

URGENT ACTION

DEATH SENTENCES QUASHED IN SAUDI ARABIA

In an unusual move, the Supreme Court in Saudi Arabia has quashed the death sentences of 24-year-old Canadian man Mohamed Kohail and 23-year-old Jordanian man Mehanna Sa'd, and has ordered a retrial. If convicted, they are at risk of being sentenced to death again.

Mohamed Kohail and **Mehanna Sa'd's** death sentences were revoked by the Supreme Court on 9 January 2010, and the case has been sent to a court in the city of Jeddah for a retrial. If the court convicts them once again, they could have their sentences of death reimposed. The two men remain in detention.

Sultan Kohail, the 18-year-old brother of Mohamed Kohail, and also a Canadian national, is free on bail. He is awaiting retrial before a General Court, and remains at risk of being sentenced to death if convicted, despite the fact that he was 16 at the time of the alleged crime. Sultan Kohail was originally sentenced to 200 lashes and one year's imprisonment by the Jeddah Summary Court in April 2008. However, the Court of Cassation subsequently recommended that the case be retried by a General Court.

Mohamed Kohail and Mehanna Sa'd were charged 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 reportedly fell short of international fair trial standards. 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 one or two court sessions, and was not allowed to challenge the evidence brought against his clients. Their case has been back and forth in the courts since then. In November 2008, the Court of Cassation confirmed the death sentences against Mohamed Kohail and Mehanna Sa'd 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. The charge against Sultan Kohail relates to the same killing.

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;
- Asking the authorities to guarantee that 18-year-old Sultan Kohail will not be sentenced to death for a crime he allegedly committed as a juvenile, as Saudi Arabia is a state party to the Convention on the Rights of the Child.

PLEASE SEND APPEALS BEFORE 4 MARCH 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
Mr 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 seventh update of UA 116/07 (MDE 23/019/2007). Further information: www.amnesty.org/en/library/info/MDE23/019/2007/en

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ADDITIONAL INFORMATION

The Supreme Court began to function in February 2009 as the final court of appeal. This is part of a new court system introduced by the 2007 Law of the Judiciary. The Court of Cassation, which acted as an appellate body, has now been replaced by courts of appeal. The Supreme Judicial Council continues to exist and has been allocated responsibilities such as the supervision of the organization of the Judiciary, including the appointment, promotion and disciplining of judges. For more information regarding the judicial reforms, please see *Saudi Arabia: Affront to Justice: Death Penalty in Saudi Arabia* (Index: MDE 23/027/2008), 14 October 2008: <http://www.amnesty.org/en/news-and-updates/report/saudi-arabia-executions-target-foreign-nationals-20081014>

Saudi Arabia is a state party to the Convention on the Rights of the Child, which expressly prohibits the execution of juvenile offenders – those convicted of crimes committed when they were under 18. However, Saudi Arabia continues to execute alleged juvenile offenders in breach of their obligations under international law (see press release issued on 11 May 2009, *Saudi Arabia: Two juveniles executed by Saudi Arabian authorities among a group of five* at <http://www.amnesty.org/en/for-media/press-releases/saudi-arabia-two-juveniles-executed-saudi-authorities-among-group-five-2>).

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, 69 people are known to have been executed, including almost 20 foreign nationals. Since the beginning of 2010, at least four 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.

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* (Index: MDE 23/027/2008), published on 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 23/002/2010 Issue Date: 21 January 2010

