

Yemen: Universal Periodic Review, 3rd cycle Contribution concerning human rights violations against the Bahá'ís July 2018

The history of the Yemeni Bahá'í community traces its roots to the inception of the Bahá'í Faith in the mid-nineteenth century. The number of Bahá'ís has grown in recent decades as various segments of Yemeni society have learned about and become attracted to the Bahá'í teachings. Although accurate statistics are not available, it is estimated that there are now a few thousand Yemeni Bahá'ís. All are loyal citizens to their country representing its rich and diverse culture and living in both urban and rural settings. Despite living through a turbulent period of civil conflict in Yemen, the Yemeni Bahá'ís have refused to side with one group or another and have instead endeavoured to serve all people, placing particular emphasis on youth who are eager to dedicate their energies to the regeneration of their society through service to all. Bahá'ís have notably contributed to the betterment of Yemen in various fields including construction, medicine, tribal reconciliation, education, humanitarian and disaster relief.¹

International legal context

1. The persecution against Yemeni Bahá'ís has been repeatedly denounced by the international community. Last year, during the 36th session of the UN Human Rights Council, the resolution *Human rights, technical assistance and capacity-building in Yemen*² stated that the Council was “[c]oncerned by the allegations of violations of international humanitarian law and of violations and abuses of human rights law in Yemen, including ... the severe restrictions on freedom of religion or belief, including for minorities, such as members of the Baha’i faith...” The Council also called “upon all parties to immediately release all Baha’i detained in Yemen due to their religious belief, to cease the issuance of arrest warrants against them and to cease the harassment to which they are subjected.”
2. Moreover, UN Special Procedures have reported and condemned the upsurge in human rights violations specifically targeting Yemeni Bahá'ís. In October 2016, the then-serving Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, called on the authorities in Yemen to put an end to the systematic harassment of Bahá'ís. He also called for the release of the arbitrarily detained leaders of the Bahá'í community and expressed serious concern about the due process and access to healthcare rights of prisoner Mr. Hamed Kamal Muhammad bin Haydara.³ Mr. Bielefeldt’s call was endorsed

¹ For continued updates on the situation of the Bahá'ís in Yemen, please visit:
<<https://www.bic.org/situation-in-yemen/reports-situation-yemen>>.

² A/HRC/RES/36/31.

³ Press release dated 4 October 2016 by the Special Rapporteur on the freedom of religion or belief, Mr. Heiner Bielefeldt, titled “Freedom of religion: UN expert urges Yemen to halt systematic harassment

by the then-Special Rapporteur on minority issues, Rita Izsák-Ndiaye, and the UN Working Group on Arbitrary Detention.

3. A year later, in his statement dated 22 May 2017,⁴ the current Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, joined his predecessor's call. He expressed concern about the situation, saying, “[t]he recent escalation in the persistent pattern of persecution of the Bahá’í community in Sana’a mirrors the persecution suffered by the Bahá’ís living in Iran. Many Yemeni Bahá’í families in Sana’a have left their homes and live in constant fear.” He continued, “[t]he harassment against the Bahá’ís, as religious minorities, seems to persist, if not worsen amounting to religious persecution in Yemen.”
4. On 25 January 2018, following the issuance of Mr. bin Haydara’s death sentence, five members of the UN Special Procedures issued a press release condemning the action.⁵ The human rights experts stated, “We are deeply shocked that Hamid Kamali bin Haydara [*sic*] has been sentenced to death purely on the grounds of his religion. Furthermore, based on the information we have received, we believe that his sentencing on 2 January, and the whole judicial process against him, did not fulfil the basic guarantees of a fair trial and due process. The experts continued: “The court’s order to seize all Mr. Haydara’s assets and close Bahá’í Assemblies in Yemen should also be quashed.... The right to life and the right to freedom of conscience, thought, religion or belief cannot be taken away from people, regardless of the circumstances.”
5. Ms. Agnes Callamard, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, mentioned the death sentence of Mr. Hamed bin Haydara in an addendum⁶ to her 2018 *Report on armed non-State actors: the protection of the right to life*.⁷

Right to life

6. On 2 January 2018, the Specialized Criminal Court in Sana’a sentenced Mr. Hamed bin Haydara to death on charges which stemmed entirely from his religious beliefs. The sentence requires that the execution, the date of which is still unknown, be carried out in public. An appeal was immediately filed; however, there have been no developments as of the writing of this report.

of Bahá’í community”

<<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20635&LangID=E>>.

⁴ Press release dated 22 May 2017 by the Special Rapporteur on freedom of religion or belief, Mr. Ahmed Shaheed, titled “Yemen must stop persecution of Bahá’í community, urges UN expert on freedom of religion”

<<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21643&LangID=E>>.

⁵ Press release dated 25 January 2018, titled “Death sentence of Bahá’í follower in Yemen must be quashed – UN rights experts”

<<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22611&LangID=E>>. The

signatories were José Antonio Guevara Bermúdez, current Chair-Rapporteur of the Working Group on Arbitrary Detention; Agnes Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions; Diego García-Sayán, Special Rapporteur on the independence of judges and lawyers; Fernand de Varenes, Special Rapporteur on minority issues; and Ahmed Shaheed, Special Rapporteur on freedom of religion or belief

⁶ A/HRC/38/44/Add.3.

⁷ A/HRC/38/44.

7. Mr. bin Haydara was arrested at his place of work on 3 December 2013 by the National Security Agency and held in custody in Sana'a. Following the arrest, his home was raided and documents and laptops were confiscated by inspectors from the National Security Office. In September 2014, Mr. bin Haydara's wife, Mrs. Elham Zara'i, was the first to visit him, and she learned that he had been forced to sign several documents while blindfolded and been subjected to repeated torture, including being beaten and electrocuted. By October 2014, Mr. bin Haydara was transferred to the Central Prison. The prosecution was repeatedly delayed due to the influence of the prosecutor Mr. Rajeh Zayed who, on various occasions, demonstrated extreme prejudice against the Bahá'ís and blocked medical treatment requests for Mr. bin Haydara. Formal charges against him were not agreed upon until January 2015, and they included absurd claims such as his being a spy for Israel and that he had obtained his passport using a false name. Several court dates were scheduled for 2015, but Mr. bin Haydara did not appear again in court until 8 November 2015 when he was permitted by the judge to attend a hospital to be diagnosed. On 24 November, a medical doctor evaluated Mr. bin Haydara and said that he required surgery.
8. Mr. bin Haydara appeared in court at least six times in 2016. It was not until the 24 April 2016 court hearing that the judge permitted Mr. bin Haydara to receive medical treatment, albeit inside the prison. After two postponements, a court hearing was finally held on 6 November 2016.
9. As of the writing of this report, the death sentence against Mr. bin Haydara still stands. His health continues to rapidly deteriorate. He urgently requires medication but the infirmary in the prison is not properly equipped, and he has not been receiving proper medical care.

Torture, arbitrary detention and unlawful raids on homes

10. As explained in paragraphs 6–7, in 2013, Mr. bin Haydara was arbitrarily detained by the authorities in Sana'a, accused of a number of unfounded charges including acting as a spy for Israel. He has been subjected to various forms of torture.
11. On 10 August 2016, authorities in Sana'a arrested over 60 men, women, and children without any formal charges—including Mr. Keivan Muhammad Ghaderi (also reported as “Kaiwan Qaderi”), who, as of July 2018, is still being arbitrarily detained—at an educational conference organized by the Nida Foundation for Development and the Bahá'í community of Yemen. The authorities then raided the homes of Bahá'ís and seized their phones and documents, including passports, and pressured relatives and friends to pay for the prisoners' release. Soon thereafter, Mr. Nadim Al-Sakkaf and Mr. Nader Al-Sakkaf, the husbands of two of the detained women, were called by the National Security Office to visit the Bahá'ís in prison; however, upon arrival, the two men were arrested and also imprisoned. By 18 August 2016, the majority of those arrested were released but 10 individuals remained arbitrarily detained, including Keivan, Nadim and Nader. Those who were released reported that the detained Bahá'ís were treated poorly.
12. In early September 2016, the offices and homes of some of the Bahá'ís in prison were raided and searched. Computers, phones and documents, including passports, were seized.

13. A Yemeni Bahá'í was arrested on 5 April 2017 during his visit to the passport office in Sana'a to obtain a visa for work. The officer in charge of providing visa approval on behalf of the National Security said that an order had come from "higher-ranking" authorities to arrest him. When asked who the higher-ranking authority was, the officer stated that it was Mr. Abu-Imad from National Security. He was released from prison in December 2017.
14. On 18 April 2017, over 30 Bahá'ís received telephone calls from the public prosecutor Mr. Rajeh Zayed, summoning them to appear in court. During the call, Mr. Zayed indicated that if those summoned did not appear in court, he would send National Security officers to arrest them. A majority of the Bahá'ís decided not to appear personally and, instead, hired four lawyers to go on their behalf to request an official summons as verification. Subsequently, an arrest order was issued for 20 Bahá'ís.
15. One of these 30 Bahá'ís called by the prosecutor, Mr. Badiullah Sana'i did appear in court on 19 April 2017, and, immediately upon his arrival, was arrested and detained. Mr. Zayed met with Mr. Sana'i in the court building on 20 April and told him that although he may soon be released on bail, he wished that Mr. Sana'i would stay so that he could die in prison. Mr. Sana'i was released on bail a few days later. However, on 24 May, he was arrested again in Sana'a by National Security forces. It is understood that individuals in two cars were waiting in front of his workplace and arrested him. They took Mr. Sana'i to the National Security detention centre in Sana'a—where, as of July 2018, it is believed he is still being detained.
16. On 19 April 2017, Mr. Walid Ayyash, a notable Yemeni tribal leader, and another Yemeni Bahá'í—who were among the 20 Bahá'ís mentioned in paragraph 14—were arrested by authorities as they were driving from the city of Ibb on route to Hudaydah. After being kept in a detention facility in Hudaydah, where they were both subjected to torture and interrogations, both men were transferred to a prison in Sana'a. The other Bahá'í arrested with Mr. Ayyash has since been released.
17. On 23 May 2017, Mr. Wael al-Arieghie (also reported as "Wael Ibrahim al-Arieghie) was arrested by the authorities in Sana'a. A witness to the arrest described it as "a kidnapping". This witness reported that a vehicle was stopped next to both of them, and some individuals in the car asked if they had a light for cigarettes. Then, Mr. al-Arieghie was forced into the vehicle. As of July 2018, Mr. al-Arieghie is still being held arbitrarily in a prison in Sana'a.
18. The wholly fabricated accusations raised by Mr. Rajeh Zayed against these Bahá'ís included apostasy; relaying information to the Universal House of Justice;⁸ teaching religion in Yemen; buying land and bringing people to Yemen in order to establish a homeland for the Bahá'ís; helping poor families and displaying good behaviours in order to attract people to the Bahá'í Faith; and spending money and conducting meetings for Bahá'ís.

⁸ The Universal House of Justice is the international governing-council of the Bahá'í Faith and has its seat in Haifa, Israel.

19. On 22 October 2017, Mr. Akkram Ayyash, was arrested and forcibly disappeared by the National Security. It is understood that National Security Forces in four security vehicles and one military vehicle raided the house of Mr. Walid Ayyash (*see* paragraph 16) and arrested his brother Akkram under the threat of arms and severe duress. The intruders were also looking for Mr. Walid Ayyash’s son Mazen but were not able to locate him. Akram continues to be arbitrarily detained, enduring significant physical and psychological pressure.
20. As of the writing of this report in July 2018, there are six Yemeni Bahá’ís arbitrarily detained. A complete list of the detained Bahá’ís is included in Annexure 1.

Right to fair trial

21. Mr. Hamed bin Haydara has been denied his rights to due process, including his right to a fair trial. Moreover, his treatment has exposed the lack of independence of judges and lawyers during the sham court proceedings. Between 2013 and 2017, there were over 20 unlawful court hearing postponements and delays. In the end, a number of hearings against Mr. bin Haydara, including the one during which the death sentence was imposed, took place without his presence, and his lawyer was not given the opportunity to contest the evidence presented against him.

Access to healthcare

22. As mentioned in paragraph 9, Mr. Hamed bin Haydara’s health continues to rapidly deteriorate. He urgently requires medication but the infirmary in the prison is not properly equipped. The judicial medical committee had issued a decision for Mr. bin Haydara to undergo a medical procedure; however, this decision has, to date, been ignored.
23. Mr. Keivan Muhammad Ghaderi is suffering from Vitamin D deficiency and, as a result, is in extreme frailty.
24. Mr. Badiullah Sana’i suffers from numerous chronic diseases which include diabetes, high blood pressure, allergies and Vitamin D deficiency. He also suffers from a slipped disc.

A systematic campaign of incitement to hatred based on religion or belief

25. On 23 March 2018, in a televised broadcast to a wide audience within and outside Yemen, the leader of the Houthis, Mr. ‘Abdu’l-Malek al-Houthi, delivered a speech to rally Yemenis against foreign powers and ideologies. In the course of his speech, Mr. al-Houthi vehemently vilified and strongly denounced the Bahá’í Faith, further intensifying the ongoing persecution of the Bahá’ís.⁹ He warned Yemenis of the “satanic” Bahá’í “movement” that is “waging a war of doctrine” against Islam; described Bahá’ís as “infidels” and deniers of Islam and the Prophet Muhammad; spread other falsehoods about the Bahá’í Faith and its relationship to Western countries and Israel; and finally, urged Yemenis to defend their country against the Bahá’ís and members of other

⁹ The speech, in its entirety, can be viewed at the following link: https://almasirah.net/gallery/preview.php?file_id=13944.

religious minorities under the pretext that “those who destroy the faith of people are no less evil and dangerous than those who kill people with their bombs”.

26. Within days, over 20 news sites reported on his speech, alerting large numbers of his armed followers about the Bahá'ís.¹⁰ Prominent Houthi public voices also added to Mr. al-Houthi's sentiments. For example, a writer commented on social media that “we will butcher every Bahá'í”.¹¹ Similar comments were expressed by religious authorities in Sana'a, including the Mufti of Yemen, Shams al-Din Muhammad Sharaf al-Din. He spent a portion of his weekly Friday talk, aired live on television and radio on 30 March, cautioning Yemenis of the influence of the Bahá'ís. Furthermore, the Ministry of Information held the first in a series of workshops to train Yemenis active on social and traditional media on how to respond to the “war of doctrine” waged by the Bahá'ís.¹² Other similar efforts were also organized by the Ministry of Information and government universities in Sana'a, Hudaidah, Dhamar, Imran, and Hujjah. Finally, a Yemeni television program named “Frankly” dedicated an episode to attack human rights organizations and the Bahá'í Faith, specifically referring to individual Bahá'ís by name and displaying their photographs.¹³

Denial of the right to organize as a peaceful religious community

27. As discussed in paragraph 6, on 2 January 2018, the Specialized Criminal Court in Sana'a, issued an order sentencing Mr. bin Haydara to death; the order also required the disbandment of all Bahá'í Assemblies—local and national governing councils. Without functioning Assemblies, the Bahá'í community is significantly handicapped in its ability to organize itself.

Denial of the right to assemble

28. On 22 October 2017, Yemeni security forces raided a Bahá'í holy day celebration in Sana'a, opening fire on the small group of people assembled. The attack occurred in the family home of Mr. Walid Ayyash (*see* paragraph 19). The attackers were reportedly in four cars and an armoured vehicle, which they used to break down the front door of the house.

Recommendations

29. Yemeni Bahá'ís seek no special privileges but only the rights afforded under The Universal Declaration of Human Rights, in particular the Article 3 right to life, liberty and security of person and the Article 18 right to profess and practice their religion.
30. Houthi authorities must rescind the death sentence issued by the Specialized Criminal Court against Mr. Hamed bin Haydara and immediately and unconditionally release him, as well as the other five arbitrarily detained Bahá'ís.

¹⁰ <<https://www.bic.org/news-articles-about-abdel-malek-al-houthi-statements-against-bahais>>.

¹¹ <<https://twitter.com/ahmedayed2000/status/977663202606632962>>.

¹² <[Egypt News 24, “اليمن الان: ورشة عمل حول الإعلام المجتمعي في مواجهة الحرب الناعمة بصنعاء”](#)>.

¹³ <<https://www.youtube.com/watch?v=mVTjNmyG9-w&t=1247s>>.

Annexure 1

Name	Place of Birth	Date of Birth	Date of Arrest	Place of Arrest	Time of Arrest
1. Hamed Kamal Muhammad bin Haydara	Socotra Island, Arkhabil Governorate , Socotra	23 Dec 1967	3 Dec 2013	At his work at the Natural Gas Company in Belhaf, Shabwa Governorate	In the morning, during work hours
2. Keivan Muhammad Ghaderi	Taiz City	3 July 1973	10 Aug 2016	Joud Institute, Sana'a, Yemen	11:00 a.m.
3. Walid Saleh Abdullah Ayyash	Sana'a Governorate	1 Jan 1968	20 Apr 2017	A checkpoint at an intersection in Hudaydah, while on his way back to Sana'a	9:00 p.m.
4. Badiullah Sana'i	Tehran	30 Mar 1952	5 May 2017	In front of his work at the General Assembly of Land and Area and Urban Planning	In the morning, during work hours
5. Wael Ibrahim al-Arieghie	Taiz Governorate	He is approximately 40 years old	24 May 2017	He was arrested on Sittin Street in the capital city	Morning
6. Akram Saleh Abdullah Ayyash	Sana'a Governorate	26 Nov 1982	22 Oct 2017	He was arrested while in his brother Walid's house in Sana'a	10:00 p.m.