

**PUBLIC**

**AI Index: MDE 31/025/2005**

**09 December 2005**

**Further Information on UA 182/05 (MDE 31/012/2005, 7 July 2005) - Death penalty/Legal Concern and new concern: prisoners of conscience/fear of imminent execution**

**YEMEN**

**Yahia Hussein al-Dailami (m), cleric**  
**New name: Mohamed Ahmed Miftah (m), cleric**

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Yahia Hussein al-Dailami's death sentence was upheld by the Court of Appeal in the capital, Sana'a, on 3 December. The sentence is expected to be passed to the Supreme Court in the next few days; if they uphold the death sentence, Yahia Hussein al-Dailami could be facing imminent execution.

Another Shia Zaidi cleric, Mohamed Ahmed Miftah, who was sentenced to eight years' imprisonment on 29 May at the trial where Yahia Hussein al-Dailami was sentenced to death, had his sentence upheld at the 3 December hearing. His sentence too will now be passed to the Supreme Court. The prosecution is likely to request the death penalty. If the Supreme Court agree with this, they could refer his case back to the appeal court, asking them to reconsider the case. The complete process can run quickly, and could see Mohamed Ahmed Miftah facing imminent execution within weeks.

Both men were sentenced after trial proceedings that fell short of minimum international standards for fairness. Amnesty International believes that both men are prisoners of conscience, held solely for their criticisms of the government, the peaceful expression of their conscientiously held beliefs or for being a member of the Zaidi community. They were arrested in September 2004 and charged two months later with vaguely worded offences including "communicating with Iran", "conspiring to overthrow the republican system" and "supporting Hussain Badr al-Din al-Huthi" (a Zaidi cleric who was an outspoken critic of the US invasion of Iraq).

## **BACKGROUND INFORMATION**

Amnesty International has longstanding concerns about the use of the death penalty in Yemen and believes that scores of people have been executed so far this year. Among them was Fuad 'Ali Mohsen al-Sharari, who was executed by firing squad on 29 November following an unfair trial. The execution was carried out despite many appeals by Amnesty International and others, including the European Union, and Yemen's own Human Rights Ministry, one of the country's leading judges and Yemeni human rights groups.

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

- calling on the authorities to release Yahia Hussein al-Dailami and Mohamed Ahmed Miftah immediately and unconditionally, as they are prisoners of conscience, held solely for the peaceful expression of their conscientiously held beliefs or for being a member of the Zaidi community;
- urging the President to intervene and stop the execution Yahia al Dailami;
- reminding the authorities that they are bound by international standards for fair trial in capital cases.

## **APPEALS TO:**

President

'Ali 'Abdullah Saleh

President of the Republic of Yemen

Sana=a  
Republic of Yemen  
**Fax: + 967 127 4147**  
**Salutation: Your Excellency**

Prime Minister  
>Abd al-Qader Bajamal  
Prime Minister of the Republic of Yemen  
Sana=a  
Republic of Yemen  
**Fax: +967 1 274 662**  
**Salutation: Your Excellency**

Minister of Interior  
Rashid Muhammad al->Alimi  
Ministry of Interior  
Sana=a  
Republic of Yemen  
**Fax: +967 1 332 511**  
**Salutation: Your Excellency**

Minister of Human Rights  
Amat al Aeem al Suswah  
Ministry for Human Rights  
Sana'a, Republic of Yemen  
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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 20 January 2006.