

EXTERNAL

AI Index: MDE 31/03/96

UA 194/96

Death penalty / Legal concern

5 August 1996

YEMEN Yahya Najji Muhammad al-Asadi, aged 45

Ten years after being sentenced to death in a trial which may have violated international standards, Yahya Najji Muhammad al-Asadi is feared to be at imminent risk of execution.

Yahya Najji Muhammad al-Asadi was sentenced to death for murder in 1986. In about 1991, the Supreme Court decided to close Yahya al-Asadi's file after witnesses reportedly retracted their statements. Nonetheless, in December 1992, his sentence was ratified by the ruling Presidential Council along with 24 other death sentences. The day before the death sentence was due to be carried out, Yahya al-Asadi was spared execution, apparently on the basis of the Supreme Court decision. However, in July 1994, his case was referred back to the lower courts. On 9 January 1995, a Criminal Court in Dhamar upheld the death sentence. The case has been pending before the Supreme Court since then.

In addition to its unconditional opposition to the death penalty, Amnesty International is also concerned that the trial of Yahya Najji Muhammad al-Asadi may have contravened international standards for fair trial. His original conviction had followed a trial in the former Yemen Arab Republic (YAR), where Amnesty International knows of many cases of individuals having been convicted apparently on the basis of false testimony or statements extracted as a result of torture. The sentence had also been ratified by the Presidential Council despite the fact that prosecution witnesses had reportedly retracted their testimony, and the Supreme Court had decided to close his file.

This case was also the subject of UA 401/92 (MDE 31/08/92, 18 December 1992) and follow-up (MDE 31/01/93, 6 January 1993).

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

- expressing concern at the death sentence passed against Yahya Najji Muhammad al-Asadi and urging that the sentence be commuted if upheld by the Supreme Court;
- expressing concern that his trial may not have met internationally recognized standards for fair trial;
- explaining your unconditional opposition to the death penalty, and drawing attention to worldwide trends to abolish or reduce the death penalty, the desirability of which was reaffirmed in Resolution 32/61 of 8 December 1977 of the United Nations General Assembly;
- calling for the commutation of all death sentences passed in Yemen.

APPEALS TO:

His Excellency
General 'Ali Abdullah Saleh
President of the Republic of Yemen
Sana'a, The Republic of Yemen

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

Faxes: +967 1 262 017

Telexes: 2422 RIASAH YE

Salutation: Your Excellency

Minister of Interior
Husain Muhammad 'Arab
Ministry of Interior
Sana'a, The Republic of Yemen
Faxes: +967 1 251 529; 252 566
Telegrams: Interior Minister, Sana'a, Republic of Yemen
Salutation: Dear Minister

Minister of Justice
'Abd al-Wahab Lutfi al-Daylami
Ministry of Justice
Sana'a, The Republic of Yemen
Telegrams: Justice Minister, Sana'a, Republic of Yemen
Faxes: +967 1 252 138
Salutation: Dear Minister

COPIES TO: diplomatic representatives of Yemen accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 September 1996.