

EXTERNAL (for general distribution)

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UA 13/94 Death Penalty

14 January 1994

UNITED ARAB EMIRATES Mashal Badr al-Hamati

Amnesty International is dismayed to learn that the death sentence passed by a court in Abu Dhabi in 1991 upon Mashal Badr al-Hamati, a young Yemeni national convicted of murder, has been upheld by the Supreme Court. The case has now been passed to His Highness al-Sheikh Zayed Bin Sultan Al Nahyan for final confirmation.

Amnesty International is concerned by the fact that Mashal Badr al-Hamati was just 17 years old when the offence for which he was convicted was committed, and that there are aspects of the case which have not been clarified, such as the disputed circumstances of the killing itself.

The execution of people under 18 years of age at the time of the commission of the crime is expressly forbidden under international human rights law. One such instrument is Article 3 of the "Safeguards guaranteeing protection of the rights of those facing the death penalty" approved by the United Nations Economic and Social Council in May 1984 (Resolution 1984/50) which states that "Persons below 18 years of age at the time of the commission of the crime shall not be sentenced to death...".

BACKGROUND INFORMATION

Amnesty International does not condone crimes of violence but opposes the death penalty in all cases because it believes it to be the ultimate form of cruel, inhuman and degrading punishment and a violation of the right to life guaranteed by Article 3 of the Universal Declaration of Human Rights. In addition, the organization stresses that empirical evidence has failed to establish that the death penalty is a more effective deterrent to crime than other punishments.

If this death sentence were carried out the United Arab Emirates would become one of the few countries which are known to have executed juvenile offenders in the last five years (these countries are USA, Nigeria, Pakistan, Iran, Iraq, Saudi Arabia and Yemen) and would be going against the worldwide trend toward a reduction in the use of the death penalty and its abolition.

RECOMMENDED ACTION: Please send telegrams, telexes and airmail letters either in English or in your own language:

- urging that the President of the United Arab Emirates exercises his right to grant clemency and commute this death sentence;
- referring to the international standard cited above which prohibits the imposition of a sentence of death on people under the age of 18 at the time

of the commission of the crime;

- expressing concern that the circumstances of the killing itself have not yet been clarified;
- acknowledging the serious nature of the crime in this case, but stating that Amnesty International opposes the death penalty in all cases as the most extreme form of cruel, inhuman and degrading punishment and a violation of the right to life as guaranteed by Article 3 of the Universal Declaration of Human Rights and considers that it is not an effective deterrent to violent crime.

APPEALS TO

His Highness
al-Sheikh Zayed Bin Sultan Al Nahyan
President of the United Arab Emirates
Ruler of Abu Dhabi
Manhal Palace
P O Box 280
Abu Dhabi, The United Arab Emirates

Telegrams: President Al Nahyan, Abu Dhabi, UAE

Telexes: 22220 PALACE EM

Salutation: Your Highness

COPIES TO: to diplomatic representatives of the United Arab Emirates
accredited to your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 25 February 1994.