

PUBLIC

AI Index: MDE 23/005/2009

11 March 2009

UA 71/09 Fear of flogging

SAUDI ARABIA **Khamisa Mohammed Sawadi, (f), Syrian national, aged 75**
Only known as Fahad (m), Saudi Arabian national, aged 24
Only known as Hadyan (m), Saudi Arabian national

On 3 March 2009, a court in the town of al-Shamli, north of the capital Riyadh, sentenced the three named above to floggings and imprisonment on the basis of charges that Amnesty International considers to be inconsistent with international human rights standards. 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.

Their lawyer intends to appeal against their sentences. If the ruling is upheld, they would be at immediate risk of being flogged. If they are detained, they would be prisoners of conscience.

Khamisa Mohammed Sawadi and the two men, known only as 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 (being alone in the company of a member of the opposite sex who is not a close relative).

Fahad and Hadyan have 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 breastfed 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, including consumption of alcohol, 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.

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 and English or your own language:

- expressing concern that Khamisa Mohammed Sawadi, Fahad and Hadyan were convicted and sentenced to imprisonment and flogging on charges that are inconsistent with international human rights standards;

- urging the authorities not to carry out the sentences of flogging, and reminding them that Saudi Arabia is a state party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- 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

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

Minister of Foreign Affairs

Ministry of Foreign Affairs

Nasseriya Street

Riyadh 11124

Kingdom of Saudi Arabia

Fax: +966 1 403 0645

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 22 April.