

PUBLIC

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UA 49/06 Death sentence/fear of imminent execution

YEMEN Adil Muhammad Saif al-Ma'amari (m), aged 21

Adil Muhammad Saif al-Ma'amari is in imminent danger of execution for a murder committed when he was 16 years old. The Yemeni Penal Code expressly prohibits the use of the death penalty for crimes committed before the age of 18. The sentence has now been passed to President Ali 'Abdullah Saleh for ratification; he has the power to commute the sentence to a more humane alternative.

Adil Saif al-Ma'amari was arrested on 27 July 2001, and in the police station he confessed, allegedly under torture, to murdering a male relative during an argument. He was tried at a lower Court in the town of al Rawna, near Yemen's second city, Taiz. At the start of the trial he protested that he was under 18. On the orders of a judge he was examined by a doctor, who reported on 10 October 2001 that he had not yet passed his 17th birthday. Article 31 of the Penal Code says that "any accused under 18 should not be sentenced to death under any charge," but the court ignored this and sentenced him to death on 19 October 2002. He had no legal assistance during the trial.

Yemen ratified the Convention on the Rights of the Child, which expressly prohibits the execution of juvenile offenders, in 1991.

Adil Saif al-Ma'amari's appeals were rejected by the Court of Appeal in Taiz on 23 May 2005, and then by the Supreme Court on 27 February 2006.

His twin younger brothers, who were 15 at the time, were arrested with him but released without charge two months later.

BACKGROUND INFORMATION

At least two people have been executed in Yemen so far this year. Amnesty International has longstanding concerns about the use of the death penalty in Yemen, particularly as death sentences are often passed after proceedings which fall short of international standards for fair trial. Many people have been sentenced to death in spite of concrete evidence that they were under 18 at the time of the crimes of which they were convicted.

While Amnesty International recognizes the right and responsibility of governments to bring to justice those suspected of recognizably criminal offences, it is unconditionally opposed to the death penalty in all cases as the ultimate cruel, inhuman and degrading treatment, and violation of the right to life.

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

- urging the President of Yemen to commute Adil Muhammad Saif al-Ma'amari's death sentence;
- pointing out that the execution of juvenile offenders is expressly prohibited by Article 31 of Yemen's Penal Code, and by the Convention on the Rights of the Child, which Yemen ratified in 1991;
- calling on the authorities to investigate allegations that Adil Muhammad Saif al-Ma'amari was tortured by police to force him to confess;
- acknowledging the right of the government to bring to justice those responsible for criminal offences, but expressing unconditional opposition to the death penalty.

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
Republic of Yemen

Faxes: + 967 1 332 511

Salutation: Your Excellency

Minister of Human Rights

Her Excellency Kadijah al-Haysami
Ministry for Human Rights
Sana'a, Republic of Yemen

Faxes: + 967 1 444 838

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 17 April 2006.