

EXTERNAL

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EXTRA 128/96

Death penalty / Legal concern

15 August 1996

YEMEN3 soldiers (names unknown)

Three members of Yemen's armed forces are reported to have been sentenced to death after a trial which Amnesty International fears may have violated internationally recognized standards for fair trial.

The three men were convicted of killing six civilians and injuring two others during a dispute in Bajel, al-Hodeida province on 3 August 1996. The dispute is reported to have begun when the soldiers were refused accommodation for the night at a small hotel due to lack of space. An argument with the owner of the hotel ensued and when other members of the public arrived to try to calm the situation, one of the soldiers is believed to have opened fire on them. The other two soldiers are reported to have joined in the shooting which resulted in six deaths and two casualties.

The trial procedures began within days of the incident after President Ali Abdullah Saleh reportedly issued directives ordering that the perpetrators be brought to justice promptly. One of the men was tried *in absentia*. The three were sentenced to death and their sentences were upheld by the court of Appeal in al-Hodeida on 11 August 1996. The case must now appear before the Supreme Court before the judgement is ratified by the President.

Amnesty International fears that the length of the trial may not have been sufficient to allow for proper investigation and for procedures to conform to international standards. Specifically, the proceedings may have contravened principles 4 and 5 of the Safeguards guaranteeing protection of the rights of those facing the death penalty, approved by Economic and Social Council Resolution 1984/50 of 25 May 1984, which state that:

Paragraph 4: "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."

Paragraph 5: "Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings."

Amnesty International recognizes the rights and responsibilities of governments to bring to justice those suspected of criminal offences, but opposes the death penalty in all cases as the ultimate violation of the right to life as laid out in the Universal Declaration of Human Rights.

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

- expressing concern at the three death sentences and urging that they be commuted if upheld by the Supreme Court;
- expressing concern that the trial may not have met internationally recognized standards for fair trial particularly since the trial and appeal appear to have been concluded within eight days of the event;

- explaining your unconditional opposition to the death penalty, and drawing attention to worldwide trends to abolish or reduce the death penalty, the desirability of which was reaffirmed in Resolution 32/61 of 8 December 1977 of the United Nations General Assembly;
- calling for the commutation of all death sentences passed in Yemen.

APPEALS TO:

His Excellency

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

Faxes: +967 1 262 017

Telexes: 2422 RIASAH YE

Salutation: Your Excellency

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

Faxes: +967 1 251 529; 252 566

Telegrams: Interior Minister, Sana'a, Republic of Yemen

Salutation: Dear Minister

Minister of Justice
'Abd al-Wahab Lutfi al-Daylami
Ministry of Justice
Sana'a, The Republic of Yemen

Telegrams: Justice Minister, Sana'a, Republic of Yemen

Faxes: +967 1 252 138

Salutation: Dear Minister

and 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 20 September 1996.