

PUBLIC

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19 November 2007

Further Information on UA 69/07 (MDE 23/013/2007, 16 March 2007) Fear of Flogging/ Prisoners of conscience/ Torture and other ill-treatment

SAUDI ARABIA

**A 19-year-old woman (name not known)
Seven men (names not known)**

On 15 November, a court in eastern Saudi Arabia reviewed the sentences passed against a 19-year-old woman, known only as "The Girl from al-Qatif", and her male companion following the rejection of the verdict by the woman and her lawyer. The woman and her male companion had been convicted in 2006 of being alone in private with a member of the opposite sex who was not an immediate family member, under an offence known as *Khilwa* in Shariah law. Their original sentence of 90 lashes was increased to 200 lashes and a 6 month prison term.

The woman and her male companion were kidnapped at knifepoint by a gang of seven men shortly after they met in 2006. The male companion was attacked by the gang, but was then released. The woman however was raped by the gang, who were convicted of kidnapping and rape in November 2006.

Four members of the gang were at the time sentenced to prison terms ranging from one to five years. They were also sentenced to floggings of between 80 and 1000 lashes. Three other gang members reportedly handed themselves in before the conclusion of the trial. All seven recently also had their prison terms increased to between two and nine years.

The sentencing of the woman following her rape ordeal generated shock and anger among human rights activists as well as members of the public in Saudi Arabia. It also generated a rare debate in the country on the inconsistencies of the judicial system and its failure to reflect the gravity of the crimes committed against the woman. Amnesty International has previously highlighted such failures, including the interrogation and trial of women on sensitive and private matters by all-male panels of interrogators and judges. The organization believes that the criminalisation of 'Khilwa' is inconsistent with international human rights standards, in particular, an individual's right to privacy and the case against them should therefore be declared null and void.

BACKGROUND INFORMATION

Flogging is mandatory in Saudi Arabia for a number of offences, including sexual offences, and can also be used at the discretion of judges as an alternative or addition to other punishments. Sentences can range from dozens to thousands of lashes, and are usually carried out in instalments, at intervals ranging from two weeks to one month.

In commenting on corporal punishments like flogging, the Special Rapporteur on Torture stated that "corporal punishment is inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment." The imposition of large numbers of lashes as in these cases is in particular violation of the prohibition of torture. The prohibition of torture and cruel, inhuman and degrading treatment or punishment is absolute under international law is considered customary international law. Saudi Arabia is a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and is therefore in violation of its treaty obligations when imposing such punishments, in addition to violating customary law.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic or English or your own language:

- expressing grave concern that the woman known as "The Girl from al-Qatif" and her male companion are at risk of being flogged;
- calling on the authorities to halt the floggings immediately, as the use of corporal punishment constitutes cruel, inhuman and degrading punishment, in violation of Saudi Arabia's obligations as a state party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and Article 5 of the Universal Declaration of Human Rights, which states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment";
- calling on the authorities to declare the sentence of Khilwa against the woman and her companion null and void as it contravenes international human rights standards, in particular the right to privacy;
- expressing particular concern that the woman has been sentenced to flogging after having been gang raped, and that her physical and psychological suffering has been exacerbated by her trial and the sentence of 200 lashes;
- urging that she be afforded all necessary assistance, including appropriate medical attention;
- calling for the sentences of flogging against those convicted of the rape to be commuted to a humane punishment.

APPEALS TO:

King Abdullah Bin 'Abdul 'Aziz Al-Saud
The Custodian of the two Holy Mosques
Office of His Majesty the King
Royal Court, Riyadh, Kingdom of Saudi Arabia
Fax: (via Ministry of the Interior) +966 1 403 1185
Salutation: Your Majesty

His Royal Highness Prince Naif bin 'Abdul 'Aziz Al-Saud
Minister of the Interior
Ministry of the Interior
P.O. Box 2933
Airport Road, Riyadh 11134
Kingdom of Saudi Arabia
Fax: +966 1 403 1185
Salutation: Your Royal Highness

His Royal Highness Prince Saud al-Faisal bin 'Abdul 'Aziz Al-Saud
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COPIES TO:

Mr Turki bin Khaled Al-Sudairy
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and to diplomatic representatives of Saudi Arabia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 December 2007.