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Amnesty International

Yemen

Covering events from January - December 2004

Hundreds of people were killed, including many who may have been killed unlawfully, during armed clashes between security forces and political opponents in Sa'da Province. Hundreds of people were arrested and most of those detained from previous years remained held without charge or trial. In the rare instances where detainees were brought to trial, the proceedings invariably failed to meet international standards. There were increased punitive measures against journalists and restrictions on press freedom.

The government continued to forcibly return people to countries where they were at risk of human rights violations. There were reports of torture or ill-treatment. The punishment of flogging continued to be imposed by courts and carried out. Women's organizations continued to campaign against discrimination and violence against women. At least six people were executed and scores, possibly hundreds, remained under sentence of death.

Background

Governmental and non-governmental human rights conferences and workshops were held in Yemen, raising the profile of human rights. They included the intergovernmental "Sana'a Regional Conference on Human Rights and the Role of the International Criminal Court" and the conference "Human Rights for All", which was organized by AI and HOOD, a local non-governmental organization (see Middle East/North Africa Regional Overview 2004).

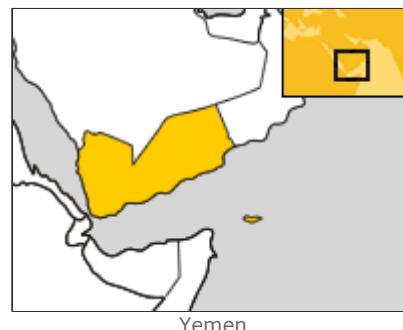
However, the human rights situation, already gravely affected by the government's pursuit of the "war on terror" with disregard for the rule of law, was exacerbated by armed clashes in Sa'da Province between security forces and followers of the late Hussain Badr al-Din al-Huthi, a cleric from the Zaidi community.

In August the Ministry of Social Affairs and Labour granted refugees the right to work. Tens of thousands of refugees from countries including Somalia and Ethiopia had been living in Yemen as refugees for years without the right to seek employment.

Killings in Sa'da Province

In June violence erupted in Sa'da Province between security forces and followers of Hussain Badr al-Din al-Huthi. Tensions between the government and Hussain Badr al-Din al-Huthi began with protests by the latter's followers before and during the US-led invasion of Iraq in 2003. After the war, the followers carried on the protests after Friday prayers every week outside mosques, particularly the Grand Mosque in Sana'a, during which they shouted anti-US and Israeli slogans. The protests were invariably followed by arrests and detentions (see below). In June the government called on Hussain Badr al-Din al-Huthi to surrender. When he refused the tension escalated into armed clashes, which lasted until September when government officials announced the death of Hussain Badr al-Din al-Huthi.

Hundreds of people were killed during the clashes. Security forces reportedly used heavy weaponry, including helicopter gunships. Exact details about the killings were not available as the security forces denied



REPUBLIC OF YEMEN

Head of state: 'Ali 'Abdullah Saleh

Head of government: 'Abdul Qader Bajammal

Death penalty: retentionist

International Criminal Court: signed

UN Women's Convention: ratified with reservations

Optional Protocol to UN Women's Convention: not signed

Take action!

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Further information

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journalists access to Sa'da, but in at least one case a helicopter gunship reportedly attacked civilian targets and a number of people were killed. Excessive use of force and extrajudicial killings may have been the main or contributory factors behind the death toll. Reports indicated that children were among the dead. AI called for an investigation into the killing of civilians but no such investigation was known to have been initiated by the end of the year.

Mass arrests and detention without charge or trial

Hundreds of people were arrested during the year and hundreds detained from previous years remained held without charge or trial. They included followers of Hussain Badr al-Din al-Huthi and people arrested in the context of the "war on terror".

Up to 250 followers of Hussain Badr al-Din al-Huthi were reportedly arrested in January alone. Hundreds more were arrested in subsequent months, particularly after the clashes in Sa'da. They included children as young as 11. Many of those detained were said to have not been involved in violent activities.

- Adil Shalli was arrested after reportedly circulating a statement opposing the government's military action against followers of Hussain Badr al-Din al-Huthi.

With the exception of a few cases such as that of Judge Muhammad Ali Luqman, who was accused of supporting Hussain Badr al-Din al-Huthi and subsequently tried and sentenced to 10 years' imprisonment, the remaining hundreds of detainees continued to be held without charge or trial. None was allowed access to legal assistance.

No details about those arrested in connection with the "war on terror" were available, but they included at least 17 people who had been returned to Yemen from abroad.

- Walid Muhammad Shahir al-Qadasi, a 24-year-old Yemeni national who had been detained in Guantánamo Bay, Cuba, since 2002, was returned to Yemen in April and immediately arrested. Eleven days after his arrival in the Political Security prison, he told AI that his family had not been informed of his arrival in Yemen and that he had been given no access to a lawyer or a judge. It was not known if he remained held at the end of the year.

Over 100 of those held from previous years in connection with the "war on terror" were released, but up to 200 remained in detention without charge or trial. Those freed were reportedly released after agreeing to engage in religious dialogue with Islamic figures and signing a pledge that they had renounced their "extremist" views. However, they remained under restrictions. For example, some were required to report regularly to police, stay near their homes and only contact journalists with the permission of the security forces.

Targeting of journalists

There were increased punitive measures against journalists, including imprisonment, detentions, fines and suspended prison sentences.

- Abdulkarim al-Khaiwani, editor-in-chief of *al-Shura*, the weekly publication of the opposition Union of Popular Forces, was sentenced to one year's imprisonment in September by a court in Sana'a. He was accused of supporting Hussain Badr al-Din al-Huthi. *Al-Shura* was also closed down for six months. An appeal hearing was scheduled for December but was delayed.
- Saeed Thabet, a Yemeni correspondent for a London-based news agency, was detained in March for a week after reporting that the Yemeni President's son had been shot. The alleged shooting was denied by officials. In April a court imposed a fine and suspended him from working as a journalist for six months.
- In late December, four men, including Abdul Wahid Hawash and Abdul Jabbar Saad, respectively editor and journalist for *Al-Ehyaa Al-Araby* newspaper, received suspended prison terms of between four and six months after writing and publishing articles reportedly criticizing Saudi Arabia.

Unfair trials

Three men were sentenced to death and 18 others received prison terms after two lengthy trials which fell short of international standards of fairness. Both trials suffered numerous delays. Defence lawyers were initially prevented from reading relevant documents and could only speak to their clients during court

hearings, and not in private. Subsequently, some of the lawyers withdrew from the defence team stating that the accused could not receive a fair trial.

Hizam Saleh Megalli was sentenced to death on 28 August in Sana'a in connection with the bombing of the *Limburg*, a French oil tanker, in October 2002. Fourteen other men, including one tried in absentia, were sentenced to between three and 10 years' imprisonment for the attack on the *Limburg*, a shooting incident involving an aircraft belonging to the US company Hunt Oil, and an assassination attempt. All lodged appeals which were pending at the end of the year.

Jamal Mohammed al-Badawi was sentenced to death on 29 September in Sana'a in connection with the bombing of the *USS Cole* in October 2000. Abd Al Rahim al-Nashiri, who was tried in absentia, was also sentenced to death. He remained in custody in the USA at the end of the year. Four other men were sentenced to prison terms of between five and 10 years. All lodged appeals which were pending at the end of the year.

Forcible returns

The government continued to forcibly return people to countries where they were at risk of human rights violations. Those returned during the year included 15 Egyptians who had been detained in Yemen since 2001. Among them were Dr Sayyid 'Abd al-Aziz Imam al-Sharif on whose behalf AI had issued an appeal in February 2002 urging the Yemeni government not to return him to Egypt, and Uthman al-Samman and Muhammed 'Abd al-Aziz al-Gamal, who had been sentenced to death by a military court in Egypt in 1994 and 1999 respectively. All were returned in February in exchange for the forcible return to Yemen of Colonel Ahmed Salem Obeid, Former Deputy Minister for Defence in the People's Democratic Republic of Yemen, who had been living in Egypt since fleeing the civil war in Yemen in 1994. After his return he was detained in secret until May when he was released without charge or trial. The fate and whereabouts of the 15 Egyptians were not known to AI and were also said not to be known to their families and friends.

Update: 'Abd al-Salam al-Hiyla

- 'Abd al-Salam al-Hiyla, a 32-year-old Yemeni businessman and former high-ranking officer in the Yemeni Political Security, travelled to Egypt on a business trip in September 2002 but did not return. His family only learned about his whereabouts in October 2004 when they received information that he was being held in Kabul and then Bagram in Afghanistan. They subsequently received a letter through the International Committee of the Red Cross informing them that he had been transferred to Guantánamo Bay.

Torture

Torture and ill-treatment continued to be reported. Flogging continued to be imposed and carried out in public for a number of offences, including for the consumption of alcohol, for slander and for sexual offences.

- Journalist Muhammed al-Qiri was beaten around the face when he was arrested by security forces outside the Grand Mosque on 26 March for photographing arrests. During interrogation he was reportedly blindfolded, told to stand facing a wall with his hands raised over his head, insulted and threatened with further beatings. His head was also reportedly smashed into an iron bar. He was released the following morning on condition that he would not photograph arrests in future. No investigation was known to have been carried out into the allegations.
- In June, 14 suspects in the *Limburg* trial (see above) told the court they had been tortured by intelligence officers in pre-trial detention. One of the men reportedly shouted out during the trial proceedings that some of them had received electric shocks. The court ordered an investigation into the allegations. There was no further information by the end of the year.

Discrimination and violence against women

Women's organizations continued to campaign against the many forms of discrimination facing women and violence against women. In January the Justice Minister announced that female judges would be appointed as heads of the juvenile courts. In September the Ministry of Local Administration began a training programme for women to increase their participation in local administration. The National Women's Committee announced that its aim was to ensure that women made up 30 per cent of all elected and unelected bodies including parliament, the *Shura* Council, ministries and the diplomatic corps. The Head of the Committee said that proposals to modify some laws that discriminated against women were awaiting parliamentary approval.

In September women leaders in the three main political parties called for a quota system for women in the

next parliamentary elections. In December “Women’s Political Empowerment is a necessary step for Political Reform in the Arab World”, a conference organized by the Sisters Arab Forum for Human Rights under the patronage of the Minister of Human Rights, was held. Delegates reportedly requested that the election law be amended temporarily to give women a 30 per cent quota of parliamentary seats until at least 2010.

Death penalty

Death sentences continued to be passed and at least six people were executed. Up to hundreds of people may have remained under sentence of death.

- In August the death sentence against Fuad ‘Ali Mohsen al-Shahari, who had been convicted of murder in 1996, was referred back to the Supreme Court by the President for review. In March the Supreme Court had upheld the sentence. Fuad al-Shahari had reportedly been tortured and ill-treated to force a confession. He was at risk of imminent execution.
- Nabil al-Mankali, a Spanish national, remained under sentence of death. The sentence had been ratified by the President in September 2003. He was at risk of imminent execution.
- Layla Radman ‘A’esh, a Yemeni woman sentenced to death by stoning for adultery in 2000, was released in March.

AI country visits

Three separate AI delegations visited Yemen in 2004 for research, talks with government officials and to organize the conference “Human Rights for All”.

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