

EXTERNAL (for general distribution)

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UA 133/93 Death penalty

26 April 1993

COMOROS: Dr M'Tara Maecha, former minister of Foreign Affairs and member of
Udzima political party
Omar Tamou, former minister of Internal Affairs and Secretary
General of Udzima political party
Lieutenant Abdallah Ahmed Cheik, soldier and son of former
President Mohamed Abdallah
Lieutenant Abderahmane Ahmed Abdallah, soldier and son of
former President Mohamed Abdallah
Captain Combo Ayouba, a soldier
and four others sentenced *in absentia*

The above nine people were sentenced to death, four of them *in absentia*, on 24 April 1993 for attempting to overthrow the government of President Saïd Mohamed Djohar on 26 September 1992. Amnesty International is concerned that they have no right of appeal to a higher court and may face imminent execution.

Eighteen people, four civilians and 14 soldiers, were tried by the State Security Court in connection with the September 1992 coup attempt. The trial began on 21 April 1993 and the prosecution demanded death sentences for the nine named above and prison sentences of between 10 years' and life for the others. It is unclear whether the prison sentences were passed or whether there were any acquittals. A lawyer representing some of the defendants sentenced to death reportedly said that he had been surprised by the haste with which the court announced the verdict.

Although the defendants were represented by lawyers, Amnesty International is still concerned about several aspects of the trial which appear to have been unfair. People sentenced by the State Security Court which was set up in 1981 have no right of appeal to a higher court. The impartiality of the Court and officials who carried out the investigations is in doubt. They were appointed by, and are responsible to political leaders, instead of to the Procurator General as required by the Code of Penal Procedure. The Court's judges and assessors are appointed by the government for a renewable one-year term. The lawyers had limited access to the detainees and their files.

BACKGROUND INFORMATION

On 26 September 1992 about 100 soldiers took control of the national radio and announced that they had deposed President Djohar. They were led by two sons of former President Mohamed Abdallah who was assassinated in November 1989 and succeeded by President Djohar. Forces loyal to the government thwarted the coup attempt and about 10 soldiers involved in the revolt, including former President Abdallah's sons, were captured, while others escaped.

In the aftermath of the coup attempt more than 30 civilians, including two former ministers, and soldiers were arrested. Most of them were released in subsequent months.

The Procuracy complained that most of the arrests and detentions were unlawful and were carried out without its authorization as required by Comorian Code of Penal Procedure. Many were apparently detained because they had expressed support for the overthrow of President Djohar. Some of the detainees were reportedly tortured. One of them, Hassan Arouna, was reportedly severely beaten while in police custody for eight days in October. One of his eyes was reportedly damaged and the right side of his face paralysed as a result. It is unclear whether he was one of those tried.

On 6 October 1992 the detained soldiers appeared before an examining magistrate who remanded them in custody in a civilian prison. However, military officials

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transferred them instead to Kandani military barracks, despite protests by judicial officials and defence lawyers.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in FRENCH, ARABIC, KISWAHILI, ENGLISH or in your own language:

- expressing concern at the death sentences imposed on the above nine people on 24 April 1993;

- expressing particular concern that they were convicted, without adequate guarantees for fair trial, by the State Security Court which allows no appeal to a higher, independent jurisdiction, and referring to the safeguards adopted by the United Nations Economic and Social Council in 1984 which stipulate that anyone who is sentenced to death shall have the right to appeal to a higher court;

- explaining that, while Amnesty International does not condone acts of violence and recognizes the right of governments to bring to justice those responsible for criminal acts, such as the violent overthrow of governments, it opposes the death penalty in all cases on the grounds that it is a cruel, inhuman and degrading punishment which violates the right to life;

- appealing to the Comorian authorities to commute these death sentences and not to carry out any executions;

- calling for a review of all legislation and procedures concerning the death penalty with a view to reducing progressively the number of offences punishable by death and to substitute the death penalty with other more humane punishments for violent crime.

APPEALS TO

1) President:

Monsieur Saïd Mohamed DJOHAR

Président de la république

BP 521, MORONI

République fédérale islamique des Comores

Telegrams: President Djohar, Moroni, Comoros

Telexes: 233 presirep ko

Salutation: Monsieur le Président de la République / Dear President

2) Minister of Justice:

Monsieur Kaambi ROUBANI

Ministre de la Justice, de la Fonction Publique et de l'Emploi

Ministère de la Justice, de la Fonction Publique et de l'Emploi

MORONI

République fédérale islamique des Comores
Telegrams: Minister Roubani, Moroni, Comoros
Telexes: 219 MAERFIC KO (via Minister of Foreign Affairs)

Salutation: Monsieur le Ministre / Dear Minister

COPIES OF YOUR APPEALS TO:

1) Prime Minister:

Monsieur Ibrahim Halidi Abderamane
Premier Ministre
Bureau du Chef du gouvernement
BP 421, MORONI
République fédérale islamique des Comores

2) Minister of Foreign Affairs:

Monsieur Saïd Athoumane Saïd Ahmed
Ministre des Affaires Etrangères et de la Coopération
Ministère des Affaires Etrangères et de la Coopération
MORONI
République fédérale islamique des Comores

and to diplomatic representatives of Comoros accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Please check with the International Secretariat or your section office if sending appeals after 7 June 1993.