

concern over the fact that in Yemen many of the offences punishable by death are reportedly vaguely worded and could easily be misused to convict persons carrying out activities which amount to no more than the peaceful expression of their conscientiously held beliefs, including their political opinion. The report cites articles 125 and 259 of the Penal Code which provide for the death penalty for "anyone who committed an act with the intention of infringing upon the independence of the Republic or its unity or territorial integrity", and any Muslim who says or does anything contrary to Islam.

The SR also referred to information indicating that impunity, particularly by the Political Security branch of the security forces, has contributed to continued violations of the right to life. Some persons were reported to have been deliberately killed, others were reported to have been shot during protests and demonstrations during which security forces allegedly used excessive force. The SR acknowledged that human rights abuses, including deliberate killings, have been committed by armed political groups, in some cases against civilians, apparently on the basis of their political affiliation or religious beliefs.

An urgent appeal was sent to the government on behalf of two persons who were reportedly facing imminent execution after they had been sentenced to death by crucifixion in August 1997 by the Court of First Instance in Al Mukallah. According to the information received, they had no legal assistance during the court sessions, a request for a lawyer reportedly having been refused as an attempt to delay the trial. Two other cases were transmitted. The first concerned a person who was reportedly shot and killed by members of the security forces during a demonstration in Aden held by hotel workers in protest against delays in payment of their wages. The second involved a member of the Nasserist Corrective Party, an opposition party, who was killed in October 1996, noting information indicating that those responsible were driving a military vehicle and one was alleged to be a member of the Republican Guard force.

**Religious intolerance, Special Rapporteur on:** (E/CN.4/1998/6, paras. 48, 50, 58, 63, 94)

The report refers to violations of freedom of religion and belief and notes: non-Muslims are subjected to restrictions in religious matters; any proselytizing of Muslims by non-Muslims is forbidden; and the local publication of non-Muslim religious material is prohibited.

**Torture, Special Rapporteur on:** (E/CN.4/1998/38, paras. 207-213; E/CN.4/1998/38/Add.1, paras. 473-481)

The report notes information received indicating that persons detained for political reasons, particularly those arrested by the Political Security Branch of the security forces, were often held incommunicado for prolonged periods, sometimes weeks or months, without access to lawyers or their family members. Torture was said to be inflicted systematically against such detainees. Military

intelligence, criminal investigation police, and members of the armed forces also allegedly used torture on a widespread basis, against both political suspects and common law detainees. Officials carrying out torture were said usually to act with impunity, as few investigations of such officials had reportedly been carried out.

The methods of torture reported included: beatings all over the body, including with rifle butts, iron rods, cables and sticks; sexual assault, including rape; threat of rape of a victim or of relatives in the presence of the victim; application of electric shocks; suspension from a metal bar inserted between the hands and knees which are tied together ("Kentucky Farruj"); being urinated on; being walked on while lying naked on slabs of concrete; prolonged solitary confinement; shackling for lengthy periods; burning with cigarettes; beatings on the soles of the feet (*falaqa*); dousing with cold water; suspension, sometimes upside down, from the ceiling or window while simultaneously being subjected to other forms of torture; whipping and lashing; sleep deprivation; being kept in adverse weather conditions; being tied to a chair or bound with ropes while subjected to other forms of torture; and forced head shaving.

Information also indicated that members of the security forces carried out abductions and beatings of political opposition figures as reprisal for their political activities and/or to dissuade them from engaging in such activities in the future.

Concerning corporal punishment, the report notes that under the Penal Code enacted in 1994: fornication, when the offender is unmarried, is punishable by 100 lashes, and adultery is punishable by death by stoning; consumption of alcohol and slander are punishable by 80 lashes; amputation of the right hand is prescribed for a first theft offence and amputation of the left foot at the ankle for a subsequent offence; and highway robbery is punishable by amputation of the right hand and left foot. The report states that flogging was said to be carried out on a regular basis with defendants often flogged immediately upon trial without appeal to higher courts, and judges were said to face threats or other pressure from security forces to convict defendants in corporal punishment cases. The Special Rapporteur referred to the government invoking judicial independence in the application of Shari'a, and stated that such independence does not relieve the state from its obligation under international law to prevent the infliction of cruel, inhuman and degrading punishment.

The cases transmitted to the government concerned, *inter alia*: one of many detainees allegedly tortured in Si'un Prison in 1995; one person arrested in connection with links to the National Front for the Opposition (MOG) who died the next day in the custody of the security forces in Si'un, allegedly as a result of torture; a 62-year-old university professor who had been suspended from his job following the publication of an article critical of the government, and the Director of a studies' institute, who was abducted and beaten fol-