

PUBLIC

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Imminent execution/unfair trial

SOMALIA

Ifraah Ali Aden (f), aged 30

Ifraah Ali Aden is in imminent danger of being executed for the murder of another woman, Suad Mohamed Aware, who was another of her husband's wives. She was convicted after an unfair trial. The warrant for her execution does not set a date, and it appears that she could be put to death at any time.

She was sentenced to death by the Court of First Instance in the city of Bossaso, on the coast of the north-eastern region of Puntland. She is four or five months pregnant, according to sources close to her. The court does not appear to have ordered any medical tests to confirm the pregnancy. International human rights law and standards prohibit the execution of pregnant women or new mothers.

Ifraah Ali Aden has a cell to herself in a prison in Bossaso which is only for prisoners under sentence of death. Relatives of the woman Ifraah Ali Aden killed have apparently been able to get into the prison, as have members of the security forces, to taunt her about her imminent execution.

Ifraah Ali Aden was sentenced to death on 27 April, less than 24 hours after the killing of Suad Mohamed Aware. She had no time to prepare her defence, as required under international law. The verdict says that she was represented by a lawyer during the trial, but it is not clear whether she had adequate legal representation, or whether she has the right to appeal to a higher court, as per Article 41(5) of the Transitional Constitution of the Puntland Regional Government.

Ifraah Ali Aden and Suad Mohamed Aware appear to have been in dispute for some time. There are conflicting reports about the killing, with some (including her relatives) saying that Suad Mohamed Aware was attacked by Ifraah Ali Aden with a knife in a medical centre in Bossaso. According to relatives of Ifraah Ali Aden, she was confronted by Suad Mohamed Aware and two other women; there was a struggle, during which she killed Suad Mohamed Aware in self-defence. Suad Mohamed Aware was seven or eight months pregnant when she was killed.

Ifraah Ali Aden's relatives also say that she complained to the police several times that she had been threatened by Suad Mohamed Aware, once with a gun, but that the police did nothing; some of her relatives, including her seven children, were intimidated by Suad Mohamed Aware's family before the killing. This intimidation continued after the killing, and they had to flee Bossaso, and have been unable to visit Ifraah Ali Aden in prison, where she is said to be in a "state of shock."

BACKGROUND INFORMATION

The Puntland region declared its autonomy from Somalia in 1998, and has its own government. Although there is no effective or competent system of administration of justice in Somalia, Puntland has functioning courts, based on three legal systems: the judicial system of the former Somali state; *shari'a* (Islamic law); and customary law, as traditionally administered by elders. The system applied will depend on the matter under consideration as well as the region in which the issue arose. Several people have been sentenced to death in Puntland since it came into being, and at least one person was executed in 2008.

While the death penalty is not in itself a violation of international law, there is an increasing international trend towards its abolition and international law and standards place strict limitations on its use in those states where it is still used. These limitations include a prohibition on the execution of pregnant women and new mothers; a requirement that people charged with crimes punishable by death are entitled to the strictest observance of all fair trial guarantees required by international human rights law; and that they should have the right to seek pardon or commutation of sentence.

Amnesty International opposes the death penalty unconditionally and under any circumstances, as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

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

- calling on the authorities to immediately suspend the warrant of execution against Ifraah Ali Aden, and give her immediate access to a doctor, to confirm whether she is pregnant;
- stating that international human rights law and standards prohibit the execution of pregnant women and new mothers;
- urging the authorities to ensure that Ifraah Ali Aden has adequate legal representation and that her family is able to visit her;
- urging the authorities to ensure that Ifraah Ali Aden is able to appeal to a higher court in proceedings which comply with international fair trial standards, and that her rights to legal representation, to adequate time and facilities to prepare her defence, to challenge evidence brought against her and to call her own witnesses, and to seek clemency, are upheld;
- stating your opposition to the death penalty as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment;
- calling on the authorities to commute all death sentences and to establish a moratorium on executions.

APPEALS TO:

President Abdirahman Mohamed Mohamud (Farole) President of Puntland

Email: plpresidency@hotmail.com
info@puntlandgovt.com

Salutation: Dear President

COPIES TO:

Mrs Asha Ghele Dirie

Minister of Women Development and Family Affairs
Ministry of Women Development and Family Affairs

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ashagelle@yahoo.com

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and to diplomatic representatives of your own government in Nairobi, Kenya.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 22 June 2009.