

PUBLIC

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UA 301/05 **Fear of imminent execution/ legal concern**

YEMEN **Ismail Lutef Huraish (m), aged 47**
Ali Mussara'a Muhammad Huraish (m), aged 37, his cousin

Ismail Lutef Huraish and his cousin Ali Mussara'a Muhammad Huraish are at risk of imminent execution. They were sentenced to death in 2000 for a murder committed in 1998. Ismail Lutef Huraish, who is deaf, was not given access to sign-language interpretation, and was reportedly convicted solely on the basis of the "confession" of his cousin.

The two men were reportedly arrested on 14 October in a village near the city of Taiz, and were charged with murder the following day. The Supreme Court upheld their death sentences in January 2004. President 'Ali 'Abdullah Saleh is currently considering their sentences. The President may grant clemency, but if he chooses to ratify their sentences, the men could be executed at any time.

Since the men were arrested, the authorities have not provided sign-language interpretation for Ismail Lutef Huraish. Therefore, at no point in the judicial process was he able to give his own account of his alleged involvement in the murder. His guilt was apparently decided solely on the basis of statements Ali Mussara'a Muhammad Huraish made during police interrogation and during their trial, which allegedly implicated both men in the murder. Amnesty International has no further information about these alleged "confessions".

The failure of the authorities to provide the means for Ismail Lutef Huraish to communicate is in violation of article 337 of the Yemeni penal code, which states that deaf defendants must have access to sign-language interpretation, as well as Article 14 (3) of the International Covenant on Civil and Political Rights (ICCPR), to which Yemen is a state party, which states that defendants have the right to be informed of the charges against them and to have proceedings conducted in a language which they understand. This includes finding the appropriate language or method to inform people with a hearing or speech disability of the charges and proceedings which they face.

BACKGROUND INFORMATION

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.

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 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 to commute the death sentence passed on Ismail Lutef Huraish and Ali Mussara'a Muhammad Huraish;
- acknowledging that the government has a right to bring to justice those responsible for criminal offences, but expressing unconditional opposition to the death penalty;
- reminding the authorities that they are bound by international standards for fair trial in capital cases, including the right to seek pardon or commutation of the sentence;

- expressing concern that Ismail Lutf Huraish did not receive a fair trial because he did not have access to sign-language interpretation, in violation of article 337 of the Yemeni penal code, and of Article 14 (3) of the International Covenant on Civil and Political Rights (ICCPR), to which Yemen is a state party.

APPEALS TO:

President

His Excellency General 'Ali 'Abdullah Saleh
President of the Republic of Yemen
Sanaa
Republic of Yemen

Fax: + 967 127 4147

Salutation: Your Excellency

Minister of Interior

His Excellency Dr Rashid Muhammad al-Alimi
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Sanaa
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Salutation: Your Excellency

Minister of Human Rights

Her Excellency Amat al Aeem al Suswah
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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 12 January 2006.