

PUBLIC

AI Index: MDE 23/016/2008

31 March 2008

Further information on UA 116/07 (MDE 23/019/2007, 17 May 2007) and follow-up (MDE 23/030/2007, 2 August 2007) - Death Penalty/Fear of imminent execution

SAUDI ARABIA

Mohamed Kohail (m), aged 23, Canadian national
Sultan Kohail (m), aged 17, Canadian national

New name:

Mehanna Sa'd (m), aged 22, Jordanian national

A Jordanian national, Mehanna Sa'd, is now known to have been sentenced to death together with Canadian national Mohamed Kohail. Both men have appealed; if their appeals are rejected they will be in imminent danger of execution. Mohamed Kohail's 17-year-old brother, Sultan, is also at risk of being sentenced to death.

Mohamed Kohail and Mehanna Sa'd were charged with the murder of a Syrian boy, who died in a schoolyard brawl in January 2007. They were sentenced to death in March 2008 after proceedings which reportedly fell short of international fair trial standards. They were first held incommunicado for approximately a month and a half, and beaten in an attempt to make them confess. Their trial before the Jeddah General Court took place over nine sessions. Their lawyer was allowed to attend only the last one or two, and was not allowed to challenge the evidence brought against his clients.

Sultan Kohail, who was arrested with his brother Mohamed and Mehanna Sa'd, was released on bail and is said to be facing trial before Jeddah Summary Court. This court does not have the power to impose the death penalty. However, Sultan is due to face murder charges, and could be referred to the General Court, where he could be sentenced to death, even though he is 17 years old. Saudi Arabia is a state party to the Convention on the Rights of the Child (CRC) and so has undertaken not to execute anyone for crimes committed when they were under 18.

BACKGROUND INFORMATION

Saudi Arabia applies the death penalty for a wide range of offences, including offences with no lethal consequences, and does so following trials which invariably fall short of the most basic international standards. Hearings are often held in secret, and defendants are permitted barely any formal legal representation. They may be convicted solely on the basis of confessions obtained under duress or deception. In many cases defendants and their families are not informed of the progress of legal proceedings against them. Prisoners under sentence of death may not be informed of the date of execution until the morning when they are taken out and beheaded.

The number of executions in 2008 is increasing fast. In 2007 the authorities executed at least 158 people, of whom 76 were foreign nationals. At least 37 people, of whom 13 were foreign nationals, have been executed since 8 January 2008.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic, English or your own language:

- calling on the authorities to ensure that in their appeal Mohamed Kohail and Mehanna Sa'd are able to address the irregularities of their trial and death sentence in fair and transparent hearings;

- reminding the authorities that they are bound by international standards for fair trial in capital cases, in particular the UN Safeguards Guaranteeing the Protection of the Rights of Those Facing the Death Penalty, which guarantee adequate opportunity for defence and appeal, and prohibits the imposition of the death penalty when there is room for alternative interpretation of the evidence;
- urging the King to commute the death sentences if they are upheld on appeal;
- expressing concern that 17-year-old Sultan Kohail may still be at risk of being sentenced to death and asking the authorities to guarantee that this will not happen, as Saudi Arabia is a state party to the Convention on the Rights of the Child.

APPEALS TO:

Please note that you may experience difficulties sending faxes on Thursdays and Fridays, which are the weekend in Saudi Arabia.

His Majesty King Abdullah Bin 'Abdul 'Aziz Al-Saud
The Custodian of the two Holy Mosques
Office of His Majesty the King
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Salutation: Your Majesty

His Royal Highness Prince Naif bin 'Abdul 'Aziz Al-Saud
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COPIES TO:

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and to diplomatic representatives of Saudi Arabia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 12 May 2008.