

URGENT ACTION



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Note: Please write on behalf of these persons even though you may not have received the original UA when issued on March 11, 2009. Thanks!

14 December 2009

Further Information on 71/09 (11 March 2009) and follow-ups (20 May 2009; 12 November 2009) - Fear of flogging

SAUDI ARABIA

Khamisa Mohammed Sawadi, (f), 75
Known only as Fahad (m), aged 24
Known only as Hadyan (m)

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 *kebilwa* (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 *kebilwa* 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 offense of *kebilwa* did not apply as he was related to Khamisa Mohammed Sawadi, who breastfed him when he was a child. The court rejected this argument.

BACKGROUND INFORMATION

Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

Flogging is mandatory in Saudi Arabia for a number of offenses 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 installments, 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 *kabilwa* 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*, 14 October 2008: <http://www.amnesty.org/en/news-and-updates/report/saudi-arabia-executions-target-foreign-nationals-20081014>

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible:

- 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.

APPEALS 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)
011 966 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: 011 966 1 403 1185 (please keep trying)

Salutation: Your Royal Highness

COPIES TO:

President, Human Rights Commission

Mr Bandar Mohammed ‘Abdullah al- Aiban
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PLEASE SEND APPEALS IMMEDIATELY.

Check with the AIUSA Urgent Action office if sending appeals after 25 January, 2010.