



## **Report on Human Rights in Yemen**

**Submitted by Human Rights Watch  
To the UN Human Rights Committee on the Occasion of its  
Review of Yemen in March 2012**

**February 1, 2012**

This memorandum provides an overview of Human Rights Watch’s main concerns with respect to the human rights situation in the Republic of Yemen, submitted to the United Nations Human Rights Committee (“the Committee”) in advance of its review of Yemen in March 2012. We hope it will inform the Committee’s review of the government’s compliance with its obligations under the International Covenant on Civil and Political Rights (“the Covenant”).

It has been seven years since Yemen last submitted its State Report to the Committee. During this time, the government has engaged in systematic violations of the Covenant, including extensive restrictions on the rights to freedom of expression, peaceful assembly, and association, and the use of ill-treatment and unfair trials of political detainees. Yemen continues to have one of the highest execution rates in the world. The government dramatically intensified its targeting of human rights defenders and journalists during its suppression of a secessionist movement in the south starting in 2007, and during nationwide protests seeking the resignation of President Ali Abdullah Saleh in 2011.

Yemen submitted its latest report to the Committee 14 months before the state’s security forces began a violent crackdown against largely peaceful demonstrators and opposition activists demanding the resignation of President Saleh.<sup>1</sup> Attacks by pro-government gangs

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<sup>1</sup> Consideration of reports submitted by States parties under article 40 of the Covenant, Fifth periodic report of States parties, Yemen, CCPR/C/YEM/5, December 14, 2009, <http://daccess-ods.un.org/TMP/8811841.01104736.html>.

and security forces including the Republican Guards and Central Security, units run by the president's son and nephew respectively, killed at least 270 demonstrators and bystanders during largely peaceful protests in 2011, including dozens of children. Authorities also arbitrarily arrested and detained scores of southern separatists from 2007 to 2011. In the southern province of Aden, one terrorism suspect died in custody in 2010; his family and opposition groups alleged he was tortured to death.

As in years past, the government, including the judiciary, has largely failed to hold accountable those officials responsible for committing serious human rights violations. There have been no comprehensive or transparent investigations into government repression, including the unnecessary use of lethal force against anti-Saleh and separatist demonstrators. At the same time, the judiciary sentenced several independent opposition journalists to lengthy prison terms.

On January 21, 2012, Yemen's Parliament passed a law granting blanket amnesty to President Saleh and immunity from prosecution for all political crimes apart from acts of terrorism to all those who served with him during the president's 33-year rule. This law violates Yemen's obligations under international law to prosecute war crimes, crimes against humanity and other serious violations of international human rights.

Official policies in Yemen perpetuate the discrimination suffered by women in matters of personal status. Human Rights Watch remains concerned about the country's failure to set a minimum marriage age or to allow women to enter into a form of marriage that precludes polygamy, and the existence of religious laws discriminating against women in other matters of marriage, as well as divorce, testimony and inheritance. The government also fails to protect children through the continued deployment of child soldiers.

Notwithstanding these numerous and serious abuses committed by state officials, Yemen's State Report does not begin to adequately address allegations concerning violations of core civil and political rights under the Covenant. It makes frequent reference to legal provisions in Yemen's Constitution and criminal and civil codes and to conferences convened to discuss reform, but provides scant information on how the authorities are implementing or complying with these provisions. "Democracy and human rights are becoming part of the way of life in Yemen," the report's introduction states. Yet most of the

Committee's concluding observations with regard to Yemen's previous report have not been taken full into consideration and remain equally applicable today.

In February 2012, an interim government was to begin shepherding Yemen through a two-year transition, during which time the country is to draft a new Constitution and schedule parliamentary elections. The preceding month, Yemen's cabinet announced it would allow the United Nations High Commissioner for Human Rights to open an office in Yemen, and to conduct impartial investigations into grave human rights violations during the 2011 uprising against President Saleh. A caretaker cabinet appointed in December 2011 also has promised to make "eliminating the factors and causes of the infringement to human rights" a top priority.<sup>2</sup>

Human Rights Watch welcomes these initiatives. Among first steps, Human Rights Watch calls on the Yemeni authorities to allow international investigations into serious human rights violations in Yemen in recent years, and to challenge the amnesty law so that those responsible are prosecuted in proceedings that meet international due-process standards.

## Human Rights Watch's "Issue List" for Yemen

### *1) Attacks on Demonstrators, Indiscriminate Attacks, Extrajudicial Killings and the Death Penalty (Articles 2, 6)*

Yemeni state security forces have unlawfully killed hundreds of protesters and other civilians in recent years, and executed scores of others. In 2011 alone, state security forces and pro-government gangs killed at least 270 protesters and bystanders during largely peaceful protests against President Saleh.<sup>3</sup> The forces involved in these attacks included the Republican Guards, commanded by President Saleh's son Brig. Gen. Ahmed Ali Abdullah Saleh, and Central Security paramilitary forces, led by President Saleh's nephew, Gen. Yahya Muhammad Saleh.

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<sup>2</sup> Letter to Human Rights Watch from the Yemeni Foreign Ministry, December 21, 2011. Copy on file with Human Rights Watch.

<sup>3</sup> "Yemen: Amnesty for Saleh and Aides Unlawful," Human Rights Watch news release, January 23, 2012, <http://www.hrw.org/news/2012/01/23/yemen-amnesty-saleh-and-aides-unlawful>.

Government forces appear to have conducted indiscriminate aerial bombardment in civilian-populated areas during the 2004-2010 conflict with northern Huthi rebels, killing hundreds of civilians.<sup>4</sup> Human Rights Watch also has documented cases of apparently indiscriminate shelling of civilian-populated areas in 2011 in the city of Taizz during fighting armed opposition tribal fighters.<sup>5</sup> In addition, it has documented apparently indiscriminate government attacks on civilian-populated areas in the province of Abyan during clashes in 2011 with Islamist militants.<sup>6</sup>

Human Rights Watch also has documented apparent extrajudicial executions by state security forces in recent years. Two of these killings occurred during marches to protest the death of Ahmad Darwish, who allegedly died from torture in police custody the previous month. Darwish had been arrested in June 2010 during a roundup of suspects following an attack that month on an Aden intelligence facility. Photographs obtained by local human rights activists appeared to show bruises covering Darwish's body.<sup>7</sup>

In July 2010, police in Aden killed one man when they fired on a protest march for Darwish. In July 2011, soldiers in Aden killed Jiyab Ali Muhammad al-Saadi, 35, the son of a Southern Movement leader, when he asked them to stop blocking a burial procession for Darwish. Relatives had refused to bury Darwish for one year to protest the lack of investigations into his death. Authorities transferred Aden's Chief of General Security Abdullah Qairan to head security in the flashpoint city of Taizz in March 2011 after a local court accused him in connection with Darwish's death.<sup>8</sup>

In Taizz, Human Rights Watch documented two apparent extrajudicial executions by Republican Guards in 2011. One soldier shot dead a vendor at a market who refused to give him a glass of lemonade. Another Republican Guard at a checkpoint outside of Taizz killed

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<sup>4</sup> *All Quiet on the Northern Front?*, Human Rights Watch, April 4, 2010, <http://www.hrw.org/reports/2010/04/07/all-quiet-northern-front-o>.

<sup>5</sup> *"No Safe Places": Yemen's Crackdown on Protests in Taizz*, Human Rights Watch, February 2012, <http://hrw.org/reports/2012/02/06/no-safe-places-o>.

<sup>6</sup> "Yemen: Dozens of Civilians Killed in Southern Fighting," Human Rights Watch news release, July 8, 2011, <http://www.hrw.org/news/2011/07/09/yemen-dozens-civilians-killed-southern-fighting>.

<sup>7</sup> Human Rights Watch, *World Report 2011*, "Yemen," <http://www.hrw.org/en/world-report-2011/yemen>

<sup>8</sup> <http://www.hrw.org/world-report-2012/world-report-2012-yemen>.

a 15-year-old boy when he fired into the back of a bus that soldiers had just searched and cleared to proceed.<sup>9</sup>

To date, there has been virtually no accountability for the deaths of these individuals. In January 2012, Yemen's parliament granted blanket amnesty to President Saleh and immunity from all "political" crimes except for acts of terrorism to all those who served with the president during his 33 years in office. The immunity law violates Yemen's obligations under international law to prosecute serious human rights crimes.<sup>10</sup>

Yemen, with a population of 24 million, has carried out one of the world's highest numbers of executions. In 2011 Yemen executed fewer than 10 people, which local human rights activists attribute to the unrest sweeping the country.<sup>11</sup> But in 2010, Yemen executed 52 people—the fourth highest number after China, Iran and North Korea.<sup>12</sup> In 2009 Yemen executed more than 30 people, including Aisha al-Hamza, who murdered her husband after he allegedly abused their daughter.<sup>13</sup>

Yemen's criminal code permits the death penalty for a wide variety of offenses not considered among "the most serious" as required by the Covenant, among them robbery, prostitution, adultery, and homosexuality, in addition to various broadly worded crimes against state security. It also allows the sentence of death by stoning, although the practice has not been used in Yemen for centuries and is limited by the criminal code.<sup>14</sup> Yemeni law prohibits executions of persons under the age of 18, yet in February 2007, Yemen executed Adil Muhammad Saif al-Ma'amari for a crime allegedly committed when he was 16.<sup>15</sup> In 2011, the Yemeni authorities sentenced to death Muhammad Tahir Thabit Samum for a murder he was accused of committing when he was still a child. Yemen lacks

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<sup>9</sup> "No Safe Places," Human Rights Watch, February 2012, <http://hrw.org/reports/2012/02/06/no-safe-places-0>.

<sup>10</sup> "Yemen: Amnesty for Saleh and Aides Unlawful," Human Rights Watch news release, January 23, 2012, <http://www.hrw.org/news/2012/01/23/yemen-amnesty-saleh-and-aides-unlawful>.

<sup>11</sup> Human Rights Watch telephone interviews and emails from New York to Sanaa with Yemeni human rights activists including Ahmed Arman of the organization Hood, January 29-30, 2011.

<sup>12</sup> *Death Sentences and Executions in 2010*, Amnesty International, March 2011, <http://www.amnesty.org/en/library/asset/ACT50/001/2011/en/ea1b6b25-a62a-4074-927d-ba51e88df2e9/act500012011en.pdf>.

<sup>13</sup> Human Rights Watch, *World Report 2010*, "Yemen," <http://www.hrw.org/en/node/87738>.

<sup>14</sup> Yemen Code of Criminal Conduct, article 266.

<sup>15</sup> Human Rights Watch, *World Report 2009*, "Yemen," <http://www.hrw.org/en/node/79308>. See also *The Last Holdouts : Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen*, September 10, 2008, <http://www.hrw.org/reports/2008/09/10/last-holdouts-0>.

adequate mechanisms to determine the age of defendants who do not have birth certificates.<sup>16</sup>

Yemen convened its first national dialogue conference on criminal justice and Yemeni legislation in February 2008, but as it acknowledges in its own Fifth Periodic Report, it has yet to implement the conference's recommendations.<sup>17</sup>

## *2) Arbitrary Arrest and Detention (Articles 2, 9, 10, 14, 17)*

Human Rights Watch has documented numerous instances of arbitrary arrest and detention since Yemen's last State Report in 2004. Those arbitrarily detained include individuals peacefully expressing their political views or alleged security targets during roundups of suspected southern separatists or northern Huthi rebels.

Since the onset of pro-secession protests in 2007 in Aden and other areas of the south, security forces have arbitrarily detained thousands of participants or bystanders, including children. These arbitrary arrests took three forms—short-term detentions to prevent protesters from reaching protests; smaller numbers of lengthy detentions of peaceful protesters; and smaller numbers of targeted arrests and long-term detention without trial of suspected protest leaders.

In April 2008, security forces arrested 12 leaders of the Southern Movement, a coalition spearheading protests for secession or greater autonomy in the south, and detained them until President Saleh amnestied them the following September. The leaders included Ahmad bin Farid, Ali al-Gharib, Yahya Ghalib al-Shu'aibi, Hasan Ba'um, and Ali Munassar, among others. The leaders spent six months at the Political Security Organization's prison in underground cells, and were later prosecuted on vague and politicized charges of "acting against national unity," "fomenting secession," or incitement.<sup>18</sup>

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<sup>16</sup> "Yemen: Halt Pending Execution of Child Offender," Human Rights Watch news release, January 18, 2011, <http://www.hrw.org/news/2011/01/18/yemen-halt-pending-execution-child-offender>.

<sup>17</sup> Consideration of reports submitted by States parties under article 40 of the Covenant, Fifth periodic report of States parties, Yemen, CCPR/C/YEM/5, December 14, 2009, para 73.

<sup>18</sup> *In the Name of Unity: The Yemeni Government's Brutal Response to Southern Movement Protests*, Human Rights Watch, December 2009, <https://www.hrw.org/reports/2009/12/15/name-unity-o>.

In 2009, the authorities continued to rely on specious politicized charges against Southern Movement leaders. Among other actions, authorities arrested Qasim al-Askar Jubran, former ambassador of the former South Yemen to Mauritania, charging him with “threatening national unity and inciting a fight against the authorities.” Jubran was tried based on evidence of “speeches, documents, a handout titled ‘Project on the Vision of Peaceful Struggle Movement for the Southern Issue & Future of South Yemen’s People,’ and a document of affiliation with the Supreme National Council for Liberating and Restoring State of South Yemen.” Jubran was among about 160 alleged southern activists released under an amnesty in 2010.<sup>19</sup>

In 2008, Human Rights Watch investigated 62 cases of enforced disappearance and arbitrary arrest linked to the Huthi rebellion in northern Yemen. In nearly all the cases, arresting officials did not identify themselves or inform the detainee or his family why he was being arrested and where he was being taken. The families of persons forcibly disappeared did not know for weeks or months after their arrest whether their loved ones were alive or not, who their captors were, or where they were being held. Most detainees, when they reappeared, did so at the Political Security Organization, the security and intelligence agency directly linked to the office of President Saleh.<sup>20</sup>

Yemeni security forces also detained largely peaceful anti-Saleh protesters in 2011 in cities including Sanaa, Taizz and Aden, where Southern Movement activists joined the anti-Saleh movement.<sup>21</sup>

Human Rights Watch documented at least eight cases of enforced disappearances of southern opposition leaders and activists in Aden in February 2011, most of whom were released after several days.<sup>22</sup> Masked security agents on February 20, 2011 abducted two of those activists, Southern Movement leader Hasan Ba’um, 68, and his son Fawaz, 34, from al-Naqib hospital in Aden, where the elder Ba’um was receiving treatment for

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<sup>19</sup> Ibid.

<sup>20</sup> *Disappearances and Arbitrary Arrests in the Armed Conflict with Huthi Rebels in Yemen*, Human Rights Watch, October 2008, <http://www.hrw.org/sites/default/files/reports/yemen1008web.pdf>.

<sup>21</sup> Human Rights Watch interviews with dozens of protesters in the Yemeni cities of Sanaa, Aden and Taizz, February-November 2011. See also *Days of Bloodshed in Aden*, Human Rights Watch, March 2011, <http://www.hrw.org/reports/2011/03/09/days-bloodshed-aden-o>, and “*No Safe Places*,” Human Rights Watch, February 2012, <http://hrw.org/reports/2012/02/06/no-safe-places-o>.

<sup>22</sup> *Days of Bloodshed in Aden*, Human Rights Watch, March 2011.

conditions including diabetes and a heart condition.<sup>23</sup> The two Ba'ums were held nearly 10 months, the first five of them secretly and incommunicado, before being released without charge in December 2011.<sup>24</sup>

A small number of detained leaders have been put on trial on vague and politicized charges of “acting against national unity,” “fomenting secession,” or incitement.<sup>25</sup>

In many cases police in plainclothes raided homes and business, seized their belongings and transferred them to secret locations for weeks or months before revealing their whereabouts or releasing them. Many relatives and former detainees said they were not shown arrest warrants, informed of the charges against them, or allowed to appeal any decisions extending the legal 48-hour period of pre-charge detention.<sup>26</sup>

Human Rights Watch documented a dozen instances in Aden and Sanaa in 2008 in which security and intelligence agents arbitrarily detained young men during counterterrorism roundups, often bursting into their homes or places of work without warrants.<sup>27</sup>

In April 2008, for example, security forces seized Abdullah Sa'd Ghazi al-Raimi, a religion student, as he was receiving a religious studies award in Sanaa, and announced in state-run media that he was a notorious al Qaeda fugitive named Abdullah al-Raimi. Yemen's Political Security Organization held the student without charge for 20 months even though his family immediately provided authorities with documents showing the detainee was a decade younger than the al Qaeda fugitive and had a different middle name. During that period, the Attorney General's office sent Political Security three letters requesting the student's release.<sup>28</sup>

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<sup>23</sup> Ibid. See also “Yemen: Reveal Opposition Figures' Whereabouts,” Human Rights Watch news release, June 20, 2011, <http://www.hrw.org/news/2011/06/20/yemen-reveal-opposition-figures-whereabouts>.

<sup>24</sup> Human Rights Watch interview with Fawaz Baoum, Sanaa, December 2011.

<sup>25</sup> *Disappearances and Arbitrary Arrests in the Armed Conflict with Huthi Rebels in Yemen*, Human Rights Watch, October 2008, <http://www.hrw.org/sites/default/files/reports/yemen1008web.pdf>. See also “*No Safe Places*,” Human Rights Watch, February 2012, <http://hrw.org/reports/2012/02/06/no-safe-places-0>.

<sup>26</sup> Human Rights Watch interviews with 12 formerly detained terrorism suspects or relatives of suspects in detention, Sanaa and Aden, December 2008.

<sup>27</sup> Human Rights Watch interviews with 12 former detainees or relatives of detainees still being held, Aden and Sanaa, December 2008.

<sup>28</sup> “*Tough on Terror?*” Human Rights Watch commentary, January 26, 2010, <http://www.hrw.org/news/2010/01/26/tough-terror>.

Yemeni authorities reportedly beat the student, forced him to stand in stress positions and held him for the first 40 days in solitary confinement in a dark, windowless dungeon—even though they had the fingerprints and photographs of the fugitive al-Raimi on file.<sup>29</sup>

Yemen arrested scores more terrorism suspects in 2010 on weak evidence and unlawfully detained many for weeks or months without charge. Concerns persisted that President Saleh used a counterterrorism campaign against Yemen-based Al Qaeda in the Arabian Peninsula as an excuse to target members of Yemen's separatist Southern Movement and independent media.<sup>30</sup>

Yemeni detainees repatriated from the US military detention facility at Guantanamo Bay in Cuba also have been subjected to abuse. Yemen's report states that the government "refuses to accept any handover arrangement which imposes conditions that breach the law and the Yemeni Constitution. Yemen cannot imprison its own citizens, unless they have been convicted by a court of a crime." However, Human Rights Watch in 2008 documented ill-treatment of all 14 former Guantanamo detainees repatriated to Yemen by that date.

Yemeni security forces detained the 14 returned Guantanamo detainees without charge, most for two to three months. In the worst case, one detainee was held for two years and said interrogators tried to beat him into confessing he was a spy. The detainees provided credible accounts of being held in squalid conditions, in two cases in windowless, underground cells, with no access to legal counsel and only sporadic family visits. The Yemeni authorities only freed the detainees after they had secured a "guarantor"—a relative, tribesman, or prominent businessman who agreed to be imprisoned or fined if the detainee absconded or committed a crime.<sup>31</sup>

### 3) *Mistreatment in Prisons (Articles 2, 7, 10, 14)*

Human Rights Watch has documented ill-treatment, including insufficient food and water, and psychological torture, such as prolonged incommunicado detention, in Yemen

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<sup>29</sup> Ibid.

<sup>30</sup> Human Rights Watch, *World Report 2011*, "Yemen," <http://www.hrw.org/en/world-report-2011/yemen>.

<sup>31</sup> *No Direction Home: Returns from Guantanamo to Yemen*, Human Rights Watch, March 28, 2009, <http://www.hrw.org/reports/2009/03/28/no-direction-home>.

detention facilities, as noted in the section on Article 9. Human Rights Watch also has gathered testimony of beatings in Yemeni detention facilities, as noted in the sections on Articles 2, 6 and 9.

Government agencies including Political Security and National Security—intelligence agencies that reported directly to President Saleh—operate unauthorized prisons in Yemen.<sup>32</sup> Yemeni media and human rights defenders also have alleged that tribal leaders run private prisons in areas outside government control.<sup>33</sup>

#### *4) Lack of Due Process and Fair Trials (Articles 2, 9, 10, 14):*

Due process remains elusive in Yemen. Trials for critics of the state often fail to meet “fair and public hearing” standards of the Covenant, particularly in Yemen’s Specialized Criminal Court for national security suspects, and its Specialized Press and Publications Court for journalists. Yemeni lawyers allege that both specialized courts violate the Constitution.<sup>34</sup>

Yemeni human rights lawyers representing cases of independent journalists and other perceived enemies of the state have repeatedly complained to Human Rights Watch that they are not allowed to see clients’ case files in full or only shortly before their trials comments. In addition, they say these trials are plagued with irregularities and result in convictions for which little or no evidence is put forward.<sup>35</sup> Human Rights Watch includes examples in the section below on Freedom of Expression.

#### *5) Restrictions on Freedom of Expression (Article 19):*

The government’s report describes Yemen’s media strategy as one of “guaranteeing press freedom” and “safeguarding the dignity of journalists and writers.” In reality, the right to freedom of expression in Yemen has been under siege, with the government severely restricting peaceful dissent through both criminal law and repressive practices. Human

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<sup>32</sup> *In the Name of Unity*, Human Rights Watch, December 15, 2009, <http://www.hrw.org/node/87085>, pp. 13-14.

<sup>33</sup> Yemeni human rights defenders who have made these allegations include Tawakkol Karman, a 2011 Nobel Peace Prize laureate, in interviews with Human Rights Watch in June 2010.

<sup>34</sup> *Ibid.*

<sup>35</sup> Human Rights Watch telephone and in-person interviews with Yemeni human rights lawyers, 2008-2011.

Rights Watch has documented a widespread campaign of intimidation and threats, arbitrary arrests, and trumped-up charges against journalists, human rights defenders and lawyers in recent years, including during the street protests of 2011.

Yemen's Press and Publication Law of 1990, which establishes the Ministry of Information and regulates press freedom, is on paper one of the most liberal press laws in the Middle East. It sets out a broad range of freedoms for journalists, and the rights of citizens to an independent press:

Freedom of knowledge, thought, the press, expression, communication and access to information are rights of the citizen which enable him/her to express his/her thoughts....The press shall be independent and shall have full freedom to practice its vocation....The press shall be free to print what it pleases and to gather news and information from their sources....The law assures the protection of journalists and authors, and it provides the legal guarantees necessary for them to practice their profession, to enjoy freedom of expression and immunity from interference as long as they do not contravene the provisions of this law.<sup>36</sup>

However, while asserting that the "press shall be independent," the same preamble also places a burden on the media that undermines free expression rights: "It shall serve society, form public opinion and express its different outlooks within the context of the Islamic creed, within the basic principles of the Constitution, and the goals of the Yemeni Revolution and the aim of solidifying national unity."<sup>37</sup>

The law places vague prohibitions on the types of news that can be published. Yemeni authorities have used the law's article 103 to censor the independent press. It prohibits criticism of the head of state as well as the publication of any articles that "might spread a spirit of dissent and division among the people," or that "leads to the spread of ideas contrary to the principles of the Yemeni revolution, [or is] prejudicial to national unity or the image of the Yemeni, Arab, or Islamic heritage." The minister of information also may order the seizure of any newspaper "issued or circulated in violation" of the Press and Publications Law, but "the matter shall be brought before the courts to rule on whether the

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<sup>36</sup> Republic of Yemen, Law No. 25 (1990) on the Press and Publications, December 22, 1990, arts. 3-6.

<sup>37</sup> *Ibid.*, art. 4.

material seized should be confiscated,” and the newspaper’s officials have “the right to appeal to the courts against the decision of seizure and to claim compensation.”<sup>38</sup>

Violations of media freedom in Yemen involve not only the seizure of newspapers, arrests of journalists, and other such forms of persecution, but also efforts to ensure that the media practice self-censorship and do not cross “red lines”—topics that are off-limits and which will lead to the confiscation of the issue, or even arrest and prosecution of the journalist or editor.<sup>39</sup>

In 2008, Human Rights Watch research into human rights abuses committed in the context of the armed conflict between Huthi rebels and government forces in northern Yemen found severe restrictions on freedom of expression that year and the preceding year. The government attempted to prevent news about the details of the conflict from becoming public by preventing journalists and humanitarian aid workers from going to the conflict zone, by disconnecting all but a select number of mobile telephone numbers, by threatening journalists not to report on the conflict, and by arresting persons who transmitted information about the impact of the fighting, or who could have such information because they had recently left the area.<sup>40</sup>

In June 2008, Yemen’s Specialized Criminal Court sentenced journalist Abd al-Karim al-Khaiwani to six years in prison for writing critical articles about the war with the Huthis the previous year. Fellow journalists and lawyers familiar with the trial, did not even know the precise legal charge against al- Khaiwani. President Saleh pardoned and released al-Khaiwani in September 2008.<sup>41</sup>

In 2009, the government in Sanaa began a similar crackdown on independent and partisan reporting on events in the south. In what Yemeni lawyers described as an unprecedented move, the Ministry of Information in May of that year suspended from publication eight daily and weekly independent newspapers after they published interviews, graphic articles and photographs about the violence committed by security services during Southern

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<sup>38</sup> Ibid., arts 103 (b)-(d), 107.

<sup>39</sup> *In the Name of Unity*, Human Rights Watch, December 15, 2009, <http://www.hrw.org/node/87085>.

<sup>40</sup> *Disappearances and Arbitrary Arrests in the Armed Conflict with Huthi Rebels in Yemen*, Human Rights Watch, October 2008, <http://www.hrw.org/sites/default/files/reports/yemen1008web.pdf>, pp. 38-45.

<sup>41</sup> Ibid.

Movement protests. The minister announced that the newspapers had violated the country's press law by publicizing articles "against national unity and the country's highest interests," and accused the papers of "inciting violations of law and order, spreading hatred and enmity among the united people of Yemen."<sup>42</sup> The authorities allowed the weeklies to resume publication the following month.

Pressure by authorities on media outlets extended to physical attacks on *Al-Ayyam*, Yemen's oldest and largest independent newspaper. In May 2009, gunmen stopped *Al-Ayyam*'s delivery van in the Milah area of Lahj governorate and burned 16,500 copies. On the night of May 2, soldiers at two military checkpoints outside Aden confiscated more than 50,000 copies of *Al-Ayyam*, providing employees with a receipt signed by the police, the intelligence service, and the Ministry of Information. On May 4, *Al-Ayyam* suspended publication due to a siege of their offices. On May 12, security forces exchanged fire with guards at the *Al-Ayyam* compound in Aden, leaving one bystander dead and another gravely wounded.<sup>43</sup>

Human Rights Watch has documented the harassment, beatings and arbitrary detention of scores of bloggers as well as television and print journalists since 2008 for their coverage of events in the south. Gha'id Nasr Ali, a correspondent in southern Rafdan for *Al-Shari'* and *Al-Thawri* newspapers, told Human Rights Watch about several occasions on which security agents had beaten, threatened, or detained him. On April 21, 2008, Central Security police arrested him for covering a protest at a college in Rafdan, detained him for seven days, and told him to sign a commitment not to write about protests again. On May 13, Central Security again detailed Ali and severely beat him after he photographed a protest. After nine days, Ali was charged with "infringing the unity of the Yemeni republic" and released on bail pending trial. On July 18, a court convicted him and 22 others, and gave them six-month suspended sentences, on the condition that they take no part in future protests.<sup>44</sup>

At least 16 journalists and activists received sentences ranging from fines to 10 years in prison in 2009 and 2010, mostly for airing grievances felt by many in the south of the

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<sup>42</sup> "Yemen: Halt Crackdowns on Newspapers," Human Rights Watch news release, May 15, 2009, <http://www.hrw.org/en/news/2009/05/15/yemen-halt-crackdowns-newspapers>.

<sup>43</sup> *In the Name of Unity*, Human Rights Watch, December 15, 2009, <http://www.hrw.org/node/87085>.

<sup>44</sup> *Ibid.*

country. The Specialized Criminal Court in March 2010 sentenced a professor of economic geography, Husain al-'Aqil, to three years in prison for publicly raising concerns about control of Yemen's oil wealth. Al-'Aqil was released after two months but Aden University suspended him from academic duties.<sup>45</sup>

In May 2010 the Press and Publication Court sentenced Sami Ghalib, chief editor of the weekly *Al-Nida'*, and four colleagues to a suspended three-month prison term for "undermining the unity" of Yemen. That month President Saleh declared an amnesty that freed many, but not all, detainees and prisoners arrested for peaceful expression.<sup>46</sup>

In August 2010, intelligence forces arrested Abd al-Ilah Haidar al-Shayi', a terrorism expert and journalist for the official Saba News Agency, accusing him of membership in al Qaeda based on his interviews with the group's members. Shayi' had criticized government approaches to fighting al Qaeda.<sup>47</sup> Shayi' appeared bruised at his first court appearance, according to his lawyers. In January 2011, in a trial fraught with irregularities, the Specialized Criminal Court sentenced Shayi' to five years' imprisonment after convicting him of membership in a terrorist group.<sup>48</sup>

During the 2011 protests against President Saleh, state security forces and pro-government armed gangs attacked, harassed, and threatened scores of Yemeni journalists and human rights activists, many for reporting on or denouncing attacks on protesters.

Two journalists were killed covering protests in Sanaa. Jamal al-Sharabi, a photojournalist for the independent weekly *al-Masdar*, was killed during the March 18 attack. Hassan al-Wadhaf of the Arabic Media Agency died five days after being wounded in the face by sniper fire on September 19; he filmed his own shooting.<sup>49</sup>

At a protest in Sanaa in February 2011, men with sticks beat *Al-Arabiya's* bureau chief, Hamoud Munasser, and his cameraman, then attacked his car in front of the director of Yemen's US-funded Counterterrorism Unit and a Central Investigation Department official,

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<sup>45</sup> Human Rights Watch, *World Report 2011*, "Yemen," <http://www.hrw.org/en/world-report-2011/yemen>.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Human Rights Watch, *World Report 2012*, "Yemen," <http://www.hrw.org/world-report-2012/world-report-2012-yemen>.

<sup>49</sup> Ibid.

both of whom failed to intervene. Authorities expelled several foreign journalists and confiscated press runs of independent Yemeni print media, including *Al-Yaqeen*, which contained reports on security force attacks on Saleh's opponents. In May 2011, pro-Saleh forces fired machineguns and mortar rounds at the satellite TV station Suhail, owned by the opposition al-Ahmar clan.<sup>50</sup>

Scores of human rights defenders and lawyers were harassed, beaten, received frequent anonymous death threats, or were subjected to attacks on their homes and offices.<sup>51</sup>

#### 6) *Restrictions on Freedom of Assembly and Association (Articles 2, 3, 21, 22):*

Yemen's report fails to acknowledge the ways in which the government has systematically prevented individuals and civil society organizations from participating in protests, including through the repeated use of unnecessary lethal force during the demonstrations against President Saleh in 2011 and the demonstrations by the Southern Movement since 2007.

During an April 2008 protest in Habilain, in the south, riot police without warning or provocation fired automatic weapons directly at Southern Movement protesters, wounding one man in the foot. During a May 2008 protest in Aden, security forces on several different occasions opened fire without warning or provocation, wounding 23 protesters. Protesters responded by throwing rocks at the security forces, who again responded with deadly force. Rock-throwing by the protesters, while possibly criminal, does not warrant lethal responses in such circumstances. On May 30, protesters marched peacefully in Shahr, demanding the release of some 75 persons detained during a protest two days earlier. When they came to within meters of riot police and blocked the road, police fired first into the air, but then at the protesters, killing 'Awwad Baram. The government held no inquiry into the fatal shooting. In al-Dhali', security forces shot and killed Tawfiq al-Ja'di during a May 31 demonstration without warning or provocation.<sup>52</sup>

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<sup>50</sup> Ibid.

<sup>51</sup> Human Rights Watch, *World Report 2012*, "Yemen," <http://www.hrw.org/world-report-2012/world-report-2012-yemen>

<sup>52</sup> Human Rights Watch, *World Report 2010*, "Yemen," <http://www.hrw.org/en/node/87738>.

From February to December 2011, security forces repeatedly sought to block demonstrations against President Saleh in cities including Sanaa, Aden, and Taizz, often through the use of unnecessary lethal force as outlined in the section on Articles 2 and 6.

In January 2011 human rights defenders who were active in organizing the first protests of the year against President Saleh were briefly detained, including Tawakkol Karman, who was named a Nobel Peace Prize co-winner the following October, and lawyer Khaled al-Anisi.<sup>53</sup>

### *7) Discrimination Against Women (Articles 3, 23)*

Women in Yemen face an array of discriminatory laws and practices that contribute to their low social status and exclusion from public life. The United Nations Development Programs' Gender Inequality Index ranked Yemen at 154 out of 187 countries in 2011.<sup>54</sup>

One of the most abusive forms of gender discrimination in Yemen is child marriage. In 1999, parliament abolished an article of Yemen's Personal Status Law that had set the minimum age for marriage at 15. While article 15 of the Personal Status Law prohibits sexual intercourse until girls reach puberty, Human Rights Watch has documented cases in which pre-pubescent girls have been subjected to marital rape.

Reem al-Numeri, for example, was 11 years old when her father married her to her cousin, a man 20 years her senior. Three days after the wedding, Reem told Human Right Watch, her husband raped her. Reem's husband returned her to her family after she slit her wrists with a razor. Reem said that when she sought a divorce, the judge initially tried to dissuade her, saying: "We don't divorce little girls."<sup>55</sup>

In its 2009 report to the Committee, the Yemeni government wrote that the country's parliament had "set" 17 years as the new legal age for marriage and suggested that the

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<sup>53</sup> Human Rights Watch, *World Report 2012*, "Yemen," <http://www.hrw.org/world-report-2012/world-report-2012-yemen>.

<sup>54</sup> UNDP, "Human Development Report 2011, Sustainability and Equity: A Better Future for All," 2011, [http://hdr.undp.org/en/media/HDR\\_2011\\_en\\_Complete.pdf](http://hdr.undp.org/en/media/HDR_2011_en_Complete.pdf), p. 141.

<sup>55</sup> Human Rights Watch interviewed Reem in Yemen in September 2010. See "How Come You Allow Little Girls to Get Married?" Child Marriage in Yemen, Human Rights Watch, December 2011, <http://www.hrw.org/reports/2011/12/07/how-come-you-allow-little-girls-get-married>.

new minimum age was poised to be enacted into law. What the report does not mention is that after a parliamentary majority in 2009 approved 17 as the legal minimum age, 23 legislators effectively blocked the amendment on the grounds that it violated Islamic principles.<sup>56</sup> The legislators requested further review by parliament's Sharia Legislative Committee, which in 2010 issued a 14-page document stating that a minimum age for marriage contradicts the religious teachings of the Quran and Sunnah, as well as Yemen's Constitution and the interest of the child.<sup>57</sup>

Yemen's Personal Status Law contains several other provisions regarding marriage and divorce that create hardships for women. Article 23 provides that while a previously married woman or a widow—in other words a non-virgin—must consent to marriage, a virgin's silence signifies her consent.<sup>58</sup> This provision is particularly discriminatory as the decision to marry is often made by the girl's or woman's guardian.<sup>59</sup>

The law also allows a man to divorce his wife by pronouncing his repudiation three times.<sup>60</sup> But a woman may only ask for separation from her husband under certain conditions such as the husband's failure to provide financially for his family even though he is capable of doing so.<sup>61</sup> If a woman wishes to divorce her husband for other reasons, she may file for *khul'a* or no-fault divorce under which she is required to pay back her dowry and forgo claims to maintenance.<sup>62</sup>

Girls and women also experience many forms of gender-based violence including domestic abuse, sexual violence and harassment, and female genital mutilation.<sup>63</sup> In addition,

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<sup>56</sup> Nadia al-Sakkaf, "Parliament Revokes Minimum Age for Marriage Law," Yemen Times, <http://www.yementimes.com/DefaultDET.aspx?i=1236&p=report&a=2>.

<sup>57</sup> Government of Yemen, "Full report of the Sharia legislative committee on article 15 of the law number 15 of 1992 on personal status law," April 4, 2010.

<sup>58</sup> Personal Status Law, art. 23.

<sup>59</sup> "How Come You Allow Little Girls to Get Married?" *Child Marriage in Yemen*, Human Rights Watch, December 2011, <http://www.hrw.org/reports/2011/12/07/how-come-you-allow-little-girls-get-married>.

<sup>60</sup> Personal Status Law (Qanun al Ahwal al Shakhsyah), The Ministry of Legal Affairs, No.20, 1992, art. 59.

<sup>61</sup> *Ibid.* arts. 51-53.

<sup>62</sup> *Ibid.* arts. 72 and 36.

<sup>63</sup> United Nations, "Country Assessment on Violence against Women: Case of Yemen," August 2010, [http://www.un.org/womenwatch/ianwge/taskforces/vaw/Country\\_Assessment\\_on\\_Violence\\_against\\_Women\\_August\\_2\\_2010.pdf](http://www.un.org/womenwatch/ianwge/taskforces/vaw/Country_Assessment_on_Violence_against_Women_August_2_2010.pdf), p. 7.

women's representation and participation in public and political life remains very low.<sup>64</sup> Yemen has one of the highest illiteracy rates in the region, and the gap in literacy rates for men and women remains large.<sup>65</sup>

In its report to the Committee, the government described measures it has taken to eliminate gender-based discrimination. The list included allowing Yemeni women married to non-Yemenis to pass their nationality to their children, opening the police force to women, and establishing the same official retirement age for women and men.<sup>66</sup> While welcome, these measures fail to address the most egregious law and practices that subjugate Yemeni women.

### *8) Deployment of Child Soldiers (Article 24)*

Human Rights Watch has documented the use of child soldiers by both government forces and non-state armed groups in Yemen, both in the 2004-2010 conflict between the government and northern Huthi rebels, and during armed confrontations between government and opposition forces that began midway through the 2011 protests against President Saleh.<sup>67</sup>

In April 2011, Human Rights Watch interviewed 20 soldiers in Sanaa who gave their ages as 14 through 16, and said they had been serving in the army for one to two years. All were members of the Yemeni army's renegade First Armored Division, whose commander had defected to the opposition. However, the children said they had been serving in the army for one to two years, long before the division defected.<sup>68</sup>

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<sup>64</sup> UNDP, "Electoral Support Project for the Supreme Commission for Elections and Referendum of Yemen in Preparation for the 2006 Presidential, Governorate and Local Council Elections,"

[http://www.undp.org/ye/reports/24773cf49b1155Election\\_11\\_Evaluation\\_Report\\_Final.doc](http://www.undp.org/ye/reports/24773cf49b1155Election_11_Evaluation_Report_Final.doc), p. 16.

<sup>65</sup> UNESCO, "Education for All Global Monitoring Report: Reaching the Marginalized," 2010,

<http://unesdoc.unesco.org/images/0018/001866/186606E.pdf>, p. 413.

<sup>66</sup> "How Come You Allow Little Girls to Get Married?" *Child Marriage in Yemen*, Human Rights Watch, December 2011,

<http://www.hrw.org/reports/2011/12/07/how-come-you-allow-little-girls-get-married>.

<sup>67</sup> *All Quiet on the Northern Front?*, Human Rights Watch, April 7, 2010, <http://www.hrw.org/reports/2010/04/07/all-quiet-northern-front-o>;

Yemen: Stop Using Children in Armed Forces," Human Rights Watch news release, April 14, 2011,

<http://www.hrw.org/news/2011/04/14/yemen-stop-using-children-armed-forces>.

<sup>68</sup> "Yemen: Stop Using Children in Armed Forces," Human Rights Watch news release, April 14, 2011,

<http://www.hrw.org/news/2011/04/14/yemen-stop-using-children-armed-forces>, and *All Quiet on the Northern Front?*,

Human Rights Watch, April 7, 2010, <http://www.hrw.org/reports/2010/04/07/all-quiet-northern-front-o>. See also "US: Don't

Finance Child Soldiers—Obama Administration Aid Waivers Undercut US Law," Human Rights Watch news release, October 4, 2011, <http://www.hrw.org/news/2011/10/04/us-don-t-finance-child-soldiers>.