

## Summary of key concerns regarding human rights defenders in Yemen

1. Front Line Defenders and the Yemen Organization for Defending Rights and Democratic Freedoms (Yemen Organization) are gravely concerned by the ongoing persecution of human rights defenders (HRDs) in Yemen. Yemeni HRDs have been subjected to harassment, threats, arbitrary arrest, threats of fabricated prosecutions, assaults, as well as restrictions to their right to freedom of expression, association and assembly.
2. The Constitution of Yemen guarantees freedom of expression “within the limits of the law” (Article 26). In practice, a number of restrictions exist, both *de jure* and *de facto*, on the enjoyment of this right. Journalists, HRDs and independent academics are seen with suspicion by the authorities. The Security Police have at times arrested at gun point, with modalities resembling an abduction, and have held them incommunicado HRDs who spoke out publicly.
3. Following events in Tunisia and Egypt, peaceful mass protests broke out in Yemen during the early months of 2011. They were met with excessive force, which included the use of tear gas and live ammunitions. On 18 March 2011, 45 protesters were shot dead in Sana'a, an incident that prompted widespread international condemnation and –on the very same day– the declaration of a state of emergency.
4. Despite progress towards political transition, which may also provide space for greater respect for human rights, change has so far been limited and a law on transitional justice and reconciliation has yet to be enacted.

## Restrictions on the right to freedom of association

5. The 2001 law on associations and institutions and its implementing regulations include provisions which are inconsistent international standards as well as with Article 39 of the Constitution, which protect the right to form political, cultural, scientific, social, professional organisations and trade unions. The law includes a number of restrictions and barriers to the establishment and independent running of associations. In particular, civil society organisations cannot be founded or acquire legal personality without approval by the competent authority. The compulsory legal overseeing by the government threatens the independence of civil society organisations. The 2001 Law introduced new restrictions such as the requirement on each organisation wishing to obtain a license to make a deposit a million rials (equivalent over 4500 USD).
6. Most human rights groups have operated until recently without legal recognition. Some progress has been recorded since the regime change following the presidential elections in February 2012 and a number of organisations have since been able to obtain registration. A case in point is that of **Yemen Organization**, who was established in 1993 and fully operational since 2000 but which was only officially recognised in 2012.
7. Affiliation with public service trade unions has been actively discouraged and extensive categories of public servants are prohibited from joining unions, in direct contravention of applicable laws. Civil Service Law No.19 (1991) protects the right of employees to organise, as does the Trade Unions Law No.35 (2002). Despite clear, statutory protections, the government attempted to stymie union activity and has engaged in harassment, including by filing malicious complaints with the Office of Public Prosecution. The government's actions have been directed against individual union members as well as trade unions as organisations, including the **Union of the Central Organization for Control and Auditing Employees**, the **Union of the Joint General Authority for the Protection of the Environment Employees**, and the **Union of the Ministry of Foreign Affairs Employees**.

## Excessive use of force and targeting of HRDs during protests

8. The Constitution does not explicitly protect the right to freedom of peaceful assembly and protest. Mass protests broke out during the early months of 2011 and were met with excessive force, which included the use of tear gas and live ammunitions. In addition to the tragic killing of 45 protesters in March 2011 (see paragraph 3 above), protests were violently dispersed on a number of occasions, and individual human rights defenders and their organisations have been specifically targeted. Below is a selection of cases of attacks against HRDs. In all these cases, no proper investigation was carried out.

9. On 14 December 2010, human rights defenders Ms **Tawakkol Karman**, Ms **Bushra Al-Sorabi** and Mr **Ali Hussain Al-Dailami** were assaulted in Sana'a while participating in a peaceful sit-in in front of the House of Representatives to call for the release of detainees related to the Sa'da conflict. Tawakkol Karman and Bushra Al-Sorabi are, respectively, Chairperson and Executive Director of Women Journalists Without Chains (WJWC), an organisation which campaigns for freedom of the press and other human rights in Yemen. Ali Hussain Al-Dailami is the executive director of the Yemen Organization. Tawakkol Karman was named a Nobel Peace Prize laureate in 2011 for her work to promote human rights, women's rights and peaceful political change.

10. On 13 February 2011, human rights journalist Ms **Samia Al-Agbry** reported being the victim of an attempted abduction and assault while participating in a demonstration in Sana'a. When individuals in plain clothes, some of whom were believed to be State Security officers, attacked the demonstrators a masked man attempted to take Samia Alagbry with him by force and was eventually blocked by other demonstrators who intervened to help her. Samia Al-Agbry was the secretary of the Rights and Freedoms Committee of the Journalists' Syndicate, and regularly documents and reports human rights violations in Yemen, particularly against journalists.

11. On 1 August 2012, human rights defender Mr **Radwan Alhimai**, member of the Yemen Organization and an active figure in the protest movement, was assaulted by members of the armed forces and of the Islah Party. The attack occurred in connection to Radwan Alhimai's participation to a demonstration against abuses by the army.

12. On 12 February 2013, Mr **Ahmed Saif Hashed**, a human rights defenders and also member of parliament, was attacked by anti-riot police and security forces in front of the central government building in Sana'a. He was injured in the head and required hospitalisation. The attack was due to his participation in a sit-in claiming proper medical treatment and assistance for all those protesters who were wounded during the 2011 mass protests.

13. On 21 February 2013, in the Aden Governorate, student activist Mr **Emad Al Kahbi** was shot at by police forces during a peaceful protest. He was initially brought in a local hospital and later forced to access treatment abroad. He continues to suffer from the injuries and has difficulty walking.

### **Physical attacks on human rights defenders and their organisations**

14. Attacks against HRDs also occurred not in connection to protests. Besides physical attacks on individual HRDs, the offices of human rights organisations have also been targeted.

15. On 18 July 2011, the **National Organization for Defending Rights and Freedoms (HOOD)** suffered an arson attack on its office, which resulted in the destruction of its archives. The same day, the website of the organisation was hacked. The attack followed a statement issued by the Ministry of Interior condemning HOOD for the publication of a document where the human rights group had affirmed that the Ministry and other state departments had infringed the law. It was also reported that officials warned HOOD that they would 'suffer consequences'.

16. A few months later, HOOD was targeted again in connection with the crackdown on peaceful

demonstrators in Sana'a which started on 18 September 2011. On 19 September, the office of HOOD was attacked with heavy machine guns, mortars and rocket-propelled grenades. The team had to evacuate the office and one staff member was slightly injured. The targeting of the office continued for three consecutive days and caused very severe damage to the equipment and files. It is believed that the targeting of HOOD may be due to the perception that they were in touch with international organisations and thus contributed to the visibility of events in Yemen.

17. On 20 February 2013, Mr **Khaled Ayesh**, president of the National Forum of Human Rights, was suffered an incident while driving in the province of Hodeidah, when all tires his car suddenly burst. The investigation showed that all four tires had been filled with cooking gas. Khaled Ayesh believed that the security forces may be behind the sabotaging of his vehicle. Prior to the incident, he had received several threats by state security officials and was warned that he should stop his human rights work.

### **Administrative sanctions and dismissal from employment**

18. HOOD has documented the growth of sanctions against HRDs accessing public services or working in the public service, as well as against public servants and military employees who participated in or supported the 2011 revolution. A number of them were fired from their positions; separated from their co-workers; had their salary or part of it withheld; and were in some cases transferred to other locations suddenly and without explanation.

19. Human rights defender Ms **Majida Haddad** had the school she runs shut down in August 2012. She believes this was the consequence of her work in human rights education, awareness raising and her support for women victims of rape. Majida Haddad was also subjected to a slander campaign and was labelled as an infidel by fundamentalist groups.

20. Human rights defender Ms **Ahlam Abdullah**, a well known medic activists who provided assistance to injured protesters during the revolution, had her PhD programme suspended by the University of Sana'a in February 2013.

### **Restrictions on freedom of movement**

21. On 16 April 2012, Mr **Ali Al Dailami** was stopped, threatened and harassed for four hours by national security officers at Sana'a airport on his arrival from Cairo where he had attended a human rights conference. Ali Al Dailami, is a prominent human rights defender and General Coordinator of the Yemen Organization.

22. On 24 February 2013, Sana'a airport authority stopped human rights defender Radwan Alhimai. Radwan was detained at the airport on his way back from Lebanon. He was held for several hours and was released only after a demonstration took place outside airport. Radwan Alhimai's belongings were confiscated, including his laptop and mobile phone. His laptop was eventually returned, smashed and with the hard drive missing. A similar incident happened again on 6 June 2013, when Radwan Alhimai was held for several hours upon his return from Aden to Sana'a.

### **Women Human Rights Defenders**

23. Gender-based slur and abuses are used to intimidate and silence women human rights defenders. Human rights defender and blogger Ms **Huda Jaafar** has been subjected to vitriolic gender-based slur. She is a prominent human rights defender and writer from the southern city of Aden, renowned for her advocacy for women's rights and her calls for all forms of violence against women in Yemen to be eliminated.

24. On 26 February 2012, she received a number of threatening, abusive and defamatory

messages on her Facebook account, following comments she made regarding a politician in Yemen. These messages contained exceptionally obscene language directed at her and, given the public nature of those comments, they were an attempt to tarnish her reputation in the community. She was also threatened with assault should she continue to express her views. One of the threats stated that, unless she apologised for her writings and public comments, fabricated charges that she had links to al-Qaeda would be brought against her.

**25. Front Line Defenders and Yemeni Organization call on the UN to urge the authorities in Yemen to prioritise the protection of human rights defenders, and in particular to:**

1. Carry out a prompt, independent and impartial investigation into all cases of attacks against human rights defenders mentioned in this report;
2. Ensure that any new NGO Law, currently discussed in the context of the national dialogue, is fully compliant with relevant international standards. In particular, ensure that human rights groups are free to register should they wish to do so, and to operate without hindrance;
3. Ensure that human rights defenders are not victims of reprisals for their communication with international inter-governmental or non-governmental organisations.
4. Cease the harassment of human rights defenders when travelling to or from meetings outside the country;
5. Guarantee the right of women human rights defenders to engage in human rights work and take measures to ensure their protection before the law and in society;
6. Guarantee in all circumstances that all human rights defenders in Yemen are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions and ensure full respect for the UN Declaration on Human Rights Defenders.