

URGENT ACTION

DEATH SENTENCE OVERTURNED, RETRIAL AHEAD

Yemen's Supreme Court has overturned the death sentence of security guard Ahmed Omar al-Abbadi al-Markashi and returned his case to the Court of Appeal.

The Yemeni Supreme Court overturned **Ahmed Omar al-Abbadi al-Markashi's** murder conviction and death sentence on 19 December 2013, citing numerous irregularities in investigations and trial proceedings. The Supreme Court has returned the case to the Court of Appeal after finding that, among other things, testimonies by al-Markashi and eyewitnesses were misrepresented as evidence that al-Markashi had intended to kill the gunman he was convicted of murdering, that the investigating authorities overlooked evidence that he had acted in self-defence, and that key evidence such as the "murder weapon" were not adequately documented and examined.

Ahmed al-Markashi was a security guard at the house of Hisham Bashraheel, the editor-in-chief of the newspaper *al-Ayyam*, in the Yemeni capital, Sana'a. In February 2008, a group of men shot at Hisham Bashraheel's house and security guards returned fire. One of the attackers was killed and another injured. Ahmed al-Markashi was arrested on 14 February 2008, and later charged with murder.

Ahmed al-Markashi was sentenced to death for murder by a court in Sana'a on 11 June 2010. The Court of Appeal upheld his death sentence on 25 June 2011, even though neither he nor his lawyer were told in advance of the appeal session, and were not present when it was held.

Please write immediately in Arabic, English or your own language:

- Welcoming the Supreme Court's decision to overturn the murder conviction and death sentence of Ahmed Omar al-Abbadi al-Markashi and return his case for retrial;
- Urging the authorities to safeguard his right to a fair trial in rigorous compliance with international standards, and without recourse to the death penalty;
- Reminding them that under international minimum safeguards, capital punishment may only be imposed after a fair trial in which the defendant is provided with adequate legal assistance at all stages of the proceedings;

PLEASE SEND APPEALS BEFORE 28 APRIL 2014 TO:

Minister of Justice

His Excellency Murshed Ali al-Arashani
Ministry of Justice
Sana'a, Republic of Yemen
Fax: +967 1 222 015 (please keep trying)
Email: moj@yemen.net.ye
Salutation: Your Excellency

Attorney General

His Excellency Ali Ahmed Nasser al-Awash
Attorney General's Office
Sana'a, Republic of Yemen
Fax: + 967 1 374 412 (please keep trying)
Salutation: Your Excellency

And copies to:

Minister of Human Rights
Her Excellency Houriah Ahmed Mashhour
Ministry of Human Rights
Sana'a, Republic of Yemen
Fax: +967 1 444 833
Email: mshr@y.net.ye

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 247/11. Further information: www.amnesty.org/en/library/info/MDE31/013/2011/en

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ADDITIONAL INFORMATION

The Yemeni authorities forced the newspaper *al-Ayyam* to shut down in May 2009 after numerous attempts to silence it had failed. The February 2008 attack on the editor-in-chief's house, which led to the killing of one of the attackers and the arrest of Ahmed Omar al-Abbadi al-Markashi, is believed to have been instigated by the authorities even though the attack was seemingly motivated by a dispute over ownership of the property. *Al-Ayyam* was believed at the time to have been targeted solely because of its coverage of protests against the government.

The offices of *al-Ayyam* were blockaded by the security forces on 30 April 2009 to prevent copies of the newspaper from being distributed. The authorities took similar action against six other newspapers on 4 May. On 5 May the government announced a ban on all newspapers it considered to have had expressed support for the secession of the south of the country in coverage of protests there. The security forces attacked the *al-Ayyam* offices in Aden on 13 May, killing two men, one of them a security guard, and wounding another. The authorities claimed to have raided the *al-Ayyam* offices to arrest the newspaper's editor-in-chief in relation to the February killing of which Ahmad Omar al-Abbadi al-Markashi was later convicted. In early January 2010, the authorities besieged and raided the *al-Ayyam* offices in Aden, confiscated its computers and detained its editor-in-chief and staff members for months without charge.

In early 2013, in the aftermath of the popular uprising that ousted the previous regime, the Yemeni President created two commissions to investigate the arbitrary dismissal of southern civilian and military personnel and the unlawful confiscation of lands in south Yemen by the mainly northern elite. The two commissions have so far investigated and recommended adequate reparations in thousands of individual cases that await the Yemeni cabinet's implementation. The present authorities have also partially compensated *al-Ayyam* for damage caused by the security forces under the previous regime.

In recent years Amnesty International has repeatedly raised concerns about restrictions on freedom of expression in Yemen, in particular the authorities' targeting of critics of the state. For more information see *Yemen: Cracking Down Under Pressure* (<http://www.amnesty.org/en/library/info/MDE31/010/2010/en>).

Name: Ahmed Omar al-Abbadi al-Markashi

Gender m/f: m

Further information on UA: 247/11 Index: MDE 31/005/2014 Issue Date: 17 March 2014