

URGENT ACTION

THREE MEN AT RISK OF IMMINENT EXECUTION

Three Yemeni men are at risk of imminent execution in the coming week after local authorities informed them and their families that they have received orders to carry out their executions. One of the men claims to have been a juvenile at the time of the alleged crime.

The two brothers, **Abdul Bari Mahmoud Abdul Hamid** and **Ahmad Mahmoud Abdul Hamid**, and their cousin **Abdul Jalil Hammoud Abdul Haq**, were told by the prosecutor's office in Ta'izz they would be executed during the next week for a crime they allegedly committed in 1995. Their family members were notified of the news and told that they should visit them. The three men have been held in the Central Prison in the south-western Yemeni city of Ta'izz since 1995. Abdul Bari Mahmoud Abdul Hamid claims to have been only 16 years old at the time of the incident in 1995 but does not have a birth certificate and, until lately, was not aware of the prohibition of the use of the death penalty against juvenile offenders (those convicted of crimes committed when they were under 18 years old) in Yemeni law.

The three men had no legal representation when they were sentenced to death by the First Instance Court in Ta'izz on 7 September 1996 for the murder of three men and destruction of property. After hiring a lawyer, the men were able to successfully appeal their case and the Appeal Court in Ta'izz sentenced them to pay financial compensation on 5 June 2000, citing contradictions in eyewitness testimonies that had constituted the main source of evidence for the First Instance Court's ruling. The Supreme Court returned the case back to the Appeal Court in 2001, which subsequently reinstated the First Instance Court's death sentence on 25 June 2003. The Supreme Court approved the sentence on 30 May 2004, which is the same year the previous Yemeni President ratified the death sentence.

Please write immediately in Arabic, English or your own language:

- Calling on the president to halt the execution of Abdul Bari Mahmoud Abdul Hamid, Ahmad Mahmoud Abdul Hamid, and Abdul Jalil Hammoud Abdul Haq;
- Calling on the authorities to commute the death sentences of the three men, as well as those of all other prisoners under sentence of death;
- Reminding them that they are bound by international standards of fair trial in capital cases, including the right to be presumed to be under the age of majority when in doubt and the right to seek pardon or commutation of the sentence;
- Urging the president to stop ratifying death sentences and establish a moratorium on executions, with a view to completely abolishing the death penalty.

PLEASE SEND APPEALS BEFORE 28 JUNE 2013 TO:

President

His Excellency Abd Rabbu Mansour al-Hadi
Office of the President
Sana'a, Republic of Yemen
Fax: +967 1 274 147 (please keep trying)
Salutation: Your Excellency

Attorney General

His Excellency Ali Ahmed Nasser al-Awash
Attorney General's Office
Sana'a, Republic of Yemen
Fax: + 967 1 374 412 (please keep trying)
Salutation: Your Excellency

And copies to:

Minister of Justice
His Excellency Murshed Ali al-Arashani
Ministry of Justice
Sana'a, Republic of Yemen
Fax: +967 1 222 015 (please keep trying)
Email: moj@yemen.net.ye

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

THREE MEN AT RISK OF IMMINENT EXECUTION

ADDITIONAL INFORMATION

Yemeni law prohibits the use of the death penalty against juvenile offenders (those convicted of crimes committed when they were under 18 years old). However, in practice some courts in Yemen are still imposing the death penalty on defendants who may have been under the age of 18 at the time of the offence. In many areas of Yemen, birth certificates are not issued or sought by families, creating confusion around the date of birth of alleged young offenders. Prosecutors typically hire medical examiners who in many cases have been accused of drawing biased conclusions that support the prosecution's view on the age of the defendant. In February 2013, the Yemeni President ordered the halt of executions of all convicted prisoners whose ages are in dispute until the formation of a medical committee vested with powers to examine and decide age of alleged offenders

Yemen has made some progress in the legal prohibition of the use of the death penalty against juvenile offenders (those convicted of crimes committed when they were under 18 years of age). It also ratified the Convention on the Rights of the Child in 1991. At the time, the prohibition of the use of the death penalty against juveniles was limited to offenders below the age of 15. However, this was extended in 1994 to include those below the age of 18 at the time of their crime. This was stipulated in Article 31 of the Penal Code, Law 12 of 1994, and marked progress in bringing Yemen's laws into line with both Article 37 of the Convention on the Rights of the Child and Article 6 of the International Covenant on Civil and Political Rights, to which Yemen is also a state party. Both treaties categorically prohibit the use of the death penalty against anyone under 18 years old at the time any crime is committed. However, in practice some courts in Yemen are still imposing the death penalty on defendants who may have been under the age of 18 at the time of the offence. Amnesty International is aware of at least 26 people who are possible juvenile offenders under sentence of death in Yemen and 200 such people who are at risk of being sentenced to death.

An official medical examination committee was formed on 16 June 2012 to determine the age of alleged juvenile offenders, especially in cases where birth certificates are unavailable. The medical committee, which has been supported and funded by UNICEF and the European Commission, has so far been unable to carry out effective work, due to a lack of appropriate legislation or definition of its status. In February 2013, Yemen's president ordered the reinstatement of the medical examination committee. It was not involved in the case of Abdul Bari Mahmoud Abdul Hamid.

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 a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

Name: Abdul Bari Mahmoud Abdul Hamid, Ahmad Mahmoud Abdul Hamid, and Abdul Jalil Hammoud Abdul Haq,
Gender m/f: All male

UA:130/13 Index: MDE 31/013/2013 Issue Date: 17 May 2013