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Torture Sentence for Indian Migrant Worker Follows Clash With Saudi Citizen

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(New York) King Abdullah of Saudi Arabia should take urgent steps to ensure that a court sentence to gouge out a migrant worker's eye is not carried out, Human Rights Watch said today.

The Greater Shari'a Court of Dammam sentenced Puthan Veettil 'Abd ul-Latif Noushad, an Indian citizen, to be punished by having his right eye gouged out in retribution for his role in a brawl in April 2003 in which a Saudi citizen was injured. A court of appeal in Riyadh has reportedly merely asked whether the Saudi man would accept monetary compensation instead.

"This literal eye-for-an-eye sentence is torture masquerading as justice," said Joe Stork, deputy director of Human Rights Watch's Middle East division. "King Abdullah must prevent the imposition of corporal punishment in violation of the country's obligations under international law."

Saudi Arabia acceded to the Convention against Torture in 1997. However, Noushad's case is the third known instance over the past year in which a Saudi court has issued a sentence of eye-gouging, Human Rights Watch said. Saudi law allows for maiming, including the severing of limbs and severe flogging, as judicial punishments.

The injured Saudi man, Nayif al-'Utaibi, has so far insisted that the sentence be carried out, refusing to pardon Noushad or accept monetary compensation. Noushad's Saudi employer, Abu Muhammad al-'Umri, has reportedly offered to pay over \$25,000 in compensation. He told Human Rights Watch that he had no faith that the appeals court would overturn the verdict, and that only a pardon could save Noushad's eye unless the plaintiff decides to accept compensation.

Noushad worked at a shop near a gas station outside Dammam. One witness to the altercation between the two men told Human Rights Watch that on the morning of April 1, 2003, Noushad told 'Utaibi that he would not be able to obtain a refund once he used the jumper cable he had just purchased. When 'Utaibi demanded a refund after using the cable, Noushad advised him to speak to the shop owner, who was not there at the time. The witness said 'Utaibi replied heatedly that he could not wait that long and lunged at Noushad. In the course of the ensuing struggle, Noushad struck 'Utaibi on the head with the cable, hitting his eye. Bystanders called the police, who arrested Noushad on 'Utaibi's testimony, and called an ambulance for 'Utaibi.

During the trial, Noushad claimed that he was acting in self-defense and did not intend to injure 'Utaibi, according to acquaintances of Noushad who are familiar with the proceedings. The witness, also a worker from India, told Human Rights Watch that the court refused to admit his testimony backing up Noushad's account.

The judge reportedly said that non-Saudis were barred from testifying in cases involving Saudis. Noushad's Saudi employer confirmed that the judge did not fully take into account the circumstances of the brawl. Noushad did not have a lawyer during trial, but his Saudi sponsor retained legal representation for the appeals phase.

"The court's verdict virtually allows Saudi citizens to assault migrant workers with impunity," Stork said.

News of the verdict has caused a political uproar in India. On December 6, the day after the verdict was made public, the chief minister of Kerala state, Oommen Chandy, promised to raise the case with Saudi authorities. The Indian embassy in Riyadh has announced it will appeal to King Abdullah for clemency.

On September 16, 2004, the Saudi newspaper Okaz reported that a court in Tabuk ordered the right eye of Muhammad 'Ayid Sulaiman al-Fadili al-Balawi to be gouged out, but gave him the option of paying compensation within one year. In 2001, Balawi had intervened when he saw youths pelting his brother with stones. In response, he also threw stones, hitting one youth in the eye and causing him to

lose vision in one eye. Balawi helped carry the youth to the hospital. Two months before the sentence was to be carried out, he had managed to collect only 550,000 Saudi riyals (US\$147,000) of the 1.4 million riyals (US\$373,000) demanded by the victim. Human Rights Watch was unable to verify whether the sentence had been carried out.

Another Saudi newspaper, ArabNews, reported on December 6 that a court had recently sentenced an Egyptian man in Saudi Arabia to having his eye gouged out after he allegedly threw acid in the face of another man, who subsequently lost his eyesight.

Saudi Arabia and Iran are the only known countries that consider eye-gouging a legitimate judicial punishment. The United Nations Special Rapporteur on Torture, Manfred Nowak, has stated that "any form of corporal punishment is contrary to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

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