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Saudi Arabia: Lawyer must not be punished for defending gang rape victim

The disciplinary measures against Saudi Arabian lawyer Abdul Rahman al-Lahem must be dropped immediately if they appear have been initiated solely because of his legitimate activities in defending a rape victim who received a sentence of 200 lashes and a prison term, Amnesty International said today.

Abdul Rahman al-Lahem has been summoned to appear before a disciplinary committee on 5 December 2007 for publicly criticising his client's unfair treatment by the judiciary. After she was initially sentenced in November 2006, he criticised the court's decision to treat her as an offender rather than a victim and was reported as saying that the case "sums up the major problems that the Saudi Arabian judiciary faces."

"It is totally unacceptable that Abdul Rahman al-Lahem is facing possible suspension or dismissal from the legal profession simply because of his defence of a young female victim of gang rape," said Malcolm Smart, Director of the Middle East and North Africa Programme. "He should be allowed to perform all of his professional duties without intimidation, hindrance, harassment or improper interference."

According to a statement issued by the Ministry of Justice on 21 November 2007, Abdul Rahman al-Lahem has been accused of "insulting the Supreme Judicial Council and disobeying the rules and regulations" of the judiciary, which could lead to his being suspended or disbarred from the legal profession. Such punishment would amount to a gross violation of international standards protecting the integrity of the legal profession.

Abdul Rahman al-Lahem's client, known as the al-Qatif Girl, was tried in November 2006 together with a male companion who was accompanying her at the time that she was attacked and gang raped by seven men. She and her male companion were both sentenced to 90 lashes each for a *khilwa* offence, being alone in the company of a member of the opposite sex who is not a close relative, while the perpetrators of the gang rape were sentenced to flogging and prison terms ranging from one to five years. At appeal, all the sentences were increased. The rape victim's sentence, and that of her male companion, was increased to 200 lashes and six months in prison, and those who raped her had their prison sentences increased from two to nine years, in addition to flogging.

Amnesty International believes that the criminalisation of *khilwa* is inconsistent with international human rights standards, in particular, an individual's right to privacy, and that the case against the girl and her male companion should be declared null and void. The approach taken by the

Ministry of Justice suggests that it effectively considers that the young woman brought the rape upon herself by meeting her companion.

The trial court that first heard the case is reported to have called for the withdrawal of Abdul Rahman al-Lahem's licence to practice law after he criticised its treatment of his client but it is unclear whether this is what led to the disciplinary process that has now been invoked against him.

"These new measures are yet another demonstration of the lack of the independence of the judiciary in Saudi Arabia, a concern which Amnesty International has repeatedly expressed," said Malcolm Smart. "The whole case reflects the inconsistencies of the judicial system, particularly its inbuilt prejudice against women, and could deter other lawyers to defend women victims of rape or other sexual violence."

Background

Amnesty International's concern that Abdul Rahman al-Lahem may be penalised for carrying out his professional duties as a lawyer is heightened by the nature of the disciplinary process. This is controlled by the Ministry of Justice, assisted by the Public Prosecution, which is currently under the Interior Ministry, and its independence and impartiality is in question.

Under the Code of Law Practice (CLP) of 15 October 2001, the Ministry of Justice controls the legal profession as the statutory authority for issuing licences and disciplining lawyers. Abdul Rahman al-Lahem is reported to have been charged by the Public Prosecutor and will appear before a three member committee set up by the Minister of Justice to hear his case. He is entitled to have the assistance of a defence lawyer. Under the CLP the disciplinary committee's decision can be appealed before the Board of Grievances, the highest administrative appeal court in the Justice system in Saudi Arabia.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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