



**Joint Submission to the UN Universal Periodic Review**

**18<sup>th</sup> Session of the UPR Working Group**

**Republic of Yemen**

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**Joint Submission by**

**CIVICUS: World Alliance for Citizen Participation**

**NGO in General Consultative Status with ECOSOC**

**And**

**Arab NGO Network for Development (ANND)**

**NGO with ECOSOC Consultative Status-Roster**

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## **1. (A) Introduction**

- 1.1** CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.
- 1.2** The Arab NGO Network for Development (ANND) is a regional network, working in 12 Arab countries with seven national networks, and an extended membership of 200 civil society organisations. ANND aims at strengthening the role of civil society, enhancing the values of democracy, respect of human rights and sustainable development in the region. ANND advocates for more sound and effective socio-economic reforms in the region, which integrate the concepts of sustainable development, gender justice, and the rights-based approach.
- 1.3** In this document, CIVICUS and ANND raise concerns about the environment in which civil society organisations, human rights defenders and journalists operate in Yemen, and discuss threats they face in the exercise of the freedoms of expression, association and assembly.
- 1.4** CIVICUS and ANND are concerned about persistent harassment, intimidation and attacks against independent journalists and human rights defenders by state security and armed groups. We are also concerned about the violent repression of peaceful pro-reform demonstrations which became a common feature in Yemen in 2011. Restrictions on the freedoms of expression, assembly and association continue in the country even after President Ali Abdullah Saleh stepped down in February 2012.
- 1.5** Some concessions have been made by the new government and several prisoners have been released but human rights abuses continue. Yemen needs to make a clean break from violations committed by the previous regime and the new government should prioritise improving the human rights situation in the country.
- 1.6** The restrictive environment in Yemen is made worse by the actions of armed groups and tribal fighters and factions who regularly attack representatives of civil society and abduct journalists to force the government to heed to their demands. Threats to human rights defenders and journalists are equally rampant in the south of the country amidst regular calls for secession and in the north where there is intermittent conflict.
  - In section B, CIVICUS and ANND highlight concerns regarding freedom of assembly and the harassment and intimidation of peaceful protesters.

- In section C, CIVICUS and ANND express concerns regarding restrictions on freedom of expression and attacks on journalists and the media.
- In section D, CIVICUS and ANND highlight concerns regarding judicial harassment, intimidation of human rights defenders and attacks on representatives of civil society.
- In section E, CIVICUS and ANND make a number of recommendations in the areas of concern listed.

## **2. (B) Concerns regarding freedom of assembly and harassment and intimidation of protesters**

- 2.1 Article 21 of the International Covenant on Civil and Political Rights to which Yemen is a party guarantees the right to freedom of assembly. In 2011, thousands of protesters took to the streets of Yemen initially expressing solidarity with citizens in other countries in the Middle East and North Africa (MENA) region and later called for the introduction of political reforms and the ousting of President Abdullah Saleh. The government brutally cracked down on these protests using live ammunition, tear gas, electric stun guns and snipers. Hundreds of protesters were killed and injured in the process and the Yemeni authorities indiscriminately arrested and detained hundreds more who were suspected of participating in the demonstrations. Brutal force has also been used to suppress pro-secession demonstrations in the southern part of the country and during intermittent conflict in the northern region between government forces and armed groups.
- 2.2 Specifically on 22 January 2011, Tawakkol Karman, President of the human rights group, Women Journalists Without Chains (WJWC) was arrested and detained for 36 hours in a prison in Sana'a after she was accused of "undermining public social peace and inciting disorder and chaos," resulting from her participation in the pro-reform protests. She was later released on condition that she does not "disturb the public order and law" in the future. During a follow-up solidarity protest calling for her release, 20 activists and human rights defenders were arrested including Khaled al-Ansi, head of the National Organisation for Defending Rights and Freedoms and Ali al-Dailami, Director of the Defence of Rights and Democratic Freedoms (YODRFD). Both individuals were charged with participating in an illegal demonstration and released a day after their arrest.
- 2.3 On 18 March 2011, the government responded violently to thousands of protesters who converged in major parts of the country to commemorate what they termed the "Friday of Dignity." The largest attacks occurred at Change Square in the capital Sana'a. During the protests, gunmen in civilian clothing opened fire on the crowds killing 45 people and injuring 200. Those later accused of involvement in the massacre were current and former members of the government's security forces. Rights groups report that investigations into

the shootings and trials of the perpetrators have largely avoided senior members of the security forces who were implicated in the act.

- 2.4 Again from 29 May to 3 June 2011, Yemeni security forces carried out sustained assaults on protesters killing at least 22 in the process and injuring more than 250. The security forces and armed men in civilian clothes used live ammunition and tear gas on protesting crowds and used bulldozers to destroy tents set up by demonstrators. Security personnel invaded hospitals and deliberately prevented medical staff from attending to injured protesters. In November 2011, more than a dozen people were killed by artillery shelling on Freedom Square in Taiz in the southern half of the country and in other residential areas.
- 2.5 On 21 January 2012, the Yemeni Parliament promulgated the “impunity law,” No 1 (2012) on the granting of impunity from legal and judicial persecution to President Saleh. The law also granted impunity for acts committed on political grounds to officials who served under him. The “impunity law” was passed following mediation efforts by the Gulf Cooperation Council (GCC) during which President Saleh agreed to step down in return for impunity from prosecution. CIVICUS and ANND recognise the fact that promises of impunity and the departure of President Saleh led to a cessation of hostilities without which the country could have descended into further chaos. We are however concerned that the granting of impunity to the former president and his collaborators sets a dangerous precedent to legitimise human rights abuses conducted by government officials. The “immunity law” also violates Yemen’s international legal obligations to prosecute perpetrators of crimes under international law and it largely prevents victims of such atrocities and their families from accessing justice,

### **3. (C) Concerns regarding restrictions on freedom of expression and attacks on journalists and the media**

- 3.1 Article 19 of the International Covenant on Civil and Political Rights guarantees the right of citizens to free expression. Article 42 of the Yemeni Constitution guarantees “the right to freedom of thought and expression of opinion in speech, writing and photography within the limits of the law.” The environment in which journalists operated was increasingly hostile during pro-reform demonstrations in 2011 as the government confiscated newspapers, imposed blackouts on online media sources and attacked and detained journalists. Sadly, attacks on media freedoms and victimisation of journalists continue even in the post-Saleh era. These attacks are carried out by government authorities and armed fighters and tribal groups.
- 3.2 On 15 May 2013, three journalists - Yassin Alzikri editor of the *Economic Media Magazine*, Ibrahim al-Ashmori of *Al-Thawra* newspaper and Ahmed al-Shamiri of the daily newspaper *Saudi Okaz* were abducted by armed tribesmen in Marib province on their way to carry out work-related assignments in Mahrah in the east of the country. Reports indicate that local tribal leader Yahia Saleh al-Masmi was responsible for the kidnapping using it as a ploy to force the government to give in to his demands of compensation for his tribesmen killed during clashes with the government.

- 3.3 On 7 May 2013, Fathi Bin Lazrak, editor-in-chief of the *Aden al-Ghad* newspaper, an independent paper based in the city of Aden was threatened with death by an anonymous source through a text message. The text warned that he will be “physically liquidated” and his newspaper “burnt down” if he continues publishing stories. The local number used to send the text was visible and even after reporting the matter to the police, nothing was done to protect Lazrak.
- 3.4 Violence against the press was manifested again in late April 2013, when journalists working for Al-Jazeera and Sky News Arabia were attacked and beaten by anti-government protesters in the southern city of Aden. Yasser Hassan and Samir al-Nimri from Al-Jazeera were beaten by supporters of Hirak - a secessionist movement based in Aden. They sustained injuries while covering protests to mark the 19<sup>th</sup> anniversary of the start of the civil war between north and south Yemen in 1994. On 17 April 2013, police were called in to diffuse a bomb that had been placed in a building in Sana’a which houses Yemeni Satellite TV Station Yemen Shabab TV and the media organisation al-Masdar which controls al-Masdarb newspaper and Al-Masdar online news website.
- 3.5 Abdul-Raqeeb al-Hudayyani, editor in chief of the news website *Aden online* received anonymous death threats following the publication on 5 March 2013 of an alleged case of corruption implicating the pro-government newspaper *14 October*. The *14 October newspaper* refuted the allegations and accused *Aden online* of forging documents.
- 3.6 Yemen has put in place legislation which severely restricts media freedoms and specialised courts used to persecute journalists and critics of the regime. The country’s Specialised Criminal Court (SCC) was created in 1999 to deal with cases pertaining to national security. In 2009, the Supreme Judicial Council made clarifications that the court has jurisdiction over a wide-range of security related offences. There are concerns that dissenters and critics including journalists have been tried by the SCC instead of by ordinary criminal courts. Some of the trials have been largely biased as sentences have been handed down by the court on the basis of confessions forced through torture without adequate investigations.
- 3.7 The Specialised Press and Publications Court (SPPC) created in 2009 by the Supreme Judicial Council to deal with media cases is used to unfairly prosecute journalists and media outlets. Journalists and dissenters continue to face trumped up charges before the SPPC. There are serious concerns that the SPPC has become an instrument of the government to censor the press and media platforms and to control and suppress dissenting voices. The court has been reported to act in a biased manner stifling freedom of expression.
- 3.8 For example, in June 2010, four journalists working for *al-Nedaa* newspaper – Sami Ghalib, Abd al-Aziz-al Majidi, Mayfa Abd al-Rahman and Fuad Masad were convicted to three month suspended sentences for articles written in 2009 about unrest in the southern part of the country and the response of the authorities to it. The sentences were later annulled following a presidential amnesty.

- 3.9 Again on 2 May 2010, journalist Hussain al-Leswas was sentenced by the SPPC to one year in prison and banned from practising journalism for one year because of publications which condemned corrupt practices by the electricity company in al-Bayda, Southern Yemen. The Governor of the province and the Director of the electricity company made complaints against him. He was imprisoned and later released on 24 May 2010 under a presidential amnesty.
- 3.10 CIVICUS and ANND are concerned about the draft Audio Visual Media Law to regulate private broadcasting and electronic media. The bill which is currently under discussion in Parliament will impose bans on the broadcast of information that will impact negatively on Yemen's economy, currency or investments. The bill proposes to give government officials broad powers to implement the law. If it comes into force, it will impose exorbitant fees for the registration of private media outlets as a deterrent to the development of the independent media. Article 5 prohibits the operation of television and radio stations without paying the necessary license fee. Licensing fees will range from 9.6 million to 40.2 million Riyals (approximately \$ 40,000 to \$ 167,000) and this will depend on the type of media outlet.

#### **4. (D) Concerns involving judicial harassment, intimidation of human rights defenders and attacks on representatives of civil society**

- 4.1 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection of human rights defenders. Yet, there remain many concerns about state connivance in persecution rather than protection of human rights defenders.
- 4.2 On 20 February 2013, human rights defender and president of the National Forum for Human Rights in Yemen Khaled Ayish discovered that all four tyres of his vehicle had blown up as they had been filled up with cooking gas. The attack relates to his activities as a human rights defender including campaigning for greater respect of citizens' rights.
- 4.3 On 26 February 2012, Huda Jaafar, a human rights defender and blogger based in Aden in south Yemen was threatened through email and social networking sites after openly expressing her views about a Yemeni politician. She was accused of belonging to a terrorist group and informed that she will be attacked if she continues to express her views. She is known for her advocacy work for women's rights and her campaigns for the elimination of all forms of violence against women.
- 4.4 On 16 April 2012, human rights defender and coordinator of the Yemeni Organisation for the Defence of Rights and Democratic Freedoms Ali Al Dailami was harassed by security officers at Sana'a airport upon his arrival from a conference on the state of human rights in the MENA region which took place in Cairo, Egypt. He was interrogated for several hours and informed that his name was on a list of wanted individuals drawn up by the police. His passport was initially confiscated and he was accused of leaving Yemen illegally even though there was sufficient evidence that he had left the country legally on 11 April 2011.

- 4.5 Again on 7 July 2011, human rights defender Ahmed Hashim of the Yemeni Organisation for the Defence of Democratic Rights and Freedoms was targeted by armed men who wore masks and fired shots in his direction while he was leaving his office. The bullets did not reach him but the threats emanate from his activities as a human rights defender. His organisation provides reports on human rights abuses and offer legal assistance to victims of arbitrary arrest and torture.
- 4.6 On 19 June 2010, Nabeel Rajab, President of the Bahrain Centre for Human Rights was harassed and intimidated upon his arrive at Sana'a airport on a work-related trip to Yemen where he was held for more than three hours and his bags were searched. He was on his way to Yemen to present findings of a report on security threats in Yemen at a workshop which brought together civil society activists, diplomats and human rights organisations in Yemen. He was also there to monitor recommendations made to Yemen during the country's Universal Periodic Review at the United Nations Human Rights Council. He was stopped again on his way back, his passport confiscated and handed to him shortly before he boarded the plane and he was warned not to travel to Yemen again.
- 4.7 On 17 March 2010, Mohammed Said al-Bane, a legal officer with the Yemen Observatory for Human Rights (YOHR) was threatened with arrest by an official from the country's Criminal Investigation Department in the Lahej province after visiting the town's main prison. A majority of the detainees he visited were arrested in the wake of pro-reform demonstrations that began in 2011. The official from the Criminal Investigation Department also threatened to arrest members of YOHR and other human rights defenders who campaign for the rights of political prisoners.
- 4.8 Throughout the year in 2010, human rights defender Afrah Sa'eed, Secretary General of the Arab Foundation for the Support of Women and Juveniles and Information Coordinator of the Yemeni Organisation for the Defence of Democratic Rights and Freedom received death threats from anonymous sources through her telephone on a regular basis. The threats are related to her reporting of human rights abuses committed by armed groups and government security forces in the South of Yemen.

## **5. Recommendations to the Government of Yemen**

CIVICUS and the Arab NGO Network for Development urge the Government of Yemen to create an enabling environment for civil society to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made.

- 5.2 Regarding freedom of assembly, harassment and intimidation of protesters

- Those still in detention for exercising their rights to freedom of conscience, expression, assembly and association should be unconditionally released.
- All cases of arbitrary arrest and detention should be fully investigated and the perpetrators should be brought to justice.
- Repeal the Impunity Law promulgated in January 2012 and ensure no individual is immune from persecution for human rights violations.

### 5.3 Regarding restrictions on freedom of expression and attacks on journalists and the media

- Attacks on and threats to Journalists and dissenters should be publicly condemned by senior government officials to ensure protection by law enforcement agencies.
- The draft Audio Visual Media Law should be reviewed to ensure compatibility with Article 19 of the International Covenant on Civil and Political Rights

### 5.4 Regarding judicial harassment, intimidation of human rights defenders and attacks on representatives of civil society

- Law enforcement officials should be issued instructions to end harassment, intimidation and arbitrary detentions of human rights defenders, civil society activists and dissenters.
- Impartial and independent investigations into all cases of attack, harassment and intimidation of civil society activists and journalists should be carried out and the perpetrators should be brought to justice.

### 5.5 Regarding access to UN Special Procedures and Mandate Holders

- A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, and Special Rapporteur on Freedom of Peaceful Assembly and Association.