

YEMEN

REPUBLIC OF YEMEN

Head of state: 'Ali 'Abdullah Saleh

Head of government: 'Abdul Qader Bajammal

Death penalty: retentionist

International Criminal Court: signed

Advances made in legal and institutional safeguards over recent years were largely put on hold during 2002 as a result of continuing repercussions of the 11 September 2001 attacks in the USA. Waves of mass arrests took place, with foreign nationals particularly targeted for detention and deportation outside the normal legal framework. Journalists were intimidated to prevent them from reporting the arrests; some were themselves detained. Torture and ill-treatment remained widespread. Death sentences continued to be passed and at least 10 people were executed; hundreds of people were believed to remain under sentence of death.

Background

In its efforts to comply with international pressures following the 11 September attacks 2001 in the USA, the government sacrificed human rights and sidelined the rule of law. In March and October Yemen submitted a report and a supplementary report to the UN Security Council Counter-Terrorism Committee listing measures it had taken, including ratification of the Arab Convention on the Suppression of Terrorism and bilateral security agreements. In the months following 11 September, the security forces carried out mass arrests of Yemenis and foreign nationals. Most foreign nationals were subsequently deported, while Yemeni detainees remained held on an indefinite basis without charge and without judicial supervision.

In June AI submitted a briefing to the UN Human Rights Committee for scrutiny of Yemen's implementation of the International Covenant on Civil and Political Rights (ICCPR). In July the Committee issued its conclusions and recommendations. Among these were that Yemen should: review the question of the death penalty; take appropriate measures to end the punishments of amputation and flogging; investigate all allegations of human rights abuses; ensure that the measures taken in the context of the "campaign against terrorism" were fully consistent with the ICCPR; ensure that the judiciary was free of any interference; and respect freedom of the press.

In October one crew member was killed and several injured when the French supertanker *Limburg* was rammed by a boat packed with explosives off the coast of Yemen. At least 20 people were detained by the Yemeni authorities for questioning in connection with the explosion.

On 28 December the deputy leader of the Yemeni Socialist Party (YSP), Jarallah Omar, was shot dead at an *Islah* party conference in Sana'a after giving a speech on behalf of the YSP

calling for dialogue between the political factions and rejecting violence. According to information received, one of the main reasons for his killing was that he questioned the use of the death penalty. The perpetrator was reportedly apprehended and handed to the police.

Clashes continued between government forces and tribal groups in different parts of the country throughout the year.

Political arrests post-11 September 2001

Arrests continued throughout the year in the aftermath of the 11 September attacks in the USA. Hundreds of people, mostly foreign nationals, were held for several months without charge or trial, without consular access and without access to the outside world. Arrests were carried out without the judicial supervision required by law, and detainees were often held in lengthy incommunicado detention. Some reported that they were tortured or ill-treated.

People targeted included those believed to have had connections with Afghanistan, members of Islamist organizations, and anyone who had aroused the suspicion of the security forces. On 29 May Sheikh Abdullah al-Ahmar, the speaker of the Yemeni parliament and head of the opposition *Islah* party, reportedly said that hundreds if not thousands of people had been unfairly detained in Yemen since 11 September 2001. On 30 May the police denied that they were holding thousands of suspected members of the *al-Qa'ida* network, stating that those still detained totalled no more than 85 and that they were being interrogated.

☞ 'Ali Mubarak Firas was arrested in April by members of the security forces in Ma'rib, suspected of links with *al-Qa'ida*. He was later transferred to Sana'a for interrogation and was believed to be still held at the end of the year.

☞ 'Abdullah Sa'atar, a member of the *Islah* party, was arrested in al-Daleh on 20 June by members of the Intelligence Services, a branch of the security forces. He had delivered a speech two days earlier which reportedly criticized the government. He was released the same evening.

Indefinite detention without charge or trial

Safeguards provided by Yemen's legal system against indefinite detention were sidelined. At the end of the year, defendants in the case of the October 2000 attack on the destroyer *USS Cole* had been detained for more than two years without being formally charged or given access to a lawyer. Ministers indicated to AI delegates that the government had been planning to bring them to trial but the US government had objected.

None of those arrested after 11 September 2001 were charged and they too were denied access to lawyers as well as the opportunity to challenge the legality of their detention before a court. Government ministers said they had no plans to bring to trial or release those detained in the wake of 11 September and acknowledged that this was in breach of their own laws and Yemen's international human rights obligations.

Forcible deportation of foreign nationals

Mass deportations of foreign nationals continued in the wake of 11 September 2001. Most of the deportees were targeted for

arrest because of their nationality, held incommunicado for weeks or months, then expelled after interrogation. Among them were more than 100 students, including nationals of Algeria, Egypt, France, Indonesia, Libya, Pakistan, Sudan, Somalia, the United Kingdom (UK) and the USA, who were deported in January. The official reason given was that their residency permits had expired and that the Islamic schools where they were studying had been declared illegal. None of those deported was allowed to challenge the decision by the government before the courts or to seek legal assistance.

☞ On 31 December 2001 'Ali Mikon, a 17-year-old UK national with a valid student visa, was arrested along with three other UK nationals, one of them aged 15, from a hotel in Sana'a and taken to the headquarters of the Political Security. They were detained without charge until 30 January, when they were deported to the UK. During their detention they and other juvenile foreign nationals were held in cells with adults.

Harassment and detention of journalists

Journalists critical of the authorities were increasingly targeted for legal proceedings and arrest. Some were harassed by warnings and threats to prevent them reporting mass arrests after 11 September 2001.

☞ On 29 April Nabil al-Kumaim, correspondent for the Qatar newspaper *al-Rayah*, was arrested at his home in Sana'a for writing an article about the presence of *al-Qa'ida* supporters in Yemen. He was reportedly questioned about his sources of information, before being released a few hours later.

☞ On 4 June a court in Sana'a sentenced three journalists, 'Abdel Rahim Mohsen, Ibrahim Hussein and Khaled Sulaiman, to a suspended five-month prison term each. The three were charged with publishing articles in *al-Thawri* newspaper in February that incited "sectarian and irrational sentiments endangering the unity of the country". Following a protest rally, 'Abdel Rahim Mohsen and Ibrahim Hussein were released in July on condition that they appeared at future hearings. It was believed that Khaled Sulaiman was also released.

Possible extrajudicial executions

In November, six men were killed when the vehicle in which they were travelling exploded in Ma'rib province. One of them was alleged to be a leading member of *al-Qa'ida*. AI expressed its concern to US President Bush at reports that the six had been killed allegedly by a missile launched by an aircraft controlled by the US Central Intelligence Agency (CIA). AI also wrote to the President of Yemen asking whether there had been attempts by the Yemeni authorities to arrest the six men and urging clarification about the possible cooperation of the Yemeni government in the incident. Subsequently, officials were reported to have acknowledged that the government of Yemen had cooperated in the killings.

Demonstrations

Demonstrations critical of the government were frequently broken up by police, sometimes using excessive force.

☞ At least three people were reportedly injured on 9 April after police prevented demonstrators from reaching the British

consulate in Aden to protest against Israeli incursions into Palestinian towns and refugee camps. Police reportedly used tear gas and clubs and fired into the air to disperse the demonstrators.

☞ In July police arrested and detained for short periods more than 150 demonstrators holding a sit-in at an Islamic seminary in Aden to protest against the government's derecognition of independent religious schools.

Torture and ill-treatment

Torture and ill-treatment continued to be widespread, resulting in at least one death in custody. No independent investigations were known to have been carried out. Judicial punishments of flogging and amputation continued to be imposed.

☞ It was reported in February that a 19-year-old man had died in custody in Hudayda Central prison as a result of torture.

☞ Samir Yahia 'Awadh, aged 25, charged with throwing two grenades at the US Embassy in Sana'a in March, alleged during his trial in May that his confessions had been extracted under duress. Although his defence lawyer presented medical evidence to the court that Samir Yahia 'Awadh was suffering from schizophrenia, he was convicted and sentenced to 10 years' imprisonment.

☞ The trial of two police officers reportedly charged with the torture and ill-treatment of five men from Shibam, Hadramout region, began in August amid widespread publicity. The five men had been detained during the previous month in Shibam police station on unknown charges and had reportedly been tortured. Two of the men reportedly needed hospital treatment for the injuries they sustained. All five were later released. No further information was available about the trial of the police officers.

☞ In August, four men were sentenced to cross amputation (right hand and left foot) by a criminal court in al-Beidha. 'Ali M. Hassan, Ahmad A. al-Taibi, Naji A. al-Taibi and Mus'ed Saleh were convicted of banditry, kidnapping and forming an armed gang. A fifth man convicted of stealing cars was sentenced to have his right hand amputated. It was not known if the punishments were carried out.

☞ In September a court in Sana'a sentenced Muhammad 'Ali al-Sandahi Bayaqa' to cross amputation. He had been convicted of robbery. It was not known if the punishment was carried out.

Death penalty

Death sentences continued to be passed and 10 executions were reported. Hundreds of prisoners were believed to be under sentence of death.

☞ Ahmad Nasser al-Zaidi was sentenced to death on 3 April by an appeal court. He and four other men had been sentenced in December 2001 to prison terms after being convicted of kidnapping a German businessman in November 2001 in Ma'rib. Ahmad Nasser al-Zaidi was initially sentenced to 25 years' imprisonment and the others were sentenced *in absentia* to 20 years' imprisonment each by a special court dealing with cases related to the kidnapping of foreigners and

acts of sabotage. The appeal court upheld the prison sentences imposed on three of the men and acquitted one other.

☞ Mansur al-Horsome was executed on 2 February. He had been convicted after an unfair trial of murdering his wife in 1993. The president of the court was alleged to be a relative of the prisoner's wife. Mansur al-Horsome had reportedly not been given sufficient opportunity to present a defence, and his lawyer apparently lost his case file and did not consult him or keep him informed of progress in the case.

☞ The death sentence of Fuad 'Ali Mohsen al-Shahari was reportedly upheld for the second time by the appeal court in Ta'iz in April. He was sentenced to death in 1996 and the sentence was upheld on appeal in 1997. In 2000 the Supreme Court had referred the case back to the appeal court. Fuad 'Ali Mohsen al-Shahari had been convicted after an unfair trial of the murder of a captain in the Political Security department. He had been held incommunicado for several weeks and reportedly tortured to force a confession. It was alleged that key defence witnesses had been intimidated to prevent them from testifying.

AI country reports/visits

Visits

AI delegates visited Yemen in February and August to discuss with government officials the deterioration of the human rights situation in the wake of 11 September 2001, to investigate reports of widespread arrests, to meet non-governmental organizations and to carry out research.