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2018 Report on International Religious Freedom: Yemen

Executive Summary

The constitution declares Islam the state religion and sharia the source of all legislation. It provides for freedom of thought and expression “within the limits of the law” but does not mention freedom of religion. The law prohibits denunciation of Islam, conversion from Islam to another religion, and proselytizing directed at Muslims. The conflict that broke out in 2014 between the government, led by President Abd Rabbuh Mansour Hadi, and Houthi-led Ansar Allah, a Zaydi Shia movement, continued through year’s end. While the president, vice president, and foreign minister remained in exile in Saudi Arabia, the remainder of the cabinet moved to Aden in October. The government did not exercise effective control over much of the country’s territory. Although causes for the war were complex, sectarian violence accompanied the civil conflict, which observers described as “part of a regional power struggle between Shia-ruled Iran and Sunni-ruled Saudi Arabia.”

In January the Houthi-controlled National Security Bureau (NSB) sentenced to death Hamed Kamal Muhammad bin Haydara, a Baha’i, on charges of espionage. He had been imprisoned since 2013, accused of apostasy, proselytizing, and spying for Israel. He remained in prison awaiting execution at year’s end. According to the Baha’i International Community (BIC), in October armed soldiers in Sana’a arrested Baha’i spokesperson Abdullah Al-Olofi and detained him at an undisclosed location for three days. According to the BIC, in September a Houthi-controlled court in Sana’a charged more than 20 Baha’is with apostasy and espionage. A group of UN independent experts reported that authorities arrested 24 individuals in the incident, at least 22 of whom are Baha’is. Amnesty International reported the charges could possibly result in death sentences. The five UN experts said charges “must be dropped and discriminatory practices based on religion outlawed” and added, “We reiterate our call to the de facto authorities in Sanaa to put an immediate stop on the persecution of Baha’is.” According to the BIC, as of October there were six Baha’is in prison in the country for practicing their faith. During a speech in March, Houthi leader Abd al-Malik al-Houthi called on his followers to defend their country from the Baha’is, who he described as infidels. According to media reports, Houthi authorities modified the University of Sana’a student and faculty identification cards to include the Houthi flag and slogan “Death to America, Death to Israel, Curse the Jews, Victory to Islam.” Houthi Cultural Supervisor Yahya Abu Awadah introduced a mandatory course into the university curriculum called “The Arab-Israeli Conflict.” Course material included the glorification of Hezbollah and

condemnation of Zionism. Sectarian polarization stimulated by the war with the Zaydi Houthis attracted recruits to Al-Qaeda in the Arabian Peninsula (AQAP). United Arab Emirates (UAE) government forces aligned with local tribal fighters forced AQAP out of Mukalla during the year. While in control of the city, AQAP institutionalized and enforced its interpretation of sharia. It continued to have an operational presence in Wadi Belharith and Azzan in Shabwah, Wadi Obaidah in Ma'rib, Radda'a city in Bayda', and Lawdar, Wadi and Mudiya in Abyan. The estimated number of AQAP operatives inside the country was between 6,000 and 7,000. On January 23, Khaled Batarfi, a senior AQAP leader, recorded a video calling for knife and vehicle attacks against Jews in response to the U.S. decision to recognize Jerusalem as the capital of Israel.

According to media reports, as of August, unknown gunmen killed 27 Muslim clerics in Aden during the last two years. Anti-Semitic material continued to appear in print. Jewish community members reported their declining numbers made it difficult to sustain their religious practices.

On May 14, the Department of State spokesperson issued a statement expressing U.S. government concern about the treatment of the Baha'i population in the country and called on the Houthis to end their unacceptable treatment of the Baha'is. On November 8, the Yemen Affairs Unit, based in Saudi Arabia, posted a statement cosigned by the governments of Australia, Canada, Germany, and the United Kingdom expressing deep concern about the worsening treatment of Baha'is in Yemen. On November 28, the Secretary of State designated the Houthis as an "Entity of Particular Concern" under the International Religious Freedom Act of 1998.

Section I. Religious Demography

The U.S. government estimates the total population at 28.6 million (July 2018 estimate). More than 99 percent of the population is Muslim (2010 estimate), belonging either to the Shafi'i order of Sunni Islam or the Zaydi order of Shia Islam. While there are no official statistics, the U.S. government estimates 65 percent of the population to be Sunni and 35 percent Shia. There is an indeterminate number of Twelver Shia (residing mainly in the north), Ismailis, and Sufis. Jews, Baha'is, Hindus, and Christians, many of whom are refugees or temporary foreign residents, comprise less than 1 percent of the population. Christian groups include Roman Catholics and Anglicans.

Ismailis include both the al-Makarem and Bohra communities. Following the outbreak of the conflict, many Bohras fled the country for India.

Due to the continuing political instability and violence in the country, the once sizable population of Indian nationals continued to decrease. There is no firm estimate of persons of Indian origin or of those who practice Hinduism residing in the country; according to one source, the population of Indian nationals numbers fewer than 3000.

The Jewish community is the only indigenous non-Muslim minority religious group. Reports estimate approximately 50 Jews remain, concentrated in Sana'a and Raydah.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution declares Islam to be the state religion. It provides for freedom of thought and expression “within the limits of the law” but does not mention freedom of religion, belief, or conscience. The constitution states sharia is the source of all legislation, although it coexists with secular common law and civil code models of law in a hybrid legal system.

Sharia serves as the basis of the legal system. The courts of the first instance address civil, criminal, commercial, and personal status cases. Informal tribunals, operating mostly in rural areas, administer customary law in addition to sharia to resolve disputes.

The constitution states the president must be Muslim (“practices his Islamic duties”); however, it allows non-Muslims to run for parliament, as long as they “fulfill their religious duties.” The law does not prohibit political parties based on religion, but it states parties may not claim to be the sole representative of any religion, oppose Islam, or restrict membership to a particular religious group.

The criminal code states “deliberate” and “insistent” denunciation of Islam or conversion from Islam to another religion is apostasy, a capital offense. The law allows those charged with apostasy three opportunities to repent; upon repentance, they are absolved from the death penalty.

Family law prohibits marriage between a Muslim and an individual whom the law defines as an apostate. Muslim women may not marry non-Muslims, and Muslim men may not marry women who do not practice one of the three Abrahamic religions (Islam, Christianity, or Judaism). By law, a woman seeking custody of a child “ought not” to be an apostate; a man “ought” to be of the same faith as the child.

The law prohibits proselytizing directed at Muslims. The law prescribes up to three years’ imprisonment for public “ridicule” of any religion, and prescribes up to five years if the ridiculed religion is Islam.

There is no provision for the registration of religious groups.

By law, the government must authorize construction of new buildings. The law, however, does not mention places of worship specifically.

Public schools must provide instruction in Islam but not in other religions. The law states primary school classes must include knowledge of Islamic rituals and the country’s history and culture within the context of Islamic civilization. The law also specifies knowledge of Islamic beliefs as an objective of secondary education. Public schools are required to teach Sunni and Shia students the same curriculum; however, instructional materials indicate that schools in Houthi controlled areas are teaching Zaydi principles.

The Houthis and officials residing in Houthi-controlled areas representing the largest secular political party, the General People’s Congress (GPC), jointly established the Supreme Political Council (SPC) in July 2016. The SPC is a 10-member entity organized to establish and determine a governing structure for Yemen under the Houthi-led regime in Sana’a. The government and the international community have deemed the SPC unconstitutional and illegitimate.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

The cabinet, with the exception of President Hadi, Vice President Ali Mohsen al-Ahmar, and Foreign Minister Khaled al-Yamani, who remained in Saudi Arabia, returned to Aden under the leadership of the new Prime Minister Maeen Abdulmalik Saeed in late October. The government, however, did not exercise effective legal or administrative control over much of the country.

Although causes for the war are complex, sectarian violence has accompanied the civil conflict. Since March 2015, the government has engaged in a military conflict with Ansar Allah (Houthis). After the Houthis established control over Sana’a in September 2014, and expanded their control over significant portions of the country, senior government officials fled to Saudi Arabia, where they requested assistance from Saudi Arabia and other regional states. As noted by the BBC, “Alarmed by the rise of a group they believed to be backed militarily by regional Shia power Iran, Saudi Arabia and eight other mostly Sunni Arab states began an air campaign aimed at restoring [President] Hadi’s government.” The BBC report later described the conflict as “part of a regional power struggle between Shia-ruled Iran and Sunni-ruled Saudi Arabia.”

Saudi-led coalition airstrikes damaged places of worship and religious institutions and caused casualties at religious gatherings, according to the UN, nongovernmental organizations, and media.

Prior to the outbreak of the current military conflict, the government permitted the use of Hindu temples in Aden and Sana’a as well as existing church buildings for religious services of other denominations. Due to the conflict, information on the use of these religious sites was not available during the year.

The government was unable to verify the content of the religious curriculum taught in some private schools, although the government said it was aware of the forced introduction of Zaydi Shia teaching into the curriculum of schools within Houthi-controlled areas. Some Muslim citizens attended private schools that did not teach Islam. Most non-Muslim students were foreigners and attended private schools. According to the Ministry of Foreign Affairs, schools were open for only a few hours a day in many areas and over 2,000 were closed because of damage or because displaced persons or armed groups had occupied them.

Abuses by Foreign Forces or Nonstate Actors

According to media reports, the Houthis continued to exert control over the parliament in Sana’a, and despite the flight of many parliamentarians, continued to enact their legislative agenda. Terrorist groups AQAP and ISIS, as well as other militias and separatist groups, continued to contribute to the violence.

According to press reporting, UAE forces aligned with tribal fighters forced AQAP out of Mukalla during the year. While in control of the city, AQAP institutionalized and enforced its version of sharia. It continued to maintain an operational presence in Wadi Belharith and Azzan in Shabwah, Wadi Obaidah in Ma’rib, Radda’a city in Bayda’, and Lawdar, Wadi, and Mudiya in Abyan. Against the backdrop of a security vacuum and a lack of public services in many areas, AQAP sponsored and participated in public activities, seeking to build a reputation for humanitarianism and governance. According to press reporting and outside experts, it avoided being aggressive or confrontational with tribes, biding its time to gain more recruits, explore new sources of funds, and prepare new young leaders. Its total strength inside Yemen was estimated at between 6,000 and 7,000.

According to a report submitted to the UN Security Council, Al-Qaida leadership maintained a strong structure in the Arabian Peninsula, especially inside Yemen, where the organization continued to plan and orchestrate terrorist attacks in the wider region and beyond. The leadership of the Al-Qaida core recognized the country as a venue for guerrilla-style attacks and a hub for regional operations. Sources stated that the lack of a strong central government in the country provided a fertile environment for Al-Qaida in the Arabian Peninsula to establish itself. Hamza bin Laden, the son of Osama Bin Laden, issued a statement in March, citing the role of AQAP, threatening Saudi Arabia, and calling on the people of the Arabian Peninsula to revolt.

The BBC reported Houthi violations against Yemeni civilians. Citing a Human Rights Watch (HRW) report, BBC journalists reported the Houthis carried out violent acts of torture against Yemeni civilians, who were “beaten with iron rods, whipped, shackled to walls, caned on their feet and threatened with rape.” There have also been numerous reports of Houthi shelling of cities such as Taiz and Hudaydah, killing scores of innocent civilians.

According to local eyewitnesses and international media reports, Houthi forces destroyed over 750 places of worship in Yemen, including in large population centers such as Taiz and Aden.

According to HRW, on January 2, Houthi authorities sentenced Hamed Kamal Muhammad bin Haydara to death on charges he was communicating with the Baha’i administrative headquarters in Haifa, Israel. Haydara, a Baha’i community member imprisoned by the NSB since 2013 and accused of apostasy, proselytizing, and spying for Israel, remained in detention. Baha’i representatives said he was held in poor conditions with limited access to medical care or family visits and he had been tortured. He remained in prison awaiting execution at year’s end. The BIC reported the judge also called for the dissolution of all Baha’i assemblies. On October 11, according

to the BIC, armed soldiers in Sana’a arrested Baha’i spokesperson Abdullah Al-Olofi on his way to the market. They blindfolded him and took him to an undisclosed location before releasing him three days later.

On September 15, according to the BIC, the Houthis charged more than 20 Baha’is with apostasy and espionage during a court hearing in Sana’a. The authorities did not inform the Baha’is or their lawyers of the court hearing, which began with only the judge, prosecutor, and other court officials in attendance. In a subsequent court hearing on September 29, the judge requested the prosecutor publish the names of the accused in a newspaper and ordered their properties frozen until the court reached a verdict. According to the BIC, there were six Baha’is in prison in the country for practicing their faith as of October, including Haydara. Amnesty International reported the charges could possibly result in death sentences. Referring to the same incident, a group of UN independent experts reported authorities arrested 24 individuals, at least 22 of whom were Baha’is. The five UN experts said the charges “must be dropped and discriminatory practices based on religion outlawed,” adding, “We reiterate our call to the de facto authorities in Sanaa to put an immediate stop on the persecution of Baha’is...”

During a televised speech on March 23, Houthi leader Abdul-Malik al-Houthi called on his followers to defend their country from the Baha’is, whom he described as infidels and “satanic” and alleged were at war against Islam. According to the BIC, following the speech, several news sites and religious authorities reiterated his comments about the Baha’is, and the Ministry of Information and government universities held seminars, conferences, and workshops on how to respond to the war of doctrine waged by the Baha’is.

The UN Group of Eminent Experts on Yemen concluded the Houthis had “committed acts that may amount to war crimes, including cruel treatment and torture [and] outrages upon personal dignity.” The experts documented the Houthis detaining students, human rights defenders, journalists, perceived political opponents, and members of the Baha’i community.

The Houthis have detained one member of the community since 2015, charging him with smuggling cultural heritage out of Yemen and spying for Israel.

Prior to the outbreak of the military conflict, Christian community representatives reported increased scrutiny by Houthis, leading them to be more discreet, although they continued to wear religious attire identifying them as members of the community.

In northern areas traditionally under Houthi control, there were reports of continued Houthi efforts to impose their religious customs on non-Zaydi residents, including banning music and requiring women to wear full veils.

According to media reports, the Houthis modified the University of Sana’a student and faculty identification cards to include the Houthi flag and slogan “Death to America, Death to Israel, Curse the Jews, Victory to Islam.” Reports indicated Houthis had changed the curriculum at universities in the areas they control to impose their political

and religious beliefs. Houthi Cultural Supervisor Yahya Abu Awadah introduced a mandatory course into the university curriculum called “The Arab-Israeli Conflict.” Course material includes the glorification of Hezbollah, and condemnation of Zionism.

On January 23, Khaled Batarfi, a senior AQAP leader, recorded a video calling for knife and vehicle attacks against Jews in response to the U.S. government decision to recognize Jerusalem as the capital of Israel.

Saudi-owned media network *Al-Arabiya* reported approximately 25,000 Yemeni pilgrims made the Hajj in August 2018. Of these, approximately 7,000 came from Houthi controlled areas. Minister of Religious Affairs Dr. Ahmed Attiyah reported Yemeni pilgrims were able to cross the Saudi border only at the Al-Wadiha border crossing. Attiyah rejected Houthi claims the Saudis were politicizing the Hajj, and said that Yemeni pilgrims could reach Mecca easily. According to regional press, Houthis imposed fees on pilgrims for the Hajj and shut down Hajj travel agencies that refused to comply. As of June Houthis shut down 28 Hajj agencies in Sana’a. They also reportedly confiscated passports, preventing some Yemenis from crossing the border into Saudi Arabia.

According to media reports, Houthis turned a mosque in al-Jeraiba village in al-Duraihimi district into a fortified military position, expelling the imam and the residents of the village.

Section III. Status of Societal Respect for Religious Freedom

Media reports indicated that as of August, unknown gunmen killed 27 Muslim clerics in Aden during the last two years.

Anti-Semitic material continued to appear in print.

Jewish community members reported their declining numbers made it difficult to sustain their religious practices.

Ismaili Muslims continued to complain about discrimination. The outbreak of the conflict hindered the ability of Indian Ismailis to perform pilgrimages to sites of religious significance within the country.

Section IV. U.S. Government Policy and Engagement

Because of the deteriorating security situation in Sana’a, the Department of State suspended embassy operations at the U.S. Embassy in Sana’a on February 11, 2015, and resumed operations as the Yemen Affairs Unit, initially from Jeddah, Saudi Arabia until it moved to Riyadh, Saudi Arabia in September 2018. In meetings with officials from the government, U.S. officials continued to stress the importance of religious freedom, tolerance, and interfaith dialogue. Yemeni government officials routinely stressed they upheld these principles, and criticized the Houthis for persecuting religious minorities.

On May 14, the Department of State spokesperson issued a statement expressing the U.S. government’s concern about the Baha’i population of Yemen and called on the Houthis to end their unacceptable treatment of the Baha’is, stating, “The Houthis have targeted the Baha’i community in inflammatory speech along with a wave of detentions, ‘court summons,’ and punishment without a fair or transparent legal process. These actions over the past year indicate a persistent pattern of mistreatment of Baha’is in Yemen. These actions appear to be an effort to pressure Yemeni Baha’is to recant their faith.”

On November 8, the Yemen Affairs Unit posted a statement that it signed on behalf of the United States and that was cosigned by the governments of Australia, Canada, Germany, and the United Kingdom expressing deep concern about the worsening treatment of Baha’is in Yemen, stating, “We join others in calling on the Houthis to immediately release all Baha’is in their custody. Respect for religious freedom is an essential building block for peace and prosperity in Yemen.”

On November 28, the Secretary of State designated the Houthis as an “Entity of Particular Concern” under the International Religious Freedom Act of 1998.

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