
CIVIL AND POLITICAL RIGHTS

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The international Convention on Civil and Political Rights, ratified by Yemen, contains numerous legal principles, concepts and safeguards that must be respected to guarantee the enjoyment of these rights without discrimination. This chapter deals with the degree to which

the national legislative structure is in harmony with the tenets of this convention, and with legislative and non-legislative measures taken by the state in conformity with the convention's requirements.

Basic Principles of Civil and Political Rights

1– Right to Life

A person's right to life is one of the most essential rights that may not be restricted, even in cases of public emergencies. Protecting any person against deprivation from his right to life is an obligation of the state, which must take effective steps to ensure that people are safe from arbitrary measures at the hands of security and law enforcement services that lead to squandering the right to life.

In this framework, there are strict rules on the use of fire arms for dispersing crowds or while chasing individuals. There are also legal safeguards that must be rigorously observed when trying defendants for crimes that carry the capital punishment, alongside the necessary measures to protect detainees and prisoners. The state is exerting additional efforts in this context to reduce deaths and improve the methods it uses to carry out its responsibility of protecting society from criminal activity and acts of violence that endanger the right to life.

It is evident that the laws of the Republic of Yemen, essentially the Presidential decision enacting law nr. (12) for the year 1994 on crimes and penalties, have banned completely and absolutely all forms of infringement on the right to life and imposed severe punishments for any violation in this thereof.

To protect people's right to life from any infringement, article nr. (234) of the law on crimes and penalties specifies that whoever kills an innocent soul intentionally is punishable by death, unless pardoned by the rightful heirs...etc.

Based on this premise, capital punishment was decreed in Yemeni law for the gravest and ugliest crimes, noting particularly that Islamic Shari'a jurisprudence considers the death penalty an essential part of the Islamic penal system. It is a punishment prescribed for the sake of deterring depravity, for the Koran says: "In the law of equality (retribution) there is (saving of) life to you, O Ye men of understanding; that Ye may restrain yourselves"

Maintaining this punishment is regarded as a factor that prevents someone who thinks of committing a crime punishable by death from actually committing it. In this sense, it does not contradict people's basic right to life, but rather protects and upholds it.

Yemeni legislators, aware of the enormity of capital punishment as a penalty of extermination with no way to undo the outcome and restore things to what they were before the execution, have obligated courts, before pronouncing a death verdict, to ascertain the correctness of the indictment, that all religious and legal conditions for such a sentence have been fulfilled, and the non-existence of any possibility whatsoever that anything may lead to an annulment of the verdict or a declaration of innocence. The concerned penal division at the Supreme Court investigates the conditions surrounding a killing without good legal justification, so that a death verdict may be repealed if the trial court failed in its obligation to scrutinize all aspects of the defendant's defense, regardless of any arguments the court may use to justify infringing its responsibility.

Police force law number (15) for the year 2000 declared protection of life and suppressing crime as duties of law enforcement services. It specified the basic rule as being that the police may not use arms

or open fire unless they use thereof is the only means to achieve the objective, provided that the use of force remains within the necessary limits, and that police do their best not to inflict mortal injuries. The use of force is permitted only in situations specified by law.

Protection against depriving any person of his life requires that the state take positive actions to reduce infant and child mortality rates, increase the average life expectancy, and foremost, to implement measures to eradicate malnutrition and epidemic diseases. These measures will be dealt with when discussing economic, social and cultural rights.

The concept of the right to life implies that the state should take specific and effective steps to put an end to the disappearance of persons and treat the reasons leading to such disappearances. Cases of involuntary disappearance in Yemen are related to the regrettable incidents of political violence that occurred at different times in the modern history of the country.

Following the establishment of the Republic of Yemen in 1990, the government took upon itself to treat all problems resulting from these sad events in accordance with lawful and objective norms, and cases of involuntary disappearance were in the forefront. In the period 17-21 August 1998, a mission from the Action Group on cases of involuntary disappearances of the United Nations High Commission for Refugees (UNHCR) visited Yemen and requested a clarification of the authorities' position on disappearance cases. Concerned authorities submitted a report on the fate of most cases in June 2001.

Disappearance cases because it was satisfied with the responses it had received, and that it will consider the files closed after the passage of six full months during which it receives no further comments or correspondence on their behalf from the parties who had reported the cases or the families wishing to learn the fate of relatives who have allegedly disappeared. (The sentence is unclear, please review it) At the same time, contacts continued with the concerned parties, ministries and victims' families to follow up on the cases that the Action Group kept under review, as well as new cases reported to the High Commission for Human Rights. These cases reached a total of (94), and the Ministry for Human Rights submitted to the Action Group a detailed report dealing with around (77) cases of the total number. It is noteworthy that not a single case of involuntary disappearance has been recorded against Yemen since 1994. The UN Action Group, in its report to the session of the Human Rights Committee held in Geneva between 15 March and 25 April 2004, praised the remarkable level of cooperation with the Yemeni government to shed light on the fate of disappeared persons. As

a consequence, the Action Group announced that it was ending its reviews of (56).

2- Right to Freedom and Personal Security

Putting this principle into practice requires protecting every person's right to freedom and security of his self. This is why constitutional and legal texts guaranteed the right of every person to freedom and personal security. No person may be arrested or detained arbitrarily likewise no person may be deprived of his freedom except in accordance with the law and the procedures prescribed therein¹. Furthermore, no citizen, rather no person at all, may be pursued or harmed because of his nationality, race, origin, language, creed, profession, educational level or social standing. All are equal before the law². The private life of a citizen may not be infringed except in cases specified by law; hence, arrests are not allowed save in connection with acts punishable by law. Arrests must take place according to the law of penal procedures which regulates the matter and specifies that no person may be arrested except by order of the general prosecution or a court of justice, and on the basis of a legal justification³. Criminal lawsuits for violating citizens' freedom and dignity are note covered by the statutes of limitations⁴.

It should be noted that the law on crimes and penalties prescribes several measures to protect citizens' rights, as it contains clear and straightforward texts that prohibit transgressing people and punish employees of public authorities who abuse their powers to violate people's rights and freedoms⁵.

The constitution and current laws require that every person arrested be informed immediately at the time of arrest of the reasons and the crime he is being charged with. Article nr.(73) of the law on penal procedures states that "every person arrested must be informed immediately of the reasons for the arrest, and he is entitled to see the arrest order, to contact whomever he wishes to inform of the fact and to seek the assistance of a lawyer".

A detainee must be referred to a court within twenty four hours of his arrest, and the court reports officer must register immediately the detainee's statements, and then refer him and his file to the general prosecution within twenty four hours. The general prosecution must take action on the case during the next twenty four hours, or the detainee must be

¹ Article (48) of the constitution.

² Article (5) of the law on penal procedures nr.(13) for the year 1994.

³ Article (7) paragraphs (1,14,172) of the law on penal procedures

⁴ Article (37) of the law on legal procedures

⁵ Articles (166, 167,168,179,246) of the law on crimes and penalties

released⁶. If the general prosecution concludes after investigation that the case constitutes a crime and that the evidence against the defendant favors an indictment, criminal charges are formalized and the case is sent to the appropriate court (article 221).

Whoever is deprived of his liberty as a result of arrest or detention has the right to launch procedures before the general prosecution or other government services to obtain a prompt decision on the legality of the detention, or to be released if the arrest was illegal⁷.

Some reports issued by local and international organizations point out that although national statutes regulating procedures for the arrest and detention of individuals conform with international norms of human rights⁸, the implementation of these legal texts and safeguards is deficient, especially after the events of 11 September 2001. Yemen did not remain untouched by the effects of the monumental and accelerating events the world has been witnessing since that date, and that have left negative effects on human rights. It is a known fact that Yemen has suffered great damage as a result of terrorist acts it has witnessed, such as the explosives attacks on the American destroyer "USS Cole" in the port of Aden and the French tanker "Limburg" in the waters of Hadramaut (Hadramout). Other such events were the explosions that took place in Sa'ada and other parts of the country, causing severe damage to the stability, security and public peace of the Country; and paralyzing till today humanitarian economic activities that provided thousands of citizens with the opportunity to make a living. In this situation the government is faced with a complicated equation, forcing it to take a number of measures to achieve a difficult balancing act. Following are the most significant of these:

First: the government implemented through its various services a number of programmes to raise awareness in basic rights, increase legal consciousness and isolate all intellectual sources of extremism.

Second: the government adopted the path of intellectual dialogue with the misguided elements, and released those who announced their respect for rules and laws.

For that purpose, a comity was formed to conduct dialogues with persons detained as a result of their involvement in acts of terrorism punishable by law. The committee achieved the following:

1. Rejection of violence, extremism and terrorism in all forms and shapes. Allegiance to the authorities in charge, respect for the constitution and laws in force; including the law on parties and political organizations.
2. Preserving security and stability, refraining from any action infringing the security and independence of

Yemen; respecting the rights of others, including the sanctity of their lives, possessions and honor; refraining from harming the interests of countries bound by treaties with the Republic of Yemen as long as these treaties are valid; and honoring the permit granted by Yemeni authorities to any person for entering Yemen as a covenant of safety until this is terminated legally by the appropriate authorities. No person may harm the individual who has been granted the covenant of safety by the state.

3. Opening the doors of hope for these young people and others, and convincing them that they can live in security and enjoy all their rights and freedoms.
4. Defusing the bloody confrontations between these young people and the forces of police and law enforcement. Releasing the highest number of persons who have been involved in the dialogue.

Four rounds of dialogue were held. The first began at the outset of 2002, and the committee was able during these sessions to convince (253) young returnees from Afghanistan of the above mentioned principles. Many of those who pledged to respect current laws and had not committed crimes and deeds punishable by law were released in accordance with instructions issued by the President of the Republic, and in line with the conclusions reached by the committee in its intellectual dialogue with the misguided detainees.

Third: referring all persons involved in terrorism to fair trials, whereby the detainees were tried under the protection of safeguards guaranteed by the constitution and Yemeni laws, including:

1. Allowing detainees to meet visiting family members, and the International Red Cross mission was allowed to visit and sit with them.
2. Holding trials only in the presence of lawyers who enjoyed all due guarantees during investigations and court sessions.
3. Upholding the right of all released detainees to submit grievances for transgressions that may have been committed against them during detention.

Fourth: enacting laws and approving agreements related to combating terrorism. In addition to the measures taken by the government of the Republic of Yemen in the face of the menace of terrorism and to confront its direct and indirect challenges, it carried out the following:

- Approval of law number (35) for the year 2003 against money laundering.

⁶ Articles (76,77,105,129,176,189,190,191,196) of the law on penal procedures.

⁷ Articles (49,51) of the constitution, articles (8,9,562,193) of the law on penal procedures.

⁸ Amnesty International/document number (MDE/006/2003), P.3.

– Submitting to the Chamber of Deputies for approval a new draft law regulating the possession of weapons.

– Further to above, our country; like other Arab countries; is committed to the implementation of resolutions and agreements approved by Arab governments in the area of combating terrorism, including:

1. Resolution nr.(275) on the code and rules of conduct, approved by the member states of the Arab Council of Interior Ministers in Tunis in 1996.

2. The Arab strategy for combating terrorism, approved in Tunis 1997.

3. The Arab agreement for combating terrorism issued by the Councils of Arab Ministers of Interior and Justice in Cairo in 1998.

– Approval of a number of international treaties and agreements relevant to combating terrorism at the global level, as shown in the following table:

	Agreement	Date of accession to agreement
1	Agreement to suppress terrorist attacks by bombs	23 April 2001
2	Agreement to suppress illegal acts directed at the safety of maritime transportation	30 June 2002
3	Protocol to suppress illegal acts directed at safety of fixed platforms on the continental shelf	30 June 2002
4	Agreement to combat taking of hostages	14 July 2000
5	Agreement on the prevention of crimes committed against persons covered by international protection, including diplomatic staff, and punishing these	09 February 1987
6	Agreement to suppress illegal acts directed at safety of civil aviation (Montreal Agreement)	29 September 1986
7	The Hague Agreement on prevention of illegal seizure of airplanes	29 September 1986
8	Tokyo Agreement on crimes and other acts committed on board of airplanes	26 September 1986

3– Guaranteeing Equality before the Law

Equality before the law is regarded as one of the most fundamental principles emphasized by Yemeni statutes, and as one of the most important basic rights accorded all members of Yemeni society. Article nr (31) of the constitution says that “women are the sisters of men” and this noble and honorable implication exemplifies the value and position of women in society. Consequently, the constitution guaranteed Yemeni women their entitlement to all civil and political rights without discrimination between them and their male brothers. The concept of this equality in the constitution was expressed in its usage of the term (the citizen) in a general and comprehensive pronouncement, so that its meaning and implication cover men and women simultaneously as stated in articles (41, 42, 43, 45, 48, 51, 54, 55, 56, 57, 58, 61) of the second chapter of the constitution titled (Basic Rights and Duties of Citizens). These constitutional principles left clear imprints on legal legislation that took pains to anchor women’s rights, role and contribution in civic and political life; side by side with their male brothers. But it is not possible to disre-

gard the effect of many cultural, social and economic handicaps that continue, for all practical purposes, to infringe the constitutional rights of women to equality with men without discrimination.

Article nr (25) of the constitution declares: “Yemeni society is founded on social solidarity which is based in turn on justice, freedom and equality in accordance with the law”. In confirmation of this constitutional principle, the law of penal procedures says in article nr.(5) that “citizens are equal before the law, and no person may be pursued or harmed because of his nationality, race, origin, language, creed, profession or level of education”. The application of this principle is clearly visible in the laws and rules that regulate litigation. The law of judicial authority nr (1) for the year 1990 states in article nr (2) that “litigants are equal before the judiciary regardless of their standing and situation”.

In line with above, law nr (40) on court procedures and civil enforcement for the year 2003 contains a set of principles and rules that regulate the work of justice and litigation.

4– Prevention of all Forms of Torture and Other Kinds of Inhuman and Debasing Treatment

This principle necessitates protecting simultaneously the dignity, corporal and mental safety of the individual and the state has the responsibility to provide protection for every person through legislative and other means against infringements by persons acting in official or private capacity.

Like other countries, Yemen is not free of such practices, and the government took the necessary steps to combat such actions committed by individuals with sick minds who abuse the authority entrusted to them by the law. The government acts through various legal, administrative and educational measures and arrangements.

Despite the absence of a definition for torture in the Yemeni law on crimes and penalties, the Yemeni legal and judicial system applies the definition stated in article nr.(1)⁹ of the international agreement against torture and other forms of inhuman or debasing punishment and treatment, considering that our country has ratified this agreement in November 1991. It is committed to its implementation in Yemeni courts according to article nr (6) of the constitution which states that “the state confirms abidance by the Charter of the United Nations, the Universal Declaration of Human Rights, the Charter of the League of Arab States, and the generally recognized tenets of international law”. It is evident that the legislative statutes of the Republic of Yemen- notably the constitution and the law on crimes and penalties- have banned completely and absolutely all forms of torture and consider it a crime by all standards.

Furthermore, the law has established a number of procedures to investigate any complaint raised against persons entrusted with the enforcement of law, such as officers of judicial controls; and gives the public prosecution the authority to investigate complaints of this kind in its capacity as an independent judiciary authority¹⁰.

In application of above, articles (91,193,562) of the law on penal procedures have obligated the officers of judicial controls to accept complaints and reports presented to them by any person, including those who have been detained, and to register these in official records and refer the to the prosecution services.

Members of the prosecution authorities must personally investigate all claims against officers of the armed forces and police, when these claims contain charges of committing grave crimes, while on duty or not. The same applies to court employees and workers.¹¹

It goes without saying that if the general prosecution concludes that the subject of the complaint implies a crime of torture, it must then file criminal charges against the accused person and move for a trial before the appropriate court.

On the practical side, various state authorities like the Ministry of Justice, the Ministry of Interior, the general prosecution and the Ministry of Human Rights have conducted many field visits to inspect prisons in different cities and districts of the country, whether to investigate complaints, make surprise inspections or conduct routine monitoring. The Higher Committee for Ascertaining the Conditions of Prisoners and Prisons, which is composed of members representing a number of concerned parties, has organized field tours to all prisons, where it met with prisoners to investigate their conditions and listen to their problems and complaints, and to ascertain the absence of any form of inhuman treatment or torture in these institutions.

In 2003, for example, a number of police and security officers were subjected to legal disciplinary measures after they were proven to have transgressed the law in several cases, in application of the principle of preventing torture and inhuman treatment. The appropriate authorities took corrective measures during the past few years, and fifty four persons were investigated and some were tried in court. They were punished by detention, imprisonment or termination of employment. Some were sentenced to pay indemnities to the victims. Other cases are still pending trial; some more are still under investigation.

⁹ Article (1) of the convention against torture states:

1. for the purposes of this agreement, the term “torture” means any action leading to severe pain or suffering, corporal or mental, inflicted intentionally on a person for the purpose of obtaining from this person, or a third person, information or a confession; or punishing him for an act he committed or is thought to have committed, he or a third person; or to intimidate or frighten him or any other third person; or when such pain or torture are inflicted for any reason based on any kind of discrimination or instigated or approved or tolerated by an official employee or any other person acting in official capacity. This pain does not include suffering resulting from legal penalties or accompanying such penalties, or which is a collateral result thereof.
2. This article does not infringe any international covenant or national legislation that contain, or may contain regulations with more comprehensive application.

¹⁰ Article (149) of the constitution.

¹¹ Letter sent by the general prosecution with instructions on the implementation of penal procedures in articles (2, 3, 8, 9, 30, 44, 62, 63, 64 and 69).

List of violations committed by members of the police force in 2002

	Violations committed	Number of violators
1	Mistreatment of persons under investigation	8
2	Attacking citizens and using arms against them	19
3	Killing wanted persons upon arrest or in exchange of fire	15
4	Abuse of authority for fraud and blackmailing citizens	9
5	Attacking a colleague and injuring him	6
6	Instigation to homicide	1
	Total	54

Source: Ministry of Interior

Further to all actions listed above, various government services and organizations of civil society conduct on a permanent basis training courses for members of the judiciary, the general prosecution and judicial enforcement services on all aspects of human rights and the duties of law enforcement officers toward defendants and detainees, whether during the process of arrest, interrogation, trial or serving a punishment. The purpose is to combat torture through raising the awareness of citizens and the different state services in pertinent legal and procedural aspects. The Ministry of Human Rights organized several advocacy sessions on human rights for the benefit of officers of judiciary control services and the general prosecution. Special attention was given to the rights of a defendant in the custody of the judiciary control services. These sessions were held over a period of time, and the most significant among them was the one that explained human rights in an advocacy and educational workshop attended by heads of police stations, their deputies and officers of political security, criminal investigation, general prosecution, military intelligence and military police in all governorates of the country. The rights of the defendant were explained to avoid the occurrence of any violations on their part as a result of ignorance of legal procedures to follow in cases of arrest, interrogation and investigation. The training sessions gave special attention to the principle of the sovereignty of law and respect of human rights in Yemen. This particular session handled subjects such as the human rights of the defendant and penalties prescribed by Yemeni law and international law for violations thereof. The Ministry of Interior published a number of books on this subject and distributed them to the different police and security academies.

Workshops were organized on the subject, notably the one held for the members of the Chamber

of Deputies and the Consultative Council. Another was the workshop on the topic of human rights and judiciary controls that brought together thirty participants, including judges, members of the general prosecution and the Ministry of Interior. It dealt with numerous aspects of legal and moral rules that police officers must respect to put an end to torture, debasing treatment and violation of special rights. Numerous other subjects were discussed, such as humanitarian and legal principles that guide police work. Other sessions and workshops are being organized by the Ministry of Justice, the Ministry of Interior and a number of Yemeni NGO's. Noteworthy were the training courses organized especially for policemen by the Center for Information and Education on Human Rights between 1998 and 2003.

At the same time the state is proceeding with efforts to train and habilitate judges and members of the prosecution as the officials primarily concerned with the implementation of pertinent laws and responsible for upholding human rights. Consequently, the state is taking necessary action to upgrade their scientific knowledge, legal capacities and personal qualifications.

Teaching courses in law goes hand in hand with training in police and security matters in these academies and schools, one of which is the police academy¹², whose students receive condensed instruction on existing laws and their sections that deal with human rights. These sections and their contents of rules and regulations prohibiting torture are taught in much greater detail and treated as a basic subject in the curriculum of the police academy. Students there have to study this subject, including the book titled

¹² In addition, Yemen has the higher institute of police officers, the training school for policemen and the special academy for police officers.

(Human Rights) which was written especially for this purpose.

In the field of guidance and advocacy, there are a number of programmes and publications dedicated to raising the standard of legal consciousness. They provide information and instructions on the subject of human rights and the prohibition of torture, and they target officials responsible for the enforcement of laws, as well as citizens who are not aware of their rights and how to secure and defend them. The Ministry of Human rights participates in the preparation of special instructional programmes for members of the judiciary control services and police officers. The ministry also contributed to the holding of various training sessions and printing a special text book to be taught in law schools.

Communication activities include television and radio programmes and press publications sponsored by the Ministry of Interior. The Ministry of Justice issues a specialized publication that carries the title (Al Qadha'iah) (Al Qadha'iah).

5– The Principle of Autonomy of Justice and Guarantees for Fair Trials

To ensure that justice is properly applied, it is necessary for the state to take certain measures that guarantee equality of people before the judiciary. This includes equality in access to courts and the right of every person to have his case dealt with fairly and publicly by an independent, specialized and neutral court that has been installed by the norms of law and covered by the required immunity.

Considering that the autonomy of the judiciary is an essential condition to spread justice in society, the judiciary in Yemen is independent and separate from the legislative and executive powers, in accordance with the principle mandating the separation of the three powers. Article nr (149) of the constitution stresses that “justice is an autonomous power, legally, financially and administratively; and the general prosecution is one of its branches. Courts are responsible for pronouncing judgment in all disputes and crimes. Judges are independent and they are subjected to no authority in their adjudication except the law. No party whatsoever may interfere in any way in questions or matters pertaining to justice, and such intervention is regarded as a crime punishable by law and not covered by the statutes of limitation.” It should be noticed here that the text contains a number of constitutional rules strengthening and anchoring the concept of the autonomy of justice. The text reinforces judicial guarantees by clarifying

the meaning of administrative autonomy as stated in articles (150,152) in stressing that justice is one integral unit headed by a higher council that operates in accordance with the law that specifies its functions and procedures for nominating and appointing its members. The council has the function of overseeing the implementation of guarantees given to judges in appointment, promotion, removal and dismissal, as prescribed by law. The law specifies the organization of judicial authorities, their ranks and functions; as well as the conditions necessary for holding posts in the judiciary, the terms of appointing judges, transferring and promoting them in the framework of the special guarantees granted to them. The Higher Council of Justice is the administrative authority of the judiciary and is charged with reviewing policies governing the structure and functions of justice and supervising the appointment, promotion and transfer of judges¹³.

As concerns financial autonomy, article nr.(152) of the constitution applies this principle by giving the Higher Council of Justice the responsibility of drafting and approving the budget of the judiciary in order to include it as one single item in the general budget of the state.

The concept of the autonomy of justice is exemplified in the complete independence of members of the judicial authority (judges and members of the general prosecution) in their adjudication, whereby law is the only authority that reigns over them. The administrative and financial autonomy of justice is embodied in the sum of guarantees specified by the constitution and detailed by the law, to provide judges with the necessary immunities in their work, and the judicial apparatus with the required means for its functioning.

In compliance with constitutional provisions dealing with the autonomy of justice, the law on judicial authority nr.(1) for the year 1991 was enacted to regulate the judicial system, its services and functions. It may be useful here to list the most important immunities judges enjoy:

- Judges may not be removed from their posts except as a result of penalties imposed on them in accountability trials and in accordance with the rules contained in the law of judicial authority.

- A judge may not be arrested or kept in precautionary detention if not caught red handed, except after obtaining permission from the Higher Council of

¹³ The Higher Council of Justice is composed of the President of the Republic, the Minister of Justice and his deputy, the Chief Justice of the Supreme Court and his deputies, the General Prosecutor, the President of Judiciary Inspection, and three senior judges from the Supreme Court.

Justice which orders either to continue the detention or to release him with or without bail.

– Criminal law suits may not be opened against judges except with the permission of the Higher Council of Justice at the request of the general prosecutor. The Higher Council designates the court that will try the case.

The Yemeni system of justice is based on three levels of courts. At the base of the judicial pyramid are the courts of first instance distributed all over the country at an average of one court in every district. These courts have the authority to adjudicate all civil, criminal, commercial and family cases. A single judge decides on the cases presented to his court. The law provides for the possibility of appealing the verdicts of the lower courts before appellate courts. There is one appellate court in every district and in the capital Sana'a. Every appellate court has separate sections dealing with criminal, military, civil and family cases; and every section is composed of three judges. The Supreme Court is located at the top of the judicial pyramid as the highest judicial authority of the Republic. It resides in Sana'a and includes eight separate sections: the constitutional section composed of seven judges including the Chief Justice, the appeals verification section, the criminal section, the military section, the civil section, the family section, the commercial section and the administrative section. Each of these sections is composed of five judges. The Supreme Court has a number of functions like deciding on the constitutionality of laws, rules, regulations and decisions. It is noteworthy that the Supreme Court has never ruled in its history that a law was unconstitutional. When the court dealt for the first time with constitutional law suits presented by some lawyers concerning the unconstitutionality of the law on local authority, the constitutional section of the court took a verdict to confiscate the monetary deposit and oblige the plaintiffs to pay the lawyers' fees.¹⁴

The regular system of court levels includes a number of tribunals with special functions, namely military courts, juvenile, taxation and customs courts, labor courts and others.

Their verdicts can be appealed before appellate courts. There are no so called exceptional courts in Yemen because the constitution prohibits completely the formation of exceptional courts¹⁵.

Despite constitutional and legal guarantees, the frailty of judicial traditions and the lack of awareness in the importance of the autonomy of justice among many have resulted in a number of negative and questionable practices in the judicial process. This left negative effects on the functioning of the judicial authority and its respectability, and many people lost their confidence in justice. Consequently, the subject

of reforming the judiciary system in a comprehensive manner has become an important demand and a national issue that requires the cooperation of all constitutional and civil institutions in the country¹⁶.

In response to this requirement, the government adopted in 1997 a plan for judicial reform and approved the detailed time table (for the implementation of the reform plan) during the period 2001-2002, in decision nr.(262) for the year 2001 of the Council of Ministers. The Ministry of Justice deployed all its resources and energies to implement the programme, despite many difficulties and the lack of the necessary means for implementation. Of the proposed budget for implementing the programme, the ministry was given only (19%) of the total; but still aspects of reform began to emerge clearly through effective application of constitutional and legal texts on the independence of the judicial authority and judges in their functioning, and banning all interventions in the work of judges and courts by any party or person. The Council of Ministers issued decision nr (161) for the year 2001 specifying measures to be taken against whoever interferes in the course of justice to emphasize the seriousness of efforts to guarantee the autonomy of justice.

The plan for judicial reform will be dealt with along three principal axes, namely the human element, judicial inspection and judicial conferences during the period 2001-2003:

A– The Human Element

The plan for judicial reform is based on the perception that judges and their assistants are the major launching pads for the reform process. This was reflected in the detailed programme for the implementation of the judicial reform plan, by improving the living conditions of judges and giving them special financial entitlements such as bonuses and promotions. In 2003 annual gratifications were paid to (861) employees, and a (15%) cost of living subsidy was given to (5,539) employees (judges and administrators). Measures were taken to provide qualified and well trained staff members and assistants to meet the needs of judicial services during the implementation period. Personnel requirements were met by appointing staff in the judicial system. The total number of staff who were appointed or transferred throughout the courts system until 2002 was (381) judges. Twenty

¹⁴ Good Governance and Building the Society of Knowledge (the Yemeni Situation) by Doctor Khaled Mohsen Al Akwa'a, panel discussions on the Report on Arab Human Development for the year 2003.

¹⁵ Article nr.(150) of the constitution.

¹⁶ Main features of the plan for judiciary reform, approved by the Council of Ministers in 1997-Ministry of Justice.

judges were brought to accountability, representing the total number of judges who were removed from their posts in accordance with verdicts of the judicial accountability council in 2002. Some courts were reconstituted and new tribunals were established in accordance with the new administrative chart. Several courts of first instance with general and specialized functions (commercial and criminal specializations) were reconstituted, and a number of appellate courts and specialized appeals subsidiaries were also reorganized. Sections of the Supreme Court were reconstituted and a number of sentencing panels were established in the courts' sections. The judicial inspection authority was also covered by the reorganization plan, and new judges were appointed to strengthen the staffing of existing courts to facilitate applying justice in the framework of rules and regulations governing the judicial authority. Attention was given to topical judicial education and continuous in-service training through specialized habilitation and motivation sessions. Courses in specific juristic subjects were organized to help the staff stay abreast of modern technical and topical achievements, experiences and innovations. The objective was to introduce a qualitative change in the performance of justice and improve its structure. The ultimate purpose of these efforts was to achieve a high standard of judicial performance and uphold the noble tenets of justice. Measures were taken to effectively implement the legal texts prohibiting members of the judicial authority from joining political parties, and requiring them to sign written pledges to this effect.

B- Judicial Inspection

Judicial inspection is one of the most important and crucial foundations for the development of justice and treatment of its inherent deficiencies. This is why the government pays special attention to this subject and considers it one of the first priorities that need to be put into actual practice. Following is a list of steps accomplished in this area in the period 2001-2003:

- Approving the special chart for the judicial inspection authority in ministerial decision nr. (248) for the year 2001.

- The judicial inspection authority investigated a number of complaints, both in the field and in its offices, and concluded that some judges committed procedural breaches and violations to the functions of the judicial profession. A total of (21) reprimands were sent to the concerned judges.

- In 2001 several judges were summoned to the inspection authority to be confronted with complaints raised against them by citizens. A total of (41) summonses were issued during the year.

- A comprehensive plan for routine and spot inspections for 2002 was prepared and approved. The first part of the plan was implemented in February 2002 and included inspection visits to the courts of the capital's district, the cities of Sana'a, Al Jaouf, Umran, Hajja, and Sa'ada. Field committees charged with inspections began the second stage of the plan in May 2002 in the courts of the governorates of Ibb, Al Dhali', Ta'az, Al Houdaidah, Al Mahouit, Shabwah and Ma'rib. (Please refer to the corrections I made to the names of governorates in the other chapters) The authority of judicial inspection implemented the third stage of the plan in 2003 and targeted the performance of judges in all courts of first instance. A complementary plan was prepared to cover judges who were not included by the first three stages, and implementation of the complementary plan continues till the end of 2004.

- The authority of judicial inspection referred (13) disciplinary law suits to the Higher Council of Justice for action.

- In 2001 the authority of judicial inspection prepared the plan of routine inspections on the performance of judges and assistants with an educational qualification below the intermediate level. The plan was implemented and (58) judges and assistants were inspected.

- The authority received numerous complaints of diverse nature from citizens, and (2,339) of these were discussed in public review sessions with the Minister of Justice. As a result, (2,025) notifications regarding complaints were sent to the courts in 2002. In 2003, complaints against judges of courts of first instance and appeals subsidiaries amounted to (296). Of these (52) cases were resolved locally and the outcome of the proceedings was submitted to the presidency of the authority and the Minister of Justice. Additionally, (10,070) complaints were received in the period 2001, 2003 by the general directorate of grievances, some of which were referred to the competent authorities for action as prescribed by law. In other cases, the complainants were provided with guidance and instructions on the appropriate measures they need to take.

- Many field inspections visits were conducted to courts of the Republic, both to investigate complaints and to perform sport and routine inspections. Ninety seven such inspections were performed, of which (71) were to investigate complaints, (13) for spot inspections and (10) others for routine inspections.

C- Judicial Conferences

Several judicial conferences were held at the governorate level and they reached many decisions and recommendations dealing with the situation of the

judiciary and means to move forward with reform and modernization. The conferences focused on identifying the aspects of deficiency and malfunction in the performance of judicial services and finding appropriate solutions. Another purpose was to recognize positive aspects to reinforce them and improve the performance to the best possible level. These conferences found their culmination in the first Judicial Assembly held in the period 13-15 December 2003 which produced positive results for rectifying the performance of services of the judicial authority and to uphold the sanctity of justice, its dignity, independence and respect for its verdicts. The Assembly also took dispositions to strengthen cooperation between the services of the judicial authority and the sections of judicial control. Obviously, these conferences presented an accurate picture of the field reality to the decision making quarters of the judiciary authority and helped them in drafting plans and policies for improving the judiciary, and pursuing their implementation.

6– The Principle of (Legality of Punishment), (Non-Retro Activity of Laws) and (The Most Favorable Law to the Defendant)

It is assumed that the defendant is regarded as the weaker party in a criminal law suit, and this is why the principle of equality requires that the defendant be protected by safeguards that guarantee the application of the most favorable law on his behalf. Yemeni criminal laws have established this rule, and the constitution says in article nr.(47) that “no law may be enacted that punishes acts that have taken place before its enactment.” The law on penal procedures states in article nr.(376) that “If it (the court) concludes that the act is not proven by evidence or that it is not punishable by law, it must declare the defendant innocent and order his release if he is detained only for this particular case.” The law on crimes and penalties says in article nr. (4): “the law in force at the time of committing the crime is to be applied. If, however, one or more laws are enacted after commitment of the crime and before pronouncing a verdict on it, the more favorable law to the defendant is applicable.”

If a law is enacted after sentencing and declares the act for which the defendant has been sentenced as non punishable, then the execution of the sentence is terminated and the punitive results thereof are cancelled. Nevertheless, if a law is enacted to punish, abolish punishment or aggravate it for a certain act during a specified period, the elapse of this period

does not impede its application on acts that have taken place within said period. Applying the most favorable law to the defendant also covers appeal procedures and the rules of proscription according to paragraphs (1, 3) of article nr. (19), law on criminal procedures.

7– The Right to Privacy and the Sanctity of the Individual’s Private Life

Yemeni laws prohibit in clear terms any interference in an individual’s life and family matters. Paragraph (A) of article nr (48) of the constitution specifies that “the state guarantees the personal freedom of citizens and safeguards their dignity and safety...etc.” Article nr (52) of the constitution states that “residential homes and houses of worship and learning have their sanctity and they may not be put under surveillance or searched except in cases specified by law.” Article nr.(53) of the constitution says that “the liberty and confidentiality of mail, telephone, telegraph and all other communications are guaranteed; and these may not be censored, searched, bereft of their confidentiality, delayed or confiscated except in cases specified by law, and by orders of a court”

The law on criminal procedures contains many legal texts and regulations that emphasize constitutional guarantees for the individual’s private liberties specified in articles (11, 12, 14, 15 and 16).

Penal laws incriminate and punish whoever infringes an individual’s privacy and family affair. The law of crimes and penalties nr (12) for the year 1994 contains in articles (246, 253, 255, 256 and 257) a number of provisions that mandate punishing whoever violates these immunities or infringes the private life of any person. The punishment is aggravated if the culprit is a government employee.

8– Freedom of Opinion, Expression and Exchange of Information

The International Convention on Civil and Political Rights says in paragraphs (1, 2) of article nr (19) that “every individual has the right to adopt opinions without interference”, and that “every individual has the right to freedom of expression. This right includes the freedom of searching for information or ideas of any kind, obtaining and communicating these, regardless of boundaries; in speech, in writing or in print; whether in artistic form or by any other means he chooses.” No restrictions may be imposed on the practice of this right except those specified by law and regarded as necessary measures in a demo-

cratic society to preserve national security, public safety, public order, public health and public morals; or to safeguard other people's rights and freedoms. This right is linked to the legal system concerned with defending the freedom of the press, publishing books, periodicals, all forms of publications and the freedom to publish through Internet. It also covers the freedom of literary and artistic creativity and the removal of restrictions on audio visual artistic products and the freedom of ground and satellite broadcasting. The right to freedom of opinion and expression is inseparable from the right to organization through parties, associations, syndicates and unions. These organizational institutions are formations intended to bring together different groups and segments of the citizenry to express their opinions in an organized manner and through peaceful means to promote their ideas or to strengthen their mutual bonds in defense of certain interests. This right is also linked to safeguarding citizens' rights to nominate and elect representative bodies or leadership and administrative units within parties, associations and unions. The concept of elections depends basically on the wish of a candidate to convince others of his opinions and programme, and the wish of the voter to express his inclination toward one programme or another through the urn. Consequently, our focus here will be primarily on the set of laws closely related to the press, publishing and freedom to exchange information and the liberties of the media in general. Many resolutions and declarations of the United Nations General Assembly and UNESCO have emphasized the freedom of information and the exchange of ideas, as well as the freedom of the media as a basic component of human rights. They urged governments to take measures to strengthen the freedom of the press, pluralism and independence of the media. The United Nations approved a resolution in 1990 declaring the third of May an international day for the freedom of the press. Article nr (32) of the Arab Convention on Human Rights confirms freedom of opinion and expression, freedom to seek news and ideas, to obtain and communicate them to others by any means and regardless of geographic boundaries. The Convention has put certain restrictions on the practice of these rights and freedoms in deference to the basic values of society, such as respect for the rights and reputation of others, protection of national security, public order, public health or public morals. The Sana'a Declaration on Strengthening the Independence and Plurality of Arab Media (7-11 January 1996) emphasized that Arab countries need to provide legal and constitutional guarantees for the freedom of expression and the freedom of the press,

to reinforce these freedoms and to abolish laws and regulations seeking to restrict the liberty of the press. It considered the tendency of governments to draw "red lines" outside the bounds of the law as a restriction imposed on these freedoms. The Declaration said that practicing proper journalism is the best guarantee against restrictions imposed by governments or by social interest group, and that it is the duty of people working in the media to draw guidelines for their profession. It pointed out the need to encourage journalists to establish independent media institutions, owned and managed by the journalists themselves. It stressed that international assistance should be directed at the development of written and electronic media independent of governments.

A- Journalistic freedoms

– With the establishment of the Republic of Yemen on 22 May 1990, political, partisan and democratic pluralism became basic foundations of the political system. The role of civic society grew and the environment became ready to encourage freedom of the press and the emergence of partisan media. In the first parliamentary elections held after Yemeni reunification, twenty two political parties participated, and every one of them had its own publications, periodicals and programmes. Such activities were prohibited before reunification. Numerous syndicates and activist organizations started publishing newspapers, magazines, declarations and periodicals to project their objectives and programmes. Privately owned media found a wider space of freedom that enabled them to deal with the different changes surrounding them, and with local, regional and international issues. The following chart shows the time table of the appearance and distribution of newspapers and publications between the years 1990 and 2002:

Table showing appearance dates and shares of newspapers and media publications 1990-2002

	Years	Number of dailies and publications	Share in %	Number of weeklies	Share in %	Total dailies, weeklies and publications	Share in %
1	1990	27	15.5%	13	19.7%	40	16.7%
2	1991	23	13.2%	7	10.6%	30	12.5%
3	1992	32	18.4%	16	24.2%	48	20%
4	1993	14	8%	3	4.5%	17	7%
5	1994	18	10.3%	3	4.5%	21	8.8%
6	1995	12	6.9%	5	7.6%	17	7%
7	1996	8	4.6%	1	1.5%	9	3.8%
8	1997	4	2.3%	–	–	4	1.6%
9	1998	8	4.6%	6	9.15%	14	5.8%
10	1999	7	4%	9	13.9%	16	6.7%
11	2000	6	3.4%	3	4.5%	9	3.8%
12	2001	9	5.2%	–	–	9	3.8%
13	2002	6	3.4%	–	–	6	2.5%
	Total	114	100%	66	100%	240	100%

Source: *General guide for Yemeni newspapers and publications 1962-2002, Ministry of Information, May 2002*

The table reveals the following:

- In 1990 Yemen witnessed a remarkable surge in the number of newspapers and publications that were granted licenses to practice the profession of journalism, or registered in the records of the Ministry of Information. The rate of these was (15.5%) of the total number of newspapers and publications. The rate of magazines was (19.7%).

Consequently, the total number of newspapers, magazines and publications rose to (40), equaling a share of (16.7%).

- 1992 witnessed the highest number of new appearances with (18.4%) for newspapers and publications and (24.2%) for magazines. The total number of issues in 1992 was (48) newspapers, magazines and publications, equaling (20%) of the total sum.

- In 1999 the number of newspapers, magazines and publications that were granted licenses or registered reached a total of (16), or (6.7%) of the total.

- In 2000 the number of newspapers, magazines and publications that made their appearance was (9), equaling a rate of (3.8%) of the total.

- In the period between January and May 2002, six newspapers appeared, or (2.5%) of the total.

Article nr (42) of the constitution emphasizes that "every citizen has the right to participate in the political, economic, social and cultural life...". It says also that "the state guarantees the freedom of thought and expression of opinion in speech, writing, and drawing; in the boundaries of law". Article nr (27) of the constitution specifies that the state guarantees the freedom of scientific research and literary and artistic achievements that conform to the spirit and objectives of the constitution. The state is also required to give all possible support for the advancement of arts and sciences, to encourage scientific and artistic innovation and excellence, and protect the achievements and products thereof.

The law of press and publications nr (25) for the year 1990 confirms in its various articles the freedom of opinion, expression and thought; the freedom of knowledge and communication, the independence and freedom of the press in its work and what it publishes. The same is true for seeking news and information from their sources. The purpose is to allow the press to serve society, form public opinion and express its views by all means of communication, all with due respect for the Islamic faith, the

constitutional foundations of state and society, the goals of the Yemeni revolution and national unity. No interference is allowed in the work of the press except within the limits of law. The law guarantees the rights of journalists and innovators, including their right to free speech and opinion and to obtain information from its sources. The law requires parties that possess such information to give the press access to it, and a journalist has the right to publish such or to refrain from publishing. He is entitled to keep the confidentiality of sources of information and cannot be forced to divulge it, except within the bounds of the law. The law emphasized further the right of journalist to cover any local, Arab or international event regardless of the nature of official relations existing between the state and the place of the event. The legal guarantees also cover the right of a journalist to be a correspondent of one or more news media, be it Arab or foreign, provided he obtains a written authorization from the Ministry of Information.

The press law entitles journalists to protect their rights in the syndical framework and through the legal means guaranteed constitutionally and legally, or by direct resort to the courts; and provides journalists with the necessary legal guarantees for practicing their profession. A journalist may not be dismissed, suspended from work, transferred to a non journalistic work, prevented from writing or brought to accountability except in the bounds of law and regulations in force.

The law specifies that the right to own and publish newspapers and magazines is guaranteed for citizens, legal political parties, individuals and public legal entities, popular organizations, artistic associations, ministries and government institutions; provided that a license is obtained from the Minister of Information. This is done by sending the minister a written request containing all the information required by law. If somebody's request for a permit to publish a newspaper or a magazine was refused, the law gives him the right to appeal the decision in courts.

The law exempts from these procedures political parties, popular organizations, artistic associations, ministries and government institutions by granting them certain facilities for publishing newspapers and magazines. These have only to inform the Ministry of Information of the names of the responsible editor-in-chief and the editorial staff, and of any changes within ten days of their coming into effect. The concerned parties mentioned in this regulation are required to register their newspapers, magazines and publications with the Ministry of Information. The law makes the editor-in-chief fully responsible for whatever is published

The law has guaranteed the right of parties to publish newspapers after informing the ministry, but the Ministry of Information may intervene to stop publication when they deal with subjects considered by the ministry as prohibited from material. This is regarded by political parties as a measure falling outside the prerogatives of the ministry and should be referred to the committee for party affairs or to courts. The ministry believes that it is entitled to this right as it represents the authority that grants licensing in accordance with the law, so it is the minister's right to apply this measure, and the courts have other functions specified by law.

There are financial conditions attached to the freedom to publish newspapers and magazines, specified in article nr (2) of the fiscal chart of the law which says: with the exception of newspapers published by authorized political parties and organizations, popular and artistic organizations, ministries and governmental institutions; the fiscal chart imposes financial burdens and dues on persons requesting licenses. Jurists argue that this regulation violates the contents of article nr (74) of the law of finances which says that the imposition of taxes and dues must take place after preliminary scrutiny of the legislative authority which has this prerogative. Nevertheless, the executive chart of the law of press and publications issued by Presidential decision through the legislative authority states in paragraph nr (5) of article nr. (46) that the Minister of Information has the right to issue the fiscal chart, which specifies a minimum deposited capital for publishing a newspaper or magazine in the following order:

- Two million riyals for a daily newspaper.
- Seven hundred thousand riyals for a weekly newspaper.
- One million two hundred thousand riyals for a weekly magazine.
- One million riyals for a monthly magazine.
- One hundred thousand riyals for a publicity periodical.

The chart requires the owner of the publication to pay the general directorate of finances in the ministry a sum equal to (5%) of the capital of the newspaper or magazine, as specified in the second article of the chart. This is in return for obtaining a license to publish a newspaper or magazine, provided that the publisher presents a valid bank guarantee to the ministry. The publisher pays (1%) of the capital when he renews the license annually. If the newspaper or magazine loses the license, the publisher has to pay (10,000) riyals to obtain a replacement for the loss. All these funds are transferred to the state's general treasury. The minister is entitled to exempt news-

papers and magazines specialized in certain topics from the licensing dues, partially or totally. Concerned authorities¹⁷ consider the condition of an operational capital imposed only on private newspapers a service rendered to the newspaper and its owners, providing security from unexpected circumstances that may occur and force the newspaper to stop its publication. This was the case with many newspapers that were not able to pay the printers or the salaries of their employees.

B– Circulation of Newspapers and Publications

The law has specified conditions for the importation and distribution of newspapers, magazines and publications. It requires whoever wishes to import, sell, distribute and handle books, publications, cultural magazines and to hold cultural exhibitions, to obtain in advance a written authorization from the Ministry of Culture. And whoever wishes to practice the profession of importation, sale, distribution of newspapers and magazines must obtain in advance a written authorization from the Ministry of Information.

Any newspaper, magazine or publication printed outside Yemen may be circulated unless it contains a subject prohibited from publication and circulation in accordance with current laws, and the competent minister has the right to prohibit the circulation of any newspaper, magazine or publication if it contains anything that contradicts the terms of this law.

No newspaper, magazine or publication may be circulated if it does not carry a title, the names of the licensee, the editor-in-chief or author, the date and place of printing, the price per issue and the subscription fee, the issue number, the name of the printing press and the publishing house. All these details must be printed visibly on a page of the newspaper, magazine or publication.

Measures to prohibit a newspaper, magazine or publication do not exclude legal action against it. It is allowed to open a bookshop to sell newspapers, magazines, publications and stationary; and to hold cultural exhibitions to circulate such publications, provided that the concerned party obtains a written authorization from the competent section of the Ministry of Culture. An authorization is not needed for the distribution of newspapers, magazines and publications as an auxiliary, not primary occupation.

The law has given the competent minister the right to prohibit the circulation of any newspaper, magazine or publication if the content contradicts the provisions of the law which guarantees the owner of the newspaper, magazine or publication the right to appeal the prohibition in courts of law.

C– Limits to the Freedom of Opinion and Expression

As mentioned earlier, the International Convention on Civil and Political Rights has imposed restrictions on the freedom of expression and circulation of information. Article nr (19) of the convention specifies these restrictions and demands that national laws include them, provided that they are not imposed except to serve the objectives of exercising these rights. Also, the imposition of restrictions should be only to protect public security and order, the rights and reputation of others, public morals and public health. The convention requires that national laws prohibit any propaganda for war, national, racial or religious hatred; or any incitement to discrimination, animosity, violence and the like.

Consequently, restrictions and prohibitions contained in the laws of the press and censorship on artistic products that regulate the freedom of information, and the articles of penal statutes relevant to crimes of publication and the press, can be considered as acceptable, provided that they are applied within limits and without exaggerating the reasons for their application. Another condition for the acceptance of restrictions is the use of accurate legal terms to avoid imprecise interpretations and exaggerations in incriminating the freedom of speech. The restriction imposed on the freedom of expression must be proportionate to the benefit expected to be achieved. In other words, the public benefit obtained from the restriction or prohibition imposed on the freedom of expression must clearly outweigh the damage caused by permitting it. Furthermore, the legislator should not resort to excessive penalties with negative effects that exceed by far the damage caused by not imposing restrictions on the freedom of expression and publication. This explains the necessity of establishing a reasonable balance between penalties for crimes of the press and publication on the one hand, and the nature of the committed transgressions, on the other.

In this framework, it is necessary to understand the many complaints raised by journalists, public opinion activists, UN human rights committees and international organizations against the legal restrictions imposed on the freedom of expression, and the freedom of the press and publication in general, and whose application have led in many cases to penalties of imprisonment and deprivation of liberty. There is a growing need to reexamine many legal texts and rewrite them in a manner that conforms to the spirit

¹⁷ Reply of the Republic of Yemen to the report of the American State Department.

and tenets of the International Convention on Civil and Political Rights. The same process of revision must be applied to the constitutional guarantees for the freedom of expression to cleanse them from imprecise terms that can be interpreted in a manner more repressive to the liberty of expression.

Penalties prescribed in the law of the press vary between imprisonment, monetary fine, closure of the printing press and the location of the trade, prevention from work, confiscation of materials and impounding the printed matter.

In this context the great importance of the initiative launched by the President of the Republic in May 2004 becomes apparent, as it contains instructions to the Ministry of Information to revise the law of the press and publications nr (25) for the year 1990 and to intro-

duce amendments that abolish the penalty of imprisonment for journalists because of what they publish.

This initiative was welcomed warmly by Yemeni and Arab journalistic, juristic and syndical authorities as an important step inspired by deep perception and wisdom. The initiative is of an extraordinary importance in strengthening the foundations of press freedom and the liberty of opinion and expression in Yemen.

It is worth noting that a report issued by the journalists' union that was distributed during its third general meeting contained a listing of interventions against the freedom of the press and journalists during the past five years (1999-December 2003).

The report listed (130) opinion law suits in Yemeni courts against the press and journalists in the men-

Table showing the number of instances in which the press and journalists were summoned to court (1999 – December 2003)

Year	1999	2000	2001	2002	2003	2004	Total
Court Appearances of Press and Journalists	19	26	28	31	26	–	130

tioned period. Two cases were considered aggravated crimes in accordance with the law of criminal penalties. The year 2002 witnessed the highest rate of cases in which newspapers were referred to the general prosecution and to courts of law. These totaled (31) cases, followed by the year 2001 which witnessed (28) cases and the year 2000 with (26) cases. In 2003 the total number of such cases was (19), the same as in 1999.

Out of the total, no verdicts were announced till today in (34) cases, while the courts indicted newspapers and journalists in (36) cases. Twenty three cases were dismissed for lack of a criminal act and (24) other cases were ended either by reconciliation or withdrawal of charges. Journalists were found innocent in (8) cases, four cases were shelved, two of which due to the death of the defendants. A court refused one case for lack of evidence.

The year 2004 witnessed the appearance of numerous journalists and newspapers before the general prosecution or courts with charges that varied from damaging Yemen's relations with neighboring countries to supporting the Al-Haouthi rebellion, endangering national unity, infringing public morals, slandering the President of the Republic or other officials and other accusations for which court verdicts were pronounced. The penalties varied between

imprisonment from six months to two years, prevention from writing and monetary fines. In some cases newspapers were closed for periods of six months to one year, and some penalties were compounded by two simultaneous sentences.

Some of the verdicts had to be executed, and two newspapers were actually closed, one for six months and the other for one year. One journalist is in prison since October 2004 as he was sentenced by court to one whole year in prison. The newspaper (Al-Mithaq) which is published by the ruling party- The General People's Congress- received the heaviest monetary fine amounting to (15) million riyals.

With the expiration of the year 2004, interrogations and trials continue for some newspapers and journalists. The Minister of Human Rights, meeting with male and female journalists who had gone to the ministry after a sit-in in the journalists union, proclaimed her solidarity with the editor-in-chief of (Al-Shawra) newspaper, and promised to do all in her power to have him released. She made reference to the call of the President for the abolishment of imprisonment of journalists and stressed that "such a penalty has no place in a society attempting to stand on its feet". The journalists union had sent a letter to the minister detailing the illegal measures that were taken against the journalist and the newspaper and

requested her to stand on the side of human rights and to work for the release of their colleague. The Minister of Human Rights called on the journalists union to take the initiative of presenting an alternative draft law of the press to replace the existing one. The chairman of the committee on rights and freedoms of the Consultative Council¹⁸ described the verdicts pronounced recently against the press and some journalists as “very sensitive issues in respect of the subject of public freedoms and human rights, since the international community is watching closely the performance of countries in the area of the liberty of expression and of the press. The subject of measures and sentences directed against journalists in Yemen is certainly a phenomenon not appreciated by the parties concerned with the freedoms of the media in the world. But what speaks for Yemen is that what happened came by way of justice and courts, and this in itself is a progress in Yemen’s dealings with the press”

D– Censorship on Artistic Products

Materials classified as artistic products in terms of the law are (all kinds of cinematographic films, optical tapes and discs, video tapes, audio tapes and records, microfilms, photographic pictures, publicity and advertisement, transparencies, paintings, scenarios for theatrical performances and song lyrics). Presidential decision nr (26) was issued to deal with the subject of censorship and control of these products, and a committee was formed with the responsibility of authorizing the production, display or handling of these products. The committee intervenes to cut out segments it deems improper in the limits of (15%) of the total projection time. If it is necessary to cut out more, then the committee does not grant the authorization for public display. According to the Presidential decision, the Minister of Culture has the right to stop the exhibition of an artistic product that had been allowed earlier if circumstances ensue that necessitate such a measure. In this case the artistic product is sent back to the committee for a fresh review in the light of these new circumstances.

Artistic works produced or imported by the government owned radio and television authority are not subjected to censorship by the committee because they are reviewed by an internal panel formed especially for the purpose.

Article nr (3) of the decision prohibits the display or the sale of artistic products that contain calls to atheism, offend religions and traditions, are of mediocre intellectual and topical content or based on superstition and fiction far away from scientific facts.

Censorship on these products may be necessary in reality if it remains within acceptable limits in line

with the international convention, and if done for considerations related to the respect of religion, public morals and the traditions and values of society.

The possibility of withdrawing a previously obtained authorization for an artistic product because of ensuing circumstances or developments may open the way for manipulative actions not related to the requirements to the content of the artistic work, even if this is void of any prohibited elements in the eyes of society.

E– Audio Visual Media

Although there is nothing in the law to prohibit civic institutions, the private sector, or even private persons from owning radio and television stations, there has never been a case where such parties submitted a request to the concerned authorities for the establishment of a radio or television station.

The state owns one satellite TV channel, two ground TV channels and eight radio stations, five of which broadcast only within the governorates they are located in.

There are forty six cinemas in Yemen and they are distributed over the country’s governorates as follows:

The capital’s district: four, Aden: nine, Ta’az: seven. There are two movie houses each in Lahj, Shabwa and Ibb. Al Hudaidah: eight, Abyan: four, Hadramaut: five, Al Mahra: (Please refer to the corrections I made to the names of governorates in the other chapters) one movie house. All these cinemas are owned by the private sector. The decrease in the public’s interest in visiting cinemas has led to a freeze on the construction of any new cinemas since the end of the seventies of the twentieth century.

F– Internet

Internet service in Yemen began in 1996, and it is provided by the public telecommunications authority and the Tele Yemen company. A study published on the web site of the Arab network for human rights information shows that the number of Internet users in Yemen is estimated at around (1,5000) persons. The number of subscribers is much lower since more than one person use the same subscription.

Year	1997	2000	2004 (April)
Number of users	1,760	2,000	150,000

¹⁸ Dialogue (Interview) conducted with Engineer Mohammad Al-Tayeb, chairman of the committee on rights and freedoms of the Consultative Council- Al-Nas newspaper issue nr. (229) dated 10 January 2005, p. 3.

The increase in the number of subscribers in the Internet service in Yemen brought the total to (920) in July 1997. In November 1997 the number fell to (840) and in October 2000 the number of users was (2,000). Then the number of users multiplied rapidly to reach (150.000) in April 2004.

Year	2001	2002	2003
Number of subscribers	7,034	12,787	32,607

This figure remains low compared to the size of the population estimated at around (20) million people. The study pointed out that there were around (140,000) computers in Yemen in 2003, or seven computers for every (1,000) inhabitants. In 2002 there were (248) web sites on the Internet, of which (51) belong to the government, (15) news web sites, (24) web sites for embassies and organizations, (91) web sites for private companies, (23) educational web sites, (6) for banks and insurance companies, and (7) web sites for clubs and services. Male Internet users make up (76%) of the total, against (24%) for females. Age group from 21 to 25 years account for (40%) of users. They are followed by the group from 26 to 30 years with (31%) and then the group from 31 to 35 years with a share of (15%).

The study pointed out that banning web site by concerned authorities from time to time led to a decline in the number of Internet users. For their part, the authorities maintain that the ban involves pornographic web sites to protect morals and social values.

The freedom of receiving information and exchanging it with others through Internet is an integral part of the freedom of expression. Until now there are no legal texts or statutes in Yemen to regulate this right, but it has become a de facto reality of life reflected through the spread of electronic media and the various web sites on Internet, regardless of whether these belong to parties or government or media institutions, or to organizations of civic society or private persons. Numerous electronic newspapers have appeared voluntarily and their establishment did not require any official action. Benefits derived from Internet services are not limited to a group or institution to the exclusion of others, but the high cost of computers is an obstacle facing citizens who want to own them. Consequently, many Yemenis resort to Internet cafes to utilize their services after their fees have become symbolic and affordable.

In conclusion, it is very important to adhere to the principle of freedom of opinion and expression, and the right to the exchange of information as a rule that may not be squandered in any way. Judicial authorities alone should have the right to take decisions on banning or concealing a web site. Journalistic ethics and the rules governing the freedom of opinion should not be regarded as restrictions imposed on the freedom of speech and expression of individuals or institutions. They imply rather safeguarding credibility and restoring the lost confidence between the press and large segments of public opinion on the one hand, and between the press and the institutions who own the information they seek, on the other. The adherence of journalists to professional ethics and their wise use of the freedoms of thought, opinion, speech, reception and exchange of information are the best guarantees to limit administrative and legal restrictions.

We believe that it is very important to emphasize a number of recommendations that ought to be taken into consideration, mainly:

- Giving high priority to publicizing human rights in general and the freedoms of opinion and expression in particular, through the various media and communications outlets, since this is an important condition for strengthening rights and freedoms.

- Monitoring and recording positive developments capable of improving the performance of democracy and public freedoms, while, at the same time, observing any breaches of laws or established policies that would infringe liberties.

- Laying down policies to preserve the right to obtain and exchange information, strengthening the guarantees required therefore and considering this endeavor as a legal requirement for solidifying the democratic process and political pluralism in the framework of the constitutional principle guaranteeing the freedom of opinion and expression.

- Establishing sound norms to guarantee the neutrality and objectivity of journalists (especially in respect of scrutinizing information and documenting events).

- It is necessary for journalists to draft a journalistic code of ethics and to supervise its implementation at the hands of a panel elected from the journalistic profession and empowered with legal authorities to monitor the performance of newspapers, detect violations and attempt to correct these in accordance with the ethics of the profession.

- Purging existing laws from imprecise articles that restrict the freedom of opinion and expression, or impose freedom robbing penalties in cases related to publication, opinion, exchange of information and

compounded crimes attributed to journalists. This includes the abolishment of precautionary detention of journalists in crimes related to their profession, reducing monetary fines imposed on them because of what they publish, contributing to the development of the legal framework surrounding the profession by enacting new laws that respond to the needs emerging in the age of electronic and Internet publishing. All of this will strengthen the freedoms of thought and expression of opinion.

- Encouraging institutions and private persons to own different kinds of media outlets, including radio and television broadcasting; and giving special attention to cultural and educational programming.

- Continuing support for the development of the communications infrastructure, and enacting special economic and fiscal policies for the purpose, to make dues and custom duties imposed on communications equipment, wire operated or wireless, affordable in relation to the prevailing economic capabilities. This should include imported programmes and making the cost of Internet services to become within the reach of every body.

9– The Right to Form Associations and Political Parties

This principle is based on accepting the right of every person to become a member of or participate with others in the formation of parties and public associations and to join these to protect his interests and express his free will. The state may not put restrictions on the practice of this right, except those prescribed by law and needed in a democratic society to preserve national security, public safety, public order, public health, public morals and the rights and freedoms of others.

The ground rule in Yemeni legislation is the consolidation of freedom to form associations, political parties and non-governmental institutions, since the political system of the Republic is founded on political and partisan pluralism for the purpose of peaceful transfer of power¹⁹.

In line with above, article nr (58) of the constitution says that “citizens in all parts of the Republic have the right to organize themselves politically, professionally and syndically, in a manner that does not contradict the terms of the constitution. They have the right to form scientific, cultural and social organizations; and national unions in line with the objectives of the constitution. The state guarantees this right and takes all necessary measures that enable citizens to practice it. The state guarantees the freedoms of institutions,

political, syndical, cultural, scientific and social organizations”.

This straightforward and clear article of the constitution is the direct source for the freedoms of the institutions of civic society, whatever their kind, form or name. What distinguishes this article is that it is void of any restrictions except the provisions of the constitution itself. It did not limit the principle of freedom by making reference to the terms of common law, but rather distinguished itself by not asserting only the freedom to form institutions of civic society, but also guaranteeing the to unquestionable right to the process of organization on the one hand, and obligating the state, on the other, to guarantee this right, not to impede it and to facilitate its application. This text reflects how advanced the Yemeni constitution has become, since the constitutions of most Arab countries either restrict this right or refer it to supplementary laws that impose restrictions and limits on freedom.

The state has taken measures to ensure a wide participation in civic work within the country’s civil, political and social life. One of these measures was the total amendment of the set of laws regulating this sector, and the enactment of new laws and statutes that conform with the progressive provisions of the constitution to reinforce citizens’ freedom to form their voluntary organizations. The new laws are:

- Law nr (66) for the year 1991 on political parties and organizations.
- Law nr (1) for the year 2001 on non-governmental associations and institutions.
- Law nr (35) for the year 2002 on the organization of syndicates.

First: Law on Political Parties and Organizations

This law comprises numerous texts that guarantee the right to peaceful congregation and formation of political parties and organizations. Article nr (3) emphasizes that “public freedoms, including political and partisan pluralism based on constitutional legitimacy are a foundation of the political and social system and they may not be abolished or restricted”. Article nr (5) of the same law says that citizens... “have the right to form political parties and organizations, and the right to voluntary membership in any political party or organization in accordance with constitutional legitimacy and the provisions of this law”.

The purpose of this law is to define rules and procedures for the formation and work of political parties and organizations in the country, where a political

¹⁹ Article nr (5) of the constitution.

party or organization must conduct its political activities democratically and by peaceful means to achieve well defined and publicized programmes dealing with political, democratic, economic and social issues of the country. Political parties and organizations participate in the democratic, economic and political life to ensure the peaceful transfer of power or sharing it through free and fair general elections.

The law enumerates the conditions that a person must fulfill to organize or participate in organizing the process of forming a political party or organization, mainly to be a Yemeni citizen, not a member of the judicial system or an officer of the armed forces or security forces, not an employee of the diplomatic or consular services performing duties in Yemeni missions abroad, not deprived of the right to work in politics by a court verdict, and not sentenced in a dishonorable crime, save if he had been rehabilitated.

To form a political party or organization, it is necessary to obtain an authorization from the Committee for Political Parties and Organizations based on demand presented to the Committee, provided that the number of members at the time of formation is at least (2500) persons. The committee may object to the formation of a party within (45) days starting with the date of receiving the demand. In this case the committee finalizes a decision, records and documents it and informs the applicant(s) within one week of taking the decision at the most. The applicants may refer the case to the appropriate court for a summary ruling. If the committee does not object within the said period, then this is considered as an approval of the demand. The law prohibits political parties and organizations from accepting any donations, favors or benefits from any non-Yemeni person or entity; or from any juridical person, even if the latter has Yemeni nationality. Party revenues must come only from members' fees and contributions, state subsidies and income generated from investing party funds in non-commercial activities.

Second: Law nr (1) for the year 2001 on Non-Governmental Associations and Institutions

This law is distinguished by the fact that non-governmental associations and institutions participated in its drafting and formulation in the expanded conferences and meetings that were organized by the government for the purpose. This procedure in drafting laws led to the emergence of a number of priorities, mainly:

A- Consolidating the principle of the freedom to form and establish non-governmental associations and institutions.

B- The freedom to participate in and work for the achievement of objectives.

C- Adopting the method of partnership with these organizations in development work, through the provision of support, sponsorship, and financing to help integrate them in the development process and to achieve complementarity of performance and functions.

This law clarifies the financial aspects and reaffirms the principle of transparency in revenues and resources. Yemeni legislation was able to overcome the problem of foreign financing by allowing non-governmental organizations (NGO's) to remain in touch with foreign institutions to obtain financing, provided that this is done with the knowledge of the Ministry of Social Affairs. In addition to this flexible attitude, the law has accepted that subsidies, grants and contributions do constitute a source of income for non-governmental organizations.

The flexibility of laws and regulations in dealing with the non-governmental sector, their recognition of the freedom to form associations and the simplicity of the process have led to a surge in the number of NGO's, unions and syndicates, and the total number reached (4,576) cooperatives, syndicates, unions and non-governmental associations.

The state committed itself through laws and statutes to give all kinds of support and encouragement to non-governmental and popular activities. It considers these components of society a partner in the process of economic and social development. This attitude was reflected in a number of measures and actions taken by the state to support this sector through annual financial support to non-governmental associations and institutions in accordance with conditions prescribed by law. The total amount of financial aid given by the state in fiscal year 2003 was (88,700,000) riyals, and (216) NGO's were beneficiaries. The aid is given on the base of conditions specified by the law on non-governmental associations and institutions.

The increase in the amount of financial aid given by the state and the number of benefiting associations is clearly visible in the figures for 2004. The total aid allocated by the government rose to (114,000,000) riyals, and the number of beneficiaries became (244) NGO's including associations, institutions, unions, and syndicates in all governorates. The increase in aid allocations from 2003 was (15%), and the number of benefiting organizations climbed from (216) to (244).

10- The Right to Participate in Managing Public Affairs

This principle requires the acceptance and protection of every citizen's right to participate in the management of public affairs, his right to elect and be elected in free, impartial and honest elections; and his right to

be able to occupy public office without any discrimination of any kind. This participation is strengthened by guaranteeing the freedom of speech, congregation and the formation of associations.

This principle is regarded in Yemen as a basic precept anchored by the constitution and Yemeni laws. Article nr.(4) of the constitution emphasized this and states that “the people is the owner and the source of authority, the people exercises it directly through plebiscites and general elections, and indirectly through the legislative, executive and judicial branches, as well as through elected local councils.” Additionally, the provisions of the elections laws have specified the general conditions required in a person to be entitled to participate in public affairs.

It is important to underline here the necessity of ensuring the honesty and freedom of elections that must be held periodically in accordance with laws that guarantee full exercise of electoral rights and the freedom of eligible voters to choose whomever they wish.

In line with above, three legislative elections were held since 1990, on 27 April of the years 1993, 1997 and 2003.

In 1991 a referendum was held on the constitution, and the first direct multiple candidate elections for the post of President of the Republic were held in 1999. On 20 February 2001 a referendum was held on constitutional amendments, simultaneously with local elections.

Holding honest elections requires the formation of an independent electoral authority charged with supervising the elections to guarantee their fairness, honesty and conduct according to law, from preliminary tasks and preparations to the actual operations and, finally, to the declaration and documentation of results. This is the role entrusted to the higher elections committee which is composed of seven members as prescribed by law. The members are appointed by Presidential decision based on nominations by the Chamber of Deputies. The committee is financially and administratively independent, has a legal personality and exercises all functions, duties and prerogatives specified by law in full autonomy and impartiality. No intervention whatsoever is allowed in the business and functions of the committee, and its prerogatives may not be restricted.

Law gives every concerned person the right to petition a court of law to contest any action deemed unconstitutional or unlawful taken by the higher elections committee, and the judicial authority rules on the matter.

Yemeni judicial authorities have the responsibility to investigate all claims of wrong doing in the electoral process and to pronounce legal rulings. The

law specifies that the Supreme Court should form an auxiliary panel composed of all presidents of appellate courts in the governorates to investigate and rule on the veracity of appeals made against the process of voting and counting the votes. The Supreme Court announces its decisions on the base of the panel's findings within ten days of receiving a reply, and the court verdicts are final.

The judiciary is the only authority entitled to impose penalties for violations of the elections law. The general prosecution conducts investigations and interrogations in accordance with the provisions of the law on procedures and other statutes in force.

To ensure the honesty of elections in Yemen, the electoral system requires:

1. Freezing partisan activities of members of the higher elections committee for the whole duration of their membership in the committee. Members of the committee have to adhere to impartiality.
2. No field electoral committee may be composed of members of one single party.
3. All actions and decisions of the higher committee have to be public and they must be reported by the various news media.
4. It is prohibited to use official media or public financial resources for the benefit of a party or a candidate.
5. It is not allowed to use army or security assets for the benefit of any party or candidate.
6. It is not allowed to influence citizens in any manner that violates the law for the benefit of any party or candidate.
7. All parties and candidates have equal access to official news media for the purpose of electoral publicity.
8. Lists of voters must be announced publicly for everyone to see.
9. Every concerned person has the right to petition a court of law to complain about any infringement of the law as concerns voters' lists or decisions and actions taken by the higher committee or field committees.
10. Using a special ink to taint a voter's finger, provided that it cannot be removed before the passage of twenty four hours from the time of casting the vote.
11. Using special counterfeit-proof paper for the elections and symbols to help illiterate voters make their choice.
12. Giving candidates the right to appoint representatives in all election centers to observe the electoral process.
13. Giving candidates the right to observe the counting of votes, either personally or through representatives.

14. Giving every concerned person the right to contest the results of counting before the appropriate court.
15. Giving every voter and candidate the right to contest before the Chamber of Deputies the legitimacy of any deputy's membership.
16. Allowing parties, foreign and local popular associations to observe the process of elections or plebiscites.

On the right to occupy public office without any discrimination:

Citizens are entitled to occupy posts in the public service on the basis of equality. This requires that procedures and rules applied for appointment, promotion, temporary suspension and dismissal from work be objective, reasonable and applicable on everybody without discrimination. The law of civil service nr (19) for the year 1991 says in paragraph (C) of article nr (12) that "the occupation of public office is based on the equality of opportunities and rights of all citizens without distinction. The state ensures the necessary means of supervision to ascertain the application of this principle." Government posts that are not filled by elections are open to all citizens according to their skills, qualifications and educational capacities. There are no legal restrictions to prevent any citizen from applying for any post that befits his educational capacities.

11– The Principle of Impermissibility of Propagating War and Renouncing Hatred

This principle requires that laws ban any propaganda for war or any call to national, racial or religious hatred and any instigation to discrimination, enmity or violence. The ban should include all forms of propaganda that imply the threat of aggression or breach of peace in that contradiction of the Charter of the United Nations. On the other hand, this principle does not negate the sovereign right of countries to self-defense or the right of peoples to self-determination and independence.

The constitution and current laws contain a number of principles and regulations that prohibit propagating war and racial hatred, such as article nr (3) of law nr (66) for the year 1991 on political parties and organizations, which says: "... no political party or organization may abuse this right and undermine the elements of national interest in preserving sovereignty, security, stability and national unity." Article nr (8) of the same law mandates rejecting the formation, activity or continued activity of any political party or organization established on the basis of regional, tribal, confessional, ethnic or professional allegiance;

or that discriminates against citizens because of race, origin or color; or agitates on anti-religious grounds; or declares other political parties, organizations or society and its members as infidels; or claims to represent the faith, patriotism, nationalism or the revolution. The same article prohibits political parties and organizations from resorting to violence in carrying out their activities, regardless of the form of violence or the threat and instigation to use it. They are also prohibited from including any instigation or call to violence in their political programmes or publications. The law prevents political parties from forming military or paramilitary units of their own.

Article nr (103) of law nr (25) on press and publications for the year 1990 prohibits "the publication and diffusion of whatever leads to arousing tribal, confessional, racial, regional or ethnic grudges, inciting divisions and conflicts among members of society, declaring others as infidels or instigating resort to violence and terrorism".

Law nr (1) for the year 2001 on non-governmental associations and institutions contains several articles that prevent organizations and associations at the time of their establishment from adopting objectives that violate the constitution and current laws (articles 4, 68, 79).

Article nr (193) of the law on crimes and penalties says that whoever incites to a crime or crimes, and such a crime or crimes are actually committed as a result, is considered an accessory and is sentenced to the prescribed punishment, usually for not longer than five years in prison or a fine unless the case involves a capital crime. Article nr (194) of the same law requires that following offenders be sentenced to prison for no more than five years or to monetary fines:

First: Any person who proclaims publicly opinions ridiculing or debasing religion in its beliefs, rituals and tenets.

Second: Any person who incites publicly to despise or victimize a religious sect, if this action disturbs public peace.

Article nr (261) has banned any violation of the freedom of belief and imposed a prison term not exceeding one year or a monetary fine not exceeding (2.000) riyals for whoever:

1. Damages, disfigures or desecrates a mosque or any other structure that had been dedicated by government license as a place for religious cult, a religious symbol or for other purposes of religious sanctity.
2. Disturbs intentionally the holding of religious ceremonies of a recognized confession and prevents such ceremonies by violence or threats thereof.

The recent decision of the President of the Republic to pardon the members of the list of sixteen who had

been sentenced by courts and call them back to participate in the building of the fatherland is considered a significant and real sign of the will to renounce war, hatred and violence. The government has revised the tone of its public cultural and religious speech carried through the press, media outlets and other means of communication. Religious leaders, mosque preachers, teachers, university professors and educational groups in the mosques were urged to carry out their duty in explaining the glorious tenets of Islamic Shari'a and to publicize its noble purposes to all people, wherever they are and whatever group they communicate with. The purpose of this effort is to bring them together, and to strengthen the bonds of friendship and devotional brotherhood among them, that they may not be adversaries or act to insult one another.

This principle is faced by problems afflicting Yemeni society such as the tradition of blood feuds and the carrying of arms, and the grave social and economic effects they have, such as weakening the foundations of security and social peace. Cases of blood feuds are very complicated in their nature, implications and causes. This is why treating this problem and eliminating it require much time, efforts, capacities and the cooperation of all segments of society, including associations of civic society, to combat this phenomenon. It is a dangerous social problem and the government is exerting continuous and serious efforts to combat this negative phenomenon. This endeavor found its culmination recently when the tribes responded positively to the call of the President of the Republic to declare a general reconciliation and a settlement of problems among the tribes. The President gave instructions to form a higher national committee composed of the Deputy Prime Minister, the Minister of Finance, the Minister of Justice, the Minister of Interior, the Minister of Local Administration and four distinguished jurists known for their qualifications, experience and honesty, as well as a number of tribal chieftains social personalities. The higher committee is required to form auxiliary sub-committees in the governorates suffering from cases of blood feuds and that needs the services of such committees. These will be headed by the governor and will have a number of members, namely the Secretary General of the local council, the chairman of the appellate court of the governorate, the director of security, the parliamentary deputies of the governorate, a number of religious leaders, senior tribal chieftains and social personalities of the governorate. The auxiliary committees will classify blood feud cases, clarify their causes, propose appropriate solutions and report back to the higher committee,

which will study each case separately and find a suitable solution to heal the scars. The higher committee will send to the President of the Republic a report on all its actions. It is worth noting here that pacts of reconciliation have been sealed in some governorates to terminate blood feuds and solve the problems resulting from them.

Entry points for efforts to strengthen civil and political rights

The previous review reveals that the country has moved far ahead since the nineties to deepen respect for civil rights and enlarge the available space for political freedoms and rights, especially after adopting pluralism as the foundation of the political system. This was expressed in the enlargement of the map of political parties, non-governmental organizations and associations of civil society as well as human rights groups to the limit that Yemen has become the scene of many national, regional and international activities in the field of human rights.

This reflects also a greater flexibility of Yemeni authorities in dealing with these activities in comparison to earlier times. During the recent years there was significant growth of the role played by the press, publishing and media outlets. It should not be forgotten here that Yemen did hold presidential elections with more than one candidate competing for the post. Yemen also amended its constitution to limit the President's mandate to only two terms, enlarging the possibilities of peaceful transfer of power.

Nevertheless, components of this report dealing with the main features of the Yemeni legal system and the criticism implied in many reports issued by international institutions and national NGO's reveal numerous deficiencies in legislation and implementation that need to be corrected. They also reveal the need for additional governmental and non-governmental efforts to strengthen and protect civil and political rights and freedoms.

In this framework it seem important to present an integral package of policies, procedures, trends and programmes to deal in particular with following issues:

1. Adopting a more ambitious programme for legislative reforms to reinforce basic rights and public freedoms, benefiting from the momentum created by the initiative of the President of the Republic toward the abolishment of freedom robbing penalties for crimes of press and publication. This momentum is also visible in the direction that the official speech of the state and its senior staff has taken toward revising a number of public policies in the light of current international and regional changes.

There is also the opportunity to exploit the channels of dialogue and partnership with the organizations of civil society, the different political institutions and human rights organizations for the purpose of consolidating the practice of democracy in Yemen.

2. Finding common grounds with organizations of civil society, official institutions, media people and educational circles to develop effective programmes for the renunciation and confrontation of ideologies and tendencies that encourage the culture of fanaticism and violence. This action is an important entry point for combating the phenomena of terrorism that create an atmosphere in which security considerations are given preference over strict adherence to the norms of human rights and the guarantees of public freedoms.
3. Devising appropriate means and methods to strengthen judicial and parliamentary supervision of the performance of security services and ensure that their actions remain within the boundaries of law in all cases. Efforts should be reinforced to eliminate legal and procedural difficulties that infringe the right of citizens to sue public officials if they overstep the limits of their authority and use it abusively, whether in the process of arrest, detention, search or in conditions of imprisonment.
4. Giving highest consideration to the adoption of common programmes between the governmental and non-governmental sectors to advocate and spread the culture of human rights. In this respect it is necessary to conduct a radical revision of educational curricula, media programmes and religious messages as a contribution toward reinforcing principles and guarantees of human rights within the current legal environment, and in expectation of positive developments in the future.
5. Realizing that strengthening the freedoms of expression, creativity and exchange of information requires not just the improvement of the legal environment and relaxation of restrictions imposed on these freedoms, but also, and in particular, the adoption of cultural and educational programmes designed to improve professional advocacy skills and to raise legal consciousness about the acceptable limits of restrictions imposed on these freedoms as specified in international norms of human rights. Other important measures in this respect are the reinvigoration of existing codes of honor and professional ethics dedicated to the preservation of liberties from transgressions that lead to a less tolerant atmosphere that will accept more readily stricter measures to confront violations exposed in actual practice.

