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2016 Report on International Religious Freedom - Yemen

Executive Summary

The constitution declares Islam to be 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 omits mention of freedom of religion. The law prohibits denunciation of Islam, conversion from Islam to another religion, and proselytizing directed at Muslims. Conflict continued between the government and Houthi-led Ansar Allah, a Zaydi Shia movement allied with elements loyal to former President Ali Abdullah Saleh. The government of President Abd Rabbuh Mansour Hadi remained in exile until late November, leaving it unable to exercise effective control for most of the year. Air strikes on places of worship, religious institutions, and religious gatherings, which some nongovernmental organizations (NGOs) and media attributed to pro-government forces, caused casualties, and property damage. Attacks by terrorist groups such as al-Qaida in the Arabian Peninsula (AQAP) and ISIS continued to take place. Militants suspected of being members of a group affiliated with ISIS killed four Catholic nuns during an attack on their convent and nursing home in Aden on March 4. Armed officers from the country's National Security Bureau (NSB) working with Houthi rebels stormed a Bahai youth workshop in Sana'a and arrested 65 people on August 10. According to media and international human rights organizations, one of the Bahais remained in custody without access to lawyers or family visits at year's end.

Zaydi and Sunni religious leaders continued to use charges of apostasy to target opponents. Members of the small Jewish community reported continued social harassment, and reported their declining numbers made it difficult to sustain their religious practices.

The Ambassador, not resident in Yemen, met with officials of the Hadi government to discuss the hurdles minority religious communities faced, including scrutiny by Houthis, displacement from homes and businesses, and targeting by violent extremist groups. Embassy officials met with representatives of religious minorities, including Ismaili Muslims, to discuss how they might alleviate their difficulties.

Section I. Religious Demography

The U.S. government estimates the total population at 27.4 million (July 2016 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 Zaydi. There is an indeterminate number of Twelver Shia (residing mainly in the north), Ismailis, and Sufis. Jews, Bahais, 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. The Jewish community is the only indigenous non-Muslim minority religious group. Media sources suggest that only 50 Jews remain in the country.

The Ismaili community includes both the al-Makarem and Bohra sects. Following the outbreak of the conflict, many Bohras reportedly fled the country for India.

With the political instability and violence in the country, the once sizable population of Indian nationals has continued to decrease to less than 3000. There is no firm estimate of persons of Indian origin or who practice Hinduism residing in the country.

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 omits mention of 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. In addition to courts of the first instance (which address civil, criminal, commercial, and personal status cases), there are informal tribunals – operating mostly in rural areas – which administer customary law in addition to sharia to resolve disputes.

The constitution states the president must be Muslim (“practices his Islamic duties”) although 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 does state 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, which is 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.

According to 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. As an objective of primary education, the law specifies classes must include knowledge of Islamic rituals and the country’s history and culture within the context of Islamic civilization. The law specifies knowledge of Islamic doctrine as an objective of secondary education, as well. Sunni and Shia students are taught from the same curriculum in public schools.

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

Government Practices

The government under President Abd Rabbuh Mansour Hadi remained in exile in Saudi Arabia until late November and was unable to exercise effective legal or administrative control over much of the country. Prime Minister Ahmed Bin Dagher and various members of the cabinet, however, maintained an intermittent presence in Aden until the president returned.

Air strikes, which some NGOs and media attributed to pro-government forces, damaged places of worship and religious institutions and caused casualties at religious gatherings. On August 13, an air strike hit a religious

school in Haydan District, killing 10 children and injuring several more. On October 8, two air strikes hit a funeral ceremony in Sana'a, killing at least 140 people and wounding hundreds more.

Christians, including Roman Catholics, Protestants, and Ethiopian Orthodox, and Jews continued to hold services in private homes or facilities such as schools without harassment.

According to the Sana'a-based head of the Jewish community, sometime after 19 members of the community emigrated in March, the government suspended the monthly monetary and food aid it had previously provided to the community.

Prior to the outbreak of the military conflict in March 2015, Customs and Ministry of Culture officials prohibited the importation of foreign publications after determining they were "religiously objectionable," because they were critical of Islam. The authorities allowed the importation of other religious books, e.g., the Bible, for personal use but not for sale. Due to the conflict, there was not sufficient information on the situation during the year.

Prior to the outbreak of the current military conflict, the government continued to permit 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, there was not sufficient information on the situation during the year.

The government was unable to verify the content of the religious curriculum taught in some private schools. Some Muslim citizens attended private schools that did not teach Islam. Most non-Muslim students were foreigners and attended private schools.

Abuses by Foreign Forces or Nonstate Actors

Since March 2015 the government has been engaged in a military conflict with Houthi rebels and with forces loyal to former President Saleh. The rebels established control over Sana'a in September 2014 and expanded their control to take over large portions of the country. Following house arrests and other measures taken by the Houthis against government members, senior government officials fled and reconstituted the country's government in Saudi Arabia, where it requested assistance from Saudi Arabia and other states in the region to defeat the rebels. The civil conflict has been accompanied by sectarian violence. Terrorist groups, including AQAP and ISIS, have continued to contribute to the violence.

On March 4, four gunmen, whom media reported were suspected of being members of an ISIS-affiliated group, killed four nuns from the Missionaries of Charity during an attack on their nursing home in Aden. The nuns were among 16 civilians killed by the gunmen in the attack. The militants destroyed all Christian symbols and liturgical articles within the home. In the attack on the Christian nursing home, militants kidnapped Father Tom Uzhunnalil, an Indian priest. On December 25, the militants released a video purportedly showing Uzhunnalil still in captivity and asking for help. He remained missing at the end of the year and it was unclear if he was still alive. Negotiations for his release continued.

On August 10, armed officers from the country's Houthi-controlled National Security Bureau (NSB), operating alongside Houthi rebels, stormed a Bahai youth workshop in Sana'a and arrested approximately 65 people. According to media and NGO reports, they imprisoned these individuals for varying amounts of time, without charges, family visits, or legal aid. The majority of the captives were released within days. The reports stated the Houthi security officials required some detainees to sign pledges indicating they would not participate in Bahai activities or practice the Bahai Faith outside of their homes as a condition of their release. On November 27, the authorities released two of the remaining detained Bahai community members. One individual remained in custody at year's end.

Hamed Kamal Muhammad bin Haydara, a Bahai community member imprisoned by the NSB since December 2013 and previously accused of apostasy, proselytizing, and spying for Israel, remained in detention. In a February 28 court hearing, the prosecutor indicated that he was seeking capital punishment. Subsequent hearings did not result in a verdict, and bin Haydara remained in custody at year's end. Human Rights Watch reported that when bin Haydara's wife met with one of the judges presiding over the case he threatened her with prison because of her Bahai faith and said, "all Bahais should be in prison."

The media reported in April Rabbi Yahia Youssef Yaish was arrested and interrogated in Sana'a by Houthi rebels based on allegations he helped smuggle an 800-year-old scroll to Israel.

According to the Bahais of the United States, an umbrella group representing Bahais in the United States, the Houthi-controlled NSB carried out several simultaneous raids of Bahai homes, the Bahai Center in Sana'a, and the office of the Neda Foundation, an NGO, on September 4. According to the NGO, the NSB entered two homes and the Bahai Center and thoroughly searched them without a warrant. They removed all personal computers, phones and SIM cards, and tablet computers. The police arrested all persons who were in the office. Afterwards the police sealed the Bahai Center's doors. As of the end of the year, the center had not been

reopened. The NGO also reported that the office of Neda Foundation for Coexistence and Constructive Building, a Bahai community service organization, was also raided, and all individuals found at the location were arrested.

Militants raided a girls school in Aden on March 8, to give “a last warning” to the students who had not yet adopted the imposed clothing rules detailed in leaflets signed by Yemeni affiliates of ISIS. The leaflet contained death threats addressed to Jews, Christians, and infidels “who dare to continue to wear indecent clothing.” The pamphlet stated, among other things, “We will kill anyone who violates the law of God.”

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

During the year, there were reports of Houthi rebels pressuring imams at Sunni mosques to deliver prescribed sermons; compliance was reportedly mixed. In addition, Houthi minders reportedly pressed worshipers at Sunni mosques to sign political petitions protesting the Arab-led coalition campaign against Houthi-Saleh rebels.

Houthi Ansar Allah leader Abd al-Malik al-Houthi alleged Israeli involvement in the Saudi-led coalition campaign against Houthi rebels in speeches featuring anti-Semitic slogans.

The media reported Houthi militias vandalized some mosques, such as the Tawhid Mosque in Taiz, in areas under its control.

Section III. Status of Societal Respect for Religious Freedom

Some religious leaders, both Zaydi Shia and Sunni, continued to invoke *takfir* (the practice of one Muslim declaring another Muslim to be an apostate) to target members of the opposition. Continued usage of sectarian rhetoric by Houthi leader Abd al-Malik al-Houthi and by Sunni clerics was followed by increased sectarian tensions and conflict.

Anti-Semitic material continued to appear in print. Jewish leaders reported continued harassment of Jewish community members in Amran by the local population, including by throwing stones and coercion to convert to Islam. Jewish homes were also fenced with stones, and roads to the Jewish communities were closed off by Muslims. Jewish students reportedly continued to stay away from public schools because of social pressures and security concerns. Attempts by the Jewish community to establish private schools, which had been abandoned following the Houthi takeover of Sana’a in September 2014, remained halted.

Prior to the outbreak of the military conflict, Christian community representatives reported increased scrutiny by Houthi rebels, leading them to be more discreet, although they continued to wear clothing that identified them as members of the community.

Ismaili Muslims continued to complain about discrimination.

According to the government of India, the Indian community continued to be able to engage in religious practice. The Indian Association in Aden continued to manage the Mataji Temple and regular services were held once a month. A separate crematorium in Aden for Hindus continued to function.

Jewish community members reported that declining numbers made it difficult to sustain their religious practices. There were 19 Jews who left the country for Israel during the year.

Section IV. U.S. Government Policy

Because of the deteriorating security situation in Sana’a, the Department of State suspended embassy operations at U.S. Embassy Sana’a on February 11, 2015 and resumed operations from a temporary location outside the country in April 2015. In meetings with officials of the Hadi government, which remained outside the country until late November 2016, U.S. officials continued to stress the importance of religious freedom, tolerance, and interfaith dialogue. The Ambassador met with officials from the Hadi government and discussed the difficulties minority religious communities faced, including scrutiny by Houthis, displacement from homes and businesses, and targeting by violent extremist groups. Embassy officials met with representatives of religious minorities, including Ismaili Muslims, to discuss how they might alleviate their difficulties. They met with the Yemen National Human Rights Commission regarding these issues.