

EXTERNAL

AI Index: MDE 28/03/97

27 March 1997

Further information (1) on UA 126/95 (MDE 28/03/95, 5 June 1995) - Death penalty / Legal concern

**ALGERIA** Lembarek BOUMAÂRAFI

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The death sentence passed on Lembarek Boumaârafi on 3 June 1995 was upheld by Algeria's Supreme Court (*Cour Suprême*) which, on 25 March 1997, rejected lawyers' petitions for the overturning of the verdict through the "cassation" procedure. "Cassation" rules only on procedures and does not re-examine facts, thus failing to safeguard the accused's right of appeal.

Arrested a few hours after former Algerian 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. He was sentenced to death by the Algiers Criminal Court on 3 June 1995 after a trial which fell short of international standards for fair trial. The court refused to call some of the witnesses requested by the defence and the family of President Boudiaf did not have access to all the material in the investigation dossier.

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 President and refused. Lembarek Boumaârafi is currently detained at Blida Military Prison.

**BACKGROUND INFORMATION**

Hundreds of death sentences have been imposed in Algeria in the past few years, most of them *in absentia*, on charges such as belonging to armed terrorist groups, pre-meditated murder, ambushes, and arson. More than 600 people sentenced to death remain on death row, but no judicial executions are known to have been carried out since the end of 1993.

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 enshrined in the Universal Declaration of Human Rights.

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

- expressing concern that Lembarek Boumaârafi did not have access to a full right of appeal;
- reiterating concern that he was sentenced to death, and that his trial was not conducted in full accordance with international standards for fair trial;
- urging President Zeroual to commute Lembarek Boumaârafi's death sentence when the clemency plea is presented to him;
- stating that, while 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 in Algeria.

**APPEALS TO:**

President

M. Liamine ZEROUAL  
Président de la République  
Présidence de la République  
El Mouradia  
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**Fax: +213 2 60 96 18**

Minister of Justice

M. Mohamed ADAMI  
Ministre de la Justice  
Ministère de la Justice  
8 Place Bir Hakem  
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**Fax: +213 2 922560, 925557, 796557, 722560**

**COPIES TO:**

human rights ombudsman

M. Kamel REZZAG-BARA  
President  
Observatoire National des Droits de l'Homme (ONDH)  
Palais du Peuple  
1 Av. Franklin Roosevelt  
Alger, ALGERIA  
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and 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 8 May 1997.