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Saudi Rape Case Spurs Calls for Reform

By RASHEED ABOU-ALSAMH

JIDDA, [Saudi Arabia](#), Nov. 30 — The case of a 20-year-old woman who was sentenced to be lashed after pressing charges against seven men who raped her and a male companion has provoked a rare and angry public debate in Saudi Arabia, leading to renewed calls for reform of the Saudi judicial system.

The woman, known here only as “the Qatif girl,” was initially subjected to 90 lashes for being alone with a man to whom she was not married.

Her outspoken human rights lawyer appealed the sentence and brought down the wrath of the court, which doubled the woman’s sentence and stripped her lawyer of his license to practice.

The case is now being appealed to the Kingdom’s highest court. Human rights activists and legal observers said the treatment of the woman from Qatif, the man who was raped with her, and her lawyer, call into question the consistency of Saudi justice and make a mockery of the court system’s commitment to openness and fairness.

The Saudi system still operates without a codified legal system and uses a strict Wahabi interpretation of Islamic law, or Shariah, to hand down verdicts. Like all institutions in Saudi Arabia, the court system is subject to the absolute authority of the monarchy.

“The system has to be transformed from top to bottom,” said Ali Alyami, the executive director of the Washington-based Center for Democracy and Human Rights in Saudi Arabia. “Judges in Saudi Arabia have no more power than the princes want them to have.”

Saudi officials have faced a firestorm of embarrassing international publicity. American presidential candidates decried the sentence on the campaign trail. During the Annapolis summit meeting, Prince [Saud al-Faisal](#), the foreign minister, faced a barrage of questions about the kingdom’s handling of the case. “What is outrageous about this case is that it is being used against the Saudi government and people,” he told reporters.

But the prince also said the judiciary would review the case.

The rape took place a year and a half ago in the town of Qatif, a small Shi’ite waterfront town in the Eastern Province, center of the Saudi Arabia’s oil industry. Judges in Qatif provoked outrage in many quarters in the Kingdom — and vociferous criticism from the United States — when they increased the sentence against the rape victim on appeal in mid-November.

In the weeks since the new sentence was announced, government authorities have ordered the rape victim’s lawyer, a well-known human rights activist named Abdulrahman Al-Lahem, to stop talking to the news media, and have also put gag orders on the victim and her husband.

The Saudi Ministry of Justice and two prominent Saudi judges have lashed out against the victim, suggesting that she was engaged in immoral behavior at the time of the assault.

The Justice Ministry published two statements on its Web site on Nov. 20 and 24, 2007, alleging that the rape victim had confessed to engaging in illicit acts and was undressed in a car prior to the rape.

Mr. Lahem, the woman’s lawyer, denied these accusations and said that neither she or her male friend had ever confessed to any such acts. The lawyer is now suing the Saudi Ministry of Information and Culture for having distributed the Justice Ministry’s statements to the news media through the state-run Saudi Press Agency.

“The Saudi Ministry of Justice should immediately stop publishing statements aimed at damaging the reputation of a young Saudi rape victim who spoke out publicly about her ordeal and her efforts to find justice,” New York-based [Human Rights Watch](#) said in a statement on Nov. 29.

The ministry released its statements after the doubling of the rape victim’s punishment by a Qatif court on Nov. 14 for having been illegally alone with an unrelated male just before the rape happened, from 90 lashes to 200 lashes and six months in jail.

But the ministry stopped short of accusing the rape victim of adultery, or “zina” in Arabic, which could carry the death penalty, with the man that she met in his car on the night of the rape in 2006. Mr. Al-Lahem has complained that the judges in the case appear to base their conclusions about the events on the night of the rape on testimony of the seven rapists, who have been sentenced to five to seven years in jail.

Under Islamic law, two people can be accused of adultery only if they are caught in the actual act of penetration by four male witnesses of good character.

“The Ministry of Justice’s response to criticism of its unjust verdict has been appalling,” said Farida Deif, a researcher in the women’s rights division of Human Rights Watch. “First, they attempted to silence this young woman, and now they’re trying to demonize her in the eyes of the Saudi public.”

A Saudi judge, Ibrahim bin Salih Al-Khudairi of the Riyadh Appeals Court, said in an interview published in Okaz newspaper on Nov. 27 that if he were a judge in the Qatif court that he would have sentenced her, her male companion and the seven rapists to death and that they should be lucky that they did not get the death penalty.

The woman from Qatif met with an Associated Press reporter in November, before the court ordered her and her lawyer to stop talking to reporters. She has trouble sleeping, her hands tremble, and she described the sentence against her as a “big shock,” The Associated Press reported.

The Human Rights Watch researcher, Ms. Deif interviewed the woman from Qatif in December 2006. The testimony she gathered directly contradicts the narrative of events being put forward by Saudi justice officials.

In her testimony to the human rights group, the woman said she had given a photo of herself to a high school classmate. Years later, when she was 19 and engaged to another man, she asked for the photo back. She agreed to meet him in his car in downtown Qatif. Another car blocked their path when they were 15 minutes from her house, she said.

“Two people got out of their car and stood on either side of our car. The man on my side had a knife,” she said. “I screamed.”

She and her companion were taken to an isolated building in the working-class Awwamiyah neighborhood of Al-Qatif where they were both raped repeatedly by seven men over several hours.

The Qatif girl said that she was photographed during the rape by one of the men using his cell phone camera. The photos were later entered as evidence in the trial, but the judges refused to consider them.

The husband of Qatif girl, who also refuses to be identified publicly, found out about his wife’s rape only four months after it happened when the rapists were bragging about it in Qatif. He has not divorced her, which he could under Saudi law, instead choosing to help her fight her case in Saudi courts.

But he, too, has found the Saudi legal system reluctant to help a woman that it considers to be responsible for her own fate because of what it views as her fatal flaw of having gone out alone with an unrelated male.

Although she and her husband are technically married under Islamic law, they are still not living together because they have not had their wedding party yet.

A high school student when the rape occurred, Qatif girl has now stopped her studies. Qatif is a small town, and the identities of the rape victims are known locally.

Mr. Lahem has had trouble handling the Qatif girl’s case from the beginning. He got into several arguments with the three

judges who originally handled the trial, and has since had his license suspended for “disrespecting” the court after he supposedly raised his voice in court. He faces a disciplinary hearing before a committee of the Ministry of Justice in Riyadh on Dec. 5.

Neither he nor the husband of the victim have been given a copy of the verdict despite repeated requests for it, which has delayed the filing of the appeal.

Yet a copy of it was apparently leaked to a conservative Saudi Web site called Alsaha (www.alsaha.com), according to Human Rights Watch.

Several Saudi human rights groups said that they were looking into various aspects of the case, but most are too afraid to get involved while the case is still in the courts.

Mr. Lahem said that he initially did not want to make waves about the Qatif girl’s case but that the doubling of her punishment in November forced him to go public. He said that he had hoped to keep things quiet and then apply for a royal pardon from King Abdullah, who has pardoned jailed convicted human rights activists in the past.

Mr. Alyami believes that this will still happen in the case of the Qatif girl.

“The international condemnation of this arbitrary and barbaric decision will force the king to pardon the woman or drastically reduce her prison sentence,” he said. “There will be no flogging.”

But Bander Alnogaithan, a Saudi who finished Harvard Law School, and lives in Boston, said he was sure her increased punishment would be overturned by a higher court because of a series of errors committed by the lower courts.

Judges violated a basic tenet of Islamic law which prevents harming anyone who files an appeal, an error that Mr. Alnogaithan said reflected the poor quality of the religious judges.

“We can’t blame the judges for not knowing the law, as they are picked from Shariah colleges where they mainly focus on general Islamic legal thought and history and don’t study ‘manmade’ laws,” he said.

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