

**PUBLIC**

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**22 October 2008**

**UA 292/08**     **Fear of imminent execution**

**YEMEN**         **Ismail Lutef Huraish (m), aged 49**  
**Ali Mussara'a Muhammad Huraish (m), aged 39, his cousin**

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Ismail Lutef Huraish and his cousin Ali Mussara'a Muhammad Huraish are at risk of imminent execution. They have exhausted all their appeal stages, and their death sentences were ratified by the President. They could be executed as early as next week. Another man, Hammoud Ahmed Qaid Sa'eed, who was detained with the two men in Ta'iz prison, was executed today, despite medical evidence showing that he was mentally ill.

Ismail Lutef Huraish and Ali Mussara'a Muhammad Huraish were sentenced to death in 2000 for a murder committed in 1998. They were reportedly arrested in 14 October in a village near the city of Ta'iz, and were charged with murder the following day. The Supreme Court upheld their death sentences in January 2004. In December 2005 Amnesty International called on the President not to ratify the death sentences against the men (see UA 301/05, MDE 31/023/2005, 1 December 2005).

Since his arrest, Ismail Lutef Huraish, who is deaf and illiterate, has not been given access to sign-language interpretation. Therefore, at no point in the judicial process was he able to give his own account of events or to respond to allegations that he was involved in the murder. According to his lawyer, he was convicted solely on the basis of statements which Ali Mussara'a Muhammad Huraish made during police interrogation and during their trial, and which allegedly implicated both men in the murder. Amnesty International has no further information about these "confessions".

The failure of the authorities to provide Ismail Lutef Huraish with interpretation facilities is in violation of Article 337 of the Yemeni criminal procedure law, which states that deaf defendants must have access to sign-language interpretation, as well as of 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 long-standing 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 Arabic or 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 the 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 Lutef 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 criminal procedure law, 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

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**Salutation: Your Excellency**

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##### Minister of Justice

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Republic of Yemen

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**Salutation: Your Excellency**

**COPIES TO:** diplomatic representatives of Yemen accredited to your country

**PLEASE SEND APPEALS IMMEDIATELY.**