

UA 120/01

Death Pen**SAUDI ARABIA Deni Magomedzayev, Chechen, aged 19**

A 19-year-old Chechen man, Deni Magomedzayev, has reportedly been sentenced to death in Saudi Arabia for his part in hijacking a plane to protest against the treatment of Chechens in the Russian Federation.

On 15 March, together with his father, 42-year-old Supyan Arsayev and his brother, 16-year-old Idris Arsayev, Deni Magomedzayev hijacked a Russian Federation plane flying from Turkey to the Russian Federation, and forced it to land in Medina, Saudi Arabia. When the Saudi Arabian security forces stormed the plane, Supyan Arsayev was killed.

According to unconfirmed press reports of 16 May, the Saudi Arabian authorities have apparently refused a request from the Russian Federation, lodged on 23 March, to extradite Deni Magomedzayev and Idris Arsayev. These reports also state that Idris Arsayev has been pardoned.

BACKGROUND INFORMATION

Trials in Saudi Arabia are often held behind closed doors and fall short of internationally agreed standards. 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. Because of the secrecy of the Saudi justice system, it is difficult to confirm the full facts of this case.

The Russian Federation and Saudi Arabia do not have an extradition agreement. In February 1999 a ruling of the Russian Constitutional Court banned all ordinary court judges from imposing death sentences until the jury trial system had been introduced throughout the Russian Federation; jury trials were available in only nine of the Federation's 89 regions. The ruling constituted the *de facto* abolition of the death penalty - although it is still to be abolished in law - and there has been a moratorium on executions in the Russian Federation since 1996. However, prior to the beginning of the current armed conflict in 1999, executions continued to be carried out in Chechnya under the provisions of the Chechen *Shari'a* Criminal Code.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English 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;
- asking whether press reports that Deni Magomedzayev has been sentenced to death are accurate, and if so, urging the authorities not to execute him, and to commute his sentence to a humane punishment;
- asking about Idris Arsayev's legal status;
- asking for assurances that Deni Magomedzayev and Idris Arsayev will be treated humanely in detention, protected from torture and granted regular access to family members, 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 28 June 2001.