

URGENT ACTION

MAN FACES EXECUTION AFTER GROSSLY UNFAIR TRIAL

A Shi'a man is at risk of execution in Saudi Arabia after he exhausted all his appeals. He was sentenced to death after a grossly unfair trial. He claims he was tortured into "confessing", but his allegation has not been properly investigated.

Yussuf Ali al-Mushaikass, 42, was sentenced to death on 6 January by the Specialized Criminal Court (SCC) in Riyadh, the capital, for offences that included "armed rebellion against the ruler", "destabilizing security and stirring sedition by joining a terrorist group" and "participating in riots". Following his appeal on 1 February his legal representative learned that the sentence had been upheld by both the Court of Appeal and the Supreme Court. The case was later sent to the Ministry of Interior on 20 April raising fears that the sentence will be ratified by the King and Yussuf al-Mushaikass might be executed at any time.

According to the verdict the SCC seems to have based its decision on signed "confessions" which Yussuf al-Mushaikass claims were extracted under torture and other ill-treatment. However, the court did not fully investigate such claims. During the first three months of his incommunicado detention he was held in solitary confinement and interrogated repeatedly. He told the court that he was: subjected to sleep deprivation; hung from the ceiling and beaten with a bamboo cane and electrical cable on different parts of his body; and, handcuffed and forced to lay on the ground while he was severely beaten by four officers from the General Directorate of Investigation (GDI). Under international law, statements elicited as a result of torture, ill-treatment or other forms of coercion must be excluded from evidence in trial proceedings.

Yussuf al-Mushaikass was arrested on 26 February 2014 in Ras Tanura City and taken to the GDI prison in Dammam, both in the Eastern Province. He was placed in solitary confinement and denied access to his legal representation throughout his interrogations. He is still detained in the same prison.

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

- Urging the Saudi Arabian authorities to quash the conviction and death sentence against Yussuf Ali al-Mushaikass, given grave concerns about the fairness of the trial, and, if there is sufficient admissible evidence against him, to retry him in line with international fair trial standards without recourse to the death penalty;
- Calling on them to order a prompt, impartial, independent and effective investigation into his allegation of torture and other ill-treatment;
- Urging them to immediately establish an official moratorium on executions with a view to abolishing the death penalty in Saudi Arabia.

PLEASE SEND APPEALS BEFORE 11 JANUARY 2017 TO:

King and Prime Minister

His Majesty Salman 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 11 403 3125 (please keep trying)
Twitter: @KingSalman
Salutation: Your Majesty

Minister of Interior

His Royal Highness Prince Mohammed bin Naif bin Abdul Aziz Al Saud
Minister of Interior
Ministry of the Interior, P.O. Box 2933,
Airport Road, Riyadh 11134
Kingdom of Saudi Arabia
Fax: +966 11 403 3125
Twitter: @M_Naif_AlSaud
Salutation: Your Excellency

And copies to:

Minister of Justice

His Excellency Dr Walid bin Mohammed bin Saleh Al-Samaani
Ministry of Justice, P.O Box 7775,
University Street, Riyadh 11137
Kingdom of Saudi Arabia
Fax: +966 11 401 1741/ 402 031

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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.

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ADDITIONAL INFORMATION

Saudi Arabians in the Kingdom's predominantly Shi'a Eastern Province have long complained of discrimination and harassment by the authorities. Inspired in part by protests that swept the Middle East and North Africa in 2011, they organized demonstrations to protest at the harassment, arrest and imprisonment of members of the Shi'a community for such things as celebrating Shi'a religious festivals, breaching restrictions on building Shi'a mosques and religious schools, and expressing support for protesters in Bahrain.

The Saudi Arabian authorities have taken repressive measures against people they suspect of taking part in or supporting protests, or expressing views critical of the state. Protesters have been held incommunicado and without charge for days or weeks at a time, and some have said they were tortured and otherwise ill-treated. The security forces have killed at least 20 people connected with protests in the Eastern Province since 2011, and imprisoned hundreds. On 2 January 2016 Sheikh Nimr al-Nimr was executed along with 46 other prisoners. He was one of scores of people sentenced to death in connection with the 2011 and 2012 protests. Three of them, who remain on death row awaiting execution, were arrested for offences committed when they were under 18 and have said that they were tortured to make them "confess". One of these three, Ali al-Nimr, is Sheikh Nimr al-Nimr's nephew (See UA 143/14, <https://www.amnesty.org/en/documents/mde23/014/2014/en/> and UA 229/15, <https://www.amnesty.org/en/documents/mde23/2671/2015/en/>).

Court proceedings in Saudi Arabia fall far short of international fair trial standards. Defendants are rarely allowed formal representation by lawyers, 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 torture.

Yussuf al-Mushaikhass' detention and trial have followed a similar pattern. After his arrest he was placed for almost three months in solitary confinement and denied any access to his family or legal representative. Throughout this period he was repeatedly interrogated and allegedly tortured to force him to confess. He was moved from al-Dammam political prison to the SCC in Riyadh to start his trial on 2 August 2015. He attended his first hearing alone. His legal representative was not even informed about the trial session and only knew about it when Yussuf al-Mushaikhass told him during their weekly phone call. He claimed that he was tortured during interrogations to force him to "confess", and claims he was threatened with more torture before he was taken to court to verify his confessions before the judge. Although the SCC decided to sentence him to death based largely on these confessions, it did not properly investigate Yussuf al-Mushaikhass' claims of torture. According to the court verdict the SCC discarded all his allegations, relying solely on a medical report provided by the medical centre in the GDI prison where he had been detained and tortured into confessing. When his legal representative requested a counter opinion by an independent doctor outside of the prison, the judge rejected the request stating "this is all we have".

The death penalty is a cruel, inhuman and degrading punishment. Amnesty International opposes the death penalty at all times, regardless of who is accused, the crime, their guilt or innocence or the method of execution. Saudi Arabia is one of the top executioners in the world, with more than 2,000 people executed between 1985 and 2016.

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