

PUBLIC

AI Index: MDE 31/05/98

EXTRA 94/98

Fear of execution

1 December 1998

YEMEN Fuad 'Ali Mohsen al-Shahari
Hammoud Murshed Hassan Ahmad
and at least 77 others

There are fears that Fuad 'Ali Mohsen al-Shahari, Hammoud Murshed Hassan Ahmad and at least 77 others could be at risk of execution.

Fuad 'Ali Mohsen al-Shahari was convicted of the murder of a captain in the Political Security Department. He was sentenced to death by the Court of First Instance in Ta'iz on 12 November 1996 after what appears to have been an unfair trial. He was held incommunicado for approximately one month and allegedly tortured and ill-treated in order to obtain a confession. Key defence witnesses were reportedly prevented by way of intimidation from testifying in the case. His sentence was upheld by the court of appeal and is currently pending before the Supreme Court for the final appeal.

Hammoud Murshed Hassan Ahmad, an officer in the armed forces, was charged with a murder which allegedly took place in 1982. He was sentenced to death in June 1995 by the Court of First Instance in Ta'iz. The verdict and sentence were upheld by Ta'iz Court of Appeal on 11 May 1998. His case has been pending before the Supreme Court for a final appeal. Amnesty International has received information suggesting that the real reason behind his punishment is political and not murder. The organization is bringing this to the government's attention. If it is true, he would be a prisoner of conscience.

At least 77 other cases of prisoners have reached the final stage of appeal before the Supreme Court. They too are at risk of execution.

Amnesty International's concern about all these prisoners is heightened by what appears to be an emerging trend of speedy executions after unfair trials. For example, Muhammad Ahmad Mislal al-Nadhiri was executed five days after he was first sentenced to death by the Court of First Instance in March 1997 (see EXTRA 49/97, MDE 31/04/97, 2 April 1997). 'Abdullah al-Rada'i and Jalal 'Abdullah al-Rada'i were executed five months after they were first sentenced to death (see EXTRA 118/97, MDE 31/10/97, 29 August 97). In both cases, the defendants were reportedly denied adequate opportunity for defence.

BACKGROUND INFORMATION

While Amnesty International recognizes the rights and responsibilities of all governments to bring to justice those suspected of criminal offences, it is unconditionally opposed to the death penalty in all cases as the ultimate violation of the right to life as enshrined in the Universal Declaration of Human Rights.

Amnesty International has long-standing concerns regarding the use of the death penalty in Yemen, particularly in light of the fact that death sentences are often passed after trials which fail to meet international standards for fair trial.

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

-expressing concern that Fuad 'Ali Mohsen al-Shahari, Hammoud Murshed Hassan Ahmad and at least 77 others appear to be at risk of execution and urging

commutation of the death sentences, if upheld by the Supreme Court, to a more humane punishment;

-acknowledging the right of the government to bring to justice anyone found responsible for criminal offences, but expressing Amnesty International's opposition to the death penalty in all cases;

-seeking clarification of reports that Hammoud Murshed Hassan Ahmad may have been sentenced to death solely on political grounds.

APPEALS TO:

His excellency, General 'Ali 'Abdullah Saleh, President of the Republic of Yemen

Sana'a, The Republic of Yemen

Telegrams: President 'Ali 'Abdullah Saleh, Sana'a, Republic of Yemen

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Salutation: Your Excellency

His excellency, Dr 'Abd al-Karim al-Iryani, Prime Minister of the Republic of Yemen

Sana'a, The Republic of Yemen

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Salutation: Your Excellency

Minister of Interior

Hussain Muhammad 'Arab

Ministry of Interior

Sana'a, The Republic of Yemen

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Salutation: Your Excellency

Minister of Justice

Isma'il Ahmad Al-Wazir

Ministry of Justice

Sana'a, The Republic of Yemen

Telegrams: Justice Minister, Sana'a, Yemen

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Salutation: Your Excellency

President of the Supreme Court

Sana'a, The Republic of Yemen

Salutation: Your Excellency

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

PLEASE SEND APPEALS IMMEDIATELY.