

EXTERNAL (for general distribution)

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UA 401/92 Death Penalty

18 December 1992

YEMEN:

'Abdul-Karim Muhammad 'Alwan	'Abdul-Wahab Ahmad Hussein al-Faqih
'Ali Muhammad Hussein Maghiniz	Ahmad Ahmad Mazeed
Yahya Najji Muhammad al-Asadi	'Abdullah Hussein 'Ayqan Qasim
'Ali 'Abdullah al-Faqih	Muhammad Ahmad 'Ali Yahya
'Ali Saleh 'Abdullah	'Amer Ahmad Muhammad al-Sahmi
Suleiman Haydar Jaber Qabis	Salah 'Ali Ahmad al-Sa'idi
Ahmad Yahya Shalfan	Naji Muhammad al-Sambali
Ahmad 'Abdul-Jalil Ahmad Qasim	Muhammad 'Abdullah al-Sha'iri
Muhammad Saleh Mu'awad	Heza' 'Abdul-Karim al-Janid
Hadi 'Ali al-Qadimi	Ahmad 'Abdul-Wali al-Ruri
Muhammad Hammoud al-Darrab	Isma'il 'Ali Abu-Zayd
Muqbil 'Amer Ahmad Raha	'Abdul-Wahhad Nather Silan
Ahmad Qa'id al-Hubayshi	

Amnesty International has learned that the ruling Presidential Council in Yemen has ratified the death sentences of the 25 men named above reportedly in the first half of December. Their execution may be imminent.

The 25 men, all convicted of murder, were sentenced to death at various times since the early and mid-1980s in the Yemen Arab Republic (YAR) prior to the YAR's unification with the former People's Democratic Republic of Yemen (PDRY) in May 1990. According to the Unity Agreement the legal systems of the former PDRY and the former YAR should remain separate pending an agreement on a common Penal Code and Criminal Procedures Code. To date these codes have not been promulgated by the unified Republic of Yemen.

In order to be imposed death sentences in the Republic of Yemen must first be passed by a Court of First Instance, then upheld by a Provincial Appeal Court and by the Supreme Court in Sana'a, before the final ratification by the Presidential Council. Once the Presidential Council has ratified the sentence, the decision is passed on to local authorities and arrangements are made for the execution.

BACKGROUND INFORMATION

There are reportedly hundreds, and possibly as many as one thousand, death sentences currently at various stages in the appeals process. In addition to its opposition to the death penalty Amnesty International is concerned that the trials of the above may have been inconsistent with international standards for fair trial. In the former YAR false testimony and statements extracted under torture to convict people in court was widespread. The sentence of above

named Yahya Naji Muhammad al-Asadi, for example, has been ratified despite the fact that prosecution witnesses have reportedly retracted their testimony.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman, and degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights.

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

- urging the commutation of the death sentences imposed on the 25 men;
- seeking details of trial and appeals procedures followed in each case;

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- calling for the commutation of all death sentences passed in Yemen.

APPEALS TO:

1) His Excellency General 'Ali 'Abdullah Saleh
Chairman of the Presidential Council
Sana'a
The Republic of Yemen

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

Faxes: + 967 1 262 017

Telexes: 2422 RIASAH YE

Salutation: Your Excellency

2) His Excellency Haydar Abu Bakr al-'Attas
Chairman of the Council of Ministers
Sana'a
Republic of Yemen

Telegrams: His Excellency Haydar Abu Bakr al-'Attas, San'a

Faxes: + 967 1 201 518

Salutation: Your Excellency

COPIES OF YOUR APPEALS TO: diplomatic representatives of the Republic of Yemen accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 January 1993.