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Public Statement

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Yemen: Amnesty International deplores execution after unfair trial

Amnesty International greatly deplores the execution of Fuad 'Ali Mohsen al-Shahari, who was executed by firing squad in Taiz this morning. A lawyer and former member of the opposition Socialist Party, he had been on death row for over nine years. He was sentenced to death for murder in 1996 at the end of a grossly unfair trial.

The execution was carried out despite many appeals by Amnesty International and others, including the European Union, and Yemen's own Human Rights Ministry, one of the country's leading judges and Yemeni human rights groups.

Fuad al-Shahari was sentenced to death in November 1996 when he was convicted of the murder of Captain Mohammed al-'Ameri, a security official and member of the ruling General People's Congress Party, during a gun battle earlier that year. After his arrest, Fuad al-Shahari was held incommunicado for one month during which, he alleged, he was tortured and forced to confess to the killing, which he denied committing. This "confession" – four different versions were said to have been included in the charge sheets - reportedly formed the basis for his conviction. The court failed to investigate his allegations of torture and prospective defence witnesses were said to have been deterred from appearing to give evidence by the presence of armed men in the court.

Despite this, the Court of Appeal upheld the death sentence in May 1999. A further appeal was rejected by the Supreme Court in March 2004, though by the Commercial Division not by the Criminal Division of the court that would normally consider such cases. Yemeni President Ali Abdullah Saleh ratified the death sentence on 6 September 2005 after the Attorney General's office reported that it had reviewed the case on the President's instructions but found no procedural errors.

This morning, two hours before he was executed, lawyers acting for Fuad al-Shahari sought to obtain a court injunction to prevent his execution, in accordance with Article 529 of Yemen's Penal Code. The Code provides that in such cases, execution should be deferred pending the court's consideration of the defence petition, but in this case the execution proceeded as planned.

Fuad al-Shahari's involvement in the largely southerner-dominated Socialist Party, which fought and lost a bitter civil war in 1994 against the northern-based General People's Congress, together with the unfair nature of his trial, has long given rise to concerns that the case against him may have been politically-motivated or influenced by tribal factors.

