

**EXTERNAL**

**AI Index: AMR 35/01/96**

**EXTRA 16/96**

**Death Penalty**

**6 February 1996**

**GUYANA Abdool Saleem Yasseen and Noel Thomas**

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On 1 February Abdool Saleem Yasseen and Noel Thomas were issued with warrants for their execution at 8am on Monday 5 February. Following an emergency court hearing on 3 February, a high court judge granted a seven-day reprieve pending a further hearing later this week. If this appeal is denied the executions could go ahead soon after.

Abdool Saleem Yasseen and Noel Thomas were sentenced to death on 6 March 1988. The sentences were later overturned on appeal, but the men were later resentenced in 1992, and the sentences confirmed by the Guyana Court of Appeals in 1994. Both were convicted of the murder of Abdool Saleem Yasseen's brother in May 1987. Abdool Saleem Yasseen was found guilty of having ordered the murder in order to gain his brother's inheritance; Noel Thomas, who worked as a labourer for the Yasseen family, was found guilty of having carried out the murder. However, their lawyer has stated that the Yasseen family, including the wife of the deceased, "uniformly reject the verdict and believe the two men to be innocent of the crime". No witnesses to the crime testified in court and both men were convicted on the basis of a written confession by Noel Thomas, allegedly made under duress, and an oral confession by Yasseen. Noel Thomas was reportedly ill-treated while in police custody, an allegation supported by two prison medical staff. Neither man has any previous convictions.

In 1993, in a Jamaican death penalty case, the Judicial Committee of the Privy Council (JCPC), which acts as the final court of appeal for some Caribbean Commonwealth countries, ruled that execution of a prisoner after more than five years under sentence of death would constitute inhuman or degrading treatment or punishment, and was thus unconstitutional. Although Guyana does not allow appeals to the JCPC, the decision is arguably relevant to Guyana constitutional law. The prisoners' lawyer sought a stay to allow time for this and other arguments to be heard. The court rejected the case as argued but granted a seven-day reprieve to allow an appeal to be heard. The lawyer is seeking to have the case heard on its merits later this week or, if not, for a stay to be granted pending a further hearing.

A stay was also sought to allow time for petitions on behalf of the two men to be considered by the UN Human Rights Committee (HRC) in Geneva. The HRC monitors states' adherence to the provisions of the International Covenant on Civil and Political Rights (ICCPR) which was ratified by Guyana in 1977. The Guyana Government has acceded to the Optional Protocol under the ICCPR which allows individuals to take complaints to the HRC. Applications on behalf of Abdool Saleem Yasseen and Noel Thomas were submitted to the HRC on 2 February, on the grounds that their execution would violate Article 6 and Article 7 of the ICCPR (guaranteeing the right to life and freedom from cruel, inhuman or degrading treatment or punishment) as well as raising concerns about the fairness of the convictions.

**BACKGROUND INFORMATION**

The death penalty is mandatory for murder in Guyana. At least 20 people are currently believed to be on death row. There have been no executions in Guyana since 1990 when seven executions were carried out.

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

- expressing concern at the issuing of warrants for the execution of Abdool Saleem Yasseen and Noel Thomas at such short notice;
- urging that the death sentences on Abdool Saleem Yasseen and Noel Thomas be commuted and that no further death warrants be signed;
- urging that, at the very least, stays of execution be granted to allow appeals submitted on behalf of the men to be heard, both on the constitutional issue before the Guyana courts, and to allow time for the petition to the HRC to be considered; point out that as a State Party to the ICCPR, and having acceded to the Optional Protocol, Guyana is bound to observe these provisions and to respect the right it has conferred on its citizens under international law to take petitions to the HRC;
- welcoming the fact that no executions have been carried out in Guyana since 1990, and stressing that the resumption of executions would be a retrograde step in the protection of human rights for all Guyana's citizens;
- making some or all of the following general points about the death penalty: the death penalty has never been shown to deter crime more effectively than other punishment; it has a brutalizing effect upon all those who are involved in the process; execution is irrevocable and, despite the most stringent judicial safeguards, can be inflicted on the innocent.

**APPEALS TO:**

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Office of the President  
New Garden Street  
Georgetown, Guyana

**Telegrams: Executive President, Georgetown, Guyana**

**Faxes: +592 2 69969**

**Salutation: The Honourable Dr. Cheddi D. Jagan**

**(if this number does not work, send faxes via the Head of the Presidential Secretariat at: 592 2 63395, marked for the attention of: H.E. Dr Cheddi D. Jagan, Executive President )**

Bernard De Santos  
Attorney General and  
Minister of Legal Affairs  
Carmichael Street  
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**COPIES TO:**

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Minister of Foreign  
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Georgetown, Guyana      **Faxes: +592 2 75208**

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Georgetown, Guyana      **Faxes: +592 2 54637**

and to diplomatic representatives of Guyana accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,  
or your section office, if sending appeals after 6 March 1996.