

EXTERNAL

AI Index: MDE 25/07/95

EXTRA 127/95

Flogging

30 October 1995

UNITED ARAB EMIRATES Sarah Balabagan (f), Filipina national

On 30 October 1995, an appeal court in Al-Ain in the United Arab Emirates sentenced Sarah Balabagan to one year's imprisonment and 100 lashes. It quashed the death sentence verdict passed on by the court of first instance on 15 September (see below) and ordered her to pay 150,000 dirhams (US\$41,000) blood money to relatives of Almas Mohammed al-Baloushi, who was stabbed to death by the defendant.

Amnesty International considers the judicial punishment of flogging to be contrary to 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".

BACKGROUND INFORMATION

On 15 September 1995, Sarah Balabagan was found guilty of the premeditated murder of her employer, Almas Mohammed al-Baloushi. During her trial before the court of first instance she stated that she had stabbed him to death because he had raped her. Her defence lawyer argued for her acquittal on the basis of self defence, but the court found her guilty as charged and sentenced her to death.

During an earlier trial on the same charge, which was concluded on 26 June 1995, a different court ruled that she was both guilty of manslaughter and a victim of rape. It accordingly sentenced her to seven years' imprisonment and ordered her to pay 150,000 dirhams (US\$41,000) blood money to relatives of the deceased. In addition, the court awarded her 100,000 dirhams (US\$27,000) compensation for rape.

This verdict was open to appeal before the appeal court in al-Ain and subsequently before the Supreme Federal Court of Cassation in Abu Dhabi. However, the President of the UAE, Sheikh Zayed Bin Sultan Al-Nahyan, reportedly ordered a retrial of the case before the appeal took place. Amnesty International does not know the exact reasons for the retrial order by the President.

Amnesty International had sent early appeals to the UAE President urging him to exercise clemency and commute the death sentence should it be upheld by the appeal courts. The organization has closely been monitoring the case to urge the UAE Government to prevent the execution of Sarah Balabagan. It has also been seeking information regarding conflicting accounts of Sarah Balabagan's age at the time of the sentencing.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/airmail letters in English or your own language:

- welcoming the decision of the appeal court to quash the death sentence passed on Sarah Balabagan on 15 September 1995;
- calling for the cruel and inhuman punishment of flogging imposed on Sarah Balabagan to be immediately commuted.

APPEALS TO:

His Highness
al-Sheikh Zayed Bin Sultan Al-Nahyan

President of the United Arab Emirates
Ruler of Abu Dhabi
Manhal Palace
PO Box 280, Abu Dhabi, The United Arab Emirates
Telexes: 22220 PALACE EM
Telegrams: President Al Nahyan, Abu Dhabi, UAE
Salutation: Your Highness

His Excellency
Dr Abdulla bin Omran Taryam
Minister of Justice
Ministry of Justice
PO Box 753
Abu Dhabi, The United Arab Emirates
Faxes: +9712-664944
Telegrams: Justice Minister, Abu Dhabi, UAE
Salutation: Your Excellency

His Excellency
General Dr Mohd Saeed al-Badi
Minister of Interior
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The United Arab Emirates
Faxes: +9712-461621
Telegrams: Interior Minister, Abu Dhabi, UAE
Salutation: Your Excellency

COPIES TO: diplomatic representatives of United Arab Emirates accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 November 1995.