

PUBLIC

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Fear of imminent execution

13 June 2000

YEMEN

'Abdullah Mohammad Ahmad Shayban, aged 28

'Abdullah Mohammad Ahmad Shayban, who was sentenced to death in 1997, is reported to be at risk of imminent execution. His death sentence was upheld by the Supreme Court in February, and has now been referred to the President for ratification. If the President ratifies his sentence, he could be executed at any time.

'Abdullah Mohammad Ahmad Shayban was convicted of murder and sentenced to death by the Court of First Instance. He appealed on the grounds that he had acted in self-defence, and the Appeal court reduced his sentence to five years' imprisonment and payment of "blood money" (*diyya*). However, the Supreme Court later overturned the Appeal Court's verdict, and upheld the death penalty.

The fact that these two courts reached differing verdicts based on the same evidence clearly suggests that the trial of Abdullah Mohammad Ahmad Shayban was in breach of UN safeguards, which state that "Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts." (UN resolution 1984/50 on safeguards guaranteeing the protection of those facing the death penalty, paragraph 4)

BACKGROUND INFORMATION

While Amnesty International recognizes the rights and responsibilities of all governments to bring to justice those suspected of criminal offences, it is unconditionally opposed to the death penalty in all cases as the ultimate violation of the right to life, as enshrined in the Universal Declaration of Human Rights.

Amnesty International has long-standing concerns regarding the use of the death penalty in Yemen, particularly as death sentences are often passed after trials which fail to meet international standards for fair trial.

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

- expressing concern that 'Abdullah Mohammad Ahmad Shayban may be facing imminent execution and urging that his death sentence be commuted to a more humane punishment;
- 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 a violation of 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.

APPEALS TO:

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

Telegrams: President 'Ali 'Abdullah Saleh, Sana'a, 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
Republic of Yemen

Faxes: +967 1 282 669

Salutation: Your Excellency

Minister of Interior
Hussain Muhammad 'Arab
Ministry of Interior
Sana'a
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 11 July 2000.