

URGENT ACTION

SAUDI MAN FACES EXECUTION AFTER UNFAIR TRIALS

A Saudi Arabian man is at risk of imminent execution after exhausting all his appeals. He was tortured while in detention and sentenced to death twice in unfair trials. He could be executed within a month.

Mabruk bin Ali al-Sai'ari, a 41-year-old Saudi Arabian man who is married with two children, was sentenced to death, again, on 14 January 2012 by the General Court in Najran, close to the Yemeni border in south-west Saudi Arabia, for the alleged murder of a Yemeni man. He had been convicted of the same offence in two previous trials, but has always maintained his innocence. He has been told that his sentence was upheld by the Supreme Court and ratified by the King. His execution was first scheduled for September 2013, but was postponed for three months after his relatives exerted pressure to delay it. He was told that he will be executed within the next few weeks.

Mabruk bin Ali al-Sai'ari did not have access to a lawyer throughout the pre-trial investigation, nor during any of his three trials. He refused to confess to the crime despite reportedly being beaten and electrocuted during interrogations in pre-trial detention. He was sentenced to death based on self-contradictory evidence provided by one witness and sworn statements from four male relatives of the victim, none of whom was present at the crime scene.

Mabruk bin Ali al-Sai'ari, together with a second defendant, **Said bin Aoun bin Abdullah al-Sai'ari**, had originally been sentenced in 2004 to four years in prison and 3,500 lashes for the alleged murder. Days before they were due to be released at the end of their sentences, the family of the victim requested their conviction under *qisas*. In the most recent trial Mabruk al-Sai'ari was sentenced to death. Said al-Sai'ari was acquitted due to lack of evidence, but remains in prison.

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

- Urging the King to halt the execution of Mabruk bin Ali al-Sai'ari and commute his and all other existing death sentences;
- Calling on the authorities to open without further delay an impartial and independent investigation into allegations of torture against Mabruk bin Ali al-Sai'ari;
- Reminding the authorities that they are bound by international standards for fair trial in all criminal cases, which include that in capital trials the death penalty can only be imposed after a fair trial in which the defendant is provided with "adequate legal assistance at all stages of the proceedings".

PLEASE SEND APPEALS BEFORE 10 DECEMBER 2013 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 Mish'al bin
Abdullah bin Abdul Aziz Al Saud
Najran Province
King Abdul Aziz Street, Najran
Kingdom of Saudi Arabia
Phone: +966 1 75221041 (Arabic only)
Salutation: **Your Royal Highness**

And copies to:

Minister of the Interior

His Royal Highness Prince Mohammed
bin Naif bin Abdul Aziz Al Saud
Ministry of the Interior, P.O. Box 2933,
Airport Road, Riyadh 11134
Kingdom of Saudi Arabia
Fax: +966 11 403 3125 (keep trying)

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Mabruk bin Ali al-Sai'ari and Said bin Aoun bin Abdullah al-Sai'ari were both accused of armed robbery resulting in the murder of a Yemeni man, Nasser al-Ubeidi. The General Court in Najran on 14 December 2004 rejected the charge of armed robbery, which would have been punishable by death, and sentenced both of them to four years in prison and 3,500 lashes. These sentences were upheld by the Supreme Court on 9 October 2005.

Days before their expected release, the family of the victim requested that they should be sentenced to death under Shari'a principles of *qisas* ("retribution in kind"). Their case was reopened before the General Court in Najran, which in a second trial dismissed the *qisas* punishment, but sentenced both men to death for armed robbery on 18 June 2007. The Supreme Court also upheld this second decision, on 3 November 2007. However, on 8 September 2008 the President of the Regional Courts refused to carry out the sentence, ruling that it had been unlawfully applied because the Saudi Arabian Law of Criminal Procedure stipulates that cases should not be reconsidered after a final decision has been issued by the Supreme Court. On 1 January 2010 the case was sent before the Supreme Judicial Council for review, and on 15 May 2010 the First Criminal Chamber of the Supreme Court ordered that a court review the case again and look into the private rights of the victim's family (*qisas*).

On 17 October 2011, the General Court in Najran opened a third trial against Mabruk and Said al-Sai'ari. On 14 January 2012, the court sentenced Mabruk al-Sai'ari to death under *qisas*. Said al-Sai'ari was acquitted this time, for lack of evidence. In its ruling the court relied on a Shari'a 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 and this is admissible as evidence in court. Four members of the victim's family each swore 13 times – amounting to a collective total of 52 times – that the accused was responsible for the crime even though none of them witnessed it. The sentence was reportedly upheld by the Supreme Court and ratified by the King, raising fears that Mabruk al-Sai'ari will be executed within the next few weeks. Said al-Sai'ari is still detained in Najran prison despite his acquittal.

Saudi Arabia has one of the highest execution rates in the world. Since 2011, Amnesty International has recorded a sharp increase in the rate of executions. A total of at least 161 executions were recorded for the two years 2011 and 2012. So far at least 70 people have been executed in 2013. The real number of executions is feared to be higher, as reports of secret executions have emerged.

Saudi Arabia applies the death penalty to a wide range of offences that are not accepted as "most serious crimes" under international standards for applying the death penalty, as this is limited to crimes involving intentional killings under international minimum standards. These 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.

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. Foreign nationals with no knowledge of Arabic - the language of pre-trial interrogation and trial hearings - are often denied adequate interpretation facilities. In some cases families are not notified in advance of the execution of their relative.

Names: Mabruk bin Ali al-Sai'ari; Said bin Aoun bin Abdullah al-Sai'ari

Gender m/f: both male

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