

# YEMEN

## Unlawful detention and unfair trials of members of the former National Democratic Front

### INTRODUCTION

At least 23, and possibly as many as 41, members of the former National Democratic Front, NDF, (*al-Jabha al-Wataniyya al-Dimuqratiyya*), are currently detained in various prisons in the northern part of Yemen, formerly the Yemen Arab Republic (YAR).<sup>1</sup> They were arrested at different times during the 1980s despite the announcement in 1982 of a general amnesty for members of the former NDF. At least one is a prisoner of conscience detained solely for the non-violent expression of his political beliefs. The others are being held despite having been tried and acquitted, or after trials which failed to meet international standards for fair trial and, in many cases, the requirements of the former YAR's Code of Criminal Procedure. Some of these prisoners were severely tortured while in custody in an apparent attempt to force them to "confess" to certain crimes, or in order to extract information about the NDF and its activities. At least 15 among them are currently believed to be under sentence of death.

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<sup>1</sup> In May 1990 the YAR and the People's Democratic Republic of Yemen (PDRY) formally merged to form one state, the Republic of Yemen.

In February and March 1992, an Amnesty International delegation visited the Republic of Yemen and interviewed families, defence lawyers as well as several political prisoners. Discussions were held with government officials, including the Minister of Foreign Affairs, the Minister of the Interior and provincial Public Prosecutors. The organization also obtained copies of some of the prisoners' court proceedings. The information gathered reveals major violations of the right to a fair trial guaranteed both under international standards and Yemeni legislation. These violations have included many defendants being denied access to legal counsel, the trial of some defendants *in absentia* despite their being in custody at the time of their trial, and the conviction of prisoners on the basis of "confessions" extracted under torture. Some defendants were held incommunicado for periods of up to three years, and all were held in shackles throughout their detention until unification in 1990 when this form of ill-treatment was abolished by law. They have repeatedly claimed that the criminal charges against them were fabricated.

In April and May 1992, 27 members of the former NDF, including 16 who had been sentenced to death, were released and their sentences quashed by Presidential Decree. Amnesty International welcomed these releases but reiterated its concern to the Yemeni authorities about the continued imprisonment of other members of the former NDF, some of whom may be held solely for their conscientiously held beliefs. In December 1992, the organization received a letter from the Minister of Foreign Affairs stating that: "the relevant authorities deny the existence of political prisoners [under sentence of death], but the government will nonetheless cooperate with Amnesty International to verify the information." There has been, however, no clarification on specific cases of political prisoners.

## **BACKGROUND**

The National Democratic Front (NDF) to which the prisoners referred to in this document belonged, was founded in February 1976 as a result of the merger of

six different organizations. It was supported by the former People's Democratic Republic of Yemen (PDRY), and was based in Aden, the capital of the PDRY. The NDF quickly emerged as the principal opposition group to the government of the former YAR. The rank and file of the NDF was drawn primarily from among peasants and men from rural areas, many of whom joined the organization in the late 1970s and early 1980s because it was perceived as a means of curbing the powers of the landlords and local sheikhs who dominated economic and political life in the villages and rural areas.

By February 1979 the NDF was engaged in a guerrilla war against the government of the YAR. Despite several attempts at brokered cease-fires and political agreements between the NDF leadership and YAR authorities, intermittent fighting and violent clashes continued along the border between the YAR and the PDRY. In 1982 an agreement was signed between the governments of the two former states, allowing a truce to take effect and the fighting to cease. As part of the 1982 agreement the YAR authorities declared a general amnesty for all NDF members who had participated in the fighting provided they surrendered their weapons. Following the unification of the YAR and the PDRY in 1990, the NDF dissolved itself and officially became part of the Yemeni Socialist Party (YSP), the ruling party in the former PDRY, and currently a partner in the coalition government which rules the Republic of Yemen.

It was in the aftermath of the declaration of the general amnesty in 1982 and the cessation of armed hostilities, that the 23 political prisoners whose names and details are included in the attached Appendix, were arrested. Amnesty International has the names of 18 other alleged political prisoners whose details it is currently investigating.

Amnesty International does not consider that membership of, or association with, the NDF is in itself conclusive evidence that a certain individual has used or advocated violence. In determining whether the individual is a

prisoner of conscience, Amnesty International looks into whether the individual personally used or advocated violence in the circumstances relating to his or her arrest. In other words, it examines any specific opinions or acts imputed to the person in question beyond mere membership of the organization.

## **LEGAL ASPECTS**

The former YAR had promulgated a Code of Criminal Procedure in 1979. A draft Penal Code prepared in 1978, although never formalized in law, appears to have reflected existing practice. Although the Code of Criminal Procedure of the YAR contained certain guarantees of fair trial and minimum standards for the treatment of prisoners, in most of the trials of NDF members, these guarantees appear to have been ignored. The draft Penal Code provided for the death penalty as mandatory punishment for certain *hadd* offences (offences against divine will according to *Shari'a*--Islamic law), which include armed highway robbery, kidnapping and certain offences against the state. *Qisas* (retribution) is another category of Islamic punishment whereby the family of a murder victim may demand retribution in the form of the death penalty for the murderer, or may waive such claims freely or by financial settlement.

In the former YAR, death sentences passed in a local Court of First Instance (*al-Mahkama al-Ibtida'iyya*) had to be upheld by a provincial Appeal Court (*Mahkamat al-Isti'naʕ*) and then ratified by the Supreme Court of Cassation (*al-Mahkama al-'Ulya lil-Naqd wal-Iqraʕ*), based in Sana'a before they could be carried out. Since the unification of the PDRY and the YAR, all such sentences must also be ratified by the Presidential Council which was set up at the time of unification. The Presidential Council was the new State's highest executive body during a transitional period which officially ended on 27 April

1993, when Yemen held its first multi-party elections<sup>2</sup>. The Unity Agreement of 1990 stipulated that during the transitional period the legal systems of the former YAR and PDRY would remain separate until a common penal code and code of criminal procedure were promulgated. To date, and despite the end of the transitional period, this has not been done.

The Republic of Yemen has signed and ratified several international human rights treaties containing minimum standards for fair trial and the treatment of detainees. It is a State Party to the International Covenant on Civil and Political Rights (ICCPR) as the successor state to the PDRY which had ratified the ICCPR in 1987. On 5 November 1991 it also became a State Party to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture). Although at the time of most of the trials of NDF members the YAR had not ratified the ICCPR or the Convention against Torture, the Republic of Yemen, undertook to adhere to international standards for fair trial and the treatment of detainees by becoming a State Party to these treaties. Among the key guarantees in the ICCPR are Article 6 (providing basic guarantees for persons facing a sentence of death in countries which have not yet abolished the death penalty); Article 9 (prohibiting arbitrary detention and providing for a prompt court review of the lawfulness of one's detention) and Article 14 (setting forth certain minimum guarantees of the right to fair trial). The Convention against Torture requires each State Party to "take effective legislative, administrative or other measures to prevent acts of torture in any territory under its jurisdiction" (Article 2), including conducting prompt and impartial investigations whenever there is reasonable ground to believe that an act of torture has been committed (Article 12) or when a

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<sup>2</sup> In June 1993 the 301-member parliament officially requested the Presidential Council to continue in its functions for another five months and envisaged the eventual abolition of the Presidential Council and the election of the President and Vice-President of the Republic by universal suffrage.

complaint has been made (Article 13), to exclude torture-induced confessions (Article 15), and to provide for compensation and rehabilitation of victims of torture and to bring to justice those responsible (Article 7). In addition, there are numerous international standards adopted or endorsed by the UN General Assembly concerning the right to a fair trial and the treatment of detainees, including the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Body of Principles for the Treatment of All Persons under Any Form of Detention or Imprisonment (Body of Principles).

#### **AMNESTY INTERNATIONAL'S CONCERNS**

Amnesty International is gravely concerned that members of the former NDF are currently detained in Yemen after trials which fell short of international standards for fair trial and that at least one, and possibly many more, is a prisoner of conscience held solely for the non-violent expression of his political beliefs. The legal procedures followed in their cases reveal gross procedural inconsistencies and disregard for international standards of fair trial. At least two among them have been held without charge or trial since 1989 and at least one continues to be held despite being tried and acquitted in March 1988.

#### **A) PRE-TRIAL TREATMENT AND CONDITIONS OF DETENTION**

Most of the 23 NDF prisoners mentioned in this document were arrested and held incommunicado for periods of up to three years. Some were severely tortured during this period through beatings on the soles of the feet and other parts of the body, including the head, electric shocks, sleep deprivation, exposure to extreme temperatures, cigarette burns, fingernail removal and "Kentucky Chicken" or *ta'liq* (suspension from a metal bar inserted between the knees and elbows while the hands are tied together). The victims were reportedly tortured in order to force them to "confess" to criminal charges or to extract information about the NDF and its activities. They all had their feet shackled throughout their detention until the unification of Yemen in 1990 when the use of shackles was abolished by law. The shackles used were made of two metal clasps attached

to the ankles and connected either with a metal chain or with a metal bar. The use of shackles is prohibited by Rule 33 of the UN Standard Minimum Rules for the Treatment of Prisoners.

In addition to the use of torture, prison conditions at times amounted to cruel and inhuman treatment. For example, in May 1992 Sufyan 'Affan died while held in Ta'iz Central Prison after having been seriously ill for a number of years. He was unable to digest food properly as a result of which he became severely malnourished. Amnesty International visited him shortly before his death. At the time he was visibly emaciated, unable to walk without support, and unable to speak clearly. He had clearly been denied adequate medical attention, and evidence points to a sub-standard level of health care provided in some prisons. Sufyan 'Affan, a labourer from Bani Wahban in Shar'ab al-Salam in the province of Ta'iz, was approximately 35 years old at the time of his death. He had been arrested in 1982 in his village on charges of murder. He was tried by the Court of First Instance and sentenced to pay *diyya*, a fine imposed in accordance with tribal tradition in Yemen, which was changed to a death sentence in the provincial Court of Appeal in Ta'iz and upheld by the Supreme Court of Cassation in Sana'a. (for more information on this case refer to *Death in custody and prison conditions in the Republic of Yemen*, AI Index: MDE 31/06/92).



Prison doctors in Yemen are employed by the Ministry of Health and generally visit the prison to which they are assigned two or three times a week. The doctors normally have assistants who are more readily available. However, there appears to be little funding provided for drugs or diagnostic tests. Moreover, prisoners without personal financial resources to pay for such diagnosis and treatment receive inadequate care. Principle 24 of the UN Body of Principles requires medical care and treatment to be provided "whenever necessary" and "free of charge". In several prisons in the Republic of Yemen there is a high incidence of malaria, tuberculosis and other respiratory problems, exacerbated by severe overcrowding.

## **B) TRIAL PROCEEDINGS**

The pre-trial and trial procedures followed in the cases of NDF prisoners failed to meet internationally recognized standards for fair trial. Indeed, in many cases they violated the former YAR's Code of Criminal Procedure. Some of the detainees were tried *in absentia* despite the fact that they were in custody at the time of the trial. Such practices violate the right to be tried in one's presence (ICCPR, Article 14(3)(d)). Others were not fully informed of the charges against them or the sentence passed. Article 9(2) of the ICCPR states: "Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him" and Article 14(3)(a) of that treaty states that anyone charged with a criminal offence is entitled "[t]o be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him." Article 23(2) of the YAR Code of Criminal Procedure states that "[t]he investigating authority, the public prosecution and the court must inform the accused of his rights with regard to the charges against him [and] the means of establishing [his innocence] be accorded to him". There are also allegations that court records may have been back-dated or forged.

Many of the NDF prisoners in the YAR were denied access to legal counsel either during pre-trial detention or during the trials. The right to counsel is an essential safeguard of the right to a fair trial. This includes being informed of the right to counsel (Principle 13 of the Body of Principles), having the right to prompt access to counsel (Principle 18 of the Body of Principles) and the right to having adequate time and facilities for the preparation of one's defense and to communicate with counsel of one's choosing (ICCPR, Article 14(3)(b) and Principle 18 of the Body of Principles). Article 15(1) of the YAR Code of Criminal Procedure states that "[t]he investigating authority, the public prosecution and the court must respect the citizen's constitutional rights and dignity, and guarantee, in particular, the accused's right of defence", while Article 23(1) of the same code states that "[t]he right of defence is guaranteed. The accused may defend himself or seek the assistance of defence [counsel] at any stage in the criminal case. The state shall provide the means for the defence of those in need."

Furthermore, when legal counsel was available to the defence in these cases, they were reportedly denied the same opportunities as the prosecution to bring and cross-examine witnesses. In some cases the defendants were not allowed to produce witnesses to testify on their behalf or respond to the charges against them. Article 14(3)(e) of the ICCPR provides that everyone charged with a criminal offence has the right "[t]o examine or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him". Amnesty International believes that in most of the trials, prosecution witnesses who were brought forward may have been politically or otherwise motivated to testify against the defendants. It also appears that several of the defendants were convicted of crimes solely on the basis of circumstantial evidence, or "confessions" extracted under torture or duress. Statements made under torture were admitted in court as evidence and were used to convict the defendants. Article

15 of the Convention against Torture provides: "Each State Party shall ensure that any statement which is established to have been made as the result of torture shall not be involved as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made". Article 4 of the YAR Code of Criminal Procedure also states that a person in custody "may not be harmed physically or morally, and any statement given by an accused person or witness proven to have been given under pressure of coercion or threats to that effect shall be considered null and void."

### C) CASE EXAMPLES

◆ Mansur Rajih, a 34-year-old poet from the village of Humayrim in the province of Ta'iz, and a former NDF member, was arrested in June 1983 by members of *al-Amn al-Watani* (National Security) together with his father and uncle. He was tried and sentenced to death for murder, a crime which Amnesty International believes he did not commit. During the first two to three years in detention Mansur Rajih was subjected to various forms of torture and ill-treatment. These included beatings all over his body, electric shocks, sleep deprivation and *ta'liq*. During his interrogation by *al-Amn al-Watani* (National Security) he was asked to "confess" to criminal charges, including murder, and to give information about the activities and leadership of the NDF. At his trial three prosecution "eye-witnesses", who only came forward four to six months after the murder was committed gave contradictory accounts of the events in question. When two of them failed to identify Mansur Rajih in court, the judge ruled that this was because of the confusion and their "poor

eye-sight". In addition, defense witnesses, among them relatives of the murdered victim, asserted that the three prosecution "eye-

witnesses" were not present at the scene of the crime. In fact, two defence witnesses testified that they had themselves been the ones to inform two of the three prosecution witnesses about the murder. The judge ruled that the defense witnesses were "mentally ill", and hence their testimonies were deemed inadmissible. Two other witnesses also testified that they were present with the accused at the time of the murder, thus providing him with an alibi. One of them was threatened in order to force him to alter his testimony. When he refused, he was imprisoned for six months without charge or trial. Mansur Rajih was convicted of murder and sentenced to death by the Court of First Instance in Ta'iz. The sentence was upheld by both the provincial Court of Appeal in Ta'iz and the Supreme Court of Cassation in Sana'a.

In December 1992 Mansur Rajih went on a hunger strike to protest his continued detention. He reportedly received assurances from government officials of his "imminent release" and was persuaded to end the hunger strike. In February 1993 he was taken to hospital on several occasions after complaining of ill-health. He was diagnosed as suffering from a weak kidney, a weak heart and malnutrition. He is currently held in Ta'iz Central Prison while his sentence is pending ratification by the Presidential Council. (For more information on this case, see *Yemen: Mansur Rajih: Prisoner of Conscience under sentence of death*, AI Index: MDE 31/03/92, and *Mansur Muhammad Ahmad Rajih*, AI Index: MDE 31/02/93.)

◆ On 16 November 1984 four members of the former NDF, Muhammad Mahdi Makhrouf, Muhammad Ahmad al-Zahayj, Qa'id Sinan Mabkhout and Fadl 'Ali al-Dahis were arrested in al-Sayf, Dhamar province by al-Amn al-Watani officers and charged with the murder of two men. They were taken to a detention centre in Wisab al-'Aali, Dhamar province, where they were reportedly severely tortured and forced to sign "confessions". In their statement before the Court of Appeal, they alleged:

"They [al-Amn al-Watani officers] interrogated us late at night until the next morning using physical and psychological torture...We were beaten with thick sticks and canes as well as kicked with their heavy military boots. They burned us with their cigarettes and continued to beat us until we fainted...They also threatened us with sexual molestation".

One of the four, Fadl 'Ali al-Dahis died in custody at the beginning of 1985 apparently as a result of torture. His body was buried secretly and no autopsy was allowed to be carried out.

During their hearings before the Court of First Instance in Dhamar in November and December 1985, the three defendants had no lawyer to represent them. One of their interrogators, acting as a prosecution witness, said that Muhammad Makhrouf had "confessed" in writing to the crime, but the alleged written "confession" was never produced in court. The three defendants said that any "confession" to criminal charges they may have made was a direct result of torture. The Court of First Instance acquitted them for lack of evidence.

The prosecution appealed the decision of the Court of First Instance, apparently after the legal deadline for lodging such an appeal had passed. The Court of Appeal in Dhamar heard their case in March 1986. The three men were represented by a lawyer and defence witnesses were present at the Court of Appeal. During these hearings the prosecution produced witnesses who may have been politically or otherwise motivated to testify against the defendants. One witness was a relative of the murder victim and only one was an "eye-witness". The prosecution witnesses also included one of the interrogators who allegedly took part in their torture and who testified that they "admitted" to the crime. The defence was able to produce six witnesses to testify to their

severe torture and the fact that their "confessions" were made under severe duress. Muhammad Afif, an employee at the Military Hospital, said that he saw the defendants in prison with visible marks of torture on their bodies, and said that they were unable to walk without assistance. He also testified to hearing their cries while being tortured. Furthermore, he said that hospital employees were forced, under threat of imprisonment, to sign a paper saying that Fadl al-Dahis (who died while in the custody of al-Amn al-Watani) had in fact died of Qat<sup>3</sup> poisoning. Another defence witness, 'Abdul-Salam 'Azza, an interrogator, testified that he saw torture marks on the bodies of the defendants. He also said that the defendants' interrogator had told him that "they do not admit to the crime unless they are beaten".

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<sup>3</sup> Qat is a mild narcotic plant which is chewed in Yemen, Ethiopia and other East African countries.

In December 1986, despite clear violations of their right to a fair trial, Muhammad al-Zahayj and Muhammad Makhrouf were sentenced to death while Qa'id Mabkhout was sentenced to 10 years' imprisonment by the Court of Appeal. In 1987 the Supreme Court of Cassation reportedly reversed the decision of the Court of Appeal and ruled that the men were acquitted of the public suit but were still liable to be prosecuted in a private suit. (It is not clear from the judgement whether this means a private criminal prosecution - which would violate their right under Article 14(7) of the ICCPR not to be tried again for offences for which they had been finally acquitted - or a civil action for damages) Shortly thereafter, a *Qasama*<sup>4</sup> was brought by a private individual against 37 individuals from their hamlet in Dhamar on charges of armed highway robbery and murder based on acts which occurred in the early 1980s. (It is not clear whether any of these acts were those involved in the earlier case). The three men were tried again, *in absentia* in both the Court of First Instance and the Court of Appeal, even though they were in Dhamar Central Prison at the time. The Court of First Instance in Wisab in Dhamar Province sentenced them to death and the decision was upheld by the Dhamar Provincial Court of Appeal in August 1990. The case is now thought to be pending in the Supreme Court of Cassation in Sana'a.

Following an amnesty announced in April 1992, Qa'id Mabkhout was released. However, Muhammad al-Zahayj and Muhammad Makhrouf continue to be held in Dhamar Central Prison and their death sentences are currently pending ratification by the Presidential Council. Muhammad

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<sup>4</sup> A *Qasama* case can be initiated when it is not known who the perpetrator of a crime is. It can be brought against a large group of people. In this case it was brought against 37 individuals from the hamlet where the NDF members lived.



Makhrouf is a 40-year-old farmer and is married with four children. Muhammad al-Zahayj is approximately 50 years old and is also a farmer married with four children.

◆ 'Abdo Muhammad Muthana is currently held in Dhamar Central Prison despite trial and acquittal in 1988. His nephew, Muhammad 'Abdullah Muhammad Muthana and a relative, Ahmad 'Ali Salem are also held in Dhamar Central Prison and are facing a death sentence after they were tried *in absentia* even though they were in custody at the time. 'Ali 'Abdullah Muhammad Muthana, Muhammad Muthana's brother and 'Ali Muhammad 'Abdullah Shaker were also involved in the same case. 'Ali Muthana was released following an amnesty announced on 10 May 1992, while 'Ali Shaker was allegedly shot and killed during the first year of detention "while trying to escape from 'Utma Prison".

In 1982 the five men involved in this case, all of whom were members of the NDF, were arrested by officers of *a/-Amn a/-Watani* in 'Utma. They were held incommunicado in various detention centres in both 'Utma and Sana'a for periods up to two years. During this period they were reportedly subjected to various forms of torture. In a statement to Amnesty International 'Abdo Muthana said:

"They [*a/-Amn a/-Watani* officers] would take us to their headquarters in Dhamar at night and would interrogate us there until morning. They used various forms of torture on us, including electric shocks, the removal of our finger nails, beatings, and *ta'liq*, in order to force us to confess to criminal charges or give information about the NDF".

Others in the same case made similar allegations.

In 1984 Ahmad Salem, Muhammad Muthana and 'Ali Muthana were sentenced to cross-amputation of their right hand and their left foot and then execution after being convicted of armed highway robbery, kidnapping and murder in the Court of First Instance in 'Utma. The defendants were tried *in absentia* despite their presence in custody at the time of the trial. The death sentence was upheld by the provincial Court

of Appeal in Dhamar on 31 March 1987. According to the defendants' legal counsel, the charges against the men were fabricated and the court's proceedings were forged. Amnesty International cannot comment on the truth of these statements, it is however, gravely concerned that Ahmad Salem and Muhammad Muthana are currently held under sentence of death after trials which violate the fundamental right to be tried in one's presence, guaranteed in Article 14(3)(d) of the ICCPR.

In December 1988 the Court of First Instance in Dhamar acquitted 'Abdo Muthana of murder charges. Ahmad Salem was also involved in this case and was also acquitted. 'Abdo Muthana is currently believed to be held in custody despite trial and acquittal. According to the information available to Amnesty International, 'Abdo Muthana has not been convicted of any criminal offence.

The three men in the case who are still in custody are believed to be held in Dhamar Central Prison. 'Abdo Muthana, a farmer, is approximately 55 years old and is married with four children. He is reportedly suffering from ill-health. He was not one of the defendants in the trial of 1984. Muhammad Muthana, the nephew of 'Abdo Muthana is also a farmer and is approximately 35 years old. He is married with four children. Ahmad 'Ali Salem is approximately 40 years old. He is a farmer and is married with two daughters.

♦ Khaled Mahmoud Sinan al-Namari and Sinan Nasser 'Izz al-Namari were among a group of 23 men arrested in December 1989 in Wisab al-'Aali in Dhamar province by officers of the army of the former YAR. Ten were subsequently released and the 13 remaining detainees were held incommunicado for approximately six months in the local *al-Amn al-Watani* centre where they were reportedly subjected to

torture. Nine were later released and the remaining four were charged with a murder which had allegedly occurred in 1984. On 13 October 1990 the defendants were tried and convicted in the Court of First Instance in Wisab al-'Ali in Dhamar Province *in absentia*, despite their presence in custody in Dhamar Central Prison. Each was sentenced to paying a 300,000 Riyal fine (*diyya*). Two have since been released, but Khaled and Sinan al-Namari are still held at Dhamar Central Prison. Khaled al-Namari is a 47-year-old farmer and is married with 11 children. Sinan al-Namari is also a farmer and is 37 years old, married with three children.

◆ Qa'id 'Ali Sa'id al-Qadi and Hamoud 'Ali Sa'id al-Qadi, 35 and 23 years old respectively, were summoned by *al-Amn al-Watani* in November 1989 to Dhamar Central Prison where their father 'Ali Sa'id al-Qadi was being held. The two brothers and their father were NDF members. 'Ali al-Qadi was released because of his failing health but Qa'id and Hamoud al-Qadi were detained *in lieu*. They have not been charged or tried, but their release has reportedly been made conditional upon paying the 300,000 Riyal fine (*diyya*) which had been imposed on their

father who had earlier been convicted of murder. The two brothers were released following an amnesty in April 1992.

♦ Mahdi Naji al-'Awadi and his cousin Hussein al-'Ajjī 'Ali al-'Awadi were summoned to *al-Amn al-Watani* headquarters in Sana'a in June 1986. They were detained and charged with murder. In March 1988 they were tried and acquitted by the Court of First Instance in Sana'a, but continued to be detained. In August 1992 Hussein al-'Awadi was released for reasons of ill-health; however, Mahdi al-'Awadi continues to be held in Sana'a Central Prison, over five years after his trial and acquittal.

## **AMNESTY INTERNATIONAL'S RECOMMENDATIONS**

Amnesty International urges the government of the Republic of Yemen to:

- Quash the death sentence imposed on Mansur Rajih and immediately and unconditionally release him as a prisoner of conscience.
- Commute the death sentences passed on political prisoners named in this document and which are currently pending ratification by the Presidential Council.
- Set up a judicial review into the cases of all political prisoners named in this document, who were sentenced after unfair trials, with a view to bringing about their fair retrial or release.
- Establish an independent public commission of inquiry to conduct prompt and impartial investigations of all reports of torture and deaths in custody. If the allegations are confirmed those found to be responsible should be brought to justice, the victims compensated and rehabilitated and effective steps taken consistent with the requirements of the Convention against Torture and the Principles for the Effective Protection and Investigation of Extra-legal, Arbitrary and Summary Executions to prevent the recurrence of such practices.
- Take immediate steps to improve the level and quality of medical care in prisons in order to prevent any further unnecessary suffering and death.

APPENDIX

NAMES AND DETAILS OF 23 MEMBERS OF THE FORMER NDF CURRENTLY HELD IN YEMEN

NAME	DATE OF BIRTH	DATE OF ARREST	CHARGE(S)	DATE AND SENTENCE OF COURT OF FIRST INSTANCE	DATE AND SENTENCE OF COURT OF APPEAL	DATE AND SENTENCE OF SUPREME COURT OF CASSATION	COMMENTS
1. Mansur Muhammad Ahmad Rajih	c. 1958	June 1983	Murder	March 1984, Death	April 1987, Death	August 1988, Death	He is a prisoner of conscience who was tortured during his first years in prison and is currently held in Ta'iz Central Prison. (see text, page 6)
2. Hamoud	c. 1950	1983	Murder	1984,	Unknown	Unknown	He was apparently



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'Abdullah 'Ali Saleh al-Za'rouni				Unknown			tortured during his first years in detention and is currently held in Ta'iz Central Prison.
3. 'Abdullah Sa'id Mufrih al-Sa'adi	c. 1960	January 1983	Murder	1984, 10 years imprisonment and 70,000 Riyal fine	1987, Upheld previous sentence	Unknown	He was apparently tortured during his first years in detention and is currently held in Ta'iz Central Prison.
4. Ahmad 'Abdullah Hussein al-Faqih	c. 1955	early 1985	Murder	1986, 400 Gold Pounds fine	1988, Believed to be pending	----	He was apparently tortured during his first years in detention and is currently held in Ta'iz Central Prison.
5. Muhammad Mahdi Makhrouf	c. 1950	16 November 1984	Murder  Armed	December 1985, Acquitted	December 1986, Death	1987, Acquitted	He was apparently severely tortured during his first years in detention. He is involved in the same case as

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			highway robbery	Date unknown, <i>in absentia</i> , Death	August 1990, <i>in absentia</i> , Upheld death sentence		Muhammad al-Zahayj (no. 6 below). It is not known whether his sentence is pending before the Court of Cassation. He is currently held in Dhamar Central Prison. (see text, pages 7-9)
6. Muhammad Ahmad 'Abdullah al-Zahayj	c. 1940	16 November 1984	Murder  Armed highway robbery	November 1985, Acquitted  Date unknown, <i>in absentia</i> , Death	March 1986, Death  August 1990, <i>in absentia</i> , Upheld death sentence	1987, Acquitted	He was apparently severely tortured during his first years in detention. He is involved in the same case as Muhammad Makhrouf (no. 5 above). It is not known whether his sentence is pending before the Court of Cassation. He is currently held in Dhamar Central

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							Prison. (see text, pages 7-9)
7. Ahmad 'Ali Salem	c. 1950	1982/1983	Armed highway robbery and murder  Murder	1984, <i>in absentia</i> cross-amputation and death  December 1988, Acquittal	March 1987, <i>in absentia</i> Upheld death sentence and possibly dropped amputation sentence  ----	Pending  ----	He was apparently tortured during his first years in detention. He is in the same group as Muhammad Muthana and 'Abdo Muthana (nos. 8 and 9 below) and is currently held in Dhamar Central Prison. (see text, page 9-11)
8. Muhammad 'Abdullah Muthana	c. 1957	1982/1983	Armed highway robbery and murder	1984, <i>in absentia</i> cross-amputation and death	March 1987, <i>in absentia</i> Upheld death sentence and possibly dropped amputation sentence	Pending	He was apparently tortured during his first years in detention. He is in the same group as Ahmad Salem (no. 7 above) and 'Abdo Muthana (no. 9 below) and is currently held in

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							Dhamar Central Prison. (see text, page 9-11)
9. 'Abdo Muhammad Muthana	c. 1945	1982/1983	Murder	1988, Acquitted	----	----	He was apparently tortured during his first years in detention. He is in the same group as Ahmad Salem and Muhammad Muthana (nos. 7 and 8 above) and is currently held in Dhamar Central Prison. (see text, page 9-11)
10. Khaled Mahmoud Sinan al-Namari	c. 1946	December 1989	Murder	1990, in absentia, 300,000 Riyal fine	----	----	He is involved in the same case as Sinan al-Namari (no. 11 below) and is currently held in Dhamar Central Prison. (see text, page 11)
11. Sinan Nasser 'Izz al-Namari	c. 1957	December 1989	Murder	1990, in absentia,	----	----	He is involved in the same case as Khaled

				300,000 Riyal fine			al-Namari (no. 10 above) and is currently held in Dhamar Central Prison. (see text, page 11)
12. Mujahid 'Ali 'Abdullah al-Shawish	c. 1960	early 1984	Murder	1984 in absentia; March 1988, he was retried and sentenced to death	February 1985 in absentia; January 1989, he was retried and death sentence was upheld	Pending	He was arrested and implicated in this case with six other men, none of whom is believed to be currently in detention. He is currently held in Dhamar Central Prison.
13. Muhammad 'Abdullah al-Jumhuri	c. 1969	1986	Murder	Date unknown, fine	Unknown	Unknown	He may be currently held in Dhamar Central Prison.
14. Muhammad Nasser Sa'ad al-Sabahi	c. 1957	1982	Murder	mid-1985, Death	1988, Upheld the death sentence	Unknown	He was apparently tortured during his first years in detention and is currently being held in

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							Dhamar Central Prison.
15. Zein 'Abd-Rabah 'Ali al-Riyami	c. 1950	April 1986	Murder	1986, Death	c. 1988, Upheld the death sentence	Unknown	He was implicated in this case with seven of his relatives (nos. 16-22). They were all reportedly ill-treated during the first few months in detention. They were tried in a military court, as opposed to a criminal court. They are currently being held in Sana'a Central Prison.
16. Nasser 'Abdullah 'Abdullah al-Riyami	c. 1960	April 1986	Murder	1986, Death	c. 1988, Upheld the death sentence	Unknown	See the case of Zein al-Riyami (no. 15 above).
17. Ahmad Nasser 'Abdullah al-Riyami	c. 1960	April 1986	Murder	1986, Death	c. 1988, Upheld the death sentence	Unknown	See the case of Zein al-Riyami (no. 15 above).

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18. Hassan 'Abdul-Rahman al-Riyami	c. 1960	April 1986	Murder	1986, Death	c. 1988, Upheld death sentence	Unknown	See the case of Zein al-Riyami (no. 15 above).
19. Ahmad 'Abdullah Saleh al-Riyami	c. 1960	April 1986	Murder	1986, Death	c. 1988, Upheld death sentence	Unknown	See the case of Zein al-Riyami (no. 15 above).
20. Dayf-Allah 'Ali 'Abdul-Rahman al-Riyami	c. 1960	April 1986	Murder	1986, Death	c. 1988, Upheld death sentence	Unknown	See the case of Zein al-Riyami (no. 15 above).
21. Ahmad 'Abdullah 'Abdullah al-Riyami	c. 1955	April 1986	Murder	1986, Death	c. 1988, Upheld death sentence	Unknown	See the case of Zein al-Riyami (no. 15 above).
22. 'Ubad 'Abdullah 'Abdullah al-Riyami	c. 1957	April 1986	Murder	1986, Death	c. 1988, Upheld death sentence	Unknown	See the case of Zein al-Riyami (no. 15 above).
23. Mahdi Naji al-'Awadi	c. 1958	June 1986	Murder	March 1988, Acquitted	Has not been appealed	----	He is currently held in Sana'a Central Prison. (see text, page 12)