



YEMEN

CAPITAL: San'a

POPULATION: 22.9 million

GNI PER CAPITA (PPP): \$2,210

SCORES	2006	2010
ACCOUNTABILITY AND PUBLIC VOICE:	2.60	2.47
CIVIL LIBERTIES:	3.24	2.49
RULE OF LAW:	2.66	2.50
ANTICORRUPTION AND TRANSPARENCY:	1.94	1.90

(scores are based on a scale of 0 to 7, with 0 representing weakest and 7 representing strongest performance)

Gregory D. Johnsen

INTRODUCTION

In recent years, Yemen has made some positive progress toward becoming a more democratically governed country, featuring increased competition in 2006 presidential elections and the establishment of a new anticorruption watchdog. Much of this progress has been eclipsed, however, by a multitude of crises and the authorities' often blunt response to them. These challenges range from dual insurgencies to corruption and other systemic governance failures that have led to diminished state legitimacy. Political instability has been exacerbated by deteriorating economic conditions, rendering the prospects for the country's future democratic development uncertain.

The Republic of Yemen was created on May 22, 1990, when the northern Yemen Arab Republic and the southern People's Democratic Republic of Yemen joined to form a united state. President Ali Abdullah Saleh ruled the north from 1978, when he took control of the state, surrounding himself with family members and trusted allies, particularly within the state's security apparatus. In 1982, President Saleh formed the General People's Congress (GPC), a political party that survived unification and continues to rule Yemen. The pre-unification history of south Yemen, led by a Marxist regime from 1967 until 1990, was similarly characterized by internal power struggles. Power was eventually consolidated by Ali Salim al-Bid, a former foreign minister from the Hadramawt region, who also became head of the Yemeni Socialist Party (YSP). In late 1989, as the Soviet Union's previously strong influence was crumbling, al-Bid met Saleh in Aden and the two jointly announced impending unification. Almost

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immediately the new country struggled to integrate two different systems of government. Importantly, the military was never completely unified, retaining separate northern and southern units.

The 1993 parliamentary elections were a wide-open affair, with 21 parties participating and 8 gaining seats. The YSP won 56 seats, while the GPC came away with 123. However, the *al-Tajammu‘ al-yamani li-l-islam* (Yemeni Reform Grouping, more commonly known as Islah) edged out the YSP with 62 seats. These electoral results, combined with a war of attrition between the YSP and Islamic militants—who were at times tacitly encouraged by prominent northern figures—destroyed the possibility of equal power sharing between the YSP and GPC, which had formed the basis for the pre-unification agreement. The YSP perceived that it was being manipulated out of power through a series of secret agreements between the GPC and Islah, sparking a secession attempt and ensuing civil war.

The civil war lasted from April 1994 until the southern capital of Aden fell in July as al-Bid and other prominent YSP figures fled the country. The YSP boycotted the 1997 parliamentary elections, and two years later President Saleh faced only token opposition during an election with significant shortcomings. A constitutional amendment passed by referendum in 2001 extended the potential presidential period to two seven-year terms.

On the surface, Yemen appears to have a relatively open democratic system, with elections being a key feature of the political landscape since 1990. Nevertheless, politics are dominated by the ruling GPC and President Saleh has ruled since 1978. The YSP participated in the 2003 parliamentary elections and, two years later, the rival YSP and Islah forged an alliance, joined by four smaller parties, to create the Joint Meeting Parties (JMP). This loose coalition put forward a candidate for the 2006 presidential elections, marking the first time Saleh faced genuine opposition (see Accountability and Public Voice).

Yemen has been increasingly preoccupied over the past eight years with several security threats. After initial success in combating and largely eliminating al-Qaeda’s infrastructure within the country, lapsed vigilance and a shift in priorities led to the organization’s resurgence since 2006. Heavy-handed northern dominance in the years since the 1994 civil war continues to stoke calls for secession in the south. Since 2004, the government has also been battling a rebellion in the northern governorate of Saada led by Hussein Badreddin al-Houthi, a prominent figure in the Zaidi Shiite Muslim community. Al-Houthi was killed in September 2004, but clashes between his supporters and government forces have continued and were reignited in the summer of 2009 after the collapse of a year-long ceasefire. The fighting has led to a severe humanitarian crisis in the area, with tens of thousands of people displaced.

Yemen remains one of the poorest countries in the Arab world. Its economy continues to suffer from its almost complete dependence on oil, while the water table is dropping at an alarming rate. High birth, illiteracy, and unemployment rates, along with rampant corruption, lack of foreign investment, a crumbling

infrastructure and pervasive poverty all contribute to serious concerns about Yemen's long-term future.

ACCOUNTABILITY AND PUBLIC VOICE	2.47
FREE AND FAIR ELECTORAL LAWS AND ELECTIONS	2.75
EFFECTIVE AND ACCOUNTABLE GOVERNMENT	1.75
CIVIC ENGAGEMENT AND CIVIC MONITORING	3.67
MEDIA INDEPENDENCE AND FREEDOM OF EXPRESSION	1.71

Yemen is a republic headed by a directly elected president, with a bicameral parliament composed of a 301-seat popularly elected House of Representatives and a 111-member Consultative Council (Majlis al-Shura) appointed by the president. The House of Representatives has legislative authority, while the Consultative Council serves in an advisory capacity. In the most recent parliamentary elections, held in 2003, the GPC increased its share of seats from 145 to 238. On the surface, the elections were competitive, but international and domestic observers noted numerous problems, including fraudulent voter registration, GPC use of party resources to influence the outcome of voting, and limits placed on the issues candidates could raise.

Islah and the YSP are the most prominent opposition parties, with 46 and 8 seats, respectively, although their influence remains limited because of the GPC's overwhelming majority. Several political parties are active, although many smaller ones survive as dependents of the GPC. Another round of parliamentary elections scheduled for April 2009 was postponed for two years in the wake of boycott threats from various opposition parties.¹ Many analysts viewed this postponement as a victory for the JMP.²

The most recent presidential elections were held in 2006. For a brief window in 2005, it appeared as if they might mark the end of Saleh's presidency after he pledged that July not to run for reelection. Approximately one year later, however, the GPC nominated him as its presidential candidate. Unlike the 1999 election, when Saleh's only opponent came from within his ruling party, in the 2006 polls he faced several opposition challengers, although the majority of those who initially announced their candidacy did so during the period when Saleh had said he would not be competing. In total, 46 candidates submitted their applications to parliament. Only five, including Saleh, were able to gain the 5 percent support in each house of parliament required to add their names to the ballot. Ultimately, Saleh's stiffest competition came from the JMP alliance's candidate, Faysal bin Shamlan, a 72-year-old former oil minister from the south, who has since died.

The four-week campaigning period prior to the elections was marred by some violence, though there was less fighting than in previous elections. In August 2006, several election officials were killed on the second day of the campaigning period. The following month, over 50 people were killed and 200

injured when a stampede occurred at a rally of Saleh supporters. International observers found that the Supreme Commission for Elections and Referendums (SCER) carried out the logistical aspects of electoral oversight in a generally professional manner. In an improvement from the 2003 elections, the SCER was able to ensure significant coverage for opposition candidates in state media, although the incumbent still received more due to the media's general coverage of the president's daily activities. Nevertheless, the SCER encountered difficulties in enforcing election laws and its own mandate, including rules pertaining to the illegal use of state resources to support the ruling party candidate. Public statements by SCER commissioners criticizing the opposition and NGO monitors also undermined its credibility and contributed to a decision by the JMP to boycott the SCER.³

When the official results of the election were announced three days after the polls, Saleh was awarded 77 percent of the roughly six million votes cast, while bin Shamlan received 22 percent of the vote.⁴ Saleh's total was down from an early projection, which had him winning 82 percent to bin Shamlan's 16 percent. The JMP rejected the early count, threatening street demonstrations to protest what it called voter manipulation and fraud.⁵ Saleh eventually acknowledged the JMP's claims, declaring the final count valid while admitting some mistakes had been made. The European Union Electoral Observation Mission to Yemen, which monitored the polls, declared the elections free and fair.⁶ Many observers remarked that, although flawed, the elections represented a historic step forward in Yemen's democratic development, particularly given the atmosphere of genuine competition between two candidates with distinguishable political and ideological approaches to governing.

Despite the role of parties in the formal aspects of Yemen's political system, personalized networks of patronage and related power blocs provide a more accurate means of deciphering political loyalties. Three main power blocs are of particular significance: the government, the military, and the tribes. Each of these blocs is largely personified and led by a single individual. In the case of the government and the GPC, it is Saleh. Ali Muhsin al-Ahmar controls the military through personal and family contacts, although his position has been weakened in recent years by military reshuffles orchestrated by Saleh; the president's son, Ahmad, and his nephews Yahya Muhammad Saleh, Tariq Muhammad Saleh, and Ammar Muhammad Saleh, are rising in importance. The most powerful tribal bloc, the Hashid tribal confederation, was headed by Sheikh Abdullah al-Ahmar until his death in December 2007. His oldest son, Sadiq, was elected to replace him, but has so far been unable to wield the same power and influence as his father. In addition to the difficulties caused by a generational shift in leadership and lesser reputation, Sadiq's problems speak to the changing nature of tribal rule in Yemen as such allegiances weaken in the face of other, competing identities.

In this context, a key factor contributing to Saleh's victory was the GPC's ability to mobilize preachers in mosques throughout the country to publicly

support the president in their sermons. Perhaps most importantly, Sheikh Abdullah al-Ahmar—at the time, head of Islah, speaker of parliament, and head of the Hashid tribal confederation—publicly supported Saleh's reelection bid. Sheikh Abd al-Majid al-Zindani, another prominent figure in Islah, also publicly backed the incumbent, despite Islah's membership in the opposition coalition that had formally backed bin Shamlan. The government's attempt to link bin Shamlan to a terrorist attack in the week prior to the elections also undermined the latter's candidacy. The authorities claimed that Shamlan's former bodyguards had been involved in a failed suicide bombing attempt; months after the elections, however, he was cleared of any link to the attacks.⁷

EU recommendations for improved future elections formed the basis of a JMP proposal to amend electoral laws. Proposed changes included barring government officials from pressuring subordinates to vote a particular way and requiring voters to cast ballots only in their place of birth or residence and not place of employment. In effect, this would eliminate large swaths of GPC support in the south, where individuals of northern origin stationed at military garrisons and government offices are sent to vote in a region that would otherwise be an opposition stronghold.

In August 2008 the GPC effectively defeated the JMP's proposed amendment, pushing through a vote to maintain the 2001 election law. Shortly afterwards, Saleh attempted to defuse rising tensions by releasing approximately a dozen political prisoners, including prominent southern activist Hassan Baum and journalist Abd al-Karim al-Khaywani, who had been imprisoned for reporting about the al-Houthi revolt. Despite such symbolic gestures, as 2008 progressed, disillusionment with the government from those on the periphery increased as they saw themselves kept out of the center of political power.

In May 2008, Yemen held its first elections for 20 provincial governors, posts previously appointed by the president. Opposition groups refused to participate, claiming government manipulation. Progovernment candidates were elected in 17 of the 20 districts, with independents elected in the remaining 3, all of whom are known to have unofficial ties to the GPC. In November 2008, local elections were postponed after the JMP threatened to boycott the parliamentary elections and the EU said it would not certify the elections without JMP participation. Finally, in February 2009, the GPC and the JMP agreed to postpone parliamentary elections for two years.⁸

Although the constitution provides for checks and balances, including parliamentary oversight, in practice the executive branch continues to be both the most unified and powerful branch of government. The GPC's overwhelming majority in the legislature enables the president and government to pass legislation without negotiating with the opposition. More informally, the legislature has had difficulty reasserting itself in the wake of Sheikh Abdullah al-Ahmar's death in 2007. President Saleh stepped down as the formal head of the judiciary in 2006, although this has not translated into a more independent and active judiciary.

Yemen's civil service continues to be plagued by challenges, including a lack of basic infrastructure and the entrenched phenomenon of "shadow employees," people on the payroll who do not perform any job. Hiring and promotion decisions are often influenced by political or patronage interests rather than merit.

Civic groups are active and increasing in number. However, their ability to influence government policy and legislation remains weak, particularly as more traditional lobbying arms yield greater sway. For example, although parliament amended legislation in February 2009 establishing 17 as the minimum age of marriage for women, activists have repeatedly expressed concerns that pressure from prominent religious leaders could lead to the provision's repeal.⁹ In addition to independent nongovernmental organizations (NGOs), a large number of civic groups with close government ties also operate; these are often utilized to create the artificial impression of grassroots support for government policies. NGOs are relatively free of state intimidation so long as they avoid public statements or advocacy on sensitive issues, such as direct criticism of the president or his family, discussions of Saudi funding and business dealings, and opposition to government actions in Saada. Many groups face the difficulty of knowing exactly where the "red lines" are at any given time.

Although the constitution guarantees the right to free expression, the government continues to prosecute journalists under restrictive laws like the 1990 Press and Publications Law. Article 103 of the law outlaws direct personal criticism of the head of state and publication of material that "might spread a spirit of dissent and division among the people" or information that "leads to the spread of ideas contrary to the principles of the Yemeni Revolution, [is] prejudicial to national unity or [distorts] the image of the Yemeni, Arab, or Islamic heritage." In recent years, as some journalists have increasingly pushed the limits of permissible coverage, the authorities have often responded harshly. Journalists have repeatedly been fined, arrested, imprisoned, threatened, subjected to home and office raids, and stopped from reporting on a range of important issues and events. According to the local watchdog group Women Journalists Without Chains, the number of documented press freedom violations doubled from 2006 to 2007. In June 2008, a state security court sentenced Abdulkarim al-Khalwani, the former editor of the banned weekly newspaper *al-Shura*, to six years in prison for allegedly collaborating with Zaidi rebels in the north and for "publishing information liable to undermine army morale"; al-Khalwani was released from prison following a presidential order in September. In January 2009, however, the security court overturned the pardon and upheld the original six-year sentence.¹⁰ Another prominent opposition journalist, Muhammad al-Maqalih, was disappeared in the fall of 2009.

The media crackdown reached new levels of repression during the spring of 2009, when the government shut down and raided the offices of several newspapers for their coverage of popular demonstrations in the south. In May 2009, the government established a Special Press Court to prosecute media-related crimes. On July 12, the court tried its first case, hearing charges of

“insult and humiliation” against Sami Ghalib, editor-in-chief of *Al-Nida* newspaper. Although Ghalib was eventually acquitted, the creation of the court has been widely criticized as unconstitutional and a step backward for Yemeni press freedom.

Yemen’s print media offer increasingly diverse coverage of local and international news. However, as 50 percent of the population is illiterate and two-thirds lives in rural areas, most citizens continue to get their news from broadcast media, over which the government maintains a monopoly. The government continues to tightly control licensing for print media, requiring newspapers to apply annually to renew their license to publish and offering preferential treatment to progovernment outlets. The state also controls the vast majority of printing presses in the country. Though access to the internet is not widespread, some newspapers have attempted to bypass government control by moving online. The authorities have responded by periodically censoring sites they deem offensive, including opposition and political websites such as the news site Yemen Portal, which was blocked in January 2008. Internet cafes are highly regulated, with some cafe owners monitoring what sites their customers browse.¹¹

CIVIL LIBERTIES

2.49

PROTECTION FROM STATE TERROR, UNJUSTIFIED IMPRISONMENT, AND TORTURE	1.63
GENDER EQUITY	1.67
RIGHTS OF ETHNIC, RELIGIOUS, AND OTHER DISTINCT GROUPS	3.00
FREEDOM OF CONSCIENCE AND BELIEF	3.67
FREEDOM OF ASSOCIATION AND ASSEMBLY	2.50

Yemen’s security services continue to act with impunity and extrajudicial killings, enforced disappearances, and arbitrary arrests have increased in recent years. Agents of the state have imprisoned hundreds of activists, opposition politicians, and workers, while torture and police brutality reportedly remain widespread. Family members have also been taken into detention in an effort to pressure suspects. Allegations have emerged of aerial bombing of villages, use of landmines in civilian areas, and other severe abuses in the Saada region. Independent verification of such allegations, however, has been hindered by the government’s tactic of blocking media and human rights groups’ access to conflict areas. At least 13 individuals were executed in 2008, some after unfair trials, while hundreds of others remain on death row.

Both state and private prisons operate with limited outside control or oversight. Abuses persist, including overcrowding and use of solitary confinement for months at a time.¹² The government does not allow independent inspections of the facilities, though most prisoners are able to receive visits from family. There is little protection against arbitrary arrests, which the government has

sometimes used to intimidate opposition figures, particularly those from the YSP. Some political activists have faced violence by nonstate actors as well. In late March 2009, YSP official Mushin 'Askar and his son were killed by unidentified gunmen in Amran.¹³ Estimates of political prisoners fluctuate widely as the government often follows a "revolving door policy" of imprisoning and then pardoning political activists as a way of controlling potential opposition groups. Many powerful sheikhs continue to maintain their own private prisons, where abuses are reportedly rampant. Information is sparse, however, as access for independent observers is even more restricted to these locations than to government-run facilities.

Those arrested have few avenues to effectively challenge their detention. While channels for legal redress are available, these are routinely ignored in favor of more traditional and opaque methods of pressuring the government. Such techniques include having a prominent individual take responsibility for the detainee, vouching for his future good conduct in exchange for a release authorized by high-ranking officials.

Human rights groups estimate that the government continues to hold hundreds of suspects without charge. Although hundreds of political prisoners from the Saada region were released following the 2008 ceasefire agreement, hundreds of others were detained in 2009 as fighting between government and al-Houthi forces reignited and antigovernment protests in the south gathered momentum. In addition to threats from government forces, civilians in the Saada region also face a humanitarian crisis.

The ruling regime does not appear to perceive al-Qaeda as an existential threat the way it does the fighting in Saada and resurgent calls for secession in the south. Nevertheless, an influx of Saudi Islamists and Iraqi insurgents has aided al-Qaeda's regrouping in the country. Several terrorist attacks have taken place in recent years, including a September 2008 bombing outside the U.S. Embassy that killed 16 people. In November 2007, the Council of Ministers approved a draft version of a terrorism financing law. This was part of a broader counterterrorism initiative, which includes legislation to limit the entry of weapons into the country. Many observers have raised doubts as to whether the terrorism finance legislation will deter funding to al-Qaeda and like-minded groups. Human rights groups have raised concerns that it could be used to increase repression against nonviolent southern opposition groups, who the regime has been known to arbitrarily label as terrorists. As of mid-2009, the bill was pending before parliament.

Yemen remains one of the most heavily armed societies in the world, with an estimated 17 million guns circulating among a population of 22 million. Reported crime rates have risen within the country in recent years, though this may be due to improved recording rather than increased violence. The government has taken some positive steps to combat crime, including a ban on carrying firearms in major cities and a heavy-weapons buyback program that was implemented in 2005, but these have largely been limited to urban areas and

particularly the capital city of San'a. Other manifestations of nonstate violence, particularly tribal feuds, are also common.

Yemen continues to be a country of origin for human trafficking, particularly of boys taken across the border to Saudi Arabia for forced labor. According to the Ministry of Social Affairs and Labor, an estimated 10 Yemeni children are trafficked into Saudi Arabia each day. Girls are also trafficked internally and abroad for sexual exploitation. In recent years, the government has taken measures to curb these practices, but these have been primarily centered on public education and provision of shelter for victims, while prosecutions have been extremely limited. The government's actions have often focused more on child labor and trafficking rather than on internal forced prostitution, where it has resorted to tacitly supporting vigilante religious committees modeled on Saudi Arabia's Committee for the Promotion of Virtue and the Prevention of Vice.¹⁴

Yemen ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1984, but discrimination against women remains pervasive.¹⁵ As the country's overall political situation has deteriorated, female activists have faced greater harassment by the security forces. Meanwhile, political crises have absorbed material and human resources that might otherwise have been allocated to improving women's rights.¹⁶ By law, women are afforded protections against discrimination and provided guarantees of equality under Sharia (Islamic law). In practice, a woman must receive permission from her husband or father to obtain a passport and travel abroad. Unlike men, women do not have the right to confer citizenship on a foreign-born husband. The process of obtaining citizenship for a child of a Yemeni mother and foreign father is more difficult than that for a child born to a Yemeni father and foreign mother.

In April 2008, the Yemeni parliament voted down legislation that would have banned female genital mutilation. The postponement of parliamentary elections has delayed calls for a quota system for women, which some activists had been demanding,¹⁷ though the proposed system received little support from mainstream political parties. President Saleh typically includes two female ministers in his cabinet, usually carrying the Human Rights and Social Affairs portfolios. Major political parties largely refrained from supporting female candidates during the 2009 local elections.

The Yemeni government has been widely criticized for failing to protect the rights of girls, particularly those forced to become child brides. This phenomenon, which often occurs in rural regions outside of government oversight, was highlighted by the cases of Reem al-Numeri (a 12-year-old who was forced to marry her 30-year-old cousin in 2008) and Najud Ali (a 10-year-old who left a forced marriage in 2008 and managed to successfully obtain divorce hearings).¹⁸ Following international pressure, the government supported passage of an amendment in February 2009 codifying 17 as the legal age of marriage for women. However, Islamists led by Sheikh Abd al-Majid al-Zindani have condemned the law as "un-Islamic" and are seeking to have it repealed. In addition,

implementation and enforcement of the amended law remains poor. An attitude of neglect characterizes the government's approach to its disabled and mentally challenged population. The latter are periodically imprisoned, ostensibly for their own protection.

One of the main cleavages in Yemeni society is between Shafi'is and Zaidis, two Islamic sects. The former are adherents to one of the four schools of Sunni Islam, while the latter are Shiites, although in practice there is little doctrinal difference between the two.¹⁹ Although President Saleh and many other powerful northerners are nominally Zaidi, the government has been supporting Wahhabi-inspired Yemenis fighting in the Saada region against the local Zaidi population. As Zaidi imams ruled the country (in some form) for over a thousand years prior to the 1962 revolution in North Yemen, the government's opposition to Zaidi leaders in Saada is largely a political calculation designed to weaken a potentially powerful group in Yemeni society. Indeed, the historical doctrinal closeness between the two sects casts doubt on the Yemeni government's refrain that it is battling Iranian-backed Shiite militants on Saudi Arabia's southern border. Such assertions are better understood as an attempt to link the government's domestic problems to larger regional and international concerns.

The fighting in Saada has led to hundreds of deaths since 2004. In August 2008, Abdel Malek al-Houthi, the leader of the Zaidi rebellion, accepted a ceasefire proposal to end the conflict, but according to Human Rights Watch, the government failed to uphold its end of the accord. In August 2009, another round of fighting broke out. Army aircraft, tanks, and troops battled against heavily armed tribesmen, causing at least 50,000 people to flee the region, according to the United Nations. Since 2006, the government has blocked access to the region to independent observers and journalists, making it difficult to fully assess the circumstances and casualty count in the area. During particularly tense periods of fighting, the government has also arrested or harassed Zaidi preachers teaching in other parts of the country.

According to the constitution, Islam is the state religion and Sharia the source of all legislation. Much of the government's interference in religious matters does not manifest as legal restrictions or formal oversight, but rather as unofficial support for particular religious figures who reciprocate by backing government policies. For example, Hamud al-Hitar, currently the Minister of Religious Endowments, is widely believed to have obtained the position as a reward for loyalty to the regime and in an attempt to ensure GPC control over mosques and religious institutions. The government has imposed some restrictions, however, on religious activity in the Saada region. Mosques' hours of operation have been restricted and imams suspected of extremism or of preaching antigovernment views have been removed from their posts.

In addition to Shafi'is and Zaidis, there are also small pockets of Ismailis and Twelver Shiites as well as some Jews residing in Yemen. In the eastern governorate of al-Mahra, local government officials periodically violate the rights of locals, particularly Mahri speakers. Official neglect of the group was evident in

October 2008, when the government responded slowly to flooding in al-Mahra while concentrating its efforts on the more politically significant governorate of Hadramawt. The Akhdam, a small ethnic minority traditionally marginalized from the political process, face social discrimination. In 2009, they demonstrated for the first time in an effort to secure their rights.

The right to form and join trade unions is protected by law, but restricted in practice. Nearly all unions operate under a national umbrella organization, the General Federation of Trade Unions of Yemen (GFTUY), which has close ties to the government. In recent years, the GPC has reportedly attempted to influence internal elections in unions and professional associations. Unions and their leaders occasionally face retaliation for organizing strikes. In September 2007, the Ministry of Social Affairs and Labor reportedly threatened to dissolve the Yemen Teachers Union and related syndicates after they led nationwide teacher demonstrations to demand a pay increase. In November 2008, six union leaders of the Aden Container Terminal Union (ACT) were arrested for leading a dock strike; they were released after six days. A new draft Labor Law is under consideration. If passed, it would entail some improvements, particularly in allowing foreign workers to join trade unions, though other restrictions would remain.²⁰

Although Yemeni law acknowledges freedom of assembly and opposition rallies were common in the run-up to the 2006 elections, the authorities have since used excessive force to suppress peaceful demonstrations. The government has been particularly intolerant of protests in the south over discriminatory treatment in the allocation of government jobs and oil profits, lack of influence over government decisions, and complaints of land grabs by powerful northern officials. Several thousand southerners joined demonstrations throughout 2008 and early 2009, with some participants calling for secession. The authorities responded with violence, killing several protestors and arresting hundreds of others, often sparking further violent clashes and arrests. Despite demands from parliament to investigate abuses and end the cycle of violence, the government has yet to take action to do so. As of August 2007, the government began to require special permits to stage what it termed “lawful rallies.” Observers saw this as an attempt to remove legal protections from peaceful protesters, enabling them to more easily be detained and labeled “criminals.”

RULE OF LAW

2.50

INDEPENDENT JUDICIARY	2.80
PRIMACY OF RULE OF LAW IN CIVIL AND CRIMINAL MATTERS	2.20
ACCOUNTABILITY OF SECURITY FORCES AND MILITARY TO CIVILIAN AUTHORITIES	2.00
PROTECTION OF PROPERTY RIGHTS	3.00

Yemen’s legal system is divided into three tiers: the Courts of First Instance, Court of Appeals, and Supreme Court. In recent years, the government has also

established special courts for terrorism and media crimes, developments widely perceived as a step backward for the rule of law and civil liberties. Unlike other Arab countries, Yemen does not have a separate court system handling personal status cases, which are adjudicated by civil courts, as Sharia is the source of most legislation.

Although the constitution guarantees judicial independence, in practice the judiciary is heavily influenced—and at times directly instructed—by the executive. The Supreme Judicial Council (SJC) oversees the country's judicial system, including most appointments. Candidates for senior positions, however, are typically chosen by the president. President Saleh presided over the SJC until 2006, when he stepped down and was replaced by the chief justice of the Supreme Court. The minister of justice and his deputy, however, retain a prominent role in the SJC, whose other members are judges directly or indirectly appointed by the president. As such, although the president no longer formally heads the council and the judiciary's budget is independent, executive branch influence over the judiciary remains significant.

Compliance with judicial decisions is inconsistent, particularly if rulings are unfavorable to prominent tribal or political leaders. Judicial authority is further undermined by President Saleh's tendency to circumvent the courts for political expediency, commuting or reducing sentences based on private, individualized agreements. Such extralegal agreements and the president's power to pardon are often used to neutralize potential opponents.

Like many civil servants, judicial staff promotions are based on a complicated system of favors and patronage rather than merit, rendering them susceptible to pressure from influential political or religious figures. Both a judge's social or tribal ties and, at times, bribery may influence verdicts. Many judges lack adequate training. Judges who possess the requisite training and skills, however, remain reluctant to challenge the government and regularly rule in favor of the state. Tribal and customary law continues to be practiced in most rural areas, in both criminal and civil cases.

The presumption of innocence is guaranteed in the constitution, but is rarely upheld in practice, including in death penalty cases. Long-term detention without charge remains common. Leaders of demonstrations in the south, suspected members of armed groups, and individuals alleged to be associated with the al-Houthi movement are particularly at risk for arbitrary detention. Many defendants are unaware of their right to legal representation, and indigent detainees and those in rural areas routinely lack access to counsel. The most effective avenue for defendants or victims of human rights violations to obtain justice or redress remains through connections to prominent figures who can petition the authorities on their behalf.

Prosecutors are also susceptible to political pressure. Given their limited ability to affect the outcome of cases, however, they are typically bypassed in favor of direct pressure on judges or powerful officials able to effectively influence a decision. Prosecutors rarely pursue high-ranking officials for corruption

or abuse of power. In some instances, gross violations have been met with promotion instead of prosecution.²¹

In 1999, the government established a Specialized Criminal Court (SCC) to address a class of crimes ranging from highway robbery to abductions; in 2004, its mandate was expanded to cover “crimes against national security.”²² SCC judges are appointed by the executive branch and proceedings do not meet international fair trial standards. International and domestic NGOs have criticized the courts’ creation as unconstitutional. According to Amnesty International, at least 109 people were tried before the SCC in 2007. While 73 were tried in connection to acts of violence, those brought before the court have also included journalists.²³ SCC procedures routinely fail to meet basic international standards and some trials have been held in secret. Attorneys representing suspects before the court consistently complain of being denied adequate access to evidence and to their clients. In March 2009, 16 al-Qaeda suspects being tried before the court went on a hunger strike to protest abuses by security services committed during their detention.²⁴

Since taking office in 1978, President Saleh has ensured control over various security forces by appointing family members and allies to top positions. Following the 1994 civil war, an estimated 60,000 servicemen from the south were discharged, with some fleeing the country. After returning under promise of amnesty combined with either re-enlistment or full pensions, their continued marginalization from the military ranks has been a key factor contributing to antigovernment sentiment in the south.

In addition to the national armed forces, there are three internal security services: the Political Security Organization (PSO), the Central Security Organization (CSO), and the National Security Bureau (NSB). The PSO is considered the most important and reports directly to the president. Its upper ranks are composed exclusively of former army officers. A number of its members have been dismissed in recent years in an attempt to eliminate corruption and Islamist sympathizers from within the agency. The CSO reports to the Ministry of the Interior, although in practice it is loyal to one of the president’s nephews, Yahya, who commands the organization. The NSB reports to the president’s office, but it is largely commanded by another nephew, Ammar Muhammad, who is the principal deputy. The NSB’s duties are not clearly defined, contributing to overlap between the agencies’ operations. The PSO and CSO operate their own extrajudicial detention centers.²⁵ The security forces frequently crack down on groups and individuals at the government’s behest, including using violence to suppress protests in the south. In July 2009, security forces reportedly opened fire on thousands of antigovernment protesters in the city of Zanjibar, killing at least 12 people and injuring dozens of others. Impunity remains the norm for such abuses.²⁶

Property rights are not well protected by law. Although 90 percent of farms in the north are privately owned, a majority of land in the south belongs to the state, a legacy of agrarian reform carried out by the former PDRY regime.²⁷ The

land registration system remains complex and inexact, with multiple copies of deeds sold for the same plot. As a result, disputes are common, but legal redress remains time consuming and ineffective due to corruption and limited enforcement of judgments.²⁸ In recent years, citizens have also been forcibly evicted from their land for the benefit of private businesses. Prosecution or punishment for illegal land confiscation and related abuses remains rare. The exception has been when confiscations personally conflict with the interests of the president or his patronage network. This occurred in 2007, when President Saleh demoted Saleh al-Thanayn and his son after the latter attempted to confiscate land around San'a that had already been claimed by the president's eldest son.

ANTICORRUPTION AND TRANSPARENCY 1.90

ENVIRONMENT TO PROTECT AGAINST CORRUPTION	1.25
PROCEDURES AND SYSTEMS TO ENFORCE ANTICORRUPTION LAWS	2.75
EXISTENCE OF ANTICORRUPTION NORMS, STANDARDS, AND PROTECTIONS	1.75
GOVERNMENTAL TRANSPARENCY	1.83

Corruption remains endemic in Yemen. Officials routinely embezzle money from government accounts and bribes are needed to accomplish most tasks in interactions with the state bureaucracy. Insufficient salaries granted to mid-level bureaucrats and a culture of corruption that pervades all levels of the civil service are key factors contributing to the prevalence of such practices. Yemen's tribal culture and the continuity of one individual in power for over 30 years have further entrenched the patronage networks that fuel corrupt practices.

The government has taken several positive measures in recent years to strengthen anticorruption laws and institutions. Nevertheless, many observers perceive interactions with the state to be more riddled with corruption and bribery than previously. The sharp drop in oil prices in 2008, combined with declining reserves, has created greater incentives for officials to enrich themselves quickly in a sector that accounts for 90 percent of the country's export earnings and 70 percent of government revenue.²⁹ Between 2005 and 2008, Yemen's ranking on Transparency International's corruption perception index dropped from 103rd out of 159 countries to 141st out of 180 countries, with its raw score dropping by almost half a point on a 10-point scale.

In early 2006, the government initiated a series of anticorruption reforms later outlined in *The National Reform Agenda: A Progress Report*, which was published by the Ministry for Planning and International Cooperation.³⁰ Few substantive measures have been pursued to completion, however, and those implemented largely avoid targeting the main sources of corrupt practices. Thus, although the number of investigations into alleged malfeasance or failure to disclose assets has increased, these have yet to result in formal charges or convictions. A telling example of the difficulties of changing the system from

the inside was the case of Sayf al-Asali. On being named minister of finance in 2006, al-Asali sought to institute economic reforms that would counter distorting subsidies that contribute to corruption. However, he found he was powerless in the face of endemic corruption and vested interests, eventually prompting him to leave the government.

Nepotism is also a serious problem, with relatives of the political elite often enjoying an unfair advantage when it comes to hiring practices. This is particularly prominent in the armed forces, where relatives and close comrades of the president dominate the military command structure. But it is also an issue in parliament, where sons and brothers often inherit what are seen as family seats. A financial disclosure law was adopted in 2006, requiring officials to submit statements of their assets.³¹ Disclosures remain largely voluntary, however, while the database of declarations is not open to public scrutiny. President Saleh's son, Ahmad, submitted his financial records in January 2009 in accordance with the law. In April 2009, the anticorruption body mandated to oversee asset declarations, the Supreme National Authority for Combating Corruption (SNACC), called for 3 ministers, 8 ambassadors, and 40 governors to resign for failing to submit their financial statements. The agency passed the cases to the president, who possesses authority to dispense punishment under the new legislation. As of August 2009, however, the cases were still pending.³²

The 11-member SNACC was established in June 2007, following parliament's approval of Anti-Corruption Law No. 39 the previous November. The body's mandate includes receiving the aforementioned financial disclosures, collecting data on government actions, and initiating investigations into alleged corruption. Its 11 members were elected from a pool of 30 potential candidates chosen by the presidentially appointed upper house, raising concerns about their ability to be truly independent of the executive and hold officials to account. Since its creation, the SNACC has sought to assert its independence, calling for investigations against high-level government officials, as occurred with the asset declarations cited above.

The Central Organization for Control and Auditing (COCA), created in the 1990s, also continues to function as an auditing body, though it is subordinated to the Office of the President. In recent years, it has produced reports and audits of various government programs, many of which were made public. The Supreme Audit Institution is understaffed and its independence is limited as the president retains the authority to summarily remove its director.³³ To date, these bodies have had a limited impact on preventing abuses of power by public officials. Any legal procedures pursued have themselves been subject to manipulation, resulting in a large number of acquittals or light sentences. Despite the initiation of several investigations, there had yet to be any high-level convictions as of mid-2009.³⁴

Parliamentarians have also sought to exercise oversight regarding official corruption. This has included occasional fact-finding missions to outer governorates to investigate allegations of official wrongdoing.³⁵ Observers also cited a

coalition of 18 MPs calling themselves the Parliamentarians Against Corruption (PAC) as having played a critical role in the creation of the SNACC.³⁶ Nevertheless, most of their efforts are disregarded by the government, contributing to a sense of frustration among MPs. In 2005, Faysal Amin Abu Ra's, an MP for the ruling GPC and the son of a revolutionary war hero, resigned from parliament in protest at rising levels of government corruption.

Given such institutional limitations, victims of corruption have little recourse. This is particularly acute in land confiscation cases, where the victim typically seeks redress for an act committed by a powerful military or political figure. The tax system is corrupt, mismanaged, and inefficient. In recent years, parliament has pressed for greater transparency in public accounting of oil revenue, but such calls often turn into a politicized struggle within parliament.

Corruption and graft are present at all levels of the educational system. In August 2005, the independent weekly *al-Wasat* reported allegations that high-ranking officials had taken advantage of a government scholarship program to send their own children abroad. Within days, the paper's editor Jamal 'Amar was abducted and beaten by masked men, an incident widely perceived as a warning to other journalists not to expose such scandals.³⁷ Nonetheless, there has been a noticeable increase in journalists documenting cases of official corruption. Such coverage primarily appears in independent or semi-independent news websites or opposition papers and remains largely absent from government-controlled media even when criticism has come from progovernment politicians. Thus, when Abu Ra's left parliament, his eloquent resignation speech, which included remarks that the government was "drowning in corruption," was reproduced only in the YSP paper, *al-Thawri*, limiting its ability to provoke greater public debate and pressure on the government. Online reporting has also increased public access to information about corruption. However, a low level of professionalism, reflected as a tendency to publish unverified information alongside legitimate grievances, has weakened the overall impact and credibility of online reporting.

The government rarely publicizes its accounts except under significant pressure from parliament. The accuracy of information in published reports remains questionable due to a dearth of trained bureaucrats and lack of political will to ensure accuracy. Bureaucratic hurdles for citizens requesting information on government expenditures and operations are unduly difficult. As of May 2009, a draft freedom of information bill was pending. The international advocacy group Article 19 raised concerns regarding several provisions of the draft, including its applicability only to Yemeni citizens, limited possibilities for appealing official decisions to withhold information, broadly defined violations of the law coupled with severe penalties, and the significant authority granted to the National Centre for Information as a centralized hub and depository for data.³⁸

According to a 2008 evaluation by the Open Budget Index, Yemen did not have a transparent budget process, with the pre-budget and interim stages

particularly lacking opportunities for public participation and oversight.³⁹ Although parliament must debate and technically approve the budget, ultimate authority lies with the executive and there are no public hearings. In recent years, the government has expended millions of dollars in additional funds without seeking prior parliamentary endorsement.

The process of awarding government contracts is opaque, with agreements granted as political favors to important figures. Such corruption is worst in the oil industry, where government officials demand bribes and kickbacks as a prerequisite for obtaining a contract, often multiple times for the same concession. As oil reserves have declined in recent years, the phenomenon has grown worse as officials seemingly attempt to profit as much as possible before they are depleted. Accounting practices for foreign assistance are more transparent, but still fall short of minimum international standards.

RECOMMENDATIONS

- The state should adopt without reservations the amendments to the election law suggested by the EU and later proposed by the JMP in 2008.
- The state should pass a nepotism law, which would limit the number of offices and terms relatives of the president, prime minister, and speaker of parliament may hold.
- The state should make public disclosure of assets mandatory for all public, military, and security officials. These disclosures should list not only financial assets but also property and the date the property was acquired.
- The state should make public lists of prisoners being held by the state and the charges against them, and pass a law codifying guidelines regulating the president's power to pardon prisoners
- The Special Press Court should be abolished, and Article 103 of the Press and Publications Law narrowed and clarified.

NOTES

For URLs and endnote hyperlinks, please visit the *Countries at the Crossroads* homepage at <http://freedomhouse.org/template.cfm?page=139&edition=8>.

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