

PUBLIC

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Fear of Flogging/Prisoners of Conscience

SAUDI ARABIA

**Khalid al-Zahrani (m), a biochemistry lecturer
A female postgraduate student (name known to Amnesty International)**

In November 2007, Biochemistry lecturer Khalid al-Zahrani and a female academic were sentenced after an unfair trial to be flogged and imprisoned on charges that do not correspond to recognizable criminal offences. Their cases are now being reviewed by the Court of Cassation and, if the ruling is upheld, they would be at imminent risk of flogging and imprisonment. If they are detained, Amnesty International would consider them to be prisoners of conscience.

Khalid al-Zahrani is believed to have been convicted of establishing a relationship with the unnamed female academic whose work he was supervising in 2004, and influencing her to divorce her husband. She has been convicted on charges of being the man's "accomplice" by terminating her marriage. Both were found guilty by a court in the town of al-Mandaq in the al-Baha region of western Saudi Arabia in November 2007. Khalid al-Zahrani was sentenced to 600 lashes and a term of eight months' imprisonment, while the unnamed female academic received a sentence of 350 lashes in addition to a four-month prison sentence.

Their trial proceedings failed to comply with international fair trial standards. The female academic was not given the opportunity to attend the trial, examine the evidence against her or call witnesses. She was represented in court by her father instead, because of her gender. Khalid al-Zahrani was able to attend the trial, but was not given adequate opportunity to challenge the evidence against him. The discriminatory treatment of the woman in the judicial process is in contravention of the Convention on the Elimination of Discrimination against Women (CEDAW), to which Saudi Arabia is a party. Article 2 of CEDAW says that that states must establish legal protection of the rights of women on an equal basis with men, while Article 15 guarantees women a legal capacity identical to that of men and the same opportunities to exercise that capacity.

BACKGROUND INFORMATION

Freedom from arbitrary interference with privacy and family, including consensual relationships between adults is protected under international law and standards, including Article 12 of the Universal Declaration of Human Rights. As such, should the sentence of imprisonment be carried out, Amnesty International would consider the defendants to be prisoners of conscience.

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.

In commenting on corporal punishments like flogging, the UN 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. Saudi Arabia is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which prohibits torture.

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

- expressing concern that Khalid al-Zahrani and the unnamed female academic were convicted and sentenced after a trial which failed to comply with international fair trial standards to imprisonment and flogging on charges that do not correspond to recognizable criminal offences;
- calling on the authorities to desist from carrying out the sentences of flogging against Khalid al-Zahrani and the unnamed female academic and reminding them that Saudi Arabia is a state party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- urging the authorities to bring Saudi Arabian laws and practices into line with international laws and standards against torture, flogging and arbitrary imprisonment.

APPEALS TO:

Please note that you may experience difficulties sending faxes on Thursdays and Fridays, which are the weekend in Saudi Arabia.

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

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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 23 May 2008.