

URGENT ACTION

HALT TO EXECUTION OF JUVENILE OFFENDER

An alleged juvenile offender in Yemen has had his execution halted, and his case will now be re-examined by the courts. Another alleged juvenile offender, however, continues to be at imminent risk of execution.

Fuad Ahmed Ali Abdulla had his execution halted on 18 December, a day before his death sentence was due to be carried out and the case will now be re-examined by the courts. Fuad Ahmed Ali Abdulla was sentenced to death after being convicted of a murder he was alleged to have committed while still under 18 years of age.

Although the court considered that he was over 18 years old at the time of the alleged crime, it is unclear how it determined this. Amnesty International has been told that his birth certificate states he was born in 1988 and that his alleged crime took place in June 2004, meaning that he would have been 16 or 17 years old at the time and would be around 22 years old now. He is being held in Ta'izz prison, in the south-west of Yemen.

Muhammed Taher Thabet Samoum was alleged to have committed a murder in May 2002. He maintains that he is aged around 24 years old, which would have made him around 15 years old at the time of the offence. He does not have a birth certificate. The President of Yemen has ratified his death sentence and he continues to be at imminent risk of execution. He is being held in Ibb prison, in the south-west of Yemen.

Amnesty International is aware of at least eight other people who are possible juvenile offenders on death row in Yemen. Yemen is a state party to the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, both of which expressly prohibit the execution of juvenile offenders – those convicted of crimes committed when they were under 18 years of age. The application of the death penalty on juvenile offenders is also expressly prohibited in Article 31 of Yemen's Penal Code.

PLEASE WRITE IMMEDIATELY in Arabic, English or your own language:

- Welcoming the halt to the execution of Fuad Ahmed Ali Abdulla and the forthcoming review of his case;
- Calling on the President of Yemen to halt the execution of Muhammed Taher Thabet Samoum;
- Calling on the authorities to commute the death sentences of Fuad Ahmed Ali Abdulla and Muhammed Taher Thabet Samoum;
- Reminding the authorities that they should act in accordance with their obligations under international law, particularly Article 37 of the Convention on the Rights of the Child and Article 6 of the International Covenant on Civil and Political Rights, and end the use of the death penalty against juvenile offenders.

PLEASE SEND APPEALS BEFORE 31 JANUARY 2011 TO:

President

His Excellency Ali Abdullah Saleh
Office of the President of the Republic
of Yemen
Sana'a
Republic of Yemen
Fax: +967 1 274 147
Salutation: Your Excellency

Attorney General

His Excellency 'Abdullah al-'Ulufi
Office of the Attorney General
Sana'a
Republic of Yemen
Fax: + 967 1 374 412
Salutation: Your Excellency

And copies to:

Minister of Human Rights
Her Excellency Dr Huda Ali Abdullatef
Alban
Ministry for Human Rights
Sana'a, Republic of Yemen
Fax: +967 1 419 700 (please keep
trying)
Email: mshr@y.net.ye
Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the first update of UA 260/10. Further information: <http://www.amnesty.org/en/library/info/MDE31/016/2010>

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ADDITIONAL INFORMATION

Yemen has made significant progress in the prohibition of the use of the death penalty against juveniles, but courts continue to sentence alleged juvenile offenders to death. The legal progress to prohibit the use of the death penalty against juveniles followed the ratification of the Convention on the Rights of the Child by the government in 1991. At that time the prohibition of the use of the death penalty against juveniles was limited to offenders below the age of 15 at the time of the crime. However, this categorical prohibition was extended in 1994 to include individuals below the age of 18 at the time of the commission of capital offences. This is stipulated in Article 31 of the Penal Code, Law 12 of 1994, and marks a positive progress bringing Yemen's laws into line with Article 37 of the Convention on the Rights of the Child and Article 6 of the International Covenant on Civil and Political Rights, both of which categorically prohibit the use of the death penalty against anyone under 18 years of age at the time of commission of any crime.

Yemen's legislative progress in this regard has not been consistently matched by the practice of the courts, which have sometimes imposed the death penalty on offenders who were below the age of 18 at the time of the offence.

Amnesty International has long-standing concerns about the use of the death penalty in Yemen, particularly as death sentences are often passed after proceedings which fall short of international standards for fair trial.

In 2009, at least 53 people were sentenced to death and at least 30 people were executed. In 2010 so far, at least 14 people have been executed. Hundreds of people are believed to be on death row.

Amnesty International acknowledges the right and responsibility of governments to bring to justice those suspected of recognizably criminal offences, but is unconditionally opposed to the death penalty in all cases as the ultimate cruel, inhuman or degrading punishment, and as a violation of the right to life.

Further information on UA: 260/10 Index: MDE 31/017/2010 Issue Date: 20 December 2010

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