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Saudi Arabia: Treatment of homosexuals by authorities and by society in general; recourse available to those who have been targeted because of their sexual orientation (2004 - 2007)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Homosexuality is illegal in Saudi Arabia and those found guilty are subject to the death penalty (ILGA 12 May 2006; *ibid.* 23 May 2005; Sodomy Laws 2 June 2006; AI LGBT July 2006), imprisonment and flogging under Sharia law (*ibid.*; *The Guardian* 18 Mar. 2005). According to a survey conducted by a student of Public Law at the SÅ¶dertÅ¶rn University in Stockholm for the International Lesbian and Gay Association (ILGA) regarding the legal status of homosexuality around the world, the punishment for engaging in homosexual acts in Saudi Arabia is the death penalty for married persons, while unmarried persons would be subject to 100 lashes and there must be four trustworthy male witnesses to the act in order to obtain a conviction (Nov. 2006, 15).

The following information was provided to the Research Directorate by the Executive Director of the Center for Democracy and Human Rights in Saudi Arabia (CDHR), located in Washington, DC, in correspondence dated 23 January 2007:

Homosexuality is considered anti Islamic.... Homosexuals are beaten, incarcerated and could face the death penalty. They are called Makhaneeth which could mean many things including the scum of the earth.

The Executive Director of CDHR also stated that homosexuals have no recourse before the courts as judges are religious men who believe that homosexuals should be punished as they consider them to be "deviants."

In an International Lesbian and Gay Association (ILGA) article, a representative of OutRage!, an organization promoting gay rights, stated that "Saudi Arabia is one of the world's most homophobic countries. Gay people are routinely arrested, jailed, tortured, flogged and sometimes executed" (17 May 2005). *The Guardian* reports that executions of homosexuals are not always reported in Saudi Arabia and that officials deny that the death penalty is applied for cases involving solely homosexual acts; the article also indicates that most Saudi cities have "underground gay networks" (18 Mar. 2005). According to Gay.com, a Web site providing news regarding homosexuals, "men can be arrested under suspicion of being gay, and police forces are often 'tipped' off by neighbours ... leaving the system open to personal vendettas" (18 Mar. 2005). Similarly, 365Gay.com, a gay and lesbian web portal, indicates that Saudi authorities will "routinely round up people suspected of being gay" following a complaint, which, in some cases, is lodged by a neighbour after a dispute (365Gay.com 14 Mar. 2005).

In August 2006, police arrested 20 men after raiding a suspected gay wedding in the town of Jizan (*The Gay and Lesbian Review Worldwide* 1 Nov. 2006; IOL 16 Aug. 2006; Pink News 17 Aug. 2006). Pink News, a news service dedicated to the gay community, claimed that the 20 men could face prison sentences and lashes (*ibid.*). Information as to the outcome of the arrests could not be found among the sources consulted by the Research Directorate.

In March 2005, over 100 men were arrested for "deviant sexual behaviour" (HRW 7 Apr. 2005) while allegedly attending a gay wedding (ibid.; ILGA 17 May 2005; *The Guardian* 18 Mar. 2005; AI 27 Apr. 2005). More than 30 of the men were sentenced to imprisonment for six months to one year and 200 lashes, four others received sentences of two years imprisonment and 2,000 lashes, while the rest were sentenced to a year in prison (HRW 7 Apr. 2005; Gay.com 8 Apr. 2005).

Various news sources reported that a homosexual couple was executed in March 2005 for killing another man who had discovered their relationship (Canadian Press 13 Mar. 2005; *Birmingham Post* 14 Mar. 2005; Gay.com 14 Mar. 2005). According to sources, the man found the couple in a "shameful situation," which is a common description used to refer to homosexual acts in Saudi Arabia (365Gay.com 14 Mar. 2005; Canadian Press 13 Mar. 2005; *Birmingham Post* 14 Mar. 2005). According to several news sources, the Saudi Interior Ministry issued a statement announcing that the couple killed the man because they feared that the man would expose their relationship (365Gay.com 14 Mar. 2005; Gay.com 14 Mar. 2005; Canadian Press 13 Mar. 2005).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: The International Gay and Lesbian Human Rights Commission (IGLHRC) provided various public media reports on the subject to the Research Directorate.

Internet sources, including: The Advocate, ARC International, The Center for Democracy and Human Rights in Saudi Arabia, European Country of Origin Information Network (ecoi.net), GlobalGayz.com, Helem, Integrated Regional Information Networks (IRIN), International Gay and Lesbian Human Rights Commission, PlanetOut.com, United Kingdom Home Office.

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