

PUBLIC

**AI Index: MDE 23/037/2007
23 October 2007**

UA 273/07
treatment

Fear of Flogging/ Prisoners of conscience/ Torture and other ill-

**SAUDI
ARABIA**

Three unnamed men

Amnesty International has received reports that two men have been sentenced by a court in al-Baha in south-western Saudi Arabia to 7,000 lashes each for sexual intercourse. A third man was said to have been sentenced to 450 lashes for drug related offences by the same court.

The three men, whose names have not been made public, are reported to have received part of their sentence and have been subjected to flogging. The men continue to be at imminent risk of further flogging, possibly in stages, to complete their sentences.

The punishment of these men constitutes torture. Amnesty International considers those imprisoned solely for their sexual orientation to be prisoners of conscience.

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. 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:

- expressing grave concern at reports that the men have been flogged and are at risk of further flogging;
- calling for the sentences to be commuted regardless of the offence for which they have been handed down;
- expressing concern that two men appear to have been punished solely for their sexual orientation, which would make them prisoners of conscience, and calling for their immediate and unconditional release;
- calling on the authorities to halt all 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 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";
- urging that all three men be given appropriate medical attention

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 Excellency Dr Abdullah bin Muhammad bin Ibrahim Al-Sheikh
Minister of Justice
Ministry of Justice
University Street
Riyadh 11137
Kingdom of Saudi Arabia
Fax: + 966 1 401 1741
Salutation: Your Excellency

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 Turki bin Khaled Al-Sudairy
The President
The Human Rights Commission
PO Box 58889, Riyadh 11515
King Fahad Road
Building No.373
Riyadh
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 5 December 2007.