

URGENT ACTION

MAN SENTENCED FOR HOMOSEXUALITY

A 27-year-old Saudi Arabian man is reported to have been sentenced to 500 lashes and five years' imprisonment by a court in Jeddah for the criminal offence of homosexuality, among other charges. He was already serving one year's imprisonment after being convicted earlier this year on a separate charge of homosexuality, among other offences.

The man, whose name is unknown, was reported in the press to have been sentenced in recent days by a court in Jeddah to five years in prison, 500 lashes and a fine of 50,000 Saudi Arabian riyals (approximately US\$13,000) for the criminal offence of homosexuality, as well as offences of imitating women and possessing pornographic videos.

He was reported to have been sentenced after allegedly appearing in a video that was posted online and showed him dressed as a woman and talking about sex. The video was purportedly taken inside Briman prison in Jeddah, where he was serving his previous sentence of a year's imprisonment, but the prison administration was reported to have denied that the short clip was filmed there.

The previous sentence of one year's imprisonment was handed down in March 2010 for the criminal offence of homosexuality, impersonating a police officer and committing a "general security" offence. He was sentenced to 1,000 lashes and a fine of 5,000 Saudi Arabian riyals (approx US\$1,000). He had been arrested by the Commission for Promotion of Virtue and Prevention of Vice (also known as the Mutawa'een or religious police) in January for allegedly appearing in a video dressed in a police uniform and flirting with the man filming him.

He was also reported to have been tried on the charge of homosexuality on another occasion in previous years, when he was sentenced to counselling and memorizing a chapter of the Qur'an.

It is not known whether the sentences of lashes passed in March and November 2010 have been carried out.

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

- Urging the authorities to drop the charges based on or related to sexual orientation against the unnamed man as it violates his rights to privacy, freedom of expression and freedom from discrimination, among other rights;
- Calling on the authorities not to flog the unnamed man and reminding them that flogging him would violate 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;
- Noting that, if he is imprisoned solely on charges relating to his alleged sexual orientation, Amnesty International would consider him to be a prisoner of conscience and call for his immediate and unconditional release.

PLEASE SEND APPEALS BEFORE 24 DECEMBER 2010 TO:

King

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
Bandar Mohammed 'Abdullah al-Aiban
Human Rights Commission
P.O. Box 58889, King Fahad Road,
Building No. 373, Riyadh 11515
Kingdom of Saudi Arabia
Email: hrc@haq-ksa.org

Also send copies to diplomatic representatives of Saudi Arabia accredited to your country. Please check with your section office if sending appeals after the above date.

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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 in 2009 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 and other cruel, inhuman or degrading treatment or punishment has stated that “corporal punishment is inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.”

Saudi Arabia has sentenced people convicted of homosexuality and “sodomy” to a range of penalties including corporal punishment and even the death penalty. The criminalization of homosexuality encourages the dehumanization of lesbians, gay men, bisexual people and transgender people (LGBT) as their very identity is criminalized. Amnesty International considers the use of “sodomy” laws to imprison (usually) men for same-sex relations in private to be a grave violation of human rights, including the rights to privacy, to freedom from discrimination, to freedom of expression and association, which are protected in the Universal Declaration of Human Rights.

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