

URGENT ACTION

SAUDI ARABIAN AT RISK OF IMMINENT EXECUTION

Saudi Arabian Said Mabkhout al-Sai'ari is at risk of imminent execution. He was sentenced to death after an unfair trial, he exhausted all his appeals and is likely to be executed anytime after 2 July.

Said Mabkhout al-Sai'ari, 29-year-old, was sentenced to death on 25 December 2013 by the General Court in Najran , South West of Saudi Arabia, for the murder of another Saudi Arabian man during a fight that broke-out between members of two tribes on 2 July 2009. Amnesty International has learned that he could be executed soon after the end of Ramadan and Eid celebration that will follow, anytime after 2 July.

Said al-Sai'ari has always maintained his innocence and according to the 86-page court document, the General Court in Najran sentenced him to death despite concluding that there was not enough evidence to convict him. The court relied on the 50-sworn statements of the victim's father who believed that Said al-Sai'ari was responsible for the murder of his son. This consists in expressing 50 times the belief that the accused is the perpetrator, and as such it is admissible as evidence in court regardless of the fact that the victim's father was not present at the crime scene. Said al-Sai'ari did not have access to a lawyer throughout the pre-trial investigation. Following his detention on 2 July 2009, he remained in solitary confinement for at least a month and was only allowed his first contact with his family four months later.

After a back and forth between the General Court in Najran and the Court of Appeal, the death sentence was finally ratified by the Supreme Court on 20 March 2016. On 5 April 2016, the case was sent to the King for ratification. According to information provided to Amnesty International, Said al-Sai'ari's family did not learn that the King had ratified the decision until sometime in August 2016. The case was then sent back from the Ministry of Interior to the Najran Governorate for implementation in mid-November 2016. His execution was postponed for six months after his relatives exerted pressure to delay it. However they were told that he could be executed anytime after 2 July 2017.

Please write immediately in Arabic, English or your own language:

- Urging the King Salman bin Abdul Aziz Al Saud to halt the execution of Said Mabkhout al-Sai'ari and commute his and all other existing death sentences with a view to abolishing the death penalty;
- Reminding the authorities that international human rights law requires trials for crimes carrying the death penalty must comply with the most rigorous internationally recognized standards for fair trial;
- Quash Said Mabkhout al-Sai'ari's conviction and order a re-trial in proceedings which comply with international fair trial standards, and without recourse to the death penalty.

PLEASE SEND APPEALS BEFORE 10 AUGUST 2017 TO:

King and Prime Minister

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 3125 (please keep trying)

Salutation: Your Majesty

Governor of Najran Province

His Royal Highness Prince Jalawi Bin
Abdulaziz Bin Musaed
Najran Province
Kingdom of Saudi Arabia
Phone: +966 1 75221041 (Arabic only)
Fax: +966 1 75221733

Salutation: Your Royal Highness

And copies to:

Minister of Interior
Prince Abdulaziz bin Saud bin Nayef
Ministry of the Interior, P.O. Box 2933,
Airport Road, Riyadh 11134
Kingdom of Saudi Arabia
Fax: +966 11 403 3125
Twitter: @MOISaudiArabia

Also send copies to diplomatic representatives accredited to your country. His Royal Highness Prince Mohammed bin Nawaf bin Abdul Aziz - Ambassador of the Custodian of the Two Holy Mosques in London, Royal Embassy of Saudi Arabia, 30 Charles Street, Mayfair, London, W1J 5DZ tel: 020 7917 3000 or 02079173288, fax 02079173113 email: ukemb@mofa.gov.sa complete the webform here:

<http://embassies.mofa.gov.sa/sites/uk/EN/ContactDiplomaticMission/Pages/ContactWithDiplomaticMission.aspx>; twitter: @SaudiEmbassyUK,

Salutation: Your Royal Highness **Please check with your section office if sending appeals after the above date.**

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

On 23 November 2011, the trial of Said al-Sai'ari started before the General Court in Najran after he was accused of the murder of another Saudi Arabian man. On 25 December 2013, he was found guilty of the murder of Faraj Mubarak under Shari'a principles of *qisas* ("retribution in kind") despite the court concluding that there was not enough evidence to convict him. The court judgement shows that the court relied on a Shari'a law stipulation that, if it is suspected that the accused has killed the victim and there is demonstrated animosity between both parties, then male relatives of the victim can swear under oath at least 50 times expressing their belief that the accused was the perpetrator. In this case the victim's father - being his only male heir - swore 50 times that the accused was responsible for the crime even though he did not witness it. Said al-Sai'ari was eventually sentenced to death.

On 15 January 2014, upon appeal the Court of Appeal sent the case back to the General Court requesting for the judge to look into the appeal note submitted by the defendant. Said al-Sai'ari maintained his innocence arguing that he is not responsible for the death of the victim, implicating another man and calling for new witnesses present at the fight to testify. He also requested a re-examination of the case based on the new evidence. After reviewing the request, the judge of the General Court refused to re-examine the case, stating that the defence note does not change his opinion. On 4 November 2014, the case was again sent back to the Court of Appeal.

On its second review on 11 February 2015, the Court of Appeal sent the case back to the General Court with another set of procedural recommendations. On 25 April 2015, the General Court addressed the Court of Appeal's remarks sending the case back. Finally on 20 March 2016, the Supreme Court upheld the decision, rendering the decision final. On 5 April 2016, the case was sent to the King for ratification, and it was eventually ratified sometime in August 2016. The case was then sent back from the Ministry of Interior to the Najran Governorate for implementation of the sentence in mid-November 2016. His family managed to postpone his execution for six months, but they were told that Said al-Sai'ari will be executed any time after 2 July.

Saudi Arabia is one of the world's most prolific executioners and has put to death more than 400 people since the beginning of 2014, most for murder, drug-related crimes, and terrorism.

Saudi Arabia applies the death penalty to a wide range of offences that are not accepted as "most serious crimes" under international human rights law which are limited to crimes involving intentional killings. These range of offences include adultery, armed robbery, apostasy, drug smuggling, rape, witchcraft and sorcery. Some of these offenses, such as adultery and apostasy, should not even be criminalized at all as they are not internationally recognisable crimes.

The Saudi Arabian authorities generally fail to abide by international standards for fair trial and safeguards for defendants in capital cases. Often trials of capital cases are held in secret, with summary proceedings, and no legal assistance or representation through the various stages of detention and trial. Defendants may be convicted solely on the basis of "confessions" obtained under torture or other ill-treatment, duress or deception. In some cases families are not notified in advance of the execution of their relative.

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