

EXTERNAL

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EXTRA 118/97

Death penalty / Legal concern

29 August 1997

YEMEN Jalal Abdullah al-Rada'i

Abdullah Ali al-Rada'i

Two Yemeni nationals have been sentenced to death and crucifixion following court hearings which appear to have breached basic international standards for fair trial. The two men are feared to be facing imminent execution.

Jalal Abdullah al-Rada'i and Abdullah Ali al-Rada'i were charged with highway robbery and murder, which occurred on 23 June 1997. They were tried by the Court of First Instance in al-Mukalla, reportedly without any legal assistance. After three court sessions they were found guilty as charged. On 11 August they were sentenced to death and crucifixion.

The president of the court, who was asked by the press to explain why the court proceedings were speedy and the defendants' right to be assisted by a lawyer was not observed, is reported to have stated: "because of the importance of the case and since it involves a serious crime which is alien to our society in the Governate of Hadhramout, and given that the prosecution evidence is conclusive, leaving no room for doubt, I have speeded up the proceedings in the light of the evidence brought before me which I discussed with the judicial council. I have followed all the legal procedures required, given the defendants ample opportunity to defend themselves, and heard their statements. As for appointing a lawyer to represent them, the court is under no legal obligation to do so. The court has deemed the defendants' request [to have a lawyer appointed by the court] to be an attempt to delay the proceedings and a waste of time".

Amnesty International considers such trial proceedings to be in serious breach of both Article 14 of the International Covenant on Civil and Political Rights and principle 5 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty, which states that: "Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in Article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings".

The two prisoners are entitled to appeal against their conviction and sentence, but Amnesty International fears that the trial proceedings may have been sped up so that their execution can be carried out quickly. The organization's fear is based on what appears to be an emerging pattern of speedy trials and executions disregarding all international standards in cases of highway robbery and murder. Among victims of such trial and execution were two prisoners who were executed and crucified on 1 August 1997. They were convicted of highway robbery and murder which occurred on 19 June 1997. On 13 July they were sentenced to death and crucifixion. Amnesty International has no further details about their trials, but they were clearly speeded up: trials involving capital punishment normally take months if not years before execution is carried out.

While Amnesty International recognizes the rights and responsibilities of governments to bring to justice those suspected of criminal offences, it is unconditionally opposed to the use of the death penalty in all cases. The use of the death penalty in Yemen is a serious concern for the organization, particularly as it is often passed after trials which fail to meet international

standards for fair trial (for more details see Amnesty International's report *Ratification without implementation: the state of human rights in Yemen* (AI Index MDE 31/01/97, pp 36-38)).

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

- expressing concern at the two sentences of death and crucifixion, and urging that they be commuted if upheld on appeal;
- expressing concern that the trial of Jalal Abdullah al-Rada'i and Abdullah Ali al-Rada'i may have failed to comply with international standards for fair trial, as they were reportedly denied access to legal assistance;
- acknowledging the government's right and responsibility to bring to justice those suspected of criminal offences, but explaining your unconditional opposition to the death penalty, and drawing attention to worldwide trends to abolish or reduce the death penalty, the desirability of which was reaffirmed in Resolution 32/61 of 8 December 1977 of the United Nations General Assembly;

In letters to the Appeal court:

- expressing concern about the apparent breaches of international safeguards for defendants facing the death penalty and urging that the appeal process redress these.

APPEALS TO:

His Excellency

General 'Ali Abdullah Saleh
President of the Republic of Yemen
Sana'a, The Republic of Yemen

Telegrams: President, Sana'a, Republic of Yemen

Faxes: +967 1 274 147

Telexes: 2422 RIASAH YE

Salutation: Your Excellency

Minister of Interior
Husain Muhammad 'Arab
Ministry of Interior
Sana'a, The Republic of Yemen

Faxes: +967 1 251 529; 251 566

Telegrams: Interior Minister, Sana'a, Republic of Yemen

Salutation: Dear Minister

Minister of Justice
Isma'il Ahmad al-Wazir
Ministry of Justice
Sana'a, The Republic of Yemen

Faxes: + 967 1 252 138

Telegrams: Justice Minister, Sana'a, Republic of Yemen

Salutation: Dear Minister

President of the Appeal Court
Al-Mukalla
Hadhramout
The Republic of Yemen

Salutation: Your Excellency

COPIES TO: diplomatic representatives of Yemen accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 1 October 1997.