {Indeed, those who abuse Allah and His Messenger – Allah has cursed them in this world and the Hereafter and prepared for them a humiliating punishment}. And He, Exalted in His Majesty, said: {And if you ask them, they will surely say, “We were only conversing and playing.” Say, “Is it Allah and His verses and His Messenger that you were mocking?” Make no excuse; you have disbelieved after your belief. If We pardon one faction of you, We will punish another faction because they were criminals}.

Shaykh al-Islam Ibn Taymiyyah – may Allah have mercy on him – said:

[The First Issue: Whoever reviles the Prophet – peace and blessings be upon him – whether a Muslim or a disbeliever, must be killed. This is the position of the general body of scholars. Ibn al-Mundhir said: “The generality of the people of knowledge are agreed that the punishment (hadd) of whoever reviles the Prophet – peace and blessings be upon him – is death.” Among those who held this are Malik, al-Layth, Ahmad, and Ishaq, and it is the position of al-Shafi'i. He said: “And it is reported from al-Nu'man that he is not killed,” meaning the dhimmi, since the polytheism he is upon is greater. Abu Bakr al-Farisi, of the companions of al-Shafi'i, reported the consensus of the Muslims that the punishment of whoever reviles the Prophet – peace and blessings be upon him – is death... The precise statement on this is that the reviler, if he is a Muslim, becomes a disbeliever and is killed without disagreement; this is the position of the four Imams and others, and it has been mentioned earlier who reported consensus on that, such as Ishaq ibn Rahawayh and others. If he is a dhimmi, he is also killed

according to the position of Malik and the people of Madinah – and their statements will be cited – and it is the position of Ahmad and the jurists of hadith. Ahmad stated this explicitly in numerous places. Hanbal said: “I heard Abu Abdullah say: ‘Anyone who insults the Prophet – peace and blessings be upon him – or disparages him, whether Muslim or disbeliever, must be killed, and I hold that he is killed and not asked to repent.’” He said: “And I heard Abu Abdullah say: ‘Anyone who breaks the covenant and introduces into Islam an event such as this, I hold that he must be killed; it was not for this that they were given the covenant and protection (dhimmah).’” Likewise Abu al-Safra' said: “I asked Abu Abdullah about a man of the people of dhimmah who insulted the Prophet – peace and blessings be upon him – what is due upon him? He said: If the evidence is established against him, whoever insults the Prophet – peace and blessings be upon him – is killed, whether Muslim or disbeliever.” Both were narrated by al-Khallal. In the narration of Abdullah and Abu Talib, he was asked about one who insults the Prophet – peace and blessings be upon him – and he said: “He is killed.” It was said to him: “Are there hadiths about it?” He said: “Yes, there are hadiths, among them: the hadith of the blind man who killed the woman; he said: ‘I heard her insulting the Prophet – peace and blessings be upon him’; and the hadith of Husayn that Ibn Umar said: ‘Whoever insults the Prophet – peace and blessings be upon him – is killed.’” And Umar ibn Abd al-Aziz used to say: “He is killed.” That is because whoever insults the Prophet – peace and blessings be upon him – is an apostate from Islam, and a Muslim does not insult the Prophet – peace and blessings be upon him. Abdullah added: “I asked my father about one who insults the Prophet – peace and blessings be upon him – is he asked to repent? He said: ‘Death has become due upon him and he is not asked to repent; Khalid ibn al-Walid killed a man who insulted the Prophet – peace and blessings be upon him – and did not ask him to repent.’” Narrated by Abu Bakr in al-Shafi'. In the narration of Abu Talib: Ahmad was asked about one who insults the Prophet – peace and blessings be upon him – and he said: “He is killed; he has broken the covenant.” Harb said: “I asked Ahmad about a man of the people of dhimmah who insults the Prophet – peace and blessings be upon him – and he said: ‘He is killed if he insults the Prophet – peace and blessings be upon him.’” Both were narrated by al-Khallal. He also stated this in answers other than these. All of his statements are explicit that he must be killed and that he has broken the covenant, and there is no disagreement reported from him on this.] See: al-Sarim al-Maslul 'ala Shatim al-Rasul (1/3-5).

Al-Qadi Iyad – may Allah have mercy on him – said:

[Everyone who reviles the Prophet – peace and blessings be upon him – or finds fault with him, or attributes to him a deficiency in his person, his lineage, his religion, or any of his traits, or alludes to it, or likens him to something by way of reviling, contempt, belittling his status, diminishing him, or finding fault with him, is a reviler of him, and the ruling on him is the ruling on the reviler: he is killed, as we shall explain. We do not except any section of this chapter from this purpose, nor

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do we doubt about it, whether it be explicit or by allusion. Likewise, whoever curses him, invokes evil against him, wishes harm upon him, or attributes to him by way of censure what does not befit his station; or speaks frivolously regarding his honoured station with foolish and obscene speech, objectionable words, and falsehood; or reproaches him with any of the trials and tribulations that befell him; or disparages him by reference to any of the permissible and familiar human accidents that occurred to him. All of this is a consensus of the scholars and the imams of fatwa from the time of the Companions – may Allah be pleased with them – down to the present. Abu Bakr ibn al-Mundhir said: The generality of the people of knowledge agree that whoever reviles the Prophet – peace and blessings be upon him – is killed. Among those who said this are Malik ibn Anas, al-Layth, Ahmad, and Ishaq, and it is the position of al-Shafi'i. Al-Qadi Abu al-Fadl said: It is what is entailed by the statement of Abu Bakr al-Siddiq – may Allah be pleased with him – and his repentance is not accepted according to these. Similar to this was said by Abu Hanifah and his companions, al-Thawri, the people of Kufa,

and al-Awza'i regarding Muslims, but they said: it is apostasy. Al-Walid ibn Muslim narrated similar from Malik, and al-Tabari narrated similar from Abu Hanifah and his companions regarding one who disparages him – peace and blessings be upon him – or dissociates himself from him or calls him a liar. Sahnun said regarding one who reviles him: That is apostasy, like heresy (zandaqah). On this basis disagreement arose regarding asking him to repent and declaring him a disbeliever, and whether his killing is a hadd or due to disbelief, as we shall explain in Chapter Two, if Allah the Exalted wills. We know of no disagreement regarding the permissibility of shedding his blood among the scholars of the regions and the predecessors of the Ummah, and more than one has mentioned consensus on his killing and on declaring him a disbeliever. Some of the Zahiris, namely Abu Muhammad Ali ibn Ahmad al-Farisi, alluded to disagreement regarding declaring a disbeliever the one who belittles him, but what is well known is what we have presented. Muhammad ibn Sahnun said: The scholars agree that the one who insults the Prophet – peace and blessings be upon him – and disparages him is a disbeliever, and the threat of Allah's punishment applies to him, and his ruling according to the Ummah is death; and whoever doubts his disbelief and his punishment has disbelieved.] See: al-Shifa bi-Ta'rif Huquq al-Mustafa (2/214-216).

Shaykh al-Islam Ibn Taymiyyah – may Allah have mercy on him – said:

[As for the verses indicating the disbelief of the reviler and his killing, or one of the two, if he is not a covenanted person, even if he outwardly professes Islam, they are many, in addition to this being a matter of consensus, as consensus has previously been reported from more than one. Among them is the saying of the Exalted: {And among them are those who abuse the Prophet and say, “He is an ear.” Say, “An ear of goodness for you”} up to His saying: {And those who abuse the Messenger of Allah – for them is a painful punishment}, up to His saying: {Do they not know that whoever opposes Allah and His Messenger}. It is thus known that abusing the Messenger of Allah is opposition (muhaddah) to Allah and His Messenger, because the mention of abuse is what necessitated the mention of opposition; it must therefore be included in it, for otherwise the speech would not be coherent, if it were possible to say: he is not an opponent. That indicates that abuse and opposition are disbelief, because He informed that he will have the Fire of Hell abiding therein, and did not say: “It is his recompense”; and there is a difference between the two expressions. Indeed, opposition is enmity and hostility (mushaqqah), and that is disbelief and warfare, and it is graver than mere disbelief; so the one who abuses the Messenger of Allah – peace and blessings be upon him – is a disbeliever, an enemy of Allah and His Messenger, waging war against Allah and His Messenger, because the derivation of “muhaddah” is from separation, such that each of them is on a side (hadd), as it is said: “mushaqqah” is that each of them is on a side (shiqq), and “mu'adah” is that each of them is on a side ('idwah). And in the hadith, a man used to revile the Prophet – peace and blessings be upon him – and he said: “Who will suffice me against my enemy?”] See: al-Sarim al-Maslul 'ala Shatim al-Rasul (1/26-27).

Imam Taqi al-Din al-Subki – may Allah have mercy on him – said:

[Chapter One: On the obligation of killing him, and it is a matter of consensus... Whoever examines the conduct of the Companions will verify their consensus on that, for it has been reported from them in various widespread cases, such as are well known, and no one denied it.] See: al-Sayf al-Maslul 'ala man Sabb al-Rasul (119-122).

Shaykh al-Islam Ibn Taymiyyah – may Allah have mercy on him – said:

[Reviling Allah or reviling His Messenger is disbelief outwardly and inwardly, whether the reviler believes that it is prohibited, or regards it as permissible, or is heedless of his belief. This is the position of the jurists and all of Ahl al-Sunnah who hold that faith is statement and action. Imam Abu Ya'qub Ishaq ibn Ibrahim al-Hanzali, known as Ibn Rahawayh – one of the imams ranked alongside al-Shafi'i and Ahmad – said: The

Muslims are agreed that whoever reviles Allah, or reviles His Messenger – upon him be prayers and peace – or rejects anything that Allah has revealed, or kills one of the prophets of Allah, is a disbeliever thereby, even if he affirms what Allah has revealed. Likewise Muhammad ibn Sahnun – one of the imams of the companions of Malik, whose era is close to this generation – said: The scholars agree that the one who insults the Prophet – upon him be prayers and peace – and disparages him is a disbeliever, and the threat of Allah's punishment applies to him, and his ruling according to the Ummah is death; and whoever doubts his disbelief and his punishment has disbelieved.] See: al-Sarim al-Maslul 'ala Shatim al-Rasul (2/512-513).

He then said – may Allah have mercy on him – in another place:

[It has been established that every reviling and insult that makes blood lawful is disbelief, even if not every disbelief is reviling. We shall mention the statements of the scholars on this issue. Imam Ahmad said: “Anyone who insults the Prophet – upon him be prayers and peace – or disparages him, whether Muslim or disbeliever, must be killed, and I hold that he is killed and not asked to repent.” And he said in another place: “Anyone who mentions something alluding to the Lord – Glorified and Exalted be He – must be killed, whether Muslim or disbeliever; and this is the position of the people of Madinah.” Our companions said: “Alluding to reviling Allah and reviling His Messenger – peace and blessings be upon him – is apostasy, and it necessitates death just as the explicit does.” Our companions do not differ that slandering the mother of the Prophet – peace and blessings be upon him – is among the reviling that necessitates death, and is graver, because that leads to impugning his lineage. In the phrasing of some of them is the general statement that whoever reviles the mother of the Prophet – upon him be prayers and peace – is killed, whether Muslim or disbeliever; and their intent by reviling here should be slander, as the majority stated, because it involves reviling the Prophet – peace and blessings be upon him... Ibn al-Qasim narrated from Malik: “Whoever reviles the Prophet – peace and blessings be upon him – is killed and is not asked to repent.” Ibn al-Qasim said: “Or insults him, finds fault with him, or disparages him, he is killed like the heretic, for Allah has made his veneration obligatory.”] See: al-Sarim al-Maslul 'ala Shatim al-Rasul (2/525-526).

He then said – may Allah have mercy on him – in another place:

[If it is established that every reviling, whether explicit or by allusion, necessitates death, then what must be attended to is the difference between the reviling from which repentance is not accepted and the disbelief from which repentance is accepted. We say: This ruling has been tied in the Book and the Sunnah to the term “abusing Allah and His Messenger”, and in some hadiths to the mention of insult and reviling; likewise the mention of reviling and insult appears in the expressions of the Companions and the jurists. A term, if it has no definition in language – like the terms earth, sky, land, sea, sun, and moon – nor in Sharia – like the terms prayer, zakat, Hajj, faith, and disbelief – is referred for its definition to custom ('urf), such as taking possession, safekeeping, sale, pledge, hire, and the like. Thus abuse, reviling, and insult must be referred to custom: whatever the people of custom count as reviling, disparagement, fault-finding, defamation, and the like, is reviling; and what is not so is disbelief by which one becomes a disbeliever, without being reviling, and the ruling of its maker is the ruling of the apostate if he professed it openly; otherwise it is heresy. What is considered is that it be reviling and abuse of the Prophet – upon him be prayers and peace – even if it would not be reviling and abuse of others. On this basis, everything which, if said of someone other than the Prophet – upon him be prayers and peace – would necessitate a ta'zir or a hadd in any respect, falls within the category of reviling the Prophet – upon him be prayers and peace – such as slander, cursing, and the other forms previously noted. As for what pertains specifically to impugning prophethood: if it contains nothing but mere non-affirmation of his prophethood, it is pure disbelief; and if it contains contempt and disdain along with non-affirmation, it is reviling. Here there are matters of ijtihad in which the jurists

hesitate as to whether they are reviling or pure apostasy. Then, whatever is established not to be reviling: if its maker concealed it, he is a heretic whose ruling is the ruling of the heretic; otherwise he is a pure apostate. Enumerating the types and the differences between them is not the place here. As for the dhimmi, it is necessary to distinguish between his mere disbelief in him and his reviling of him; for his disbelief in him does not break the covenant nor make the blood of the covenanted person lawful, by agreement, because we have made a pact with them on this basis; whereas his reviling of him breaks the covenant and necessitates death, as stated earlier. Al-Qadi Abu Ya'la said: "The contract of security necessitates affirming them upon their denial of the Prophet –

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upon him be prayers and peace – not upon their insulting and reviling him." It has also been stated earlier that this difference is likewise considered with respect to the Muslim: where we kill him specifically for reviling, and because it necessitates death as a hadd among the hudud, such that it is not dropped by repentance even if the repentance be valid; but where we kill him because it indicates heresy or merely for being an apostate, then there is no difference between mere disbelief and the types it encompasses. We say: The reports from the Companions, the Successors, and the jurists – such as Malik, Ahmad, and all the jurists who hold this – are all absolute regarding the insulting of the Prophet – upon him be prayers and peace – by a Muslim or a covenanted person, that he is killed. They did not distinguish between one insult and another, nor between his repeating the insult or not, nor his making it public or not – and by making it public I mean that he does not speak it in an assembly of Muslims; otherwise the hadd is not established against him unless two Muslims testify that they heard him insulting, or until he confesses to the insult and that he insulted in such a way that Muslims heard him, which is making it public – unless it is assumed that he insulted him in his house in private and his Muslim neighbours, or someone among them who eavesdropped, heard him. Malik and Ahmad said: "Anyone who insults the Prophet – upon him be prayers and peace – or disparages him, whether Muslim or disbeliever, is killed and is not asked to repent." They thus stated explicitly that the disbeliever must be killed for disparaging him, just as he is killed for insulting him, and just as the Muslim is killed for that. Likewise all our companions stated absolutely that reviling the Prophet – upon him be prayers and peace – by the dhimmi necessitates death.] See: al-Sarim al-Maslul 'ala Shatim al-Rasul (2/531-532).

The jurists of the four schools have reported part of that. Ibn Nujaym al-Hanafi – may Allah have mercy on him – said: [And he becomes a disbeliever by finding fault with a prophet in anything.] See: al-Bahr al-Ra'iq Sharh Kanz al-Daqa'iq (5/130).

Al-Dardir al-Maliki – may Allah have mercy on him – said: [Whoever reviles a prophet whose prophethood is agreed upon, or impugns his prophethood, or alludes to reviling a prophet, has disbelieved.] See: Hashiyat al-Dasuqi 'ala al-Sharh al-Kabir (4/309).

Al-Shirbini al-Shafi'i – may Allah have mercy on him – said: [Whoever denies a messenger or a prophet, or reviles him, or belittles him or his name... has disbelieved.] See: Mughni al-Muhtaj ila Ma'rifat Ma'ani Alfaz al-Minhaj (5/429).

Imam Ibn Abd al-Barr – may Allah have mercy on him – said: [Whoever reviles the Prophet – peace and blessings be upon him – is killed, whether Muslim or dhimmi, in every case.] See: al-Kafi (1/585).

Imam al-Khattabi – may Allah have mercy on him – said: [I know of no one among the Muslims who differed regarding the obligation of killing him.] See: Ma'alim al-Sunan (3/295).

Ibn Abidin – may Allah have mercy on him – said, after citing the statements of some scholars on declaring a disbeliever the one who reviles the Messenger – peace and blessings be upon him: [These are transmitted texts supported by their proof, which is consensus... Whoever examines the conduct of the Companions

will verify their consensus on that, for it has been reported from them in various widespread cases whose transmission is well known, and no one denied it. What is reported from some jurists, that if he does not regard it as permissible he does not become a disbeliever, is a grave slip and a great error, not established from any of the recognised scholars, and no sound proof supports it. As for the proof of his disbelief, it is the Book, the Sunnah, consensus, and analogy.] See: Tanbih al-Wulah wa al-Hukkam 'ala Ahkam Shatim Khayr al-Anam, within Majmu'at Rasa'il Ibn Abidin (1/316).

Al-Allamah Ibn Uthaymeen – may Allah have mercy on him – said:

[Reviling the Messenger – upon him be prayers and peace – is reviling the One who sent him and is contrary to His right, which He made obligatory above human rights, and to the Messenger's right of veneration, reverence, and respect, to the extent that Allah, Mighty and Majestic, made among the purposes of the message and its wisdom that we believe in Allah and His Messenger and support and honour him: {Indeed, We have sent you as a witness, a bringer of good tidings, and a warner, that you may believe in Allah and His Messenger and support him and honour him, and exalt Him morning and evening}. This is a pillar, a foundation, and a wisdom among the wisdoms of sending the Messenger – upon him be prayers and peace. There is no doubt that reviling the Prophet – upon him be prayers and peace – besides being a disparagement of him, is also a disparagement of the One who sent him and a disparagement of His Sharia. Hence, if a person reviles a man, the reviling reflects on the method that man followed, and that same method becomes disparaged in the eyes of people, because he reviled the one who followed it. Reviling the Messenger – upon him be prayers and peace – therefore entails three matters, each of which is disbelief: reviling Allah, reviling the Messenger, and reviling

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His Sharia.] See: al-Sharh al-Mumti' (14/423).

And in view of what is contained in the decision issued by the Supreme Judicial Council in its permanent body No. (3/62) dated 17/01/1419 AH, that the one who reviles the Prophet – peace and blessings be upon him – is killed as a hadd; and the other decision No. (2/33) dated 24/02/1408 AH ratifying a judgment to kill the defendant as a hadd because he slandered Allah and His Messenger – peace and blessings be upon him – slander being the most severe form of reviling; and that the majority of scholars stated that whoever reviles Allah and His Messenger – peace and blessings be upon him – is killed and his repentance is not accepted;

And whereas in the conduct of the defendant for which he stands convicted, at the very least, there is evidence of his recklessness and disregard for sanctities, his lack of concern, his bad conduct, the entrenchment of criminality within himself, his corruption and dangerousness, and that if he were left without a deterrent punishment sufficient to spare society his evil, ward off his harm, and dissuade others, his danger would escalate and he would continue in his criminality, because he has become by this act one of the transgressing aggressors, which necessitates restraining him with what deters him and dissuades others;

And because Sharia punishments were prescribed for the interests of mankind, their reform, warding off harm from them and against them, and achieving security for them; they rise and fall in accordance with the achievement of interests and the warding off of harms; and the determination of the discretionary punishment follows the magnitude of the crime and the extent of its effect upon the Ummah; and the discretionary punishment imposed must be one befitting the crimes, cutting off evil and deterring from it, and one need not wait until the other means of ta'zir are exhausted, as stipulated by the Supreme Judicial Council in its permanent body by its decision No. (4/32) dated 17/01/1415 AH;

And because Islamic Sharia has given attention to preserving the five necessities which the heavenly laws agreed upon preserving, namely the preservation of religion, life, intellect, honour, and property, and has considered transgression against them a felony and a crime necessitating appropriate punishment; and by preserving these necessities society is happy and every individual within it feels secure. Imam al-Shatibi – may Allah have mercy on him – said in al-Muwafaqat (1/31): [The Ummah – indeed all religious communities – are agreed that the Sharia was laid down to preserve these five necessities, namely religion, life, offspring, property, and intellect; and knowledge of them in the Ummah is like that which is necessary; this was not established for us by a specific proof, nor does a specific principle attest to it to which we may refer; rather, their suitability to the Sharia was known through a body of proofs not confined to a single chapter]; and in Sharia discretionary punishments and penalties applied in accordance with the norms of law and justice is that which realises the Sharia objective of preserving lives, property, honour, and minds;

And based on the decision of the General Body of the Supreme Court No. (M/38) dated 18/01/1441 AH, communicated to the courts by circular of His Excellency the Minister of Justice No. (13/T/901) dated 17/02/1441 AH, which provides: “The court's authority in establishing conviction is not restricted to specific means of proof; rather, conviction is established by all means that provide the court with conviction of the accused's commission of the crime in accordance with the evidence presented to it, including considered circumstantial evidence.” End quote;

And having regard to the evidence and indications relied upon by the Public Prosecutor, which are deemed collectively sufficient to convict the defendant of what was attributed to him in the public indictment; and because admission is among the strongest proofs and there is no excuse for one who admits, as provided in the two decisions of the Supreme Court, the first No. (3/3/29) dated 28/05/1431 AH and the second No. (2/3/27) dated 10/08/1432 AH; and the principle regarding admissions and confessions is to hold their maker accountable for them, except as provided in hudud or where evidence arises of their untruthfulness, as provided in the two decisions of the Supreme Court, the first No. (2/1/195) dated 12/08/1430 AH and the second No. (3/1/23) dated 19/12/1430 AH; and whereas the Public Prosecution is part of the judicial authority pursuant to Article One of its Law; and because the principle regarding admissions and confessions issued before the competent authorities is neutrality and validity unless something proving otherwise is established; and the indications and circumstantial evidence have supported the validity of this admission; and based on Article Twenty-Six (26) of the Law of Evidence,

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the relevant text of which is: [An official document is proof against all persons of what is recorded therein of matters performed by its author within the limits of his duty, or which occurred from the concerned parties in his presence]; what the defendant's attorney argued is rejected for what has been mentioned above. And whereas the court is not bound by the description stated in the statement of claim and must give the act the description it deserves, pursuant to Article One Hundred Fifty-Eight (158) of the Law of Criminal Procedure; and whereas the defendant is legally responsible (mukallaf), adult, and of sound mind, and it did not appear to the Circuit that he lacks capacity, as he understands what is addressed to him and answers well through translation by translators of the Unified Translation Center affiliated with the Ministry of Justice; and whereas the penalty of death encompasses whatever is below it, pursuant to the decision of the General Body of the Supreme Court No. (M/5) dated 07/02/1435 AH; all of which leads the appellate Circuit, together with the situation mentioned above, to conclude the invalidity of what the first-instance court circuit ruled regarding the penalty prescribed against the defendant.

OPERATIVE PART OF THE JUDGMENT

Based on the foregoing, the Seventh Criminal Circuit at the Court of Appeal in the Eastern Province decided, after deliberation, to accept the objection in form and substance, and ruled as follows:

First: Overturning the judgment issued by the Second Circuit at the Criminal Court in Al-Ahsa under Instrument No. (4830160902) dated 14/02/1448 AH.

Second: Establishing the conviction of the defendant, Anojan Sivarasa, of insulting and verbally assaulting our Prophet Muhammad – peace and blessings be upon him – which is criminalized under Sharia, and of producing and publishing that which would prejudice religious values and public morals via the information network, by publishing a comment on one of the social media programs containing a verbal assault on our Prophet Muhammad – peace and blessings be upon him – in words contrary to religious values and public morals, the text of which is: (If the Prophet Muhammad were in front of me, I would cut off his male organ).

Second [sic – numbered thus in the original]: Execution (killing) of the defendant, Anojan Sivarasa, Sri Lankan national, holding Resident Identity No. (2616165706), as a hadd punishment.

Third: Confiscation of the digital device and closure of the account identifier belonging to the defendant, used in committing the crime, pursuant to Article Thirteen (13) of the Anti-Cyber Crime Law.

Fourth: Rejection of the remainder of the Public Prosecutor's requests, for the absence of any grounds therefor.

With all that the Circuit decided, it so ruled, and the parties to the claim were informed of their right to request overturning (naqd) before the Supreme Court within the statutory period, and the judgment shall be referred to it upon expiry of the period, in application of the statutory text. And Allah is the Grantor of success. May Allah send abundant prayers and peace upon our Prophet Muhammad, and upon his family and companions.

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OVERTURNING OF THE JUDGMENT

**This judgment has been overturned (Quashed) pursuant to Supreme Court Decision
No. 8927732 dated 02/05/1448 – 13/10/2026**

Claims and Judgments Administration — Electronically signed

Circuit Member: Saeed Ayedh Mohammed Al-Qahtani

Circuit Member: Sultan Saleh Musa Al-Muwaini'

Circuit Member: Abdullatif Mohammed Abdullatif Al-Rajeh

President of the Judicial Circuit: Khalid Mohammed Musaed Al-Otaibi

Circuit Member: Fahd Muqhim Jarallah Al-Muqhim