



**International Commission against the Death Penalty**

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**Opinion piece: The situation on the death penalty in Yemen**

*By Federico Mayor, President of the ICDP and Ibrahim Najjar, Commissioner, International Commission against the Death Penalty*

In early December – just one week before the world marked International Human Rights Day – Yemen sparked global dismay by executing a girl in violation of a binding United Nations treaty.

Hind Al-Barti was put to death in Sana'a, even though – according to information received by the UN – she was only around 15 years old at the time of her offence.

Her execution showed blatant disregard for international law. Executing children and juvenile offenders violates the UN Convention on the Rights of the Child, which proclaims the inherent right to life of every child. It is also outlawed under Yemeni law.

Yet Hind Al-Barti's execution was not an isolated incident. There are concerns that almost 200 juvenile offenders in Yemen have either been condemned to death or are threatened with execution.

Amongst these are Waleed Hussein Haikal and Mohammad Abduh Qasim al-Taweel – both aged 15 at the time of their offences – and 13-year-old Mohammad Taher Samoum. Yemen's Supreme Court has reportedly confirmed their death sentences, with Yemen's President ratifying the verdict. There are now urgent fears for their lives.

In 2005, Yemen assured the UN Committee on the Rights of the Child that its penal code had abolished the death penalty, as well as torture and other cruel, inhuman and degrading treatment and punishment, for anyone committing a crime when aged under 18.

In 2009 – under the UN Human Rights Council process known as the Universal Periodic Review – Yemen committed not to impose capital punishment on juvenile offenders and children, to review use of the death penalty in such cases, and to take immediate action to remove juvenile prisoners from death row.

Yet despite such promises and reassurances, Yemen reportedly executed at least 14 juveniles between 2006 and 2010, with reports of a further such execution in January 2012.

Concerns are compounded by the failure of proceedings to meet international standards of fairness. A Human Rights Watch report highlighted how the 2007 execution of Adil Muhammad Saif al-Ma'amari – sentenced to death for a murder committed in an argument

when he was 16 – took place despite his claims that police tortured him until he confessed. He also lacked any legal assistance during his trial.

At the same time, there is growing recognition globally that the death penalty is cruel, inhuman and degrading. Just some two weeks before Hind Al-Barti's execution, the world's nations – gathered at the UN General Assembly's Third Committee, which deals with human rights and social matters – voted decisively for a global moratorium on capital punishment.

Over two-thirds of all States – according to the UN more than 150 countries from all regions and cultures – have now rejected capital punishment, together with its inherent cruelty, its ineffectiveness as a crime deterrent, and its ever-present risk of executing the innocent.

**For these reasons,**

Yemen's government should take urgent action to protect children and young people from this ultimate human rights abuse. It should assure the world and its own citizens that the execution of juvenile offenders will end immediately, and that meaningful effective action will be taken to remove all juvenile offenders from Yemen's death row.

**Federico Mayor**

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*The International Commission against the Death Penalty - An independent body led by a group of high-profile Commissioners from across the world. They include former presidents, prime ministers, government ministers, senior United Nations officials, a former US state governor, a former judge and president of the International Court of Justice, and a leading academic.*

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