

outstanding case was transmitted in 1992 and concerns a Saudi Arabian businessman who was allegedly arrested by Jordanian security forces in Amman in 1991 and later handed over to the Saudi Arabian authorities. The government's response indicated that the businessman had been tried and detained in a prison in Riyadh, but had since been released and was free to travel outside the country.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 18, 19, 83, 89; E/CN.4/1997/60/Add.1, 427–429)

The Special Rapporteur (SR) notes that an urgent appeal was sent to the government on behalf of seven Somalis who were reported to have been sentenced to death after a trial which did not conform with the internationally guaranteed safeguards for those facing the death penalty. The government informed the SR that, in the final judgement, two of the defendants had been sentenced to death, three had received prison sentences, one case had been referred to a court of summary jurisdiction, and the seventh person named was not known. The government also stated that the legal system in Saudi Arabia guaranteed a fair trial since the courts were ranked at various levels: courts of limited jurisdiction, followed by courts of general jurisdiction, the Council of the Court of Cassation, and the Higher Council of the Judiciary. Important cases were heard by general courts consisting of three judges; convicted persons had the right to appeal to the Court of Cassation, where the case was heard by five judges; and they could subsequently appeal to the Higher Council where the case was also heard by five judges. The government stated that the independence of the judiciary was required and provided for by the Islamic Shariah. The SR requested clarification from the government with regard to the defendants' access to lawyers and the evidence considered in the case.

Religious intolerance, Special Rapporteur on: (E/CN.4/1997/91, paras. 9, 17, 19, 22, 24, 26, 43)

The report refers to: violations of religious freedom against Islam; discriminatory policies and/or laws and regulations concerning religion and belief against Christians and Shiites; restrictions on even private manifestations of religion or belief and ill-treatment, arrests and detentions of clergy and believers. The government replied to the cases transmitted by the Special Rapporteur (SR), stating that the sole aim of the allegations was to harm the Kingdom of Saudi Arabia.

The SR's interim report to the General Assembly (A/52/477, paras. 46, 47–48) notes the government's response to information previously transmitted, stating that: it was not opposed to non-Muslims practising their religion in their homes; Christians have the same status as all other residents, Muslim or otherwise; Christians are on an equal footing with Muslims as to the rights and duties arising from social order; with regard to the Shiites, discrimination was not practised and the state punished any departure by isolated individuals from the policy of non-discrimination; there was no prohibition on the wearing of the turban during prayers; and, there was no discrimination against Sunni Muslims in educational matters.

Sale of children, child prostitution, child pornography, Special Rapporteur: (E/CN.4/1997/95, para. 73)

The report notes instances in which minors in India were forcibly married to octogenarians with physical disabilities and then legally taken out of the country. The report states that, once in Saudi Arabia, their passports are confiscated and they are completely at the mercy of their "masters".

Torture, Special Rapporteur on: (E/CN.4/1997/7, Sections I, paras. 5–11, and III; E/CN.4/1997/7/Add.1, paras. 434–438)

The report notes that, in 1995, the Special Rapporteur (SR) sent three urgent appeals concerning 13 people who had been sentenced to the punishment of flogging and that, in 1996, he had sent five urgent appeals on behalf of 10 people, two of whom had been sentenced to prison terms and flogging. Concerns were also expressed about unlimited incommunicado detention.

In its response to the SR, the government denied that unlimited incommunicado detention was used but did not provide any further information on that issue. The government's main focus was on the issue of flogging, about which it expressed regret that the legal judgements handed down by a Shari'a court were described as falling into a category of torture and cruel, inhuman or degrading treatment. An addendum to the report summarizes the points made by the Saudi government on this issue: that flogging is a penalty prescribed by the Islamic Shari'a; the Shari'a is the true source of security, right and justice; the supremacy of Shari'a is too great and sublime to be questioned by anyone since it is God's law; when a Shari'a court passes a sentence, it is the government's role to implement it without intervening — either to have it increased or reduced — since everyone is convinced that the sentence is a just one because it was handed down through a fair trial process in accordance with the Islamic legal system; the Convention against Torture stipulates that torture does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions—flogging is therefore excluded from the definition of torture; and, flogging is a penalty prescribed by the Shari'a in order to safeguard security and stability and establish standards and morals.

The SR's response to the assertions of the government included that: corporal punishment is inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment enshrined, *inter alia*, in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 'lawful sanctions' must necessarily refer to those sanctions that constitute practices widely accepted as legitimate by the international community; the administration of such punishments as stoning to death, flogging and amputation — acts which would be unquestionably unlawful in the context of custodial interrogation — cannot be deemed lawful simply because the punishment has been authorized in a procedurally legitimate manner, i.e., through the sanction of legislation, administrative rules or judicial order; there exists a great divergence of views among Islamic scholars and clerics concerning the obligations of states to implement corporal punishment; the overwhelming majority of member states of the Organization of the Islamic Conference do not have corporal punishment in their domestic laws; those states applying religious law are bound to do so in such a way as to avoid the