

PUBLIC

AI Index: MDE 25/003/2004

23 December 2004

UA 344/04

Flogging

UNITED ARAB EMIRATES

Rad Zemah Sinyaj Mohammed (f), Indian national
Wasini bint Sarjan (f), Indonesian national

The two women named above have been sentenced to flogging for becoming pregnant outside marriage by a *Shari'a* (Islamic law) court in the Emirate of Ras al-Khaimah.

Both women were working in the emirate of Ras al-Khaimah as domestic servants. According to reports in a local Ras al-Khaimah paper, police arrested them after their sponsors (either their employers or employment agency) reported that they were pregnant. After pregnancy tests confirmed the allegation, they were referred to the emirate's *Shari'a* court, where Rad Zemah Sinyaj Mohammed reportedly confessed to having a sexual relationship outside wedlock. Wasini bint Sarjan allegedly made a similar confession, but later denied the charge. Neither woman is believed to be married.

At an unspecified date, probably around 13 or 14 December, Rad Zemah Sinyaj Mohammed was sentenced to 150 lashes, which she will receive in two sessions, followed by deportation to her original country of residence. Wasini bint Sarjan was sentenced to one year's imprisonment and 100 lashes, after which she will be deported.

Under *Shari'a*, the flogging of pregnant or nursing women is prohibited. A court-appointed medical officer is required to confirm when they will be able to receive the sentence, which will be after they have given birth and their children have been weaned.

The police are reportedly still searching for the men with whom the women conceived their children. If caught, both men would face charges of adultery.

BACKGROUND INFORMATION

The UAE became a state party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, or the Women's Convention) in October 2004. Article 7 of the Convention expressly prohibits gender-based violence which violates "the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment."

Amnesty International opposes laws that criminalise adult consensual sexual relations in private. Treating adultery and fornication as criminal offences is not consistent with international human rights standards. The UN Human Rights Committee has stated explicitly that "it is undisputed that adult consensual sexual activity in private is covered by the concept of "privacy". Furthermore, criminalising these "offences" affects women more than men.

Amnesty International opposes the death penalty and judicial punishments that amount to torture or cruel, inhuman or degrading punishment, regardless of the crime for which they are imposed, or the nature of the legal code that sanctions such punishments.

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

- expressing concern that Rad Zemah Sinyaj Mohammed and Wasini bint Sarjan have been sentenced to 150 lashes and 100 lashes respectively;

- stating that Amnesty International considers the punishment of flogging to constitute cruel, inhuman and degrading treatment amounting to torture, and urging the authorities to commute both women's sentences to a more humane alternative immediately;
- welcoming the UAE's October 2004 accession to the Convention on the Elimination of Discrimination against Women, and reminding the authorities that the Convention obliges them to uphold the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;
- expressing concern that neither Rad Zemah Sinyai Mohammed nor Wasini bint Sarjan has been convicted of a recognizably criminal offence;
- urging the judicial authorities to implement a moratorium on the use of flogging, which is a cruel, inhuman and degrading punishment, with a view to its eventual abolition.

APPEALS TO:

Minister of Justice, Awqaf and Islamic Affairs
His Excellency Muhammad Nakhira Al-Dhahiri
Minister of Justice, Awqaf and Islamic Affairs
Ministry of Justice
POB 753, Abu Dhabi
United Arab Emirates
Email: **moj@uae.gov.ae**
Fax: **+ 971 2 681 5155**
Salutation: **Your Excellency**

Minister of Labour and Social Affairs
His Excellency Dr. Ali bin Abdullah Al Ka'abi
POB: 809, Abu Dhabi
United Arab Emirates
Fax: 971 2 6665889
Salutation: **Your Excellency**

COPIES TO:

Dr Ahmed al Jerman
Legal Department
Ministry of Foreign Affairs
POB 1
Abu Dhabi
United Arab Emirates
Fax : **+ 971 2 4494994 (please mark 'for the attention of Dr Ahmed al Jerman')**

and to diplomatic representatives of the United Arab Emirates accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 February 2005.