

EXTERNAL

AI Index: AFR 21/01/97

EXTRA 01/97

Death penalty / Legal concern

6 January 1997

COMOROSSaid Ali Mohamed

Youssef Hamadi, aged 40

Mohamed Youssef

The three men named above have been convicted of murder and sentenced to death.

Said Ali Mohamed was sentenced to death on 31 December 1996, Youssef Hamadi on 3 January 1997 and Mohamed Youssef on 4 January. The sentences follow a recent statement by President Mohamed Taki Abdoukarim announcing a crackdown on murderers, and Amnesty International fears that the three men are at risk of imminent execution.

Although entitled by law to appeal against their sentences, the judges for the *Cour de Cassation* (Appeals Court) have yet to be named by the National Assembly and the court is not operational. Amnesty International is concerned that the men may be denied their right to appeal. In September 1996, another man, Youssef Ali, was denied his right to appeal and publicly executed just days after he was sentenced to death.

Under Islamic law it is forbidden to carry out executions during the month of Ramadhan which starts this year on 10 January and Amnesty International is concerned the men may be executed before Ramadhan starts.

BACKGROUND INFORMATION

Youssef Ali's execution was the first execution in Comoros since the country's independence in 1975 and came shortly after a statement made by President Taki in which he announced a crackdown on violent crime and warned that the death penalty would be applied. He was also reported to speak of "our justice being too slow, it moves at the speed of a tortoise". (see EXTRA 149/96, AFR 21/01/96, 25 September 1996.)

Amnesty International recognizes the rights and responsibilities of governments to bring to justice those suspected of criminal offences, but opposes the death penalty in all cases as the ultimate 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. Furthermore, the death penalty has never been shown to have a unique deterrent effect on crime, and is brutalizing to all involved in its application.

RECOMMENDED ACTION: Please send telegrams/telexes/express/airmail letters in French or your own language:

- expressing concern at the death sentences passed on Youssef Hamadi, Said Ali Mohamed and Mohamed Youssef;
- urging that the men be allowed to exercise their right to appeal to an independent and impartial higher appeal court;
- reiterating Amnesty International's concern at the public execution of Youssef Ali in September 1996 without him being able to exercise his right to appeal;
- explaining Amnesty International's unconditional opposition to the death penalty in all cases and urging that the death sentences, if confirmed by an appeal court, be commuted to a more humane punishment.

APPEALS TO:

1. President

Mohamed Taki Abdoukarim
Président de la République
BP 521, MORONI, Comoros

Telegrams: President, Moroni, Comoros

Telexes: 233 PRESIREP KO

Salutation: Monsieur le Président / Dear President

2. Minister of Justice

Harimiya Ahmed
Ministre de la Justice, Garde des Sceaux et administration pénitentiaire
Ministère de la Justice
MORONI, Comoros

Telegrams: Ministre Justice, Moroni, Comoros

Telexes: 219 MAERFIC KO

Salutation: Madame le Ministre / Dear Minister

COPIES TO:

Prime Minister

Ahmed Abdou
Premier Ministre du gouvernement
BP 521, MORONI, Comoros

Minister of Foreign Affairs and Cooperation

Mouthar Ahmed Charif
Ministre des Affaires étrangères et de la Coopération
Ministère des Affaires étrangères et de la Coopération
MORONI, Comoros

and to diplomatic representatives of COMOROS accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 6 February 1997.