

PUBLIC

AI Index: MDE 23/003/2008

11 January 2008

**Further Information on UA 69/07 (MDE 23/013/2007, 16 March 2007) Fear of Flogging/ Prisoners of conscience/ Torture and other ill-treatment and Update on MDE 23/040/2007, 19 November 2007**

**SAUDI ARABIA**

**A 20-year-old woman (name not known)  
Her male companion  
Seven men (names not known)**

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The sentences of flogging and imprisonment imposed on a 20-year-old woman rape victim, known only as the "Girl from al-Qatif", and her male companion are reported to have been dropped under a pardon granted by Saudi Arabia's Head of State, King Abdullah, Custodian of the Two Holy Mosques. They were convicted in 2006 for a *Khilwa* offence - being alone in private with a member of the opposite sex who is not an immediate family member - under Shariah law. The authorities are also reported to have dropped the disciplinary case they brought against her lawyer, Abdul Rahman al-Lahem, for publicly criticising the sentences, and allowed him to resume his legal practice.

The "Girl from al-Qatif" and her male companion were convicted and sentenced in November 2006 although they had been the victims of an attack by a seven man gang, who kidnapped them at knifepoint and then gang raped the girl. The gang members, who were convicted of kidnapping and rape, were sentenced at the same time.

A year later, on 15 November 2007, a court in eastern Saudi Arabia increased the sentences on all those involved – the gang members' sentences were increased to between two and nine years' imprisonment and floggings while the rape victim and her companion had their sentences increased to six months' imprisonment and a flogging, increased from 90 to 200 lashes. The gang members are believed still to be at risk of flogging.

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 young 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 any such cases 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, and are usually carried out in instalments, at intervals ranging from two weeks to one month.

In commenting on corporal punishments like flogging, the Special Rapporteur on Torture stated that "corporal punishment is inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment." The imposition of large numbers of lashes as in these cases is in particular violation of the prohibition of torture. The prohibition of torture and cruel, inhuman and degrading treatment or punishment is absolute under international law is considered customary international law. Saudi Arabia is

a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and is therefore in violation of its treaty obligations when imposing such punishments, in addition to violating customary law.

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

- calling for the sentences of flogging against those convicted of the rape to be commuted to a humane punishment. 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"

**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  
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**Salutation: Your Majesty**

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P.O. Box 2933  
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**Salutation: Your Royal Highness**

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**Salutation: Your Royal Highness**

**COPIES TO:**

Mr Turki bin Khaled Al-Sudairy  
President  
Human Rights Commission  
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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 February 2008.