

PUBLIC

AI Index: MDE 23/008/2009

08 April 2009

Further Information on 116/07 (MDE 23/019/2007, 17 May 2007) and follow-ups (MDE 23/030/2007, 2 August 2007; MDE 23/016/2008, 31 March 2008; MDE 23/012/2008, 8 April 2008; MDE 23/037/2008, 14 August 2008; MDE 23/049/2008, 27 November 2008) - Death Penalty/Fear of imminent execution

SAUDI ARABIA **Mohamed Kohail (m), aged 23, Canadian national**
Mehanna Sa'd (m), aged 22, Jordanian national
Sultan Kohail (m), aged 17, Canadian national

The Jeddah General Court upheld the death sentences imposed on Canadian national Mohamed Kohail and Jordanian national Mehanna Sa'd on 4 April 2009. Their cases have now been referred back to the Supreme Judicial Council. If the Council approves the death sentences, the two men could be executed at any time.

Sultan Kohail, meanwhile, is still awaiting retrial before a General Court, and therefore remains at risk of being sentenced to death if convicted, despite the fact that he is 17 years old.

Saudi Arabia is a state party to the Convention on the Rights of the Child (CRC), which prohibits the execution of those under 18 at the time of the crime; in the past, however, the Saudi Arabian authorities have executed juvenile offenders who were under 18 at the time of the crime of which they were convicted.

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 original trial court, the Jeddah General Court, for review. This Court has now again upheld their death sentences and referred the death sentences to the Supreme Judicial Council for approval.

BACKGROUND INFORMATION

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. Since the beginning of 2009, a further 24 people are known to 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. Prisoners under sentence of death may not be informed of the date of execution until the morning when they are taken out and beheaded. They may be convicted solely on the basis of confessions obtained under duress or deception.

In a recent 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), issued on 14 October 2008:

<http://www.amnesty.org/en/news-and-updates/report/saudi-arabia-executions-target-foreign-nationals-20081014>

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

- urging the King as the head of the Supreme Judicial Council not to ratify the death sentences against Mohamed Kohail and Mehanna Sa'd and to commute their death sentences;
- reminding the authorities that they are bound by 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 prohibits the imposition of the death penalty when there is room for alternative interpretation of the evidence;
- highlighting that the execution of child offenders is expressly prohibited by the Convention on the Rights of the Child, to which Saudi Arabia is a state party;
- expressing concern that 17-year-old Sultan Kohail may still be at risk of being sentenced to death and asking the authorities to guarantee that this will not happen, as Saudi Arabia is a state party to the Convention on the Rights of the Child.

APPEALS TO:

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

His Royal Highness Prince Naif bin 'Abdul 'Aziz Al-Saud

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 (please keep trying)

Salutation: Your Royal Highness

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 0645

Salutation: Your Royal Highness

COPIES TO:

Mr Bandar Mohammed Abdullah Al Aiban

President

Human Rights Commission

P.O. Box 58889, King Fahad Road, Building No. 373

Riyadh 11515, Kingdom of Saudi Arabia

Fax: +966 1 4612061

and 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 20 May.