

## **P7\_TA-PROV(2011)0073**

### **Yemen: death penalty against juvenile offenders, notably the case of Muhammed Taher Thabet Samoum**

#### **European Parliament resolution of 17 February 2011 on Yemen: persecution of juvenile offenders, in particular the case of Muhammed Taher Thabet Samoum**

*The European Parliament,*

- having regard to its resolution of 10 February 2010 on the situation in Yemen<sup>1</sup>,
  - having regard to the United Nations Convention on the Rights of the Child (UNCRC) and the International Covenant on Civil and Political Rights (ICCPR), to which Yemen is a party,
  - having regard to its previous resolutions on the abolition of the death penalty, in particular that of 7 October 2010 on the World Day against the Death Penalty<sup>2</sup>,
  - having regard to its resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter<sup>3</sup>,
  - having regard to the European Community Strategy Paper for Yemen for the period 2007-2013,
  - having regard to the United Nations General Assembly (UNGA) Resolution of 22 December 2010 calling for a moratorium on the use of the death penalty, UNGA Resolution 62/149 of 18 December 2007 on a moratorium on the use of the death penalty, and UNGA Resolution 63/168 of 18 December 2008 calling for the implementation of UNGA Resolution 62/149,
  - having regard to the Alexandria Declaration of 2008 calling on the governments of the Middle East and North Africa (MENA) countries to enact a moratorium on executions as the first step towards the abolition of the death penalty,
  - having regard to the revised and updated version of the EU Guidelines on the Death Penalty, adopted by the Council on 16 June 2008,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas in Yemen, as in other Arab countries, in particular Tunisia and Egypt, demonstrators have taken to the streets in recent weeks to demand more democracy and state reforms; whereas many protesters have been attacked or taken into custody by the security forces,
- B. whereas Muhammed Taher Thabet Samoum was sentenced to death in September 2001 by

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<sup>1</sup> Texts adopted, P7\_TA(2010)0017.

<sup>2</sup> Texts adopted, P7\_TA(2010)0351.

<sup>3</sup> Texts adopted, P7\_TA(2010)0489.

the Criminal Court in Ibb, following his conviction for a murder he allegedly committed in June 1999, when he was supposedly under the age of 18; whereas in the absence of a birth certificate his death sentence was upheld by an appeal court in May 2005, confirmed by the Supreme Court in April 2010 and has since been ratified by the President of Yemen; whereas Muhammed Taher Thabet Samoum was initially scheduled for execution on 12 January 2011, but was granted a temporary reprieve by the Yemeni Attorney-General,

- C. whereas Fuad Ahmed Ali Abdulla was sentenced to death after being convicted of a murder which he allegedly committed while still under the age of 18, although this assumption was rejected by the court; whereas his execution, scheduled for 19 December 2010, was put on hold following representations by the international community, in particular the EU, and his lawyer,
- D. whereas the death penalty is the ultimate cruel, inhuman and degrading punishment, one which violates the right to life as enshrined in the Universal Declaration of Human Rights,
- E. whereas Yemen is a State party to the UNCRC and the ICCPR, both of which expressly prohibit the execution of those convicted of crimes committed when they were under the age of 18, and whereas the imposition of the death penalty on juvenile offenders is also expressly prohibited by Article 31 of Yemen's Penal Code,
- F. whereas dozens of people were executed in Yemen in 2010; whereas hundreds of prisoners are on death row in Yemen, according to reports by human rights organisations,
- G. whereas Yemen lacks adequate means of determining the age of defendants without birth certificates, including the necessary forensic facilities and staff,
- H. whereas there are serious concerns about developments in Yemen with regard to democracy, human rights and the independence of the judiciary; whereas there have been cases of the persecution of journalists and human rights defenders; whereas the situation of women is especially difficult, characterised by ever poorer access to education and a lack of active participation in political life,
- I. whereas the European Union is strongly committed to working towards the abolition of the death penalty everywhere and is striving to achieve universal acceptance of this principle,
- J. whereas in 2010 only one country reportedly executed a juvenile offender, down from three countries in 2009; whereas Yemen has made significant progress towards the prohibition of the use of the death penalty against juvenile offenders; whereas this raises great hopes that the execution of child offenders will soon be outlawed worldwide in law and in practice,
  - 1. Expresses its deep concern at the long-standing political and socio-economic problems in Yemen, and calls for considerable efforts by the international community to prevent the escalation of the current crisis;
  - 2. Expresses its solidarity with the demonstrators who are demanding democratic reforms and improved living conditions; welcomes, in this context, President Saleh's announcement that he will step down in 2013, and calls on the authorities to stop all violence against peaceful protesters and to release all demonstrators who have expressed their dissent peacefully;
  - 3. Condemns all executions, wherever they take place, and emphasises once again that the

abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights;

4. Calls on the President of Yemen and the Yemeni authorities to halt the execution of Muhammed Taher Thabet Samoum, and calls on the Yemeni authorities to commute the death sentences imposed on Muhammed Taher Thabet Samoum and Fuad Ahmed Ali Abdulla;
5. Calls on the Government of Yemen to stop executing individuals for crimes they allegedly committed when they were under the age of 18, a punishment which breaches both Yemeni law and Yemen's obligations under international human rights agreements;
6. Calls on the Yemeni authorities to comply with Article 31 of Yemen's Penal Code, which stipulates non-capital sentences for crimes committed by persons under the age of 18;
7. Urges the Yemeni authorities to respect internationally recognised legal safeguards concerning minors, such as the ICCPR and the UNCRC;
8. Calls on the Yemeni authorities to introduce universal birth registration and to improve procedures for determining the age of defendants who lack birth certificates;
9. Stresses the need for reforms in Yemen, as called for by so many demonstrators in the streets, in order to improve living conditions for the population and guarantee free and fair elections, respect for human rights, particularly freedom of the media and the right to a fair trial, and equal treatment for men and women;
10. Calls on the Council and the Commission, in particular following the establishment of the European External Action Service, quickly to implement a coordinated and comprehensive EU approach towards Yemen;
11. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the EEAS, the governments and parliaments of the EU Member States, the UN Secretary-General, the President of the UN General Assembly, the governments of the UN member states and the Government and President of the Republic of Yemen.