

## UPR Information Submission: Yemen

Submitted on behalf of: Sisters Arab Forum for Human Rights, Yemeni Organization for the Defense of Rights and Freedoms, Committee against Torture and Arbitrary Arrests, Change Organization, Cairo Institute for Human Rights Studies

### Overview/Summary:

1. Yemen has been the scene of large-scale violations of human rights and breaches of international humanitarian law during the past year amid the continuing armed conflict between the government and what the government call as “Al-Haouthi insurgents” in the northern province of Saada, mainly from the Zaydiyyah community, which are believe in The Shiite doctrine. Although the Yemeni President officially announced the end of the internal conflict in July 2008, the prospects for the outbreak of renewed fighting remain high. Peace agreements between the parties to the conflict have broken down four times in recent history amid mutual accusations of breaches to various peace agreements, the most recent time being in 2004.

2. During the last year the armed conflict has been the cause for hundreds of deaths, with growing concerns about the involvement of the Yemeni authorities in some of these extrajudicial executions. The conflict also resulted in the displacement of thousands of persons. Dozens more were victims of enforced disappearance and arbitrary detention, many of whom have not been heard from for weeks or even months after their disappearance amid allegations that those subject to enforced disappearance and/or arbitrary detention were subjected to ill-treatment and torture. Strengthening these suspicions, the Yemeni authorities prohibited access to prisons and detention centers by Yemeni rights organizations and the International Red Cross.

3. Journalists and human rights activists have been subject to death threats, arrests and unfair trials by the government in an effort to prevent them from disseminating information related to the conflict and human rights violations within the country. Moreover, the repression acts that the Yemeni authorities carried out in reaction to the social protests under the pretext of countering terrorism which add to the negative impact of the human rights situation in Yemen. Although the Yemeni president had declared an amnesty for all political detainees, there is continuing reports; that hundreds more remain in detention, as well as the reprise of arbitrary arrests by the government forces.<sup>1</sup>

### Consequences of the ongoing armed conflict in Saa'da

4. There are no official counts on the numbers of civilians killed in action during the military operations in the region, but United Nations sources suggest that hundreds of men, women and children have been killed<sup>2</sup>, including unconfirmed reports that extrajudicial executions have been carried out by security forces in the context of military operations.<sup>3</sup> Women have been subject to physical attacks during military operations. Moreover, 79 houses were demolished, 74 houses were partially destroyed by the military forces and around one hundred were turned into military barracks by the armed forces<sup>4</sup>.

<sup>1</sup> Human rights watch on : " Hundreds unlawfully Arrested in rebel conflict'.24 -10- 2008.

<http://hrw.org/english/docs/2008/10/21/yemen20035.htm>

<sup>2</sup> IRIN News, Humanitarian News Service of the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA). The conflict in Saada Governorate- analysis. 27/08/2008. <http://www.irinnews.org/Report.aspx?ReportId=79410>

<sup>3</sup> Amnesty International Annual Report on yemen. 2007.

<http://report2007.amnesty.org/eng/Regions/Middle-East-and-North-Africa/Yemen>

<sup>4</sup> Yemen Observatory for Human Rights (YOHR) Annual report, published in April. 2007. [http://www.yohr.org/docs/report\\_2007.pdf](http://www.yohr.org/docs/report_2007.pdf)

5. International reports have suggested that the continuing armed conflict has led to the displacement of more than 100,000 people, and that 17 thousand more of whom living in the city of Saada suffer from poor living conditions, with no access to electricity or potable water. More than 15 thousand displaced people endure life threatening living conditions in the camps adjacent to the city of Saada, with little access to clean water and medical care, and the threat of starvation caused by soaring food prices.<sup>5</sup>

6. In light of the deteriorating security situation, a number of humanitarian organizations, have been forced to halt operations and evacuate from Saada. According to the International Red Cross, access to the areas most affected by the conflict has become almost impossible.<sup>6</sup> Reports indicate that at least 62 cases of enforced disappearances resulted from arbitrary detention by the government in connection with the Houthis rebellion in Saa'da. The fate of most of them remained unclear after months of their disappearance. In all of the 62 cases, the authorities have refrained from providing statistics to their families and to the NGOs on the exact numbers of disappeared and lieu of detention, nor on the reasons for which they are detained. This situation continued until the moment they were all released<sup>7</sup>

7. Since the start of the conflict four years ago, approximately 2000 people were arbitrarily arrested and detained by the government. As of the end of 2007, 370 of who remain imprisoned without charge or trial, some for periods exceeding one year.<sup>8</sup> The government detained some people to exercise pressure on members of their families to hand themselves in. Individuals who were "suspected" of advocating for the Al-Haouthi rebels were also illegally detained, along with journalists attempting to report on the situation. Scholars and theologians were also targeted by the government at times. Absurdly, even state appointed intermediaries to the rebels as they were about to reach a final agreement between the government and the Houthis; Were imprisoned by the government for criticizing the governments attempts to make peace with the rebels. It is in this context that the authorities released 70 citizens of Sada that had been taken as prisoners of war, and, by the end of August, the Yemeni President ordered the release of 131 more. However, 60 persons remained arbitrary detained. Among those released by the government was Sheikh Saleh Al-Wajman, a member of the mediation committee for the termination of the conflict. Al-Wajman had been a detainee for close to two years<sup>9</sup>.

### **Political Arrests and Detentions**

8. In August 2008, there were reports of the continued existence of some 1,200 political detainees in the prisons of Yemen even though the Presidential Amnesty didn't give an exact account of the number of detainees that it includes. In October 2008, some human rights reports indicated that 17 persons from the governorate of Hajja remained in detention for two years without any charge or trial.<sup>10</sup> Presidential Amnesty measures on 12 September stipulated the release of 12 members of the Yemeni Socialist Party,

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<sup>5</sup> International Red Cross publication. 08/08/2008. <http://www.icrc.org/web/eng/siteeng0.nsf/html/yemen-update-080808?opendocument>

<sup>6</sup> Ibid.

<sup>7</sup> Human Rights watch report: "Disappearances and Arbitrary Arrests in the Armed Conflict with Huthi Rebels in Yemen". 24 October. 2008.

<http://hrw.org/english/docs/2008/10/21/yemen20035.htm>

<sup>8</sup> Yemen Observatory for Human Rights (YOHR), Annual report Op. cit.

<sup>9</sup> Human Rights Watch. Op. Cit .

<sup>10</sup> The National Organization for Defending Rights and Freedoms, Press release 23/10/2008. <http://anhri.net/yemen/yoddrf/2008/pr1023.shtml>

previously charged with enticing violence and disorder in southern Yemen.<sup>11</sup> That is while 6 more are still detained for the same accounts in the region of Karsh. However, this Amnesty did not prevent new arrests intended to suppress certain forms of political and social movements and activism. Civilians from A'ddan were detained on grounds of protesting against regular water and electricity cuts; others from southern governorates received no amnesty and remained in prison since their detention in 2007, also on grounds of participating in some political and social protests.<sup>12</sup>

### **Conditions in prisons and detentions facilities**

9. Authorities impose tight restrictions on carrying out independent missions to inspect and monitor conditions inside detention centers, a matter which only precludes the chance of finding out the cells conditions and the treatment received by the detainees therein. Authorities also barred the Yemen Observatory for Human Rights (YOHR) from making visits to all prisons with the exception of the Hajja one. Meanwhile, the International Committee of the Red Cross indicated that during 2007-2008 it has met with authorities to obtain their approval on accessing all detention facilities, but as of August of 2008 requests for access have been rejected.<sup>13</sup>

10. In Yemen, cases of enforced disappearance are commonly linked to other violations such as torture and the infliction of physical and mental abuse at the hands of interrogators. In this context, it is worth mentioning that actor Fahd Al-Karni, prior to his release in September 2008, was subject to arbitrary arrest and detention at the central prison in the Taiz governorate. He was placed in a special punishment chamber for capital offenders with nine other prisoners that had been sentenced to execution. Al-Karni's only "crime" had been a refusal to sign a pledge stating that he will refrain from exercising any political activity as a prerequisite to his release.<sup>14</sup> A large amount of complaints have been made by the families and lawyers of detainees accusing the security authorities of not allowing access or visits to those detained.<sup>15</sup> According to statements made by some Yemeni parliamentarians, some of the prisoners have been subjected to torture and inhuman treatment, and cases of rape have been attributed to some of the officers in women's prisons.<sup>16</sup> During the trial of 32 accused of planning and carrying out terrorist attacks on oil fields, three of the accused were subjected to torture and forced to sign confessions of their involvements in the above mentioned incidents. Despite their complaints of torture the Court sentenced them to up to 15 years in prison.<sup>17</sup>

### **Freedom of opinion and expression**

11. Repressive measures were used against political and human rights activist and journalists in an effort to prevent them from criticizing public figures and silence reporting and criticism about the repercussions of the Saa'da war and the violations of human rights carried out during this conflict. The authorities continued to block many web sites, particularly these containing political commentary, criticisms of the government or

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<sup>11</sup> Carnegie Endowment for International Peace, Arab Reform Bulletin, September, 2008.

<sup>12</sup> <http://carnegieendowment.org/arb/?fa=show&article=21931>

<sup>13</sup> The National Organization for Defending Rights and Freedoms, 09/10/2008. <http://www.hoodonline.org/det.php?sid=1725>

<sup>14</sup> International Red Cross Committee. Op.cit.

<sup>15</sup> Press release issued by Front Line, protection of human rights defenders. 9-5-2008.

<http://www.frontlinedefenders.org/en/node/1431>

<sup>16</sup> Press release issued by Yemeni Organization for Defending Democratic Rights and Freedoms. 20/08/2008.

<http://anhri.net/yemen/yoddrf/2008/pr0820.shtml>

<sup>17</sup> Hood, the National Organization for Defending Rights and Freedoms. 01/07/2008. <http://anhri.net/yemen/hood/2008/pr0701-2.shtml>

<sup>18</sup> Arab Reform Bulletin, Carnegie Endowment for International Peace, September, 2008.

<http://carnegieendowment.org/arb/?fa=show&article=20712>

information about the war in Saa'da.<sup>18</sup> In June of 2008, prominent journalist Abdel Karim Al-Khaiwani received a court ruling sentencing him to a six-year prison term after being charged of belonging to a "terrorist cell." Human rights organizations believe that the sole purpose of the conviction is to punish t him for his active role in monitoring and reporting of human rights violations by the government during the war in Saa'da. In response to a large international campaign calling for his release, the President issued an Amnesty for him on the 25<sup>th</sup> of September 2008. Khaiwani had been kidnapped and severely beaten by gunmen and had received a death threat directed at him and his family which demanded an end to his criticisms of the Yemeni President, just one year before he was sentenced to prison by the Yemeni Court.<sup>19</sup>

12. Furthermore, in June 2007, shortly after the *Al-Share'* newspaper published a story on the fact that the Yemeni army is mobilizing different tribes to help it on the ongoing war in Saa'da, a group of armed men in two military cars forced their way into the newspaper's headquarters threatened to kill its Editor-in-Chief – Nabil Subaie – if he is not stopping publishing information on the war in Saa'da. The Ministry of Defense also filed a complaint to the competent Penal office of the Attorney General claiming that publications made by the paper had been detrimental to combat operations by having a negative impact on the morale of the armed forces. Three writes and journalists were also detained on the background of social and political protests in the south of Yemen.

13. On 30 June, 2008, rights activist Luaay Al-Mouayyad became a victim of enforced disappearance after publishing reports criticizing the conflict in Saa'da on the *Yemen Hurr* (Free Yemen) website of which he is the editor. Access to the site is prohibited from within Yemen. Lua'y was later released in 11 September 2008. Adding to this a child of approximately 13 years of age was detained for seven months when airport security found in his possession CDs pertaining to Al-Haouthis.<sup>20</sup>

14. In July, 2008, the authorities arrested two assistants of a foreign correspondent, Ali Nasser Al-Bekhity and Mohamed Ahmed Hasan Al-Bekhity. They were accompanied by a British journalist who was deported from the country immediately after the arrest of two men. A month following their detention, reports was issued stating that the journalists were denied access to legal council and the right to appear before a competent judicial body. Strict orders were previously issued preventing foreign journalists from traveling without being accompanied by a guide appointed by the Ministry of mass communication.<sup>21</sup>

15. In March 2008, the Ministry of mass communication banned Al-Sabah newspaper on the allegations that the information it published was detrimental to "national unity and public order" and for publishing news on the Al-Haouthis. In April, 2008, the Ministry, by virtue of a court order, revoked the license of El-Wasat (The Centralist) daily newspaper on similar grounds. For the same reasons, the editor of the Ayam newspaper was severely beaten by unknown men, as well as the editor of the Moharer newspaper that also had the property of his newspaper stolen. It is to be noted that until this moment, television and radio stations are all state controlled.

<sup>18</sup> Annual Report of Amnesty International. Op.cit.

<sup>19</sup> Arab Reform Bulletin, September, 2007. <http://carnegieendowment.org/arb/?fa=show&article=20867>

<sup>20</sup> Human Rights Watch Report, Op.cit.

<sup>21</sup> Reporters without Borders, Press release, 20 August, 2008. [http://www.rsf.org/article.php3?id\\_article=28237](http://www.rsf.org/article.php3?id_article=28237)

16. In June 2008, the State Security Court issued a one-year suspended imprisonment sentence for Mohamed Al-Mokaleh, General Secretary of the Yemeni Socialist Party. Al-Mokaleh was sentenced for contempt of Court after having laughed out loud during Al-Khaiwani's trial. A sentence was also issued imprisoning actor Fahd Al-Karni<sup>22</sup> for a year and a half in July, 2008 on the charge of insulting the President of the Republic in some of his plays.

### **Freedom of assembly and organization**

17. Members and activists of some human rights organizations and within civil society experienced further repressive measures for their expressed solidarity with victims of human rights violations, or for their role in attempting to expose such violations, especially within Saa'da, or even for participating in peaceful demonstrations to stop the war there. Detentions, are carried out, on activists of the Yemeni Organization for Defending Democratic Rights and Freedoms, namely, Louay Al-Mouayyad, Yaser Al-Wazir and Khaled Al-Sherif, Ali El-Emad and Moui'ne El Moutawakel. The abovementioned detainees were severely mentally and physically tortured, and some of them were threatened to be sexually abused or to have some of their relatives sexually abused. Nude pictures were also taken by police officers for them during their detention. Other active members of the Organization have in turn been subjected to arbitrary detention and threats, including: Salah Kaid Salah, Dr. Nassir Al-Khaigi and Yehia Ghalib Ahmed, Mohamed Moftah, a member of the administrative body of Change- Organization for Defending Rights and Freedoms. .<sup>23</sup>

18. Executive Director of Hiwar forum, Abdul Rashid Al-Faqih, was assaulted on the 22<sup>nd</sup> of September, 2008, by security forces in front of the gates of the office of the Prime Minister and later detained after recording a video of a sit-in protest organized by the families of detainees of the Saa'da war. Yemeni organizations expressed grave concerns towards the detention of rights activist and prominent law professor, Dr. Mohamed Ali Al-Saqqaf, who was apprehended by security forces on his way to catch his flight to Dubai on 11 August, 2008. The probable cause of detention had to do with Mr. Al-Saqqaf's being a defense lawyer for several activists detained in political protests that occurred in Northern Yemen.

19. In May 2008, Security forces broke into the house of activist Ali Al-Dilmi's, Executive Director of the Yemeni Organization for Defending Democratic Rights and Freedom, and brutally beat his brother Hasan Al-Dilmi, tying him up and pushing him down a flight of stairs before taking him into detention.<sup>24</sup> The chairperson of Women Journalists without Chains (WJWC) organization has received anonymous death threats.<sup>25</sup> On 13 July, 2008, security forces prohibited a sit-in protest organized by civil society organizations to be staged in front of the parliament in solidarity with victims of enforced disappearance. The forces blocked all routes leading to the parliament and seized signs and posters. Security forces also prohibited another sit-down in front of the Supreme Court in solidarity with journalist Abdel Karim Al-Khaiwani.

### **NOTE: Annex by Yemenis Human Rights Organizations and Journalists is Attached**

<sup>22</sup> Front Line, protection of human rights defenders Press release. Op. Cit.

<sup>23</sup> Press release Issued by ANHRI.17-6-2008.

<http://anhri.net/yemen/makal/2008/pr0617.shtml>

<sup>24</sup> Press release Issued by Al- Shoura Net. 26-5-2008. [https://yemenportal.net/blocked/browse.php?u=%3A%2F%2Fal-shora.net%2Fsh\\_details.asp%3Fdet%3D9255&b=60](https://yemenportal.net/blocked/browse.php?u=%3A%2F%2Fal-shora.net%2Fsh_details.asp%3Fdet%3D9255&b=60)

<sup>25</sup> Press release Issued by "women journalists without chain". 5-4-2008. <http://www.womenpress.org/articles.php?id=88>