

PUBLIC

AI Index: MDE 23/037/2008
14 August 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) - 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

On 9 August, the Jeddah General Court, which sentenced Canadian national Mohamed Kohail and Jordanian national Mehanna Sa'd to death, rejected the recommendations of the Court of Cassation to review their sentences. The case has now been passed back to the Court of Cassation, who could pass it back to the General Court for review again or uphold the sentences. If upheld, the death sentences would be passed to the Supreme Judicial Council for approval. The two men could be executed within weeks.

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 held incommunicado for approximately one and a half months, and beaten in an attempt to make them confess. Their trial before the General Court took place over nine sessions. Their lawyer was allowed to attend only the last one or two, and was not allowed to challenge the evidence brought against his clients. They were sentenced to death in March 2008, and launched an appeal against the sentences, which have failed.

Sultan Kohail, who was arrested with the two others, was sentenced to 200 lashes and one year's imprisonment by the Jeddah Summary Court in April 2008. The case was then passed to the Court of Cassation, which recommended that the case be re-tried by a General Court, which has the power to pass the death sentence against him. His case is now awaiting retrial at a General Court.

A new trial date has not yet been set but Amnesty International has previously expressed concern that if the case was to be re-tried at a General Court, Sultan Kohail could be sentenced to death. As he is 17 years old, sentencing him to death would violate Saudi Arabia's obligations under 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 offences 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 permitted barely 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 66 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 English, Arabic or your own language:

- urging the King to commute the death sentences of Mohamed Kohail and Mehanna Sa'd;
- 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;
- 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
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COPIES TO:

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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 24 September 2008.