

# URGENT ACTION

## FLOGGING OF ELDERLY WOMAN MAY BE IMMINENT

**According to a report in the *al-Riyadh* newspaper, the Saudi Arabian Minister of Interior has ordered that sentences of flogging and imprisonment imposed on a 75-year-old Syrian woman and two Saudi Arabian men be carried out. Flogging violates the absolute prohibition against torture and other ill-treatment; the three will be prisoners of conscience if they are imprisoned.**

Seventy-five-year-old Khamisa Mohammed Sawadi, and two younger Saudi Arabian men known only as Fahad, aged 24, and Hadyan are likely to be imprisoned imminently if the Minister of the Interior does not retract the order. The flogging sentences may be carried out soon after they are taken into custody.

Khamisa Mohammed Sawadi and Fahad were sentenced to 40 lashes and four months' imprisonment, and Hadyan to 60 lashes and six months' imprisonment, at a trial in al-Shamli, north of the capital Riyadh, in March 2009. Khamisa Mohammed Sawadi was also sentenced to be returned to her native country Syria on completion of her prison term. They were found guilty of *khilwa* (being in the company of members of the opposite sex who are not close relatives). Their appeal was rejected by a court in Riyadh. They attempted to lodge an appeal before Saudi Arabia's new Supreme Court, but this was rejected. If they are detained, they would be prisoners of conscience as Amnesty International considers imprisonment on grounds of *khilwa* to be a violation of their internationally recognized rights to freedom of expression and to privacy.

The three were arrested in April 2008 by members of the Commission for Promotion of Virtue and Prevention of Vice (also known as the Mutawa'een or religious police). At their trial, Fahad and Hadyan stated that they were delivering bread to Khamisa Mohammed Sawadi. Fahad argued that the offence of *khilwa* did not apply as he was related to Khamisa Mohammed Sawadi, who breastfed him when he was a child. The court rejected this argument.

### PLEASE WRITE IMMEDIATELY in Arabic, English or your own language:

- Urging the authorities, particularly the Minister of Interior, to prevent the imprisonment and flogging of Khamisa Mohammed Sawadi, Fahad and Hadyan;
- Noting that, if the three are imprisoned, Amnesty International would consider them to be prisoners of conscience and call for their immediate and unconditional release;
- Calling on the authorities not to flog the three, as flogging is in violation of Saudi Arabia's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Saudi Arabia is a state party.

### PLEASE SEND APPEALS BEFORE 25 JANUARY 2010 TO:

#### King and Prime Minister

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**

#### Second Deputy Prime Minister and

Minister of the Interior  
His Royal Highness Prince Naif bin 'Abdul 'Aziz Al-Saud, 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**

#### **And copies to:**

President, Human Rights Commission  
Mr Bandar Mohammed 'Abdullah al-Aiban  
Human Rights Commission  
P.O. Box 58889, King Fahad Road,  
Building No. 373, Riyadh 11515  
Kingdom of Saudi Arabia  
**Fax: +966 1 461 2061**  
**Email: [hrc@haq-ksa.org](mailto:hrc@haq-ksa.org)**

**Also send copies to diplomatic representatives accredited to your country.** Please check with your section office if sending appeals after the above date. This is the third update of UA 71/09 (MDE 23/005/2009). Further information: <http://www.amnesty.org/en/library/info/MDE23/005/2009/en>, <http://www.amnesty.org/en/library/info/MDE23/015/2009/en> and <http://www.amnesty.org/en/library/info/MDE23/034/2009/en>

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### ADDITIONAL INFORMATION

Flogging is mandatory in Saudi Arabia for a number of offences and can also be used at the discretion of judges as an alternative or in addition to other punishments. Sentences can range from dozens to tens of thousands of lashes, and are usually carried out in instalments, at intervals ranging from two weeks to one month. The highest number of lashes imposed in a single case recorded by Amnesty International was 40,000 lashes. They were imposed this year in a case of a defendant tried on murder charges.

The use of corporal punishments such as flogging violates the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment set out in Article 5 of the Universal Declaration of Human Rights, which states that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”, as well as Saudi Arabia’s obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which it is a state party. The UN Special Rapporteur on Torture has stated that “corporal punishment is inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.”

Amnesty International considers the criminalization of *khilwa* to be a violation of the right to freedom of expression and to privacy as set out in international human rights standards. In particular, it violates an individual’s right to freedom from arbitrary interference with their privacy and family, as set out in Article 12 of the Universal Declaration of Human Rights, and their right to freedom of expression, as set out in Article 19.

The Supreme Court began to function in February 2009 as the final court of appeal. This is part of a new court system introduced by the 2007 Law of the Judiciary. For more information regarding the judicial reforms, please see *Saudi Arabia: Affront to Justice: Death Penalty in Saudi Arabia* (Index: MDE 23/027/2008), 14 October 2008:  
<http://www.amnesty.org/en/news-and-updates/report/saudi-arabia-executions-target-foreign-nationals-20081014>

Further information on UA: 71/09 Index: MDE 23/037/2009 Issue Date: 14 December 2009

