

PUBLIC

AI Index: MDE 31/01/99

EXTRA 02/99 Fear of imminent execution / Legal concern / Fear of torture

8 January 1999

YEMEN Abu al-Hassan al-Medhar

Ahmed Mohammad Ali Atif

Sa'ad Mohammad Ali Atif

Mohsin Ghalain, British, 18

Shahid Butt, British, 33, married with 4 children

Malik Nassar Harhra, British, 26

Ghulam Hussein, British, 25, married

Samad Ahmed, British, 21

Amnesty International is deeply concerned that all or some of the above-named people may be at risk of imminent execution. Some of the detainees have allegedly been tortured and all remain at serious risk of torture.

Concerns have been heightened by an apparent emerging trend in Yemen of speedy and summary trials and executions, especially in highly-publicised cases.

Among those thought to be at risk of imminent execution if found guilty are Abu al-Hassan al-Medhar, Ahmed Mohammad Ali Atif and Sa'ad Mohammad Ali Atif. They were arrested in late December 1998 in connection with the kidnapping of 16 tourists and subsequent armed clash which resulted in a number of deaths.

In a letter dated 31 December, Amnesty International sought assurances from the Yemeni government that proceedings against the detainees would take place in accordance with international standards for fair trial.

The organization remains concerned at reports that the detainees have been held in lengthy incommunicado detention, some in shackles. They have reportedly also been denied access to lawyers, and statements allegedly made by the defendants appear to have been released to the press by the official interrogators. Such practices compromise the fairness of judicial proceedings against the defendants and the right to be presumed innocent until proven guilty.

Mohsin Ghalain, Shahid Butt, Malik Nassar Harhra, Ghulam Hussein and Samad Ahmed were also reportedly arrested in late December, before the kidnapping incident. They are held on suspicion of planning bomb attacks in Aden and having links with the group which carried out the kidnapping. Unconfirmed reports state that these detainees may face immediate trial and possible death sentences.

Some of them have allegedly been tortured and all are feared to remain at risk of torture. They are being held in incommunicado detention, and have not had access to legal assistance, in breach of international standards for fair trial.

A number of others were also said to have been arrested on the same grounds. They include Lebourdice Pierrick James, a French national. Amnesty International does currently not have any further information about them or their whereabouts.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Arabic, English or your own language:

- expressing concern that all or some of the above-named may be at risk of imminent execution;

- acknowledging the Yemeni government's right to bring to justice anyone found responsible for recognizably criminal offences, but expressing your unconditional opposition to the death penalty in all cases as it violates the right to life;
- reminding the government of international standards for fair trial in capital cases, including the right to legal assistance at all stages of the proceedings, the right to appeal, and the right to seek pardon or commutation of the sentence;
- calling for a prompt independent investigation into the allegations that some of the detainees have been tortured, and that anyone found guilty of torture be brought to justice;
- seeking assurances that all the detainees are being treated humanely and are given immediate access to family members, lawyers and doctors;
- reminding the government of Yemen of its commitment to the Universal Declaration of Human Rights, in particular Article 3: "Everyone has the right to life..."

APPEALS TO:

General 'Ali 'Abdullah Saleh, President of the Republic of Yemen, Sana'a, The Republic of Yemen

Telegrams: President 'Ali 'Abdullah Saleh, Sana'a, Republic of Yemen
Telexes: 2422 RIASAH YE
Faxes: +967 1 274 147
Salutation: Your Excellency

Dr 'Abd al-Karim al-Iryani, Prime Minister of the Republic of Yemen
 Sana'a, The Republic of Yemen

Faxes: +967 1 209 518
Salutation: Your Excellency

Minister of Interior, Hussain Muhammad 'Arab, Ministry of Interior, Sana'a, The Republic of Yemen

Telegrams: Interior Minister, Sana'a, Yemen
Faxes: +967 1 251 529 / 251 566
Salutation: Your Excellency

COPIES TO: diplomatic representatives of Yemen accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 February 1999.

"Everyone has the right to life"

Article

3, Universal Declaration of Human Rights

Visit the Amnesty International UDHR campaign website on <http://www.amnesty.excite.com>