

EXTERNAL (for general distribution)

AI Index: ASA 45/01/94
Distr: UA/SC

UA 128/94

Death Penalty

30 March 1994

WESTERN SAMOA Sesela Mato Afoa, aged 31

Amnesty International has learned that Sesela Mato Afoa was sentenced to death in March 1994 for taking part in the murder of Nuutai Fatiala Mafulu on 25 September 1993 in the village of Lona, Fagaloa District.

Nuutai Fatiala Mafulu was a village chief who had recently returned to Lona, having been banned from the area 20 years earlier. Since then, he had been living in New Zealand. Soon after his return to Lona, Mafulu had several disagreements with the *fono* (village council made up of *matai* (chiefs and orators)). These disagreements apparently included his refusal to pay a village fine and his opposition to a night curfew, and led to the village council ordering his execution according to traditional customs. On 25 September 1993 Mafulu was shot dead in front of his wife and children. After the shooting his house, shop and two vehicles were burned.

Six chiefs were due to be tried in March on charges of inciting or procuring the death of Mafulu, although Amnesty International does not have details of any proceedings undertaken.

BACKGROUND INFORMATION

Western Samoa retains the death penalty for treason and murder although Amnesty International has received no reports of any executions.

The Head of State has the power to commute death sentences and takes a decision after consultation with ministers.

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

- stating that Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights;
- expressing concern that Sesela Mato Afoa has been sentenced to death and urging that his sentence be commuted.

APPEALS TO

His Majesty Malietoa Tanumafili II
Head of State
Government House
Vailima
Apia
WESTERN SAMOA

Faxes: + 685 21 050 ("attention: His Majesty Malietoa Tanumafili II)

Telexes: 221

Telegrams: Majesty Tanumafili, Apia, Western Samoa

Salutation: Your Majesty

COPIES OF YOUR APPEALS TO:

- 1) Prime Minister

Tofilau Eti Alesana
Prime Minister's Department
POB 193
Apia
WESTERN SAMOA

2) Minister of Justice
Fuimaono Lotomau
Justice Department
POB 49
Apia
WESTERN SAMOA
Faxes: + 685 21 050

and to diplomatic representatives of Western Samoa accredited to your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 10 May 1994.