

# AMNESTY INTERNATIONAL

## QUESTIONS AND ANSWERS

2 February 2012

### Yemen: One Year On Since The Start Of Mass Protests

3 February 2011 was the day when protests in Yemen transformed into a mass movement. On that day a broad group of mainly students and activists calling itself the Youth of 3 February (since referred to itself as Youth of the Revolution) attracted tens of thousands of people to mass protests in the capital Sana'a.

Protests had begun the previous month after the government announced draft constitutional amendments to allow President Ali Abdullah Saleh, head of state since 1978 – first as President of north Yemen and then of unified Yemen – to run for Presidential elections for unlimited terms. But they were also fuelled by frustration at corruption, unemployment and repression of freedoms in the country, and partly inspired by events in Tunisia and Egypt.

The protesters called on President Ali Abdullah Saleh to dismiss the government and corrupt officials, dismiss his son as head of the Republican Guard and Special Forces, dissolve Parliament, appoint a government of national unity, return “embezzled” funds, and resign from the presidency and pledge not to run for office again.

#### **Q: A year since protests began, how has the human rights situation changed?**

2011 saw a rapid deterioration in the human rights situation in Yemen. The most shocking manifestation of this has been the brutal **repression of protests**. More than 200 protesters have been killed and hundreds injured after [security forces have repeatedly used live ammunition to break up demonstrations](#). Hundreds more have been killed on all sides in armed clashes.

The track record of the authorities in **investigating allegations** of serious human rights violations by the security forces has been very poor. Amnesty International is aware of only one judicial investigation – into the killings of protesters on 18 March 2011. According to the Office of the UN High Commissioner for Human Rights, [an official investigation resulted in 78 people being charged](#), but it is unclear whether these included members of the security forces. The authorities have offered compensation to some of the victims' families.

**Armed clashes** have continued to take place across the country, leaving a growing humanitarian crisis in Yemen with water, electricity and other supplies diminishing.

#### **Q: What is the situation now for Yemen following the signing of the Gulf Cooperation Council-brokered political deal?**

Following the events of March 2011, when [in the worst single incident at least 52 people were killed during a protest](#), the Gulf Cooperation Council (GCC) offered President Saleh a deal which would guarantee him immunity from prosecution in return for his leaving office. In October the [UN Security Council urged President Saleh to hand over power](#) in accordance with the GCC agreement.

After a UN envoy helped the parties negotiate, [President Saleh signed the deal in November](#), agreeing to hand some powers over to the Vice President, to the appointment of a new Prime Minister heading a “government of national reconciliation” and to the holding of presidential elections within 90 days. In return, President Saleh and his aides were to be given immunity.

A [Prime Minister from the opposition has now been appointed](#) and a new national government – to remain in power for an interim period of two years – is in place, representing the ruling party and members of the opposition. Ali Abdullah Saleh retains the title of President until the elections, which are expected to take place in February.

An [immunity law](#) was passed on 21 January 2012 providing President Saleh with [complete immunity from prosecution](#) and all those who worked during his rule are also provided immunity from criminal prosecution in ‘politically motivated cases’. Protests have continued, denouncing the immunity law.

Amnesty International is calling on the **GCC and the international community** to withdraw its support for immunity for any official in Yemen, regardless of rank or affiliation. The immunity law breaches Yemen’s obligations under international law.

The fact that the [UN gave support to the transition power-transfer deal when it was signed on 23 November](#) when it was believed to have contained an immunity provision is regrettable. The UN Secretary General has previously issued a directive prohibiting brokering peace agreements which contain immunity clauses.

**Q: Why does Amnesty International oppose immunity for Yemeni leaders? Some people have argued that they will provide stability.**

The passing of the immunity law has dealt a serious blow for those calling for justice for human rights violations. Amnesty International has documented serious violations in Yemen carried out by or with the complicity of state agents. [It is unacceptable that victims of such crimes should be prevented from getting justice.](#)

Impunity for perpetrators will prevent the protection and promotion of human rights for all those in Yemen, at just the moment at which there is an opportunity for change.

We **do not agree that immunity will deliver stability** for the people of Yemen. To prevent violations of human rights and humanitarian law being committed in the future, there must be accountability for past abuses. In contrast this, the law sends signals to future leaders of Yemen that if they commit enough abuses they may be given immunity simply to see them leave office.

The Yemeni government has said it wants to put in place ‘**transitional justice**’ mechanisms to provide justice and reparation to victims of abuses and to prevent further violations of international human rights and humanitarian law. It is unclear how this could be compatible with an immunity law which provides complete impunity to President Saleh and could apply immunity to all those who were his subordinates. It is not clear after all what is meant by ‘politically motivated cases’.

**Q: What about human rights abuses being committed by non-governmental armed groups within Yemen?**

Amnesty International condemns human rights abuses however, wherever and by whomever they are committed.

Over the years non-governmental armed groups are reported to have carried out kidnappings, attacks including on civilian population. In 2011 there were two reports – which Amnesty International has not been able to confirm – of amputations by armed Islamist militants claiming to apply Shar’ia law.

It is the Yemeni authorities’ responsibility to protect people in Yemen from violence by armed groups and to ensure that the human rights of everyone in Yemen are respected and protected at all times.

Any solution to the security challenges in Yemen must have at its heart the protection of human rights. All measures taken against armed groups must be carried out in accordance with international standards which prohibit, among other things, extrajudicial killing, enforced disappearance, torture and arbitrary detention.

**Q: Yemen faces many challenges, including multiple armed clashes and loss of control over parts of its country. In this context can the Yemeni government be expected to meet such challenges by strictly adhering to international human rights standards?**

Yemen does face serious challenges but, like all states, the government must deal with such challenges - whether political, security or economic - in accordance with its obligations under international human rights law.

The government bears the primary responsibility for making human rights a reality. Governments must respect peoples' rights and ensure that other people do not abuse these rights. Lack of resources or conflicts is no excuse for violating or neglecting human rights.

Unfortunately, [many measures have been taken in recent years in Yemen, in the name of stability and security](#), without due adherence to international human rights obligations and standards.

The authorities must adequately investigate reports of [massive violations committed in the past](#): in the context of the unrest in the south of Yemen against those seen as secessionists; in the name of countering terrorism against those accused of belonging to or supporting al-Qa'ida; and in the context of the intermittent conflict in the north between government forces and the Huthi rebel movement against suspected Huthi supporters and, more widely, the civilian population of the region.

**Q: What has the Nobel Peace Prize for Tawakkol Karman meant for Yemen?**

Human rights activists Tawakkol Karman has been a leading figure since mass protests against the government began in February 2011. In January 2011 [she was arrested by the authorities](#) and charged with organizing an unlicensed protest, sparking outrage among other protesters.

The [awarding of the Nobel Peace Prize to Tawakkol](#) along with two other women, recognized the work of activists to defend the rights of women around the world for "their non-violent struggle for the safety of women and for women's rights to full participation in peace-building work".

Awarding such a global prize to a Yemeni woman for her outstanding work gives hope to the millions of Yemeni girls and women living under discriminatory laws placing them at a lower status than that of men. It also is an opportunity for the Yemeni authorities to recognize the important role of women by abolishing all discriminatory laws and replacing them with others that provide girls and women legal protection from abuse as well as equality with men in family matters such as marriage, divorce and inheritance as well as in political participation.

**Q: What does Amnesty International want to see happen in Yemen in 2012?**

In 2012 the new government must urgently bring about the human rights change that protesters have been calling for. In particular:

- by repealing the immunity law so as to bring to justice where there is sufficient admissible evidence anyone found responsible for such violations regardless of rank or affiliation;
- by ceasing human rights violations, in particular by reigning in its security forces and ending unlawful killings of peaceful demonstrators and others;
- by allowing an international, independent investigation into human rights violations; and

- by allowing access to Amnesty International and other independent human rights monitors into the country.

Amnesty International also holds the **international community** responsible for supporting accountability and justice in Yemen, and calls on Yemen's partners to put pressure on the government to repeal the immunity law and to call for [an international, independent and impartial investigation into current and past human rights violations](#).

Amnesty also wants to see with regard to future [arms supplies](#), the suspension of all types of weaponry, munitions and related equipment to the Yemeni police and security forces, which could be used for excessive or lethal force in policing pro-reform protests.

Arms supplying states should conduct a rigorous, comprehensive review of all international transfers and training support to Yemen's military, security and police forces to ensure no arms transfers are authorized where there is a substantial risk that they will be used to commit or facilitate serious violations of international human rights law and international humanitarian law. Where necessary governments should halt the delivery of arms and revoke export licences.

#### **Q. In what ways is the immunity law illegal?**

The immunity law breaches [Yemen's obligations under international law](#) to investigate and prosecute crimes under international law and human rights violations. Under international law, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Yemen is a state party, Yemen is obliged to investigate and prosecute anyone suspected of such crimes where there is sufficient admissible evidence.

In addition, as a state party to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity, Yemen has recognized that if genocide, crimes against humanity or war crimes are committed, the provisions of the Convention (which provides that no statute of limitation may apply to these crimes) shall apply to representatives of the State authority and private individuals who, as principals or accomplices, participate in or who directly incite others to the commission of any of those crimes, or who conspire to commit them, irrespective of the degree of completion, and to representatives of the state authority who tolerate their commission.

Although it is commonly accepted that state officials are immune in certain circumstances from the jurisdiction of foreign states with respect to ordinary crimes under national law, such immunities do not apply – either in a foreign or national court – when the official is suspected of responsibility for crimes under international law – genocide, crimes against humanity, war crimes, torture, enforced disappearance and extrajudicial executions. This position has been confirmed over the course of six decades in numerous instruments. In addition, states are increasingly providing in national legislation that claims by officials to immunity from prosecution in their courts for crimes under international law are not recognized.

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