

EXTERNAL

AI Index: MDE 31/07/97

UA 152/97

Flogging

28 May 1997

YEMEN' Abdul Jabbar Saad, journalist

'Abdullah Saad, journalist

On 27 May 1997, the Court of First Instance in Sana'a reportedly sentenced two Yemeni journalists to 80 lashes each on charges of libel.

'Abdul Jabbar Saad and his brother 'Abdullah Saad, the editor of the weekly opposition newspaper *al-Shura*, were convicted of having written and published a series of critical articles over two years against Sheikh 'Abdul Majid Zendani, a leading politician in the al-Islah political party.

'Abdul Jabbar Saad and 'Abdullah Saad were also banned from journalism for one year and *al-Shura* was ordered to cease publication for six months.

The two have 60 days in which to appeal against the sentence.

BACKGROUND INFORMATION

The punishment of flogging, previously limited to the former Yemen Arab Republic (YAR), became applicable to the whole of unified Yemen following the enactment of a new Penal Code in 1994. The punishment is prescribed for offences of a sexual nature, offences related to the consumption of alcohol, and slander.

In 1997 the UN Commission on Human Rights adopted a resolution (UN Commission on Human Rights 1997/38) reminding governments that corporal punishment can amount to cruel, inhuman or degrading punishment or even to torture. In his 1997 report, the UN Special Rapporteur on torture stated that "corporal punishment is inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment enshrined inter alia in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights....and the Convention against Torture..." (E/CN.4/1997/7 page 5, para.6).

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

- expressing deep concern about the penalty of lashes as a judicial punishment and pointing out that the punishment of flogging is contrary to Yemen's obligations under international human rights treaties (please refer to the UN Commission on Human Rights resolution mentioned above);
- urging that the sentences be commuted if upheld on appeal;
- calling on the Government of Yemen to commute all outstanding sentences of flogging and to take steps to bring Yemen in line with international standards, including article 7 of the International Covenant on Civil and Political Rights, which prohibits the use of such punishments.

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

Faxes: +967 1 262 017

Telexes: 2422 RIASAH YE

Salutation:Your Excellency

Minister of Interior
Husain Muhammad 'Arab
Ministry of Interior
Sana'a, The Republic of Yemen

Faxes: +967 1 251 566

Telegrams: Interior Minister, Sana'a, Republic of Yemen

Salutation:Dear Minister

Minister of Justice
Isma'il Ahmad al-Wazir
Ministry of Justice
Sana'a, The Republic of Yemen

Telegrams: Justice Minister, Sana'a, Republic of Yemen

Salutation: Dear Minister

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 25 July 1997.