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### **Yemen: Sentenced to death after unfair trials**

Three men have been sentenced to death in Yemen following initial trial proceedings in two separate cases that failed to meet international standards for fair trial. International law requires that the death penalty should not be imposed if the trial is unfair in anyway.

Given the substantial flaws in the initial trials it is vital that at the very least the appeals process be conducted in accordance with international standards. In any event, should the death sentences be upheld by the appeal court, Amnesty International (AI) believes that the government of Yemen should ensure that the death sentences are commuted.

Hizam Saleh Megalli was tried along with 14 others in connection with the bombing of the Limberg, a French oil tanker, in Yemen on 6 October 2002, which killed one crew member. He was sentenced to death and the other fourteen, including one tried in absentia, were sentenced to prison terms ranging between three and 10 years.

In a separate case Jamal Al Badawi and Abd Al Rahim Al Nashiri, were sentenced to death on 29 September 2004 in connection with the bombing of the USS Cole, a US warship, on 12 October 2000. The USS Cole was refuelling in Aden Harbour, Yemen, when two men on a small craft laden with explosives collided into the warship, killing 17 US soldiers. The other four men being tried for the bombing have been sentenced to prison terms ranging between five and ten years. Abd Al Rahim Al Nashiri was tried and sentenced in absentia. He is reported to be detained by the US authorities, but his exact whereabouts are unknown to AI. The lawyers in both cases are understood to have appealed the verdicts.

AI recognises the right and responsibility of governments to bring to justice those suspected of a recognisable criminal offence in accordance with international standards, but opposes the death penalty in all cases. The death sentences should not be upheld as they are a violation of the right to life.

Hearings in the two trials have been affected by serious irregularities. In both cases, defence lawyers complained that they were not given the same rights as the prosecuting team of lawyers. They were not allowed to meet with their clients in private at their place of imprisonment and instead were only allowed to speak with them during court hearings.

Concerned by the trial irregularities, a number of lawyers boycotted the hearings and later withdrew from the defence teams. In a statement issued to the press, the defending team in the Limberg trial said, "We found ourselves standing before a state security court that lacks the least guarantees for a fair trial".

Lawyers in the USS Cole trial told AI that they were denied full access to their clients' files, despite the prosecution team having been allowed to examine the papers. They were eventually given access only to selective documents. The lawyers also complained that the main evidence against their clients was based on statements allegedly made to the Security Forces and the Prosecution. The defendants are said to have denied making such statements and had apparently refused to sign them.

Some of the men in the Limberg trial also alleged that they were tortured during interrogations at the Political Security Prison in Sanaa. They had repeatedly asked to be moved to the Central Prison, a civilian prison in Sanaa, but this request was denied.

The appeal process in both the Limberg and USS Cole cases is now under way. It is vital that lawyers and defendants in both cases be given full access to all the evidence against them and an effective opportunity to exercise their right to defence in a transparent process.