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Somalia: Child publicly executes father's killer on orders of summary court

Amnesty International today condemned the public execution of Omar Hussein in Mogadishu on 2 May. He was tied to a stake, hooded and stabbed to death by the 16-year-old son of the man whom he admitted stabbing to death in February, an elderly Qur'anic school teacher. Omar Hussein had been sentenced to death hours earlier by an Islamic (Shari'a) court. Shari'a courts in Somalia do not allow the right to legal representation or appeal.

The execution was in violation of numerous international laws and standards relating to capital punishment. Omar Hussein's right to a fair judicial hearing before a competent and independent judicial authority, including his right to judicial review, his right to life and his right to be free from cruel, inhuman or degrading punishment, have all been violated by the imposition of the death penalty by this court and the swift carrying out of the death sentence in this particularly abhorrent way.

Amnesty International, which campaigns for the abolition of the death penalty worldwide, has called for the end of the use of the death penalty in the process of reconstruction in the collapsed state of Somalia. Somali human rights defenders have also been campaigning against the death penalty.

A Shari'a law of retribution (*qisas*, ie "like-for-like") was applied in this capital case, after the victim's family reportedly refused to accept compensation (*diyya*). Such a retribution execution is unprecedented in Somalia and Somali customary law. It is also contrary to Somalia's former Penal Code, which would be the basis for court proceedings in state courts. It was said to be the first death sentence and execution ordered by this Shari'a court in the Bermuda district of Mogadishu.

Of particular concern to Amnesty International is the court's use of a child under the internationally recognized age of adulthood at 18 years to inflict the death sentence. The teenager, as designated by his family, repeatedly stabbed the condemned person in the head and neck. He reportedly expressed happiness at his infliction of the death sentence in this way.

A large crowd gathered to witness the public execution, with several fainting at the sight of blood gushing from the head of Omar Hussein, whose body was left exposed for his family to collect later.

Amnesty International calls on President Abdullahi Yusuf, head of Somalia's Transitional Federal Government, to prevent any further executions and take steps to establish a fair judicial system throughout the country as a fundamental part of the reconstruction of Somalia.

The human rights organization also calls on the Islamic courts, of which there are several in Mogadishu, to

bring their judicial procedures into conformity with recognized international and African human rights treaties and standards. Amnesty International urges them to allow the right to legal representation, the right of appeal to a higher court, and the right of those condemned to death to petition for clemency.

Background

Somalia has been a collapsed state since 1991. The Transitional Federal Government which was formed in late 2004 after two years of peace and reconciliation talks in Kenya has still not been able to establish control of any part of the country. There is no rule of law or national system of justice. Islamic courts function in some parts of Mogadishu. Several death sentences have been imposed and carried out by Islamic courts and their militias in recent years, although most death sentences have been replaced by compensation negotiated between the clans of the victim and the perpetrator according to Somali customary law.

In the past two months -- and even in the last few days -- there has been some of the worst faction fighting in Mogadishu in recent years, with dozens of deaths of civilians as well as faction militias.