

PUBLIC

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20 May 2009**

Further Information on 71/09 (MDE 23/005/2009, 11 March 2009) Fear of flogging

SAUDI ARABIA Khamisa Mohammed Sawadi, (f), 75
Known only as Fahad (m), aged 24
Known only as Hadyan (m)

On or around 19 May, the Court of Cassation in Riyadh refused to ratify the sentence of flogging and imprisonment that had been passed against Khamisa Mohammed Sawadi, Fahad and Hadyan. They had all been found guilty of *khilwa* (being in the company of members of the opposite sex who are not close relatives). The case has now been sent back to al-Shamli court, north of the capital Riyadh, for review. If the court upholds its original verdict, the three will be at risk of being flogged and imprisoned. If they are imprisoned, they would be prisoners of conscience as Amnesty International considers imprisonment on grounds of *khilwa* to be inconsistent with international human rights standards.

Khamisa Mohammed Sawadi, Fahad and Hadyan were arrested on 21 April 2008 by members of the Commission for Promotion of Virtue and Prevention of Vice (also known as the *Mutawa'een* or religious police) on suspicion of *khilwa*.

On 3 March 2009, al-Shamli court sentenced all three to flogging and imprisonment on the charge of *khilwa*. Both Khamisa Mohammed Sawadi and Fahad were sentenced to 40 lashes and four months' imprisonment, while Hadyan received a sentence of 60 lashes and six months' imprisonment. Khamisa Mohammed Sawadi was further sentenced to deportation to Syria once her prison term has been completed as she is a Syrian national.

Fahad and Hadyan stated in their defence that they were delivering bread to Khamisa Mohammed Sawadi. Fahad argued that the offence of *khilwa* did not apply on the basis that he was related to Khamisa Mohammed Sawadi, who breast-fed him when he was a child. The court, however, rejected this argument.

BACKGROUND INFORMATION

Flogging is mandatory in Saudi Arabia for a number of offences and can also be used at the discretion of judges as an alternative or in 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. The highest number of lashes imposed in a single case recorded by Amnesty International was 40,000 lashes. They were imposed recently in a case of a defendant tried on murder charges.

Corporal punishments like flogging are inconsistent with Saudi Arabia's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which it is a state party. The UN Special Rapporteur on Torture has stated that "corporal punishment is inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

Amnesty International considers the criminalization of *khilwa* to be inconsistent with international human rights standards, in particular an individual's right to freedom from arbitrary interference with their privacy and family, as set out in Article 12 of the Universal Declaration of Human Rights.

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

- welcoming the Court of Cassation's refusal to ratify the sentences of imprisonment and flogging;
- expressing concern that Khamisa Mohammed Sawadi, Fahad and Hadyan are still being tried on charges that are inconsistent with international human rights standards;
- urging the authorities to drop the charges and not to reinstate the sentences of flogging and imprisonment for all three, and reminding them that Saudi Arabia is a state party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- if they are convicted on these charges and their sentences of imprisonment carried out Amnesty International would consider them to be prisoners of conscience and call for their immediate and unconditional release;
- calling on the authorities to bring Saudi Arabian laws and practices into line with international laws and standards against torture, flogging and arbitrary imprisonment.

APPEALS TO:

His Majesty 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 (please keep trying)

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 (please keep trying)

Salutation: Your Royal Highness

COPIES TO:

Mr Bandar Mohammed Abdullah Al Aiban

President
Human Rights Commission
P.O. Box 58889
King Fahad Road, Building No. 373
Riyadh 11515
Kingdom of Saudi Arabia

Fax: +966 1 4612061

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 1 July.