

PUBLIC

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EXTRA 133/99

Death Penalty / Possible imminent execution

17 September

GUYANA Abdool Saleem Yasseen

Noel Thomas

Amnesty International is concerned that Abdool Saleem Yasseen and Noel Thomas may be imminently hanged despite the fact that the Human Rights Committee (an international human rights body) has found that they did not receive a fair trial and recommended that they be released.

They were convicted of the murder of Kaleem Yasseen (Abdool Saleem Yasseen's half brother) in 1987.

Both men received stays of execution hours before they were scheduled to hang on 13 September 1999 after their lawyers filed motions with the national courts challenging the constitutionality of executing them. The national courts began hearing the motions on 17 September.

In March 1998 the Human Rights Committee ruled that the fundamental rights of the two men guaranteed under the International Covenant on Civil and Political Rights (ICCPR) had been violated. It ruled that their right to a fair trial had been violated because Mr Yasseen was not allowed legal representation for the first four days of his trial and police diaries and notebooks which may have contained evidence in their favour went missing, impeding preparation for their defence. The body also found that the conditions of detention violated their right to be treated with respect for the inherent dignity of the human person.

If the state proceeds with the executions it will directly violate their obligations under international law. Article 6 of the ICCPR states that the death penalty can not be implemented against a person whose rights protected by the ICCPR have been violated. Article 2 of the ICCPR states the government is under a duty to provide remedy for violations of the ICCPR.

BACKGROUND INFORMATION

The Human Rights Committee considers petitions filed by people under the jurisdiction of states which are party to the Optional Protocol to the ICCPR.

Guyana was a party to the Optional Protocol of the ICCPR until December 1998, when it withdrew and re-acceded with a reservation precluding the Human Rights Committee from considering petitions filed by people under sentence of death. The Human Rights Committee still has jurisdiction over all cases filed by people under sentence of death before the government withdrew.

Abdool Saleem Yasseen and Noel Thomas's case was the first case from Guyana to be considered by the Human Rights Committee. The government has stated that it withdrew the right of people under sentence of death to petition the Committee because of the decision in this case.

Michael Archer and Peter Adams were the last people to be hanged in Guyana, in August 1997.

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

- calling on the government not to issue further warrants for the execution of Abdool Saleem Yasseen and Noel Thomas and to commute their death sentences;

- reminding the government that the Human Rights Committee ruled that both men had been subjected to serious human rights violations in breach of the International Covenant on Civil and Political Rights, including the right to a fair trial;
- reminding the government that under Article 6 of the ICCPR the death penalty can not be carried out on a person whose rights protected under the ICCPR have been violated;
- reminding the government that under Article 2 of the ICCPR it is under a duty to provide remedy for violations of the ICCPR;
- expressing sympathy for the family and friends of Kaleem Yasseen but stating your opposition to the death penalty as the ultimate cruel, inhuman and degrading punishment which violates the right to life and brutalises all involved in it's process;
- calling on the government to implement the recommendation of the United Nations Commission on Human Rights by establishing a moratorium on executions with a view to completely abolishing the death penalty.

APPEALS TO:

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Telegrams:President, Georgetown, Guyana
Faxes:+ 592 2 69969
Salutation:Your excellency

Samuel Hinds
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COPIES TO:

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and to diplomatic representatives of Guyana accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.