

# URGENT ACTION

## RETRIAL BEGINS, DEATH PENALTY STILL POSSIBLE

**The retrial of Canadian national Mohamed Kohail and Jordanian national Mehanna Sa'd has begun, and the prosecution has again called for the death penalty.**

**Mohamed Kohail** and **Mehanna Sa'd's** retrial began on 23 March in the General Court in the city of Jeddah, with the prosecution calling for the death penalty and using the same evidence, including "confessions" the men said were extracted under torture. The two men could be sentenced to death again, despite the Supreme Court having revoked their death sentences on 9 January, and sent their case to a court in Jeddah for retrial.

Mohamed Kohail's 18-year-old brother **Sultan Kohail** is free on bail. He is awaiting retrial before a General Court, and is at risk of being sentenced to death, despite the fact that he was 16 at the time of the crime. He was sentenced to 200 lashes and one year's imprisonment by the Jeddah Summary Court in April 2008. However, the Court of Cassation sent the case back for retrial by a General Court.

Mohamed Kohail and Mehanna Sa'd were charged in early 2007 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 fell short of international fair trial standards. They said 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 was unfair, as their lawyer was only allowed to attend two court sessions, and was not allowed to challenge the evidence brought against his clients. In November 2008, the Court of Cassation confirmed the men's death sentences and then referred the sentences to the Supreme Judicial Council for approval. In February 2009, the Supreme Judicial Council sent the case back to the Jeddah General Court, for review. In April 2009, this court upheld their death sentences, which subsequently came before the Supreme Court for review.

### PLEASE WRITE IMMEDIATELY in Arabic, English or your own language:

- Urging the authorities to grant Mohamed Kohail, Mehanna Sa'd and Sultan Kohail fair trials in accordance with 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 prohibit the imposition of the death penalty when there is room for alternative interpretation of the evidence;
- Reminding them that any statements such as "confessions" made as a result of torture or other ill-treatment should not be used as evidence, in accordance with the Convention against Torture, to which Saudi Arabia is a party;
- Asking them to guarantee that 18-year-old Sultan Kohail will not be sentenced to death for a crime allegedly committed when he was under 18, as Saudi Arabia is a state party to the Convention on the Rights of the Child.

### PLEASE SEND APPEALS BEFORE 11 MAY 2010 TO:

#### King and Prime Minister

His Majesty King 'Abdullah Bin 'Abdul  
'Aziz Al-Saud  
The Custodian of the two Holy Mosques  
Office of His Majesty the King  
Royal Court, Riyadh  
Kingdom of Saudi Arabia  
**Fax: (via Ministry of the Interior)**  
**+966 1 403 1185 (please keep trying)**  
**Salutation: Your Majesty**

#### Second Deputy Prime Minister and Minister of the Interior

His Royal Highness Prince Naif bin  
'Abdul 'Aziz Al-Saud, Ministry of the  
Interior, P.O. Box 2933, Airport Road  
Riyadh 11134  
Kingdom of Saudi Arabia  
**Fax: +966 1 403 1185 (please keep  
trying)**  
**Salutation: Your Royal Highness**

#### **And copies to:**

President, Human Rights Commission  
Bandar Mohammed 'Abdullah al- Aiban  
Human Rights Commission  
P.O. Box 58889, King Fahad Road,  
Building No. 373, Riyadh 11515  
Kingdom of Saudi Arabia  
**Fax: +966 1 461 2061**  
**Email: hrc@haq-ksa.org**  
**Salutation: Dear Mr al-Aiban**

**Also send copies to diplomatic representatives accredited to your country.** Please check with your section office if sending appeals after the above date. This is the eighth update of UA 116/07 (MDE 23/019/2007). Further information: [www.amnesty.org/en/library/info/MDE23/019/2007/en](http://www.amnesty.org/en/library/info/MDE23/019/2007/en)

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## ADDITIONAL INFORMATION

Saudi Arabia is a state party to the Convention on the Rights of the Child (CRC), which expressly prohibits the execution of juvenile offenders – those convicted of crimes committed when they were under 18. However, Saudi Arabia does execute juvenile offenders in breach of their obligations under the CRC.

At least 158 people, including 76 foreign nationals, were executed by the Saudi Arabian authorities in 2007, and at least 102 people, including almost 40 foreign nationals, were executed in 2008. In 2009, at least 69 people are known to have been executed, including 19 foreign nationals. Since the beginning of 2010, at least eight people have been executed.

Saudi Arabia applies the death penalty for a wide range of offences. Court proceedings fall far short of international standards for fair trial. Defendants are rarely allowed formal representation by a lawyer, and in many cases are not informed of the progress of legal proceedings against them. They may be convicted solely on the basis of confessions obtained under duress or deception.

Saudi Arabia is a state party to the Convention against Torture, which prohibits the use of evidence extracted under torture or other ill-treatment. Article 15 states: "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."

In a report on the use of the death penalty in Saudi Arabia, Amnesty International highlighted the extensive use of the death penalty as well as the disproportionately high number of executions of foreign nationals from developing countries. For further information please see *Saudi Arabia: Affront to Justice: Death Penalty in Saudi Arabia* (MDE 23/027/2008), 14 October 2008: <http://www.amnesty.org/en/news-and-updates/report/saudi-arabia-executions-target-foreign-nationals-20081014>

Further information on UA: 116/07 Index: MDE 23/007/2010 Issue Date: 30 March 2010

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