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UA 28/07 **Fear for Safety** **06 February 2007**

SAUDI ARABIA **Fatima A. (f), Saudi Arabian national, aged 34**

Amnesty International is gravely concerned that the safety and security of Fatima, a 34 year old woman and mother of two children, will be jeopardised if a court divorce judgement against her is enforced. She has forcibly been divorced from her husband following a court case initiated by her half-brother using his powers as her male guardian. If sent back to her brother's home, Fatima may become a victim of domestic violence.

In August 2005 a court in the northern part of Saudi Arabia ordered the divorce of Fatima from her husband, Mansur, on the grounds that he was from a tribe of a low status compared to the status of her tribe and that he failed to disclose this when he first demanded Fatima's hand. This ground for divorce is based on a customary rule known as *Takafu*' or *Kufu*' otherwise known as the rule of parity of status between husband and wife. The ruling took no consideration of the couple's wishes that they opposed being divorced and that they were happily married and have two children. Fatima's brother initiated the case using his powers as the male guardian of total control of female relatives.

Since the court ruling Fatima has been living in al-Dammam Prison along with her one-year-old son for fear of being forcibly sent back to her brother's home, where she would have been completely cut off from her husband and possibly her children. As a divorcee, Fatima would be committing adultery if she tried to contact her husband. In addition to being a criminal offence punishable by at least flogging, this would put her at serious risk of becoming a victim of domestic violence.

By living in al-Dammam Prison, Fatima has been able to receive short visits from her husband and her daughter who lives with him. The couple and their lawyer were hoping to have the court verdict reversed by the appeal court, but their hopes were dashed by the ruling of the appeal court at the end of January 2007, which upheld the lower court's judgement. Following the appeal court ruling, police were reported to have sought to bring Fatima to her brother's home. However, prison staff did not hand her over because she refused, preferring the security of the prison.

Amnesty International fears that Fatima remains at risk of being returned to her brother's home, where she would be at serious risk of becoming a victim of domestic violence if the court ruling is enforced. Saudi Arabian authorities have an obligation to ensure that Fatima enjoys the right to be accorded a legal capacity identical to that of men in accordance with Article 15 of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the right not to be discriminated against in matters relating to marriage and family relations in accordance with Article 16 of the Convention, to which Saudi Arabia is a state party. The latter article would include the obligation to ensure that she is not forcibly divorced from her husband. Amnesty International therefore calls on the Saudi Arabian authorities not to enforce the court ruling, allowing Fatima to go back to her and her husband's home

BACKGROUND INFORMATION

Although women in Saudi Arabia are increasingly speaking up for their rights, they continue to be subjected to severe forms of discrimination which impacts upon and compounds the wide range of human rights violations against women, including domestic violence. For example, if a woman marries without the permission of her guardian (a male relative who is not marriageable to her), then he may file a case in court for the annulment of the marriage on the grounds that he did not agree to the marriage. His application may prevail against the woman's wishes. She could face forcible confinement by relatives for choosing a husband without her family's permission and subjected to physical violence or to restrictions on her freedom of movement when and if she asserts her right to marry a partner of her choice.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Arabic or your own language:
- expressing concern at the courts decision to force Fatima to divorce her husband despite the fact that they were happily married with two children;
- expressing concern for her safety should she be forced to return to her brother's house, where she would be at risk of domestic violence, completely cut off from her husband and possibly also her children;
- calling on the Saudi Arabian authorities to protect Fatima and ensure that she is able to exercise her rights to freely choose a spouse, as set out in Article 16 of CEDAW;
- calling on the Saudi Arabian authorities not to enforce the discriminatory divorce judgment against her.

APPEALS TO:
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 Excellency Dr Abdullah bin Muhammad bin Ibrahim Al-Sheikh
Minister of Justice
Ministry of Justice
University Street
Riyadh 11137
Kingdom of Saudi Arabia
Fax: **+ 966 1 401 1741**
Salutation: **Your Excellency**

COPIES TO: 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 20 March 2007.