

EXTERNAL

AI Index: AMR 51/39/97

7 July 1997

Further information on EXTRA 86/97 (AMR 20/03/97, 11 June 1997) and follow-up (AMR 20/03/97, 20 June) - Fear of refoulement / Fear for safety

USAHani Abd al-Rahim al-Sayagh, aged 27

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Hani Abd al-Rahim al-Sayagh, a Saudi Arabian national deported from Canada to the USA on 17 June 1997, may now be at risk of *refoulement* from the US to Saudi Arabia, where it is feared that he would be at risk of serious human rights violations.

Hani Abd al-Rahim al-Sayagh was reportedly wanted for questioning by the US authorities in relation to the bombing of the US military complex in al-Khobar, Saudi Arabia in June 1996. Media reports referred to a confidential agreement between Hani Abd al-Rahim al-Sayagh and the US authorities, which was believed to have ensured that he would face lesser charges and a guarantee that he would not be returned to Saudi Arabia, in return for cooperation into the investigation of the al-Khobar bombing. It now appears from news reports, however, that Hani Abd al-Rahim al-Sayagh may not plead guilty as per the agreement, and consequently may be at risk of *refoulement* to Saudi Arabia.

In Saudi Arabia, "terrorist" offences are legally punishable by death. Those charged with such capital offences are, as a rule, denied the right to a fair trial, and in violation of international standards they are denied adequate opportunity to be defended by lawyers. Torture of prisoners frequently occurs whilst they are held in incommunicado detention as well as during interrogation, in order to obtain confessions which are used to secure convictions in court, and may be the sole evidence upon which a conviction is based. The summary nature of such trials, combined with the wide range of offences punishable by the death penalty in Saudi Arabia have over the last few years made it one of the countries with the highest number of executions in the world, with 59 executions having been carried out so far in 1997 alone (see Further information on EXTRA 43/97, MDE 23/06/97, 3 July 1997).

While recognizing the right of states to bring to justice anyone suspected of recognizably criminal offences, Amnesty International opposes the use of torture and the death penalty in all cases. The organization is urging the US authorities to ensure that Hani Abd al-Rahim al-Sayagh is not put at risk of being subjected to torture or execution, but rather is given protection against *refoulement*. Amnesty International urges the US to abide by its obligations under the principle of non-*refoulement*. In particular, it urges the US to abide by its obligations under the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT), Article 3 of which states 'No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture'. If sufficient evidence is available, he could be brought to justice under the jurisdiction of a country where he will be assured of a fair trial in accordance with international standards, and would not be at risk of the death penalty.

**FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/ airmail letters in English or in your own language:**

- expressing deep concern that, if deported, Hani Abd al-Rahim al-Sayagh would be at risk of torture and/or execution in Saudi Arabia;

- urging that the US abide by its obligations under the Convention against Torture and ensures that Hani Abd al-Rahim al-Sayagh is given protection against *refoulement*, and that he will not be put at such risk irrespective of any accusations against him;
- stating that if sufficient evidence is available, Hani Abd al-Rahim al-Sayagh should be brought to justice under the jurisdiction of a country where he will be assured of a fair trial in accordance with international standards, and would not be at risk of the death penalty.

**APPEALS TO:**

Attorney General

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**Telegrams: Attorney General Reno, Washington, USA**

**Salutation: Dear Attorney General**

**COPIES TO:** diplomatic representatives of USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 5 August 1997.