

Yemen Still Sentences Children to Death by Firing Squad

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On Saturday, Mohammed Haza'a was put to death by the Yemeni government despite legitimate questions as to whether he was under the age of 18 when he committed an alleged murder.

In 1999, Mohammed shot an intruder at his home in the central Yemeni city of Tiaz. The man later died of his wounds. Various judges, including the one who made the initial ruling, determined that the killing was self-defense and that Mohammed was underage at the time of the crime. Ignoring these concerns, an appeals court eventually sentenced him to death.

George Abu Al-Zulof, a child protection specialist at UNICEF, describes in chilling detail how firing squads carry out their orders. "They put them on the ground, they cover them with the blanket and then a doctor comes and points around the heart from the back side. Then they shoot three to four bullets [into] the heart."

Mohammed's execution was [denounced](#) by the European Union and comes on the heels of a Human Rights Watch (HRW) [report](#) condemning the Yemeni government's use of the juvenile death penalty. Released last week, the report makes clear that international law, to which Yemen is a signatory, "prohibits, without exception, the execution of individuals for crimes committed before they turn 18."

Nevertheless, Bede Sheppard, a senior researcher at HRW, said that there is still a "very small and unpleasant club" made up of four countries - Iran, Saudi Arabia, Yemen and Sudan - which continue to carry out the practice. The United States could be included in

that group until as recently as 2005, when the Supreme Court finally outlawed the death penalty for minors.

Since 1994, Yemen's penal code has prohibited executing anyone under 18, while at the same time referring those over the age of 15 to adult courts. This has created a situation where, as Alison Parker, the chief of communications for UNICEF in Yemen, puts it "between the ages of 15 and 17 there is sort of this grey area."

Over the last six years, Yemen has executed 16 people who claimed to have been underage at the time of their alleged crime. The HRW report lists over twenty children across Yemen still on death row and says that prosecutors have called for the death penalty in 186 additional cases.

Nadim al-'Azaazi is another casualty of this loophole-riddled system. On January 26, a Yemeni judge sentenced now eighteen-year-old Nadim to death. After his arrest three years ago on murder charges, Nadim endured weeks of beatings and interrogation at local police stations before being transferred to the central prison in the capital Sana'a, where he currently awaits unlawful execution.

Speaking from the group cell he shares with nearly forty other young men, Nadim describes what happened when the judge received a medical report putting his age at 15 when he allegedly committed murder. "The court didn't reject it, the family of the victim didn't reject it, and the prosecutor didn't reject it. With that, they sentenced me to death."

The problem in Yemen appears to be two fold. One major issue is determining the age of prisoners in a country where the birth registration rate stands at [only 22 percent](#), the other is a dysfunctional judiciary. Experts say that both the age verification process and Yemeni courts are plagued by unprofessionalism, bias, and corruption.

According to the HRW report, age certification is conducted using questionable methods and inadequately trained staff. "Forensic doctors" rely on wrist or arm x-rays to make their determinations, a technique that has a margin of error of up to two years in either direction. In poverty stricken Yemen, the fact that "bone-age assessments may be influenced by factors including socio-economic background and nutrition," further compounds concerns over the accuracy of the tests.

Even when the defendant's age is determined correctly, they face an uphill battle. The victims' families, especially influential ones, are said to pressure prosecutors and judges, who in turn often act with impunity. As Mohammed Al-Awadai, the manager of juvenile administration in Yemen's prison authority, understands it, "In the Yemeni law, the judge has the right to be discretionary."

A spokesperson for Yemen's Human Rights Ministry said that, although it does what it can to voice its objection to the juvenile death penalty, the judiciary bears the brunt of responsibility. The justice ministry, however, has "been known to deny that any juvenile has ever been executed in Yemen," said Priyanka Motaparthi, a HRW researcher "which is astonishing in light of the size of scope of this problem."

Al-Awadai is against the execution, and all but last resort imprisonment, of children, in part, because he believes that "[kids] get more problems - mental problems - inside the prison." The case of Abdul Aziz - a pseudonym used to protect his identity - is particularly illustrative of the challenges facing child inmates in Yemen.

Abdul Aziz had three doctors assess his age as 16, but ever since a fourth unilaterally revised the figure upwards to 19, he has been in imminent danger of being put to death. To make matters worse, his family disowned him following his arrest.

"They gave up on me," he mumbled, on the verge of tears. "No visits, they didn't bring lawyer, they never came to the court, nothing. I hope that they visit me, and get me a lawyer."

Abu Al-Zulof of UNICEF adds, "You can notice the trauma on his face. He needs support, he needs rehab, he needs physco-social support and this cannot be provided in the central prison"

The glimmer of hope provided by officials like Alwdai has begun to shine brighter over the last few months. It started on a low note, with the Yemeni government's December execution of a juvenile offender named Hind al-Barati; the first to be carried out during the Presidency of Abdu Rabo Mansour Hadi. But this served as a wake up call for other incarcerated children frightened of meeting the same fate.

A month later, when Nadim al-'Azaazi was sentenced, his fellow juvenile inmates at the Sana'a central prison went on a [solidarity hunger strike](#). Nearly half of the 77 young men are at high risk of being put to death. Walid Haikal, 26, has already spent more than a decade in prison and could be killed at any moment. Desperate for change, he asserted, "I am ready to [strike] for my entire life, ready to give blood."

Progress came more quickly than expected. After less than a week President Hadi delayed a scheduled execution in Ibb province and the strike was stopped. The mood was cautiously optimistic. However, Saturday's execution proves that while the hunger strike and an accompanying push by the international community has brought much needed [attention](#) to this issue, the children are not out of the woods yet.

"There wasn't any political will to halt [Saturday's] execution," said Abu Al-Zulof of UNICEF. But with any luck this becomes the exception rather than the norm. "After the Catherine Ashton statement yesterday, and the execution of Mohammed Haza'a, [the government is] taking it much more seriously."

The President, who must sign all execution orders, will be key to stopping juvenile executions. Parker of UNICEF saw President Hadi's suspension of the execution in Ibb as a rare positive development, and Motaparthly of HRW is hopeful that his office will follow through on a promise to reexamine the cases brought to its attention.

"At the highest level, at least we're able to get the ear of the President, which is not always the case in other countries," Parker said. "That provides some sort of a light at the end of the tunnel."