

# URGENT ACTION

## SAUDI ARABIAN MAN'S EXECUTION DATE SET

**The family of a Saudi Arabian man sentenced to death has learned that he will be executed on 13 September. Said Mabkhout al-Sai'ari was sentenced to death after an unfair trial, he has exhausted all his appeals.**

On 7 September, the family of **Said Mabkhout al-Sai'ari** learned that the execution of the 29-year-old is scheduled to take place on 13 September in the General prison of Najran, southwest of Saudi Arabia, where he is currently detained. He has been at risk of imminent execution since 2 July 2017; but on 7 September prison officials informed the family about the scheduled execution date.

Said al-Sai'ari was sentenced to death on 25 December 2013 by the General Court in Najran, for the murder of another Saudi Arabian man during a fight that broke out between members of two tribes on 2 July 2009. His death sentence was ratified by the Supreme Court on 20 March 2016 and ratified by King Salman bin Abdul Aziz Al Saud in August 2016. It was then sent back from the Ministry of Interior to the Najran Governorate for implementation in mid-November 2016. His execution was postponed for six months after his relatives exerted pressure to delay it.

Said al-Sai'ari has always maintained his innocence and according to the 86-page court document, the General Court in Najran sentenced him to death despite concluding that there was not enough evidence to convict him.

The court relied on the statements of the victim's father who, despite not being present at the crime scene, swore 50 times in court that he believed that Said al-Sai'ari was responsible for the murder of his son. The procedure follows a Shari'a law provision that allows a court to rely on the male heirs of the victim expressing at least 50 times under oath their belief that the accused is the perpetrator. Said al-Sai'ari did not have access to a lawyer throughout the pre-trial investigation. Following his detention on 2 July 2009, he remained in solitary confinement for at least a month and was only allowed his first contact with his family four months later.

### **Please write immediately in English, Arabic or your own language:**

- Urging King Salman bin Abdul Aziz Al Saud to immediately halt the execution of Said Mabkhout al-Sai'ari and commute his and all other existing death sentences with a view to abolishing the death penalty;
- Reminding the authorities that international human rights law requires trials for crimes carrying the death penalty must comply with the most rigorous internationally recognized standards for fair trial;
- Quash Said Mabkhout al-Sai'ari's conviction and order a re-trial in proceedings which comply with international fair trial standards, and without recourse to the death penalty.

### **PLEASE SEND APPEALS BEFORE 13 SEPTEMBER 2017 TO:**

#### King and Prime Minister

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 3125 (please keep trying)

**Salutation: Your Majesty**

#### Governor of Najran Province

His Royal Highness Prince Jalawi Bin  
Abdulaziz Bin MUSAED  
Najran Province  
Kingdom of Saudi Arabia  
Phone: +966 1 75221041 (Arabic only)  
Fax: +966 1 75221733 - +966175223136  
**Salutation: Your Royal Highness**

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

#### Minister of the Interior

His Royal Highness Prince Mohammed  
bin Naif bin Abdul Aziz Al Saud  
Ministry of the Interior, P.O. Box 2933,  
Airport Road, Riyadh 11134  
Kingdom of Saudi Arabia  
Fax: +966 11 403 3125 (keep trying)

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 144/17. Further information:

<https://www.amnesty.org/en/documents/mde23/6508/2017/en/>

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### ADDITIONAL INFORMATION

On 23 November 2011, the trial of Said al-Sai'ari started before the General Court in Najran after he was accused of the murder of another Saudi Arabian man. On 25 December 2013, he was found guilty of the murder of Faraj Mubarak under Shari'a principles of *qisas* (retribution in kind) despite the court concluding that there was not enough evidence to convict him. The court judgement shows that the court relied on a Shari'a law provision stipulating that if the court suspects that the accused has killed the victim and there is demonstrated animosity between the two parties, it can rely on the male heirs of the victim swearing under oath at least 50 times that he believes that the accused was the perpetrator. In this case the victim's father - being his only male heir- swore 50 times that the accused was responsible for the crime even though he did not witness it. Said al-Sai'ari was eventually sentenced to death.

On 15 January 2014, upon appeal the Court of Appeal sent the case back to the General Court requesting for the judge to look into the appeal note submitted by the defendant. Said al-Sai'ari maintained his innocence arguing that he was not responsible for the death of the victim, implicating another man and calling for new witnesses present at the fight to testify. He also requested a re-examination of the case based on new evidence. After reviewing the request, the judge of the General Court refused to re-examine the case, stating that the defence note did not change his opinion. On 4 November 2014, the case was again sent back to the Court of Appeal.

Upon its second review on 11 February 2015, the Court of Appeal sent the case back to the General Court with another set of procedural recommendations. On 25 April 2015, the General Court addressed the Court of Appeal's remarks sending the case back. Finally on 20 March 2016, the Supreme Court upheld the decision, rendering the decision final. On 5 April 2016, the case was sent to the King for ratification, and it was eventually ratified sometime in August 2016. The case was then sent back from the Ministry of Interior to the Najran Governorate for implementation of the sentence in mid-November 2016. His family managed to postpone his execution for six months, but they were told that Said al-Sai'ari would be executed any time after 2 July.

Saudi Arabia is one of the world's most prolific executioners and has put to death more than 400 people since 2014, most for murder, drug-related crimes, and terrorism-related offences.

Saudi Arabia applies the death penalty to a wide range of offences that are not accepted as "most serious crimes" under international human rights law which are limited to crimes involving intentional killings. These range of offences include adultery, armed robbery, apostasy, drug smuggling, rape, witchcraft and sorcery. Some of these offenses, such as adultery and apostasy, should not be criminalized at all as they are not recognisable crimes in accordance with international law and standards.

The Saudi Arabian authorities generally fail to abide by international standards for fair trial and safeguards for defendants in capital cases. Often trials of capital cases are held in secret, with summary proceedings, and no legal assistance or representation through the various stages of detention and trial. Defendants may be convicted solely on the basis of "confessions" obtained under torture or other ill-treatment, duress or deception. In some cases families are not notified in advance of the execution of their relative.

Name: Said Mabkhout al-Sai'ari'

Gender m/f: m

Further information on UA: 144/17 Index: MDE 23/7084/2017 Issue Date: 11 September 2017

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