

PUBLIC

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Flogging/ legal concern

SAUDI ARABIA

**A 19-year-old woman (name not known)
At least five men (names not known)**

A 19-year-old woman, known only as "The Girl from al-Qatif", and at least five men, are at risk of imminent flogging. Amnesty International believes that the use of corporal punishment constitutes cruel, inhuman and degrading punishment.

The woman, from the city of al-Qatif in eastern Saudi Arabia, was convicted of being alone in private with a man who was not a member of her immediate family (an offence known as *Khilwa* under Shariah law), after reportedly meeting with a male companion in 2006. The man, whose name is not known, was convicted on the same charge. They have both been sentenced by a court in al-Qatif city to 90 lashes.

According to reports, shortly after the woman met the male companion, the two were kidnapped at knifepoint by a gang of seven men. The companion was attacked by the gang, but was then released. The woman was allegedly then raped by the gang.

The seven gang members faced trial in the same case as the woman and her companion. At the conclusion of the trial in November 2006, four members of the gang were sentenced to prison terms ranging from one to five years, in addition to sentences of flogging ranging from 80 to 1,000 lashes. The legal status of the remaining three defendants is unclear as they had reportedly surrendered to the police only shortly before the conclusion of the trial in November 2006.

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.

In 1997, the United Nations commission on human rights stated that "corporal punishment [such as flogging] can amount to cruel, inhuman or degrading punishment, or even to torture". As a state party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Saudi Arabia is in violation of this international standard by carrying out the punishment of flogging.

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

-expressing grave concern that the woman known as "The Girl from al-Qatif", her male companion and at least four men who attacked them 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 90 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

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
+ 966 1 403 3614

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
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Fax: +966 1 403 0645

Salutation: Your Royal Highness

His Excellency Dr Abdullah bin Muhammad bin Ibrahim Al-Sheikh
 Minister of Justice
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 Kingdom of Saudi Arabia

Fax: + 966 1 401 1741

Salutation: Your Excellency

COPIES 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 27 April 2007.