

PUBLIC

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UA 79/06 Fear of forcible return/Fear of Torture and Ill-Treatment

YEMEN Ahmed Salman al-Zubaidi (m)]
 Ahmed Muthana al-Aani (m)] Iraqi nationals
 Mohammed Mehdi al-Kanani (m)]

The three Iraqi nationals named above, who are believed to have been working as teachers in Yemen since 2002, were arrested in March 2003 in connection with alleged plans to attack the American and British embassies in the capital, Sana'a, and are alleged to have been agents of the Iraqi government of Saddam Hussein. They have been acquitted of all charges, but are now in danger of being forcibly returned to Iraq, where they would be at risk of torture and ill-treatment.

An unnamed official from the prosecution was quoted in a 3 April AFP press report as saying that the three men should "be deported quickly as they have been acquitted...They have entered Yemen under the guise of being teachers. There is no excuse for them to stay."

In October 2005 the Lower Court in Sana'a acquitted the men. The decision was upheld by the Court of Appeal on 4 March.

People in Iraq known or perceived to have had links with the government of Saddam Hussein have been targeted for arbitrary arrest, torture and summary execution.

In a Reuters report of 11 September 2005, one of the men was quoted as saying in court, "We urge the Yemeni authorities not to hand us over to the Iraqi government especially after satellite televisions broadcast our pictures and the charges against us, including that the we were intelligence officers under the previous regime...we fear we will be handed over to the American authorities in Iraq and the harmful consequences of that."

BACKGROUND INFORMATION

The use of torture by the Iraqi security forces is said to be widespread and reportedly includes severe beatings to various parts of the body with cables, as well as cigarette burns, electric shocks to the genitals and the use of electric drills on the arms and legs. Since the Shi'a dominated government, led by Prime Minister Ibrahim al-Ja'afari, came to power in May 2005, serious allegations of torture have been made against security forces controlled by the Ministry of Interior. The victims have included those suspected of involvement with armed opposition groups and "terrorist activities".

To forcibly return anyone to a country where they would be at risk of torture is a violation of Yemen's obligations under international law, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

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

- expressing concern at reports that the Yemeni government is preparing to forcibly return Iraqi nationals Ahmed Salman al-Zubaidi, Ahmed Muthana al-Aani and Mohammed Mehdi al-Kanani to Iraq;
- calling on the authorities to abide by their obligations under international law, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and ensure that the three

men are not forcibly returned to Iraq or any other country where they would be at risk of torture or ill-treatment;

- calling on the authorities to allow the three men the opportunity to challenge in court any decision to expel them.

APPEALS TO:

President

His Excellency General 'Ali 'Abdullah Saleh

President of the Republic of Yemen

Sanaa

Republic of Yemen

Faxes: + 967 127 4147

Salutation: Your Excellency

Minister of Interior

His Excellency Dr Rashid Muhammad al-Alimi

Ministry of Interior

Sanaa

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Faxes: + 967 1 332 511

Salutation: Your Excellency

Minister of Human Rights

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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 May 2006.