

3 September 2001

Further information on UA 120/01 (MDE 23/006/2001, 17 May 2001) - Death penalty

SAUDI ARABIA Deni Magomedzayev (m), Chechen, aged 19
NEW NAME: Idris Arsayev (m), Chechen, aged 16

The two men named above have reportedly been charged in connection with the hijacking of a plane in March and their case has been transferred to a Shari'a (Islamic) court. A trial date has yet to be set. Amnesty International is concerned that they are at risk of an unfair trial and that if convicted, face the death penalty.

Saudi Arabian television announced the charges on 2 September, contrary to previous press reports in March which stated Deni Magomedzayev had already been sentenced to death. The Saudi Arabian Minister of the Interior, Prince Naif bin 'Abdul 'Aziz has reportedly said that the men will receive a trial "based on fair legal procedures, giving the defendant the chance to reject the charges levelled against him, make a statement, and look at the details of the investigations."

The Russian Foreign Minister, Boris Malakhov, was reported on 16 August to have confirmed that the Russian Federation was seeking the extradition of the men involved in the March hijacking of a Russian plane which had been flying from Istanbul to Moscow, but was forced to land in Madina, Saudi Arabia. The Saudi Arabian authorities had yet to complete their investigations and so had not made a decision on this. By 3 September, press reports quoted the Russian Federation's prosecutor's office as stating that the extradition request remains, despite reports that the trial will take place in Saudi Arabia.

Deni Magomedzayev was arrested along with his brother Idris Arsayev, aged 16, in connection with the hijacking. Idris Arsayev's current status is however unknown as press reports in March stated that he had been pardoned. Recently, Saudi Arabian television referred to Leriskhan Arsayev, also aged 16, as being charged with in connection with the hijacking and he too faced a trial in a Shari'a (Islamic) court. If Idris and Leriskshan are one and the same person, Saudi Arabia would be violating the United Nations Convention on the Rights of the Child (CRC), to which it is a state party. Article 37 of the CRC states "Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age". This year, in fact, the CRC recommended that Saudi Arabia "take immediate steps to halt and abolish by law the imposition of the death penalty for crimes committed by persons under eighteen."

FURTHER RECOMMENDED ACTION: Please send appeals English, Arabic or your own language:

- recognizing that states have a right to bring to justice anyone suspected of a criminal offence, including hijacking;
- stating, however, that you are opposed to the death penalty in all cases, as a violation of the right to life and the ultimate cruel, inhuman or degrading punishment;
- seeking clarification of the names and places of detention of all individuals facing trial in this case;

- asking about Idris Arsayev's current legal status and whether he is the same person named in later Saudi Arabian television reports as Leriskhan Arsayev;
- Reminding the Saudi Arabian authorities of their obligations as a state party to CAT, and urging them to abolish the death penalty, especially in the case of minors, as called for by the CRC in relation to Saudi Arabia;
- seeking assurances that all detainees will be treated humanely in detention, protected from torture and granted regular access to family members, embassy personnel, legal assistance and any medical attention they need.

APPEALS TO:

King and Prime Minister

The Custodian of the Two Holy Shrines

His Majesty King Fahd bin'Abdul'Aziz Al-Saud,
Office of HM The King, Royal Court, Riyadh, Kingdom of Saudi Arabia
Telegram:King Fahd, Riyadh, Saudi Arabia
Salutation:Your Majesty

Minister of Interior

His Royal Highness Prince Naif bin'Abdul'Aziz,
Minister of 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
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,
Nasseriya Street, Riyadh 111244, Kingdom of Saudi Arabia
Telegram:Foreign Affairs Minister, Riyadh, Saudi Arabia
Fax:+ 966 1 403 0159
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 16 October 2001