

URGENT ACTION

JUVENILE OFFENDERS AT RISK OF EXECUTION

Amnesty International has received information that alleged juvenile offenders Muhammed Taher Thabet Samoum and Fuad Ahmed Ali Abdulla are at imminent risk of execution in Yemen. They could be executed as early as 19 January.

Muhammed Taher Thabet Samoum was sentenced to death in September 2001 by the Criminal Court in Ibb, south-west Yemen. He was convicted of a murder he was alleged to have committed in June 1999 while still under 18 years old. His death sentence was upheld by an appeal court in May 2005, confirmed by the Supreme Court in April 2010 and has since been ratified by the President of Yemen. He is being held in Ibb prison.

He maintains that he was under 18 years old at the time of the alleged offence, but does not have a birth certificate. He was scheduled for execution on 12 January 2011 but was granted a temporary stay of execution by the Attorney General. This followed an intervention by his lawyer who applied to submit a vaccination card and school certificates which would indicate that he was under 18 years old at the time of the alleged crime. However, the application was rejected and the Attorney General has since indicated that the execution of Muhammed Taher Thabet Samoum can be carried out. He has yet to sign the order for the execution.

Fuad Ahmed Ali Abdulla was sentenced to death after being convicted of a murder he was alleged to have committed while still under 18 years old. Although the court considered that he was over 18 years old at the time of the alleged crime, it is unclear how it determined this. He was scheduled for execution on 19 December but this was halted following an intervention by his lawyer. The Attorney General's office is expected to request that his age be determined by a forensic doctor. Amnesty International has received information that his birth certificate states he was born in 1988 and that his alleged crime took place in June 2004, meaning that he would have been 16 or 17 years old at the time and around 22 years old now. He is being held in Ta'izz prison.

PLEASE WRITE IMMEDIATELY in Arabic, English or your own language:

- Calling on the President of Yemen to halt the execution of Muhammed Taher Thabet Samoum;
- Calling on the authorities to commute the death sentences of Muhammed Taher Thabet Samoum and Fuad Ahmed Ali Abdulla;
- Reminding the authorities that they should act in accordance with their obligations under international law, particularly Article 37 of the Convention on the Rights of the Child and Article 6 of the International Covenant on Civil and Political Rights, and end the use of the death penalty against juvenile offenders.

PLEASE SEND APPEALS BEFORE 25 FEBRUARY 2011 TO:

President

His Excellency Ali Abdullah Saleh
Office of the President of the Republic
of Yemen
Sana'a
Republic of Yemen
Fax: +967 1 274 147
Salutation: Your Excellency

Attorney General

His Excellency 'Abdullah al-'Ulufi
Office of the Attorney General
Sana'a
Republic of Yemen
Fax: + 967 1 374 412
Salutation: Your Excellency

And copies to:

Minister of Human Rights
Her Excellency Dr Huda Ali Abdullatef
Alban
Ministry for Human Rights
Sana'a, Republic of Yemen
Fax: +967 1 419 700 (please keep
trying)
Email: mshr@y.net.ye
Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the second update of UA 260/10. Further information: <http://www.amnesty.org/en/library/info/MDE31/016/2010> and <http://www.amnesty.org/en/library/info/MDE31/017/2010>

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ADDITIONAL INFORMATION

Yemen is a state party to the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, both of which expressly prohibit the execution of juvenile offenders – those convicted of crimes committed when they were under 18 years of age. The application of the death penalty on juvenile offenders is also expressly prohibited in Article 31 of Yemen's Penal Code.

Yemen has made significant progress in the prohibition of the use of the death penalty against juveniles, but courts continue to sentence alleged juvenile offenders to death. The legal progress to prohibit the use of the death penalty against juveniles followed the ratification of the Convention on the Rights of the Child by the government in 1991. At that time the prohibition of the use of the death penalty against juveniles was limited to offenders below the age of 15 at the time of the crime. However, this categorical prohibition was extended in 1994 to include individuals below the age of 18 at the time of the commission of capital offences. This is stipulated in Article 31 of the Penal Code, Law 12 of 1994, and marks a positive progress bringing Yemen's laws into line with Article 37 of the Convention on the Rights of the Child and Article 6 of the International Covenant on Civil and Political Rights, both of which categorically prohibit the use of the death penalty against anyone under 18 years of age at the time of commission of any crime.

Yemen's legislative progress in this regard has not been consistently matched by the practice of the courts, which have sometimes imposed the death penalty on offenders who were below the age of 18 at the time of the offence. Amnesty International is aware of at least eight other people who are possible juvenile offenders under sentence of death in Yemen.

Amnesty International has long-standing concerns about the use of the death penalty in Yemen, particularly as death sentences are often passed after proceedings which fall short of international standards for fair trial.

In 2009, at least 53 people were sentenced to death and at least 30 people were executed. In 2010, at least 51 people have been executed. In 2011, at least two people have been executed so far. Hundreds of people are believed to be under sentence of death.

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

Further information UA: 260/10 Index: MDE 31/002/2011 Issue Date: 14 January 2011

