

PUBLIC

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Fear of death sentence/Unfair Trial

26 November 2004

SAUDI ARABIA	Abbas Majood Akanni (m)	]	
	Murtala Amao Oladele (m)	]	
	Abbas Azeez Oladuni (m)	]	
	Nurudeen Owoalade (m)	]	
	Nurudeen Sani (m)	]	
	Mohammed Abdulahi Yussuf (m)	]	Nigerian nationals, aged 20-30
	Wahid Elebyte (m)	]	
	Ahmed Abbas Alabi (m)	]	
	Suliamon Olyfemi (m)	]	
	Mafiu Obadina (m)	[	
	Samiu Hamud Zuberu (m)	]	
	Kasim Afolabi Afolabi (m)	]	
	Abdullamim Shobayo (m)	]	

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The 13 Nigerian men named above risk being sentenced to death after an unfair trial.

They were among hundreds detained in Jeddah on 29 September 2002 after a policeman was killed in a fight between local men and African nationals who were working as car washers. All the others have been deported: 21 had served sentences of six months to two years' imprisonment, and flogging.

On 22 November 2004 the 13 Nigerians were brought before three judges in a closed session, without the assistance of a lawyer, a consular representative or adequate translation facilities. They could not fully understand the proceedings, which were conducted in Arabic, and were not sure whether a trial was taking place or whether their detention order was being renewed. However, one of the judges reportedly asked the men, in English, why they had killed the policeman, which indicated to the 13 that a trial was in fact taking place. They denied that they had killed him.

It is not known whether the policeman had children. If he did, and the 13 Nigerians are sentenced to death, they will remain in prison until these children reach the age of 18, when they can accept or reject the payment of *diiya* (blood money) in place of the death penalty. If the policeman had no children, the 13 would be at risk of imminent execution.

Since their arrest over two years ago, the men have not had access to a lawyer or consular assistance. Translators were present at only two of the four occasions they have been brought to court. They were unable to communicate with the 13 as they could not speak Yoruba, the men's native language. The men are able to speak some English, but all trial proceedings and court documents are in Arabic.

The men were reportedly tortured and ill-treated when they were arrested. This reportedly included being hung upside down and beaten. One of the 13 has alleged that he received electric shocks to his genitals. During interrogation, their fingerprints were reportedly taken. It is unclear if the fingerprints, which can act as substitute for a signature, were used to sign confessions or paperwork relating to their detention.

On 8 July AI wrote to the Saudi Arabian Minister of the Interior seeking clarification of whether the 13 men had actually been charged and put on trial, and calling for an investigation into allegations that they were tortured. The organization has not yet received a response.

### **BACKGROUND INFORMATION**

Saudi Arabia applies the death penalty for a wide range of offences, including murder. Court proceedings fall far short of international standards for fair trial, and take place behind closed doors.

Defendants do not have the right to formal representation by a lawyer, and in many cases are not informed of the progress of legal proceedings against them. Defendants may also be convicted solely on the basis of confessions obtained under duress, torture or deception.

At least 19 people are known to have been executed in Saudi Arabia so far this year. The true figure may be much higher.

### **RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:**

- recognising the right and responsibility of the government of Saudi Arabia to bring to justice those guilty of recognizably criminal offences, but urging them to ensure that the 13 Nigerians are not sentenced to death, on the grounds that the death penalty is the ultimate form of cruel, inhuman and degrading punishment, and a violation of the right to life;
- seeking assurances that the 13 men will be given immediate access to legal representation and consular assistance, including adequate translation facilities;
- seeking assurances that any proceedings against the 13 will meet the minimum international standards for fair trial;
- urging the authorities to ensure that the men are protected from torture and ill-treatment while they are in custody;
- asking what charges the 13 are facing, and asking for details of any trial proceedings against them.

### **APPEALS TO:**

#### Minister of the Interior

His Royal Highness Prince Naif bin >Abdul >Aziz,  
Minister of the Interior, Ministry of the Interior  
P.O. Box 2933, Airport Road,  
Riyadh 11134, Kingdom of Saudi Arabia

**Fax:** + 966 1 403 1185 (it may be difficult to get through, please keep trying)

**Salutation:** Your Royal Highness

#### Minister of Foreign Affairs

His Royal Highness Prince Saud al-Faisal bin >Abdul >Aziz Al-Saud,  
Minister of Foreign Affairs, Ministry of Foreign Affairs,  
Nasseriya Street,  
Riyadh 11124, Kingdom of Saudi Arabia

**Fax:** + 966 1 403 0159 (it may be difficult to get through, please keep trying)

**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

**Fax:** + 966 1 401 1741

**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 7 January 2005.