

EXTERNAL (for general distribution)

AI Index: MDE 28/03/95
Distr: UA/SC

UA 126/95

Death Penalty / Legal concern

5 June 1995

ALGERIA

Lembarek BOUMAÂRAFI

Lembarek Boumaârafi, accused of having killed the Algerian President Mohamed Boudiaf in 1992, was sentenced to death by the Algiers Criminal Court on 3 June 1995.

Arrested a few hours after President Boudiaf was shot dead at a public meeting on 29 June 1992, sub-lieutenant Boumaârafi, who had been assigned to the presidential security corps for that meeting, was charged with sole responsibility for the killing. His trial, which began on 16 May 1995, reportedly violated international standards for fair trial. His request to appoint defence lawyers of his own choosing was allegedly rejected by the president of the court; the state-appointed defence lawyers and lawyers acting for the family of President Boudiaf did not have access to all the material in the investigation dossier, and the court reportedly refused to call some of the witnesses requested by the defence.

Lembarek Boumaârafi does not have full right of appeal, but may seek a review by cassation by the Supreme Court. Cassation rules only on procedures and does not reexamine facts, thus failing to safeguard the accused's right of appeal. Once death sentences have been upheld by the Supreme Court, executions may not be carried out until a plea for clemency has been presented to the state President and refused.

BACKGROUND INFORMATION

Although judicial executions in Algeria have been suspended since November 1993, it is feared that they could be resumed at any time.

Amnesty International recognizes the right of governments to bring to justice those responsible for killings and other acts of violence, but the organization unconditionally opposes the death penalty in all cases as the ultimate form of cruel, inhuman and degrading punishment and a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights.

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

- expressing concern that Lembarek Boumaârafi has been sentenced to death, and that his trial was not conducted in full accordance with international standards for fair trial;
- urging President Lamine Zéroual to commute his death sentence when the clemency plea is presented to him;
- stating that whilst Amnesty International recognizes the right of governments to bring to justice those responsible for killings and other acts of violence, the organization unconditionally opposes the death penalty in all cases as the ultimate form of cruel, inhuman and degrading punishment and a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights;
- urging the authorities to take steps to ensure that judicial executions are not resumed.

APPEALS TO

President

M. Lamine ZEROUAL
Président de l'Etat
Présidence de la République
El Mouradia
Alger, Algérie

Telegrams: Président Zéroual, Alger, Algérie

Telexes: 66044/66088

Faxes: + 213 2 60 96 18 (if voice, ask "fax, s'il vous plaît")

Salutation: Monsieur le Président/Dear President

Minister of Justice

M. Mohamed ADAMI
Ministre de la Justice
Ministère de la Justice
8 Place Bir Hakem
El-Biar
Alger, Algérie

Telegrams: Ministre Adami, Alger, Algérie

Telexes: 61498

Salutation: Monsieur le Ministre/Dear Minister

COPIES OF YOUR APPEALS

to diplomatic representatives of ALGERIA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 25 July 1995.