

PUBLIC

AI Index: MDE 23/007/2003

UA 266/03
2003

Fear of Execution/Death Penalty/Unfair Trial

17 September

SAUDI ARABIA Mas'ud bin Ali bin Muhammad bin Gimeshan al-Gahtani (m) aged 44

Saudi Arabian national, Mas'ud bin Ali bin Muhammad bin Gimeshan al-Gahtani may be executed at any time. He was arrested in 1991 in connection with the murder of Musfir bin Ogaym al-Dawsari. He faced an unfair trial and was only informed of his conviction for murder after eight years in prison.

Whether or not Mas'ud bin Ali bin Muhammad bin Gimeshan al-Gahtani is executed depends on the decision of Musfir bin Ogaym al-Dawsari's children. Under Saudi Arabia's law, they have the right to decide whether he should be pardoned freely, have to pay blood money in order to gain his freedom, or whether he should be executed. The children can only make this decision when they have reached the age of maturity. Neither Amnesty International nor Mas'ud bin Ali bin Muhammad bin Gimeshan al-Gahtani know when this will happen.

Mas'ud bin Ali bin Muhammad bin Gimeshan al-Gahtani was arrested with ten others in 1991. The ten were subsequently released, but he was convicted without legal representation at a secret trial. He reportedly appeared before the judge only once, during which he was asked his name and what he knew about the murder. He apparently told the judge that he was nowhere near the scene of the crime which happened in the West of Riyadh, as he was sleeping at a house in the East of the City. Three other people could verify this, but it is not known whether they were called as witnesses at his trial. He is held in *Malaz* prison in Riyadh and is reported to be living under constant fear of execution.

BACKGROUND INFORMATION

Saudi Arabia applies the death penalty for a wide range of offences which, in addition to violent crimes, include some with no lethal consequences, such as sorcery, certain sexual offences, drug-related offences and apostasy (converting from Islam to another religion). Sentencing occurs after trials which fall short of internationally agreed standards - trials are held behind closed doors and defendants do not have the right to formal representation by a lawyer. In many cases defendants and their families are not informed of the progress of legal proceedings against them. Defendants may also be convicted solely on the basis of confessions obtained under duress, torture or deception. At least 40 people have been executed since the beginning of 2003.

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

- expressing concern that Mas'ud bin Ali bin Muhammad bin Gimeshan al-Gahtani may be at risk of execution and urging commutation of the death sentence against him;
- seeking assurances that he is being treated humanely and has access to lawyers, relatives and medical care if necessary;
- asking for a moratorium on executions in Saudi Arabia as called for by the United Nations, and the commutation of any pending death sentences;
- acknowledging the Saudi Arabian government's right to bring to justice anyone found responsible for recognizably criminal offences, but expressing your unconditional opposition to the death penalty in all cases as it violates the right to life.

APPEALS TO:

King and Prime Minister

The Custodian of the Two Holy Shrines

His Majesty King Fahd bin >Abdul >Aziz Al-Saud,
Office of H.M. The King, Royal Court,
Riyadh, Kingdom of Saudi Arabia

Telegram: King Fahd, Riyadh, Saudi Arabia
Salutation: Your Majesty

Minister of the Interior

His Royal Highness Prince Naif bin >Abdul >Aziz,
Minister of the Interior, Ministry of the Interior
P.O. Box 2933, Airport Road,
Riyadh 11134, Kingdom of Saudi Arabia

Telegram: Minister of Interior, Riyadh, Saudi Arabia
Fax: + 966 1 403 1185 (This is a tel/fax number. Please ask to switch to fax)
Telex: 404416
Salutation: Your Royal Highness

Minister of Foreign Affairs

His Royal Highness Prince Saud al-Faisal bin >Abdul >Aziz Al-Saud,
Minister of Foreign Affairs, Ministry of Foreign Affairs,
Nasseriya Street,
Riyadh 11124, Kingdom of Saudi Arabia

Telegram: Foreign Affairs Minister, Riyadh, Saudi Arabia
Fax: + 966 1 403 0159 (This is a tel/fax number. Please ask to switch to fax)
Telex: 405000
Salutation: Your Royal Highness

Minister of Justice

His Excellency Dr. >Abdullah bin Muhammad bin Ibrahim Al-Sheikh
Minister of Justice, Ministry of Justice
University Street,
Riyadh 11137, Kingdom of Saudi Arabia

Telegram: Minister of Justice, Riyadh, Saudi Arabia
Fax: + 966 1 401 1741
Telex: 405 980 MINJUS SJ
Salutation: Your Excellency

COPIES 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 29 October 2003.