
YEMEN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010-2011, human rights defenders were subjected to arrest and arbitrary detentions, unfair and unfounded trials, sometimes leading to harsh prison sentences pronounced by ordinary and emergency courts, in reprisal for their human rights activities. They were particularly targeted when they took part in peaceful gatherings to condemn human rights violations that were occurring in the country, as well as for documenting the grave violations committed during the repression of protest movements and the clashes in the northern and southern provinces.

Political context

In 2011, the human rights situation deteriorated considerably in Yemen, with increased repression of all voices of protest during the peaceful demonstrations against the regime of President Ali Abdullah Saleh, who has been in power for 32 years. From the beginning of 2011, hundreds of thousands of demonstrators gathered together for weeks in several of the country's cities, in particular in Sana'a, Aden, Taëz, Ibb and Hodeidah, firstly to express their solidarity with the Tunisian people, then to demand political reforms and finally, after violent repression, the departure of the President. These peaceful demonstrations were brutally repressed by the security forces, who used live bullets and tear gas to disperse demonstrators, resulting in 103 deaths and hundreds of injured between February et March 2011¹. The security forces also made hundreds of arrests without warrants. On March 23, 2011, the Yemeni Parliament established the state of emergency by a vote that was contested by the opposition and by the civil society organisations². This measure grants broad powers to the security forces and especially risks blocking even more human rights activities³. As of the end of April 2011, no agreement had been reached between the President and the opposition coalition, and the demonstrations continued.

1/ More than 513 people received bullet wounds. See Report of *Yemen Observatory for Human Rights (YOHR)*, *Report on human rights violations against peaceful protesters in Yemen (February - March 2011)*, April 11, 2011.

2/ The opposition and the NGOs invoke the Constitution to contest the legality of this vote. The Constitution in fact stipulates that in order to be valid, a law must be voted in the presence of at least half the members of Parliament. However the state of emergency was voted with less than one third of the members of Parliament present at the Assembly. See YOHR Press Release, March 23, 2011.

3/ In particular, the state of emergency law suspends the Constitution, authorises censorship of the media, bans demonstrations on the public highway and permits the detention of suspects without judicial control.

Already in 2010, the authorities used increasingly repressive methods to contain the growing number of claims for secession in the south and to crush the Huthi rebels in the north⁴, using arbitrary arrests, unfair trials and heavy prison sentences, including against human rights defenders who documented or condemned the massive human rights violations committed by the Yemeni authorities in the realm of these two conflicts. However, on May 22, 2010, at the commemoration of the reunification of Yemen, President Saleh granted a presidential amnesty to nearly 3,000 people who were imprisoned for having taken part in, supported or commented on the protest movement in the south or on the war in Sa'ada⁵. Once again, on December 30, 2010, following the visit of a mediation delegation from Qatar whose aim was to consolidate the truce agreement between the Government and the Huthi rebels concluded in February 2010, the Yemeni authorities released 460 prisoners of conscience, including human rights defenders accused of supporting the Zaidi rebellion⁶.

In addition, press freedom for national and foreign media continued to deteriorate. Several publications, including the *al-Ayyam* newspaper, one of the main opposition dailies, were still banned⁷. On March 11, 2010, the authorities also seized transmission equipment belonging to two Arab satellite news channels, *al-Arabiya* and *al-Jazeera*, which were accused of partiality in their coverage of the protest movement in the south of the country⁸. The police also arrested journalists.

Attacks on freedom of peaceful assembly

In 2010, several peaceful demonstrations were repressed and some led to the arrest of human rights defenders. As an example, on October 12, 2010, a peaceful demonstration organised in support of al-Jashen

4/ Since the death of the Zaidi religious leader Hussain Badr al-Din al-Huthi in 2004, a violent war in the Sa'ada region (north) has opposed the forces of the Yemeni army and his supporters who protest against the expansion, advocated by the State, of Sunni Islam in the majority Zaidi northern provinces. The last cease-fire between the Huthis and the Yemeni Government was concluded in February 2010. Furthermore, in the south of Yemen, a large protest movement has been led since 2007 by a coalition of political groups called the Southern Movement that denounces discrimination against the inhabitants of southern Yemen. The Sana'a Government accuses the two movements of separatist intentions.

5/ See YOHR Press Release, May 22, 2010.

6/ See YOHR.

7/ In May 2009, the distribution of several newspapers was banned. The authorities accused them of expressing opinions supporting secession in the south of the country in their articles on the demonstrations in this region.

8/ See YOHR Press Release, March 13, 2010. As of the end of April 2011, this equipment had still not been returned.

people⁹ was brutally repressed by the security forces, who used flash balls to disperse the demonstrators, injuring several people, including Ms. **Bushra al-Surabi**, Executive Director of the organisation Women Journalists Without Chains (WJWC), injuring her leg and back. Over 40 people were also arrested, including Ms. **Tawakkol Karman**, President of WJWC, who was released without charge three hours later. The other people who were arrested, mostly al-Jashen people, were released without charge on October 16, 2010.

Large scale demonstrations also took place in 2011, firstly mainly in the southern provinces, to denounce the discrimination suffered by the people of this region, and then throughout the country to protest against corruption, unemployment and the repression of freedoms. Various measures were taken to stop the organisation of these public demonstrations or to repress them when they took place. For example, checkpoints were set up throughout the country to block access to the assembly points. On February 28, 2011, police who were based at a checkpoint at the entrance of Aden stopped and then ordered a convoy of demonstrators to turn around when they tried to reach the city to take part in a peaceful rally to denounce human rights violations committed in the southern provinces. In addition, at a checkpoint on the road out of Taëz, security forces blocked another group of 200 protesters that included journalists, activists and lawyers who were due to go to Aden¹⁰. On January 22, 2011, Ms. Tawakkol Karman was again arrested by three police officers, who held her in detention for 36 hours without showing her an arrest warrant. She was accused of “undermining public social peace” because of her participation in organising the protest movement in the country. The day after her arrest, human rights defenders, journalists and students organised a march towards the General Prosecutor's office to call for her release. The security forces then surrounded Sana'a university to prevent the students from joining the march. The police also arrested twenty demonstrators, including Mr. **Khaled al-Ansi**, a lawyer and Executive Director of the National Organisation for Defending Rights and Freedoms (Hood), and Mr. **Ali al-Dailami**, Executive Director of the Yemeni Organisation for the Defence of Rights and Democratic Freedoms (YODRFD). They were released the following day after being charged with “participation in an unauthorised demonstration”. As of the end of April 2011, the trial of Ms. Karman and Messrs. al-Ansi and al-Dailami had not yet taken

9 / Al-Jashen people are originally from the Raash region in the province of Ibb. Many of them regularly travel to Sana'a to denounce their unjust local sheikh who imposes exorbitant taxes on them and expels anyone who is unable to pay them.

10 / See YOHR Press Release, February 28, 2011.

place¹¹. In addition, on January 26, 2011, Ms. Karman's brother received a telephone call from a senior Yemeni official warning him that his sister was going to die if he did not make sure that she stayed at home.

Intimidation against NGOs and their members

In 2010-2011, non-governmental organisations and their members were victim of attacks and threats plainly aiming at intimidating them. Members of the Yemen Observatory for Human Rights (YOHR) were subjected to intimidation. As an example, on March 17, 2010, the official in charge of the Criminal Investigation Department in Lahej province threatened to arrest Mr. **Mohamed Said al-Bane**, a lawyer and member of YOHR, when he was visiting detainees in the town's main prison. Mr. al-Bane belonged to the YOHR legal office, which provides legal aid to persons who are arrested for taking part in demonstrations. The official in charge of the Criminal Investigation Department also threatened Mr. al-Bane with arresting all human rights defenders, especially YOHR members who defend political prisoners. These threats were not carried out¹². Furthermore, on February 24, 2011, an armed group tried to attack YOHR headquarters in Sana'a. The caretaker of the building, who tried to intervene in this attack, was seriously injured. YOHR filed a complaint on the same day but the police did not open an investigation¹³. In addition, Mr. **Nabeel Rajab**, President of the Bahrain Centre for Human Rights (BCHR), was the victim of several acts of harassment during a trip to Yemen in June 2010, during which he was due to present to the Yemeni authorities and to civil society organisations a report published by FIDH that he had compiled in 2009 on the consequences of anti-terrorism on the human rights situation in Yemen. During his stay, Mr. Rajab was also due to take part in a workshop to monitor the recommendations made to the Yemeni authorities by the United Nations Human Rights Council under the Universal Periodic Review, and the recommendations of the United Nations Committee Against Torture. When he arrived at Sana'a airport on June 19, 2010, two security officers arrested Mr. Rajab for several hours, searched his bags and questioned him about the reasons for his visit to Yemen. Once again, when he was preparing to leave Yemen on June 23, 2010, three security officers confiscated his passport and then questioned him about the people he had met during his stay. His bags were again searched. Officers then escorted him to his plane and told him that he was no longer allowed to enter Yemeni territory.

11 / See YOHR and the Yemeni Organisation for the Defence of Democratic Rights and Freedoms (YODRFD) Press Release, January 23, 2011.

12 / See YOHR Press Release, March 17, 2010.

13 / See YOHR Press Release, February 24, 2011.

Ongoing repression of defenders who denounce massive human rights violations, particularly in the context of the armed conflict in the northern provinces and the tensions in the southern provinces

In 2010, defenders who denounced the serious violations of human rights and international humanitarian law committed by the authorities, particularly in their handling of the armed conflict in the north and the tensions in the southern provinces, continued to be victims of arrest and arbitrary detention and sentenced for vague offences after unfair trials. For example, on January 17, 2010, the Sana'a Special Criminal Court sentenced **Mr. Yaser Abdul-Wahab al-Wazeer**, a member of YODRFD, to eight years in prison for "forming an armed group". He was sentenced after an unfair trial held in camera and at which his lawyer could not be present. Mr. al-Wazeer had been abducted on June 5, 2008 by members of the security services and held incommunicado until September of the same year because of his denunciation of the human rights violations committed against the Huthi movement by the authorities. He was released on January 3, 2011, as was **Mr. Ali Ahmad al-Saqqaf** also a member of YODRFD, following the decision of the Yemeni authorities, on December 30, 2010, to release prisoners held in relation to the Sa'ada war¹⁴. In addition, the trial of **Mr. Muhammad al-Maqaleh**, Editor-in-chief of the *al-Ishtiraki* Internet website, began on April 17, 2010 before the State Security Court. Accused of supporting the Huthis and of being in contact with their chief, Mr. al-Maqaleh had been arrested in September 2009 and held incommunicado for 100 days after publishing several articles condemning the shooting of civilians by the Yemeni air force in the Sa'ada region. During his appearance before the Prosecutor of the Sana'a Special Criminal Court on February 3, 2010, he stated that he had been tortured and deprived of food for several days. Mr. al-Maqaleh was also brought before the Court specialising in press offences on April 18, 2010 for "insulting the President of the Republic", after the publication in the *al-Thaouri* newspaper in 2005 of an article on the promise of President Ali Abdallah Saleh not to stand in the presidential election in 2006. He was released on March 25, 2010. On May 22, 2010, the Yemeni authorities decided to suspend legal proceedings against him under the amnesty granted by the Head of State at the time of the 20th anniversary of the reunification of Yemen. Several other journalists who were prosecuted in 2010, in particular for "damaging national unity" because of their coverage of the demonstrations in the southern provinces, also benefited from a presidential amnesty. This was the case in particular for Messrs. **Naef Hassan, Nabeel Subay and Mahmood Taha**, three journalists from the weekly *al-Share'*, who were prosecuted

¹⁴ / Mr. al-Saqqaf had been arrested on September 28, 2009 because of his participation in the campaign against the human rights violations in the Sa'ada region. He has never been officially charged.

by the Ministry of Defence on the basis of accusations of having “given away military secrets” and “undermined army morale”, charges punishable by the death penalty. Mr. Naef had also been accused jointly with other journalists from the same newspaper, Messrs. **Adeeb al-Sayyed** and **Mohamed Ali Mohasen**, of “undermining national unity”. In addition, on May 24, 2010, Messrs. **Sami Ghaleb**, **Abdel Aziz al-Majidi**, **Mayfa’ Abdel Rahman**, **Fouad Mas’ad** and **Shafee’ al-Abd**, respectively Editor and journalists with the weekly *al-Nidaa*, were given a suspended three-year prison sentence for “undermining national unity” by the Court Specialising in Press Offences. This sentence was handed down in the absence of the accused and their lawyers¹⁵. On June 8, 2010, the Sana’a Court of Appeal rejected their appeal. Finally, on May 29, 2010, Mr. **Salah Yahya al-Saqladi**, a journalist in charge of the Aden branch of YODRFD and Editor of the *Hewar* human rights forum, was released and the charges against him were dropped under the presidential amnesty. He had been arrested on June 18, 2009 at his home in Aden and then placed in the political security prison in Sana’a following articles criticising the Yemeni authorities and the human rights violations they commit in the south of the country.

Sentencing of a journalist who denounces corruption

In 2010, a journalist was prosecuted for having denounced a case of corruption. Accused of “undermining national unity”, Mr. **Hussain al-Leswas** was sentenced on May 2, 2010 by the Court Specialising in Press Offences to one year in prison and banned from carrying out his profession as a journalist for one year. Mr. al-Leswas was prosecuted because of his articles denouncing corruption within the electricity company on the southern province of al-Bayda, following which the Director of the electricity company and the Governor of the province had filed a complaint. After being sentenced, Mr. al-Leswas was held in the main prison in Sana’a, before being released on May 24, 2010, under the presidential amnesty.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

| Name | Violations / Follow-up | Reference | Date of Issuance |
|---|---|------------------------------------|-------------------|
| Messrs. Muhammad al-Maqaleh and Yasser Abdul-Wahab al-Wazeer | Acts of repression | Press Release | February 12, 2010 |
| Messrs. Naef Hassan, Nabeel Subay, Mahmood Taha, Adeeb al-Sayyed, Mohamed Ali Mohasen, Sami Ghaleb, Abdel Aziz al-Majidi, Mayfa' Abdel Rahman, Fouad Mas'ad, Shafee' al-Abd, Hussain Alleswas and Muhammad al-Maqaleh | Acts of repression | Press Release | May 14, 2010 |
| Mr. Nabeel Rajab | Acts of intimidation / Obstacles to freedom of movement | Urgent Appeal YEM 001/0710/OBS 083 | July 7, 2010 |
| Ms. Tawakkol Karman and Ms. Bushra al-Surabi | Arrest / Attack | Press Release | November 2, 2010 |
| Ms. Tawakkol Karman | Death threats | Urgent Appeal YEM 001/0111/OBS 011 | January 27, 2011 |