

Yemen
Submission to the UN Universal Periodic Review
Fifth session of the UPR Working Group (4 - 15 May 2009).

Executive Summary.

In this submission, Islamic Human Rights Commission provides information under sections B, C and D General Guidelines for the Preparation of Information under the Universal Periodic Review. Under section B, Islamic Human Rights Commission (IHRC) gives background information about freedom of religion, and freedom of expression and arrests, due process and deaths in custody in Yemen. Under section C, IHRC presents concerns on the right to freedom of expression and freedom of religion. Under section D, IHRC makes a number of recommendations for action by the government

Key word: freedom of religion, freedom of expression, due process and deaths in custody.

B) Normative and Institutional Framework of Yemen.

Freedom of Religion

The greatest cause for concern is the Yemeni government's persecution of the country's large Shiite minority. IHRC has already published a report on the government's widespread use of violence against Shiite sects and its attempts to cleanse Shiite culture.¹

Freedom of Expression

Closely linked to the State's suppression of Shiite minorities is its interference with journalists who report on the conflict.

Arrests, due process and deaths in custody

The Political Security Organ in Yemen persistently fails to respect even the most basic principles of international human rights law when making arrests and detaining people

C. Protection and Promotion of Human Rights in Yemen

1. Religious and political persecution

.Further the prosecution has targeted the Zaidi and Ithna Asheri sects and suspected members of Shabab al-Mu'minoon (the Believing Youth), which is the party set up by the late MP Hussein Badr ad-Deen al-Houthi.

These phenomena continue to be widely documented in the local and regional Arab press. According to the Yemeni Times, which is a State controlled media outlet, security forces have on several occasions entered villages in Sa'ada to carry out mass round-ups of men and to rape or threaten to rape women.² The Times also reports that

¹ Persecution of the Followers of Shia Sects in Yemen A report commissioned by Riaz Khan & CO in the case of Wael Hajar 1st August 2005

² Persecution of the Followers of Shia Sects in Yemen A report commissioned by Riaz Khan & CO in the case of Wael Hajar 1st August 2005, p.5

doctors in Sa'ada have been arrested for treating members of the Believing Youth and that mainstream Shiite religious books have been confiscated from mosques, libraries and bookshops.³ According to a different source, there have been instances where children have been abducted or imprisoned and held by security services as ransom or bargaining chips.⁴ In all, it is estimated that by mid-2004, some 3,000 supporters of the Believing Youth had been imprisoned.⁵

As part of its campaign of religious persecution, the government has targeted prominent scholars. Notably, Imam Anwar al-Awlaki (identified in the media as Abu Atiq) was arrested in October 2006 in Sana'a. He is a US national and a scholar of considerable repute internationally. He has served as an Imam in Colorado, California, and later as the Muslim Chaplain at George Washington University. He has also been a key figure in interfaith dialogue. He was detained for over a year without charges being brought and was finally released in December 2007.

2. Freedom of Expression

In June 2008, Abdulkarim Al-Khaiwani was sentenced to six years imprisonment for "collaborating with the rebellion". He had been reporting on the government's mishandling of the Shiite conflict in Sa'ada and the impact that this was having on local people. Al-Khaiwani had previously been arrested and convicted in 2007 for the press offence of "insulting the president". It is believed that the charges brought against him this time were also politically motivated. The evidence against him consisted of unpublished material in which he was critical of government officials and government strategy. Al-Khaiwani remains a highly regarded freelance journalist. He was formerly editor of the opposition newspaper Al-Shoura and had been short-listed for the 2008 Amnesty International "Special Award For Human Rights Journalism Under Threat". His arrest and conviction have attracted international condemnation by Reporters Without Borders and by the Committee for the Protection of Journalists.⁶

Unfortunately, Al-Khaiwani's case is not isolated. Other government targets have included the editor of the weekly Al-Adwaa, who was beaten unconscious in Sana'a in December 2007 by thugs clad in army uniforms; and the editor of Al-Sharaa, who received death threats.⁷

³ Persecution of the Followers of Shia Sects in Yemen A report commissioned by Riaz Khan & CO in the case of Wael Hajar 1st August 2005, p.5

⁴ Jane Novak (2005c) Yemeni Election 2006: A Fraud in the Making July 2, 2005 <http://www.worldpress.org/Mideast/2110.cfm>

⁵ Yemeni Preacher sentenced to death, Al-Jazeera cited in Tharwa, May 29, 2005 http://www.tharwaproject.com/index.php?option=com_content&task=view&id=2632&Itemid=0

⁶ Reporters Without Borders, 10th June 2008 'Authorities urged to think twice after freelance journalist given six-year sentence' Available at: http://www.rsf.org/article.php3?id_article=27409 (Accessed on 01 November 2008). Committee to protect journalists – news alerts, 9th June 2008, Yemen: Outspoken journalist sentenced to six-year prison term. http://news.bbc.co.uk/2/hi/middle_east/7444438.stm (Accessed on 01 November 2008). YEMEN: CPJ troubled by terror charges against outspoken Yemeni editor. Yemen: Prisoner of Conscience: Al-Khaiwani, Defend International Campaign team.

⁷ Yemen - Annual report 2008. Available at: http://www.rsf.org/article.php3?id_article=25443

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In addition to harassment and intimidation, the State has also resorted to more direct forms of censorship. At least a dozen stringers for foreign satellite TV stations were banned from sending out material on social unrest in the last quarter of 2007. Moreover, journalists from the Saudi station Al-Arabiya and a crew from the Qatari station Al-Jazeera have been stopped or arrested when travelling to areas in order to cover anti-government views.⁸

Clearly, the Yemeni government is in breach of the Sana'a Declaration on Promoting Independent and Pluralistic Arab Media, which it had endorsed at the General Conference of UNESCO in November 1997. The declaration explicitly provides that the "arrest and detention of journalists because of their professional activities are a grave violation of human rights".⁹

3. Arrests, due process and deaths in custody

As Amnesty International notes, "arrests are carried out without the judicial supervision required by law and those detained were invariably subjected to lengthy incommunicado detention and interrogations, during which some detainees claim that they were tortured or ill-treated. Detainees have also been denied access to lawyers, as well as being denied the opportunity to challenge the legality of their detention before a court."¹⁰

It would suffice to point to the tragic case of Hashem Abdullah Yahya Hajar, a 25-year-old student who died in custody in September 2007. Mr Hajar was arrested in June 2007 for his suspected involvement in The Believing Youth movement and detained for 5 months. According to a medical report, he had been suffering from chronic liver disease, hypertension and congestive splenomegaly and was in need of continuous supervision during his detention. Yet the authorities refused him access to adequate medical treatment, despite pleas from campaigners. It was not until 30 September 2007 that Mr Hajar was finally admitted to hospital, whereupon he died hours later. It is alleged that torture marks were found on his body. His family's lawyer claims that the Attorney General had issued a written order for Mr Hajar's release, but that this was met by a deliberate refusal to execute by the head of penalty prosecution.¹¹

Mr Hajar's case is not isolated. IHRC has received reports of three other individuals, also arrested on suspicion of being members of The Believing Youth group: Ibrahem Ali Al-Nashery (arrested in March 2008) and Mohamed Al-Yaremi and Ali Amen Nader (both arrested in 2006). Mr Nader was reportedly killed in November 2006 as he tried to escape custody, whereas Mr Nashery and Mr Al-Yaremi have disappeared without trace.¹²

⁸ ibid

⁹ See 'Has the President Changed his Mind?' by Joel Campagna, Al-Ayyam newspaper, Yemen, March 10 2005.

¹⁰ See further <http://www.cageprisoners.com/campaigns.php?id=412>

¹¹ Yemen Times, Prisoner of political conscious dies in prison while others at risk, 3 October 2007, Mohammed Bin Salam: <http://yementimes.com/article.shtml?i=1091&p=front&a=2>.

¹² Details available at <http://www.ihrc.org/>

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Recommendations:

The Islamic Human Rights Commission recommends that:

1. Government of Yemen should amend and review all legislation that criminalise freedom of expression and freedom of religion.
2. Allow minority Shia groups to practice religion freely.
3. Being a party to ICCPR the government of Yemen should ensure freedom of expression enshrined in article 19 of ICCPR.
4. Ensure that detainees have immediate access to the outside world especially to their lawyers and families.