

PUBLIC

AI Index: MDE 23/049/2008

27 November 2008

Further Information on UA 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) – 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 Court of Cassation has confirmed the death sentence against Canadian national Mohamed Kohail and Jordanian national Mehanna Sa'd. Their sentences will now have to be approved by the Supreme Judicial Council. If approved, the two men could be executed at any time.

Sultan Kohail is still awaiting retrial at a General Court. Amnesty International has previously expressed concern that if he were retried at a General Court, Sultan Kohail could be sentenced to death, 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.

BACKGROUND INFORMATION

Saudi Arabia applies the death penalty for a wide range of offences, including some with no lethal consequences, and does so following trials which invariably fall short of the most basic international standards. Hearings are often held in secret, and defendants are barely permitted any formal legal representation. They may be convicted solely on the basis of confessions obtained under duress or deception. In many cases defendants and their families 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.

The number of executions in 2008 is increasing fast. In 2007 the authorities executed at least 158 people, of whom 76 were foreign nationals. At least 82 people have been executed so far this year, almost half of whom have been foreign nationals.

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;
- pointing out 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: (Please note that you may experience difficulties sending faxes on Thursdays and Fridays, which are the weekend in Saudi Arabia)

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
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Salutation: Your Royal Highness

COPIES TO:

Turki bin Khaled Al-Sudairy
President
Human Rights Commission
PO Box 58889, Riyadh 11515
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Kingdom of Saudi Arabia
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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 8 January 2009.