

PUBLIC

AI Index: MDE 31/012/2005

07 July 2005

UA 182/05      Death penalty/legal concern

YEMEN      Yahia Hussein al-Dailami (m), cleric

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Cleric Yahia al-Dailami was sentenced to death on 29 May. It has recently become clear that his trial fell short of international standards of fairness. Amnesty International believes he may be a prisoner of conscience, detained solely because of his criticism of the government.

Yahia al-Dailami is a member of the Shia Zaidi community. In his sermons he is reported to have called for peaceful protests against the mass arrests of Zaidis that have taken place since the invasion of Iraq.

Yahia al-Dailami was reportedly arrested on 9 September 2004 and was detained incommunicado for at least a month. In November he was reportedly charged with vaguely worded offences including "communicating with Iran," "conspiring to overthrow the republican system" and "supporting Hussain Badr al-Din al-Huthi" (a Zaidi cleric who was an outspoken critic of the US invasion of Iraq). Yahia al-Dailami is reported to have claimed that he only met al-Huthi once.

His lawyers were reportedly prevented from reading relevant documents, and obtaining a copy of the court file containing the charge sheet and details of the evidence against him. On 30 January they resigned in protest at procedural irregularities in his arrest and detention, stating that he could not receive a fair trial.

## BACKGROUND INFORMATION

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

Cleric Hussain Badr al-Din al-Huthi was a strident critic of the US-led 2003 invasion of Iraq. Hundreds of his followers were detained every week for shouting anti-American and anti-Israeli slogans after Friday prayers. Clashes between government forces and armed followers of al-Huthi began in June 2004, after al-Huthi refused a government request to hand himself over to the security forces. Hundreds, perhaps thousands, were killed. Al-Huthi himself was killed in September.

The security forces are reported to have carried out mass arrests in Sa'da and other parts of the country, particularly the capital, Sana'a, where there are large Zaidi communities. Those arrested include suspected followers of Hussain Badr al-Din al-Huthi as well as religious people who expressed their opposition to the security forces' continuing arrests and other actions against the Zaidi community. Some are said to have been released after at most a month in custody, but those still held are reported to be detained incommunicado and may be at risk of torture. (See UA 219/04, MDE 31/002/2004, 9 July 2004.)

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:**

- urging the President to stop the execution Yahia al Dailami;
- reminding the authorities that they are bound by international standards for fair trial in capital cases;
- calling for Yahia al Dailami to be released immediately and unconditionally if he is held solely for the peaceful expression of his conscientiously held beliefs or for being a member of the Zaidi community.

**APPEALS TO:**

President

His Excellency General 'Ali 'Abdullah Saleh

President of the Republic of Yemen

Sana'a

Republic of Yemen

**Fax: + 967 127 4147**

**Salutation: Your Excellency**

Prime Minister

>Abd al-Qader Bajamal

Prime Minister of the Republic of Yemen

Sana'a

Republic of Yemen

**Fax: +967 1 274 662**

**Salutation: Your Excellency**

Minister of Interior

Rashid Muhammad al->Alimi

Ministry of Interior

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**Fax: +967 1 332 511**

**Salutation: Your Excellency**

Minister of Human Rights

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**Fax: +967 1 419 700**

**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 18 August 2005.