



# MOMENT OF TRUTH FOR YEMEN

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*Front cover photo:* Mourners carry the coffins of anti-government protesters during a funeral in Sana'a, 20 March 2011. Dozens of protesters were killed following a sniper attack on a demonstration that followed Friday prayers two days earlier. © Private

*Back cover photo:* Women raise their hands inscribed with the word "Leave!" during an anti-government rally outside Sana'a University, 12 March 2011. © Private

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# INTRODUCTION

**“The shooting started from different buildings around the same time and continued for more than 30 minutes.”**

An eyewitness describing to Amnesty International an attack on a protest camp in Sana'a on 18 March 2011 which reportedly left 52 people dead.

The first few months of 2011 have seen a rapid deterioration in the human rights situation in Yemen. The most shocking manifestation of this has been the brutal repression of protests calling for reform, and increasingly for President Ali Abdullah Saleh to stand down, fuelled by frustration at corruption, unemployment and repression of freedoms in the country and partly inspired by events in Tunisia and Egypt. Scores of protesters have been killed and hundreds injured after security forces have repeatedly used live ammunition to break up demonstrations.

The response of the authorities has been woefully inadequate. While investigations have been announced into some of the killings, they inspire little confidence. In some cases, almost no details have been made public about the nature and scope of the investigation. In others, information revealed about the nature of the investigating body raises serious questions about its ability to conduct thorough, independent and impartial investigations. As far as Amnesty International is aware, the judicial authorities have launched only one investigation – into the killings of protesters on 18 March. No judicial proceedings against members of the security forces are known to have been opened.

The track record of the authorities in investigating allegations of serious human rights violations by the security forces is very poor. Crucially, they have failed to adequately investigate reports of massive violations committed in the context of the unrest in the south of Yemen against those seen as secessionists; in the name of countering terrorism against those accused of belonging to or supporting al-Qa'ida; and in the context of the intermittent conflict in the north between government forces and the Huthi rebel movement against suspected Huthi supporters and, more widely, the civilian population of the region. While rarely in the spotlight of the international media in the same way that the recent repression of pro-reform protests has been, these abuses and the lack of accountability for them are of no less concern.

Reports of excessive and lethal use of force against protesters calling for the secession of the south of the country have continued over recent months, but, as far as Amnesty International is aware, no one has been held accountable either for the latest deaths or the dozens of others which have occurred in protests since 2007.

Scores of people suspected of links to al-Qa'ida have been killed by security forces over the last couple of years. While the Yemeni government clearly has a duty to combat terrorism and take measures to protect citizens and others within their jurisdiction from attack by armed groups, who have killed dozens of Yemenis and foreigners in recent years, some of the killings by government forces may have amounted to extrajudicial executions. In no case, however, are investigations known to have been launched to establish whether the use of lethal force by the security forces was lawful or not.

Hundreds, possibly thousands, of civilians have been killed in the conflict in Sa'dah since 2004, many as a result of apparently indiscriminate attacks and other violations of international humanitarian law by government forces, as well as abuses by rebel fighters. A parliamentary fact-finding committee was formed to investigate violations committed during the latest round of conflict but its findings have not been made public. There is no indication that the Yemeni authorities have conducted prompt, impartial and thorough investigations into allegations of violations of international humanitarian law during the conflict.

Hundreds of people suspected of supporting secession in the south, of having links to al-Qa'ida or of supporting the Huthi movement have been detained without charge or trial in recent years and routinely denied the opportunity to challenge the legality of their detention. Most have been detained incommunicado for months before being allowed access to family members and some have reportedly been subjected to torture or other ill-treatment. The authorities have generally failed to ensure investigations of any kind are conducted into reports of such abuses.

Yemen now faces a moment of truth. Having sought the international community's support to improve the economic situation in the country, the authorities must accept that they also need its help to carry out investigations that can uncover the full facts, the truth, about the recent protest deaths in the country. This should be the springboard for a much wider process of dealing with the heavy legacy of impunity for patterns of violations in recent years.

The international community also now needs to put pressure on the Yemeni authorities to invite in international expertise to help carry out independent investigations, and it needs to undertake a fundamental reassessment of its provision of security assistance to Yemen.

This report sets out Amnesty International's grave concerns about the government's response to the swelling protests calling for reform that have occurred this year and the authorities' failure to adequately investigate unlawful killings and other violations by its forces. It also provides an update on concerns since July 2010 arising from Yemen's other major challenges in the field of security and human rights, as presented in Amnesty International's report of August 2010, *Yemen: Cracking Down Under Pressure*.<sup>1</sup> However, it does not address other important human rights issues - violence and discrimination against women, the detention and deportation of refugees and asylum-seekers, the death penalty, torture and other ill-treatment - except when they are directly related to the concerns highlighted here.<sup>2</sup>

# 1. REPRESSION OF PRO-REFORM PROTESTS



Protest in Sana'a on 11 March 2011 © AbdulRahman H. Jaber

## A) INTIMIDATION OF ACTIVISTS DURING INITIAL PROTESTS

Political tension has been growing in Yemen since the government announced on 2 January 2011 draft constitutional amendments that would have allowed President Ali Abdullah Saleh, who has been head of state since 1978 – first as president of north Yemen and then, since 1990, of unified Yemen<sup>3</sup> – to run for presidential elections for unlimited terms. The move generated resentment among opposition parties and activists who feared that the President was paving the ground not only for a presidency for life for himself but also for his eldest son, Ahmed Ali Abdullah Saleh, to succeed him.

Two weeks later, on 14 January, Tunisian President Zine El Abidine Ben Ali was ousted. Over the ensuing week, rallies took place in solidarity with the Tunisian people. The momentum built up and on 22 January students and civil society activists participated in a large demonstration in the capital, Sana'a, to express not only their solidarity with the Tunisian public but also their desire for regime change in Yemen, including an end to the President's reign.

In the early hours of the following morning, **Tawakkol Karman**, President of Women Journalists Without Chains, was arrested in Sana'a. Tawakkol Karman told Amnesty International that she was "kidnapped", together with her husband, by members of the security forces from outside her home after they returned from a meeting with the Secretary

General of the Yemeni Congregation for Reform (Islah), an opposition party. She said that the members of the security forces failed to show an arrest warrant when she asked to see it.



Tawakkol Karman © Amnesty International

The arrests sparked another protest on 23 January by leaders of human rights organizations, journalists and university students to demand the release of Tawakkol Karman and the others detained and to reiterate the call for the Yemeni President to stand down. The security forces responded by firing tear gas to disperse the demonstrators, blocking the entry points to the area of the protest and reportedly beating some of the protesters. The police arrested dozens of those demonstrating, including human rights

activists such as **Khalid al-Ansi**, a human rights lawyer, and **Ali al-Dailami**, Executive Director of the Yemeni Organization for the Defence of Human Rights and Democratic Freedoms. Most of those detained, including these two individuals, were charged with taking part in an unlicensed protest but released on bail the following day.<sup>4</sup>



Khalid al-Ansi (pictured right) at a protest in Sana'a on 13 February 2011  
© Private

Tawakkol Karman was charged with organizing an unlicensed protest, but was also released on bail on 24 January. A few days afterwards, Tawakkol Karman's brother was reported to have received a phone call asking him to either confine his sister to her house or "those who weaken the whip of obedience would be killed". Tawakkol Karman told Amnesty International that she took the threat seriously and believed that it came from the authorities.<sup>5</sup>

Around the same time, the opposition coalition known as the Joint Meeting Parties (JMP), comprising several groups, including Islah and the Yemeni Socialist Party, organized several major rallies. The largest took place on 27 January in Sana'a and other cities in rallies in which, according to the organizers, tens of thousands of people participated. The JMP focused its calls on rejecting both the proposed constitutional amendment and the President's perceived wish to eventually pass power to one of his sons, although some protesters went further and called for the President to stand down. Activists have told Amnesty International that protesters in Sana'a changed the place of their protest at the last minute from al-Tahrir Square to the square outside the new buildings of Sana'a University, which would later become the main rallying point for the protest movement.



On 2 February President Ali Abdullah Saleh announced that he would leave office in 2013 when his presidential term expired, call a halt to the process of amending the constitution and be prepared to enter into dialogue with the JMP.<sup>6</sup> The move was seen as an attempt to absorb anger. However, one activist told Amnesty International his continuing concerns:

*“Ahmed, Ali Abdullah Saleh’s son, continues to lead the Presidential Guard forces. Yahya Muhammad Abdullah Saleh, a nephew of the president, leads the Central Security forces. Another nephew, Tareq Muhammad Abdullah Saleh, leads the Special Security forces. How can we be convinced that there will be real change if no attempt is being made to remove them from these posts. There are no safeguards that any meaningful changes will be made.”*



Protest in Sana'a on 3 February 2011 (Sana'a University pictured on the left) © Benjamin Wiacek

The following day a broad grouping of mainly students and young activists calling itself the Youth of 3 February (it has since also referred to itself as the Youth of the Revolution) organized mass protests in Sana'a, having announced on 30 January that it was calling on President Ali Abdullah Saleh to take a number of measures. These included dismissing the President's son, Ahmed Ali Abdullah Saleh, from his position as commander of the Republican Guard and Special Forces, dismissing the government and corrupt officials, dissolving parliament, appointing a government of national unity, returning “embezzled” funds, resigning from the presidency and pledging not to run for office again.<sup>7</sup> In a speech to tribal leaders on 21 February, President Ali Abdullah Saleh criticized the protesters' demands, saying they were “unacceptably high”.<sup>8</sup>

The protests of 3 February reportedly attracted tens of thousands of protesters. In Sana'a, according to human rights activists in Yemen, the authorities responded by arresting at least 30 protesters, many of whom were released shortly afterwards. However, four men – **Habeeb**

**Muhammad Sa'id, Zakaria Muhammad Abdu Sa'id, Osama al-Ahnooni and Ahmed al-Qudaini** – are said to have been detained in 'Alya Police Station in Sana'a for about a week before being released without charge. Four Sana'a University students who took part in the 3 February protest, **Radad al-Salami, Mirza al-Junaid, Faris Abu Bar'a and Asma' al-Buhaider**, were reportedly suspended from the university for doing so.

Following the fall of Egyptian President Hosni Mubarak on 11 February, a number of celebratory rallies took place in Sana'a and around the country. On 12 February around 1,000 people, mainly students and youths, demonstrated in Ta'izz, Yemen's most populous city. Over 100 were arrested and released shortly afterwards without charge.

## B) KILLINGS OF PROTESTERS

On 13 February the JMP announced that it had accepted President Ali Abdullah Saleh's offer of 2 February to enter into negotiations to defuse the political tension, but called on him to allow peaceful protests, to remove his sons and other relatives from the military institutions and to include Huthis, the Southern Movement and opposition activists in the diaspora in the negotiations.<sup>9</sup>



Protesters camped outside Sana'a University © Benjamin Wiacek

However, the younger generation of protesters criticized the JMP, citing their willingness to enter into negotiations with the President in the absence of guarantees from him that meaningful change would take place and resolved to continue their protest movement, to which the general public have increasingly flocked.

Demonstrations in Sana'a began to take place on a daily basis and developed into a continuous protest camp in the square outside the new buildings of Sana'a University, which the protesters

dubbed al-Taghyeer (Change) Square. The protesters have called ever more vocally for the President to step down, but, in addition, they have voiced their concerns about corruption and nepotism at the highest levels of the authorities, as well as poverty and unemployment.

The protests spread to other cities around the country – from the coastal city of al-Hudaydah in the west to al-Mukalla, in the governorate of Hadramawt, in the east, and from the city of Sa'dah in the north to Aden in the south. In some cities, such as Ta'izz, the protesters have identified themselves with the Youth of 3 February and their calls. In the south, where protests against perceived discrimination against southerners and increasingly for secession, have been occurring since 2007, protesters have included both supporters of a unified Yemen who believe in political reform and secessionists who see the fall of the President as the first step towards the independence of the south of the country. Protests calling for the secession of the south have continued in cities and towns in the south, although to a lesser extent since mid-February 2011, when demonstrations shifted to focusing largely on the ousting of the President. In the north, such as the town of Harf Sufyan in the governorate of 'Amran, demonstrators have also called for the President to stand down.



Protest in Ta'izz on 11 March 2011 © Al-masdar Online

As the protests have broadened, the response of the security forces has hardened, heightening the protesters' sense of grievance. Security forces – some wearing uniform, others plain clothes – have reportedly used a range of weapons, munitions, armaments and related equipment to violently repress the protesters including US-made tear gas,<sup>10</sup> live firearms ammunition,<sup>11</sup> rubber bullets,<sup>12</sup> US-made rubber grenades,<sup>13</sup> riot guns,<sup>14</sup> and electroshock batons.<sup>15</sup> Security forces have fired on protesters from armoured vehicles.<sup>16</sup> In some cases, it has not been clear whether those wearing plain clothes have been members of the security forces or individuals colluding with them.

Reports of excessive use of force have become commonplace. As of 1 April, at least 94 protesters were reported to have been killed in protests, including at least 59 in Sana'a, 28 in Aden, two in Ta'izz, two in Harf Sufyan, one in Ibb, one in al-Mukalla and one in al-Baydah. Hundreds more were reported to have been injured.

The authorities have claimed that in some protests demonstrators threw stones at security forces and that force had to be used in some instances to prevent harm to people and property. Amnesty International is not aware of any independent report that members of the security forces had been killed or seriously injured in any of the pro-reform protests or, for instance, that protesters had used firearms against them. The authorities also claimed that in some instances local residents in neighbourhoods where the protests took place clashed with protesters and that the security forces were not involved, claims contradicted by protesters and local residents alike.

Amnesty International recognizes the responsibility of the Yemeni authorities to ensure public safety and uphold law and order. However, it appears that the Yemeni authorities have repeatedly used excessive force to disperse protesters when they posed no serious threat to the lives of members of the security forces or others. In many cases the use of force seems to have been grossly excessive, particularly where live ammunition has been used, showing a reckless disregard for human life. Under international standards such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials, the use of force must be necessary to respond to acts that threaten lives and security, and must be proportionate.



Samia al-Aghbari at the protest in Sana'a on 13 February 2011 © Private

On 13 February, security forces attacked a crowd of some 2,000 people protesting in Sana'a, reportedly in a peaceful manner.<sup>17</sup> Journalist **Samia al-Aghbari** told Amnesty International she was knocked unconscious after being shoved to the ground by a plain-clothes member of the security forces who had tried to take her away as the demonstration was repressed. Some protesters were reported to have been beaten with electroshock batons. Human rights activist and lawyer **Khaled al-Ansi** told Amnesty International that security forces attacked him with electroshock batons and he heard protesters screaming "Electricity!" as they were beaten.<sup>18</sup> Electroshock batons can cause severe pain and repeatedly administer shocks at the push of a button without leaving substantial marks.

On 16 February, four men were reported to have been killed and dozens injured<sup>19</sup> when security forces opened fire on a protest in the al-Mansurah district of Aden as they called for reform and regime change.<sup>20</sup> The district was

surrounded by security forces who denied residents of Aden entry to the area. The protest began peacefully and was taking place without serious incident while, at the beginning, it was being policed by members of the Civil Security forces, but the protesters reportedly came under attack after members of the Central Security forces arrived and opened fire.

An eyewitness told Amnesty International that following the attacks, plain-clothes men, believed to be members of the security forces or individuals colluding with them, caused damage to property. "Men in civilian clothes attacked buildings and burnt cars, but this was just an attempt to justify the use of excessive force by the authorities," another contact told Amnesty International.<sup>21</sup>

On 18 February, two protesters were reported to have been killed and dozens more injured when protesters who had been staging a week-long sit-in in Ta'izz's central Safir Square were attacked.<sup>22</sup> Eyewitnesses in Ta'izz told Amnesty International that plain-clothes men believed to be members of the security forces, or individuals colluding with them, threw what they

described as a hand grenade from a car at protesters in the square and also opened fire on them. Uniformed security forces stationed close to the square reportedly did nothing to protect the protesters.

On 25 February, security forces reportedly fired on protesters in the al-Mu'alla district of Aden from armoured vehicles, as well as attacking houses where protesters were believed to have been seeking shelter. Two men were said to have been killed in their houses during a period of intensive gunfire, both of them shot in the head.<sup>23</sup> One of the most disturbing reports is that security forces refused to allow residents to take the injured to hospital after Central Security forces fired on protesters and bystanders. About 10 people were reported to have been killed<sup>24</sup> in Aden as a result of the day's incidents.



Protest in Crater, Aden in February 2011 © Private

One doctor told Amnesty International:

*"I went to the al-Mu'alla area to take those injured to hospital, but when I reached there, security forces refused to allow me in, and told me to go back. I showed them my ID, and told them that I was a doctor and wanted to help the injured who were bleeding in the streets. But security forces said to me: 'Let them die!' I had to go back."*

On 4 March Yemeni soldiers were reported to have opened fire on protesters in the northern town of Harf Sufyan in the governorate of 'Amran. According to information received by Amnesty International, the protesters were leaving the protest area in cars when soldiers at a military post opened fire, killing two men in the same car and wounding several others.<sup>25</sup> The Yemeni Ministry of Defence denied that the military had opened fire on protesters. However, an eyewitness told Amnesty International:

*"This protest was peaceful. No one threw stones or was violent towards the army post. In addition, this protest was organized by the Huthis, who have been involved in six wars with the authorities. If they had wanted to attack the authorities, they would not have used stones but their weapons."*

Security forces have attacked protesters when they were at their most vulnerable, late at night and during prayer. On at least two occasions, the security forces attacked protesters in deadly night raids against protesters. On 8 March security forces used live rounds and tear gas against protesters camped outside Sana'a University reportedly killing one protester and injuring around 100.<sup>26</sup> This was the second time in three weeks that protesters had been killed in a late night raid by the security forces in Sana'a. In the previous late night raid in Sana'a on 22 February, two protesters were shot dead when security forces, aided by men described by witnesses as "thugs", stormed a group of people who had set up a protest camp outside the university.



Protesters praying in Sana'a on 13 March 2011 © AbdulRahman H. Jaber

In some instances protesters were killed when security forces attacked them during prayer. Three protesters were reported to have been killed<sup>27</sup> and over 1,000 injured in Sana'a on 12 March when security forces opened fire on the protest camp in what protesters term al-Taghyeer Square, near Sana'a University, during the early morning prayer, while pro-government "thugs" were reported to have attacked ambulances trying to attend to the wounded. One student member of the protest camp said to Amnesty International:

*"On Friday night we started suspecting that the security forces were preparing to take action against us after they increased their presence in the area. We started chanting 'It's peaceful, it's peaceful', but later they attacked us while we were praying."<sup>28</sup>*

The most serious incident of violence against protesters was an apparently co-ordinated attack on the same protest camp in Sana'a on 18 March that reportedly left 52 people dead and hundreds injured.<sup>29</sup> Protesters have since labelled the day as "Bloody Friday". Protesters were said to have been chanting anti-government slogans, when at around 1.30pm local time, following Friday prayers, armed men in plain clothes, believed to be members of the security forces, started shooting live rounds from the top of nearby buildings. Members of the security forces also shot at protesters at street level around the same time.

An eyewitness told Amnesty International: "The shooting started from different buildings around the same time and continued for more than 30 minutes." Another eyewitness said that most of those killed were shot in the head, chest or neck, many of them dying at the scene. This attack appears to have been co-ordinated by security forces deliberately shooting to kill protesters from strategic vantage points.<sup>30</sup> Following this incident, protesters started calling for those in the security forces who ordered and carried out actions leading to the death and injury of protesters to stand trial.

A number of army officers officials, members of parliament from the ruling General People's Congress and ambassadors announced that they were resigning from their positions in protest at the increasing violence being used by the security forces and siding with the protesters.

Hundreds of protesters are reported to have been arrested in relation to the protests. In Aden, for instance, scores of protesters were reported to have been arrested on 16 February 2011 and detained incommunicado in al-Mansurah Prison for one to two weeks, raising concern that they could be at risk of torture and other ill-treatment.<sup>31</sup> Many appear to have been released shortly afterwards. Amnesty International has not been able to follow their cases in detail, but is concerned that some may have been detained incommunicado for varying periods of time, raising concern that they were exposed to an increased risk of torture and other ill-treatment.<sup>32</sup>



A row of dead bodies following a protest in Sana'a on 18 March 2011 © Abdulrahman H. Jaber

### C) INADEQUATE INVESTIGATIONS

The response of the authorities to the mounting death toll of protesters has been woefully inadequate. While investigations have been announced into some of the killings, in particular in Sana'a and Aden, they inspire little confidence. Most appear to be conducted by bodies that do not have a mandate to carry out judicial investigations and are therefore unlikely to lead to perpetrators of violations being brought to account. In some cases, such as following the killings of protesters in Sana'a on 12 March, the authorities have announced the opening of an investigation,<sup>33</sup> but no further information has been made public since. In other cases, information about the investigating body has been revealed, but the nature of the body raises serious questions about its ability to conduct thorough, independent and impartial investigations.

Following the killing of protesters in Aden during February, the President ordered an investigation into the incidents.<sup>34</sup> A committee mandated to report to the President was formed on 3 March and Abdul Ghadir Hilal, Minister of State for Local Administration, was appointed as its head. Other members of the committee included Abdullah Rajih, the head of the Lawyers Syndicate, and Huria Mashhoor, deputy head of the Women National Committee, a government entity. The committee finished its work on 11 March, reportedly concluding that it had obtained information on excessive use of force by security forces but was of the view that further investigation needed to take place. Some activists, relatives of protesters killed and those injured voiced their concerns about the impartiality of the committee and said they would not co-operate unless the security forces were held responsible for the killings. The report of the committee has not been made public and it is unclear what follow-



A wounded protester following a protest in Sana'a on 18 March 2011 © Benjamin Wiacek

up, if any, the President has ordered. Huria Mashhoor resigned from her duties in the committee before it concluded its work (she has also resigned from her post in the Women National Committee), saying she had witnessed first hand the heavy-handed repression of protesters by the security forces when she tried to enter the protest camp in Sana'a.

A parliamentary fact-finding committee, which can be formed to examine issues of public importance, was also sent to investigate the killing of protesters in Aden. Details were not made public about the scope of the committee's work, but parliamentary fact-finding committees are generally mandated to investigate issues of public importance. The committee was reported to have left Aden before concluding its investigation after, as was the case with the presidential committee, activists, relatives of protesters killed and those injured voiced their concerns about the impartiality of the committee and said they would not co-operate unless the

security forces were held responsible for the killings.<sup>35</sup>

As far as Amnesty International is aware, the judicial authorities have launched only one investigation; the Attorney General announced on 19 March that an investigation would be opened into the killing of protesters in Sana'a on 18 March.<sup>36</sup> No further details are publicly available, but, as far as Amnesty International is aware, no judicial proceedings have yet been launched against suspected perpetrators of unlawful actions during protests among the security forces.

According to a press report, one man was arrested in Ta'izz following the incident on 18 February when a hand grenade was said to have been thrown at protesters.<sup>37</sup> However, as far as Amnesty International is aware, no further details have emerged about the man or whether judicial proceedings have been launched against him.

The lack of concrete steps to bring to justice those responsible for human rights violations committed by the security forces and individuals who may have been colluding with them fits a long-standing pattern of failure by the Yemeni authorities to hold accountable those responsible for serious human violations.



However, the shockingly high number of protesters killed and injured in such a short period of time and the fact that violations have affected so seriously ordinary members of the public joining in demonstrations all over the country renders the apparent lack of serious efforts to deliver truth and justice for them and their relatives particularly disturbing.



A female doctor at a makeshift hospital in Sana'a on 15 March 2011

© AbdulRahman H. Jaber

## D) STATE OF EMERGENCY

Following the reported killing of 52 people on 18 March, the President declared a state of emergency for a period of 30 days.<sup>38</sup> According to Article 121 of the Yemeni constitution, a state of emergency can only be declared in circumstances of war, internal discord or natural disasters and for a limited time. The term “internal discord” is not further defined.

Under Article 121, parliament must pass a law to approve the state of emergency within a week. A draft was submitted to Parliament by the Yemeni government on 23 March which it approved on the same day. The state of emergency law<sup>39</sup> gives security forces extensive powers of detention without being bound by the Code of Criminal Procedures. Under Article 7(1) the authorities are given powers to impose heavy restrictions on public assembly which could be used to ban demonstrations. Under Article 7(2), the authorities are given the power to suspend, seize and confiscate “all media... and means of expression”. Article 26 suspends any laws that run contrary to the state of emergency law, without indicating which ones are meant.

The state of emergency law appeared to be a desperate attempt to reinforce mechanisms to stamp out dissent and shut out witnesses to human rights abuses. Human rights activists in Yemen have condemned the state of emergency as an attack on freedom of expression, while some Yemeni parliamentarians questioned whether the vote had taken place correctly.

Later on 23 March, the Al Jazeera office in Sana'a was closed by the authorities. No official reason was given for the closure, but it was suspected to be in relation to the broadcaster's coverage of pro-reform protests. The Yemeni authorities have not said whether the closure was undertaken on the basis of the state of emergency law, although the timing gave rise to suspicions that it was. The office had earlier been ransacked by unknown assailants. Apart from possibly this incident, Amnesty International is not yet aware of other specific repressive measures that have yet been taken to implement the provisions of the law.

## 2. UNREST IN THE SOUTH



Southern Movement mass demonstration, 2009 © Private

### A) EXCESSIVE USE OF FORCE

In the south of the country, the Southern Movement, a loose coalition of political groups, continues to organize protests calling increasingly for secession. The security forces have used excessive and sometimes lethal force, including by firing live ammunition against protesters. Since the beginning of July 2010 to mid-February 2011 at least 12 people, among them both demonstrators and bystanders, have been killed and many more injured in protests. Many are reported to have been killed or injured by live bullets or other lethal force in circumstances in which they posed no risk to the lives of the security forces or others. On various occasions, the security forces are alleged to have fired live ammunition at protesters without advance warning or without first seeking to use non-lethal methods to control or disperse them.

One of those injured in the vicinity of a protest is **Qanaf Abdul Qawi**, who told Amnesty International that in January 2011, he was at the internet shop he runs in Aden when a protest broke out in the street outside his shop. The protesters were calling for the release of people detained without charge or trial. He gave the following account:

*“There were some youths protesting, then six or seven members of the security forces quickly came to the scene. They fired gun shots at the protesters. There were about 150-200*

*protesters and they managed to take the guns off the security forces. The security forces left the area, but 15 minutes later they came back and they started firing at people in the street. I was in the street by then. Myself and others started running away, and went into side roads. We were followed by the security forces. As I was going into a side road, I looked and I saw a security officer aiming at me, and he shot me. I had no weapons, and I was not part of the protest; I had just gone to the street to see what was going on. I felt something in my back. I was injured in the shoulder. I was taken to hospital where the bullet was taken out. I am under a lot of pain, and I can no longer use my arm. I need treatment but the government is not paying for me to receive treatment abroad, and I don't have adequate funds to travel and receive treatment abroad."*

Since 2007 when the unrest started, more than a hundred people have been killed during demonstrations in the south and thousands injured. Some of the relatives of people killed have told Amnesty International that the state prosecutor had opened investigations into the incidents concerned, but many have said that no investigation of any sort has been initiated. Amnesty International has received no information to indicate that a single investigation has been completed or that any member of the security forces has been brought to justice for unlawful killings in protests. It is similarly unaware of reparations being awarded to victims of such abuses.

Recent actions taken by government forces in the area around the town of al-Habilayn in the district of Radfan in the southern governorate of Lahj, where there have been regular protests in favour of secession for the south of the country, have given rise to particular concerns.<sup>40</sup> Local residents told Amnesty International that government forces took up positions outside town on 16 December 2010. Over the following weeks, they employed what appears to have been excessive force to quell protests. During one protest on 17 January 2011, 16 people were said to have been injured when the forces opened fire on them.

On one occasion, on 30 January 2011, local residents reported that homes and the market area were arbitrarily shelled by government forces, reportedly leading to the death of at least four people, including two women who were in their homes and a man who was asleep at home. A news website close to the security forces reported that the military-style operations were conducted against al-Qa'ida militants in the area,<sup>41</sup> but residents told Amnesty International that no such militants were present in the area and that they believed the actions were taken to punish them for calling for secession and carried out in such a way as to shield human rights violations from public scrutiny. They also said that they were struggling in vain to draw attention to their plight and that their calls for an independent inquiry into the situation had fallen on deaf ears. At one stage, as many as 95 per cent of the approximately 25,000 residents of al-Habilayn were said to have fled out of fear.

Around 53 people are said to have been injured in al-Habilayn, including 12 women and 18 children and some, according to local residents, had been blocked by security forces from reaching hospital. One local resident told Amnesty International in February 2011, describing the situation in December 2010 and January 2011:

*"The areas were blocked by the security forces from three directions. We faced difficulties in reaching adequately equipped hospitals and we ended up having to take those injured to areas where there were no adequate health facilities."*

The security forces reportedly established at least 15 checkpoints around al-Habilayn, making it difficult for people to enter and leave the area without fear of being turned back or facing arrest. This situation apparently restricted supplies entering the area: food shortages were reported at times, leading to an increase in prices, and local restaurants to shut. Mobile phone networks were not working in the area for at least a month at the beginning of 2011.

The town of al-Habilayn and other areas of the south are inaccessible to human rights monitors and other observers, and as such Amnesty International has only limited details about the actions taken by government forces at the end of 2010 and beginning of 2011. It has, however, documented similar reports of government forces blockading areas known for their support of the Southern Movement and using excessive and lethal force against demonstrators there, restricting access and consequently incoming food supplies, and cutting mobile phone networks. Amnesty International is not aware that the Yemeni authorities have provided a public explanation of the actions of government forces in al-Habilayn or launched any investigation into the deaths and injuries of people there or into the broader punitive measures reportedly taken against the local residents.

## B) ABUSIVE DETENTION OF SOUTHERN ACTIVISTS

Several leaders of the Southern Movement who were sentenced to imprisonment after unfair trials before the Specialized Criminal Court were released in July 2010 in the wake of a presidential amnesty that was announced in May 2010.

**Qassem Askar Jubran**, a former Yemeni diplomat who had been held since April 2009 and sentenced to five years' imprisonment for "harming the independence of the Republic" and "the unity of Yemen" and organizing protests, was one of them. However, on 26 February 2010 he was reported to have been arrested with others, following protests calling on the President to stand down, and is believed to remain in detention.

Many supporters of the Southern Movement who had been detained without charge or trial for their activism in the Movement were also released in around July 2010, following the presidential amnesty. Amnesty International has learnt that most of them were made to sign undertakings that they would uphold "national values" and Yemen's unity.



Hassan Ba'oom © Aden Press

However, the Yemeni authorities continue to carry out arrests targeting those perceived to be activists in the Southern Movement. These reportedly intensified in the run-up to the 20th Gulf Cup football tournament, which took place in Aden from 20 November to 5 December, when scores of people were arrested. Dozens were released without charge in January, but Amnesty International has information that scores remain detained without charge or trial in connection with their perceived involvement in the Southern Movement.

**Hassan Ba'oom**, a 70-year-old leader of the Southern Movement and chairman of a faction called the Supreme National Council for the Liberation of the South, was arrested by security force members on 9 November while he was in a car on his way from Aden to al-Dali'. He was taken to the Political Security prison in Sana'a and held incommunicado there

for over two weeks. In December he was reported to have been transferred to a hospital; he is said to suffer from hypertension, heart disease and diabetes.<sup>42</sup> He was released without charge in January 2011. However, on 20 February 2011, following the protests in Aden calling for President Ali Abdullah Saleh to stand down (see above), he was arrested by security forces at a hospital in Aden where he was receiving treatment for a broken leg; he was reported to have called for a “Day of Rage” to be held in southern provinces against the Yemeni government. After his arrest, he is believed to have been taken to a military hospital in Aden and subsequently transferred to the Central Prison in Sana’a. As of 1 April, he was reportedly still being held incommunicado.<sup>43</sup>

**Ahmed Salem Balfaqih** and two other men, **Naji Fath** and **Muhammad Bamasri**, were arrested by security forces on 19 November 2010 from a coffee shop in Tarim in the governorate of Hadramawt. All three men are activists in the Southern Movement. They were taken to the Criminal Investigation Department in Say’un, where they were detained for a month, before being transferred to the Central Prison in Say’un. According to information received by Amnesty International, Ahmed Salem Balfaqih was detained incommunicado while in the custody of the Criminal Investigation Department and his family were not informed of his whereabouts until he was transferred to the Central Prison. On 6 February, Ahmed Salem Balfaqih was transferred to al-Mukalla Central Prison, where, as of 1 April, he continues to be detained without charge or trial.



Ahmed Salem Balfaqih © Private

**Bassam Sail**, aged 17, was one of those reported to have been injured when the market in al-Habilayn was shelled on 30 January 2011. He was taken to hospital but according to information received by the organization, a few days later he was taken by security forces from the hospital. His family did not know where he was for a number of days when they finally learnt that he was detained at the Criminal Investigation Department in Lahj, where he reportedly continues to be denied access to medical attention.

**Bassam Mugbil**, a 25-year-old soldier, was also injured when the market area in al-Habilayn was shelled on 30 January. He was visiting his family during a one-week period of leave. He was taken by security forces from Ibn Khaldun Hospital in Lahj where he was receiving treatment. He is also believed to be detained at the Criminal Investigation Department in Lahj, where he reportedly continues to be denied access to medical attention.

Women have been among those detained. **Zahra Salih**, 39 years old, was arrested by members of the security forces on 8 November 2010 in Aden.<sup>44</sup> Members of the security forces had gone to her house just before midnight on 7 November 2010 to arrest her, but her family told them that she was not at home and refused to allow them to search the house without a warrant. Her father was arrested in the morning of 8 November and released after a couple of hours. At around 10am the same day, the security forces searched the house but could not find her. She was arrested at around 6.30pm on 8 November when the security forces stopped a car she was travelling in on her way to a hotel.

She appears to have been targeted for being an active and outspoken member of the Southern Movement and for participating in protests. She was reportedly detained at the Criminal Investigation Department in Aden without access to a lawyer or her family for over two months until her release without charge on 11 January.<sup>45</sup>

Zahra Salih told Amnesty International that, prior to her release, she was ordered to sign a declaration pledging to cease her activities in the Southern Movement and to get married, which she refused to do. She said:

*“They think that the best way to keep me away from my activism is to make me agree to get married and busy myself with my duties as a wife and possibly as a mother.”*

She was previously detained for two days in October 2009 in connection with protests in the south of Yemen.

Several children, mostly aged between 15 and 18 years old, have been detained for taking part in protests or for attempting to do so. Most have been released soon after their arrest. **Mu'taz al-Aisai'i**, aged 15, is an exception. He was arrested on 13 October 2010 along with some of his relatives, when they were in a taxi on their way from Aden to Radfan in the governorate of Lahj to take part in a protest organized by the Southern Movement. His relatives were released a few days later but he was taken to the Political Security prison in Aden where, he was detained without charge or trial until some time around February 2011. His family told Amnesty International that having missed at least four months of school, he would be likely to have to rejoin the following academic year. They said: “Mu'taz lost a year of his schooling, and for what?”



Ahmed Darwish following his death © Private

Since mid 2010 some detainees are reported to have been tortured or otherwise ill-treated in detention and, in at least one case, to have died as a result of torture. On 25 June 2010, a day after his arrest, **Ahmed Darwish**, an activist in the Southern Movement, died in custody. He had been arrested by members of security forces from a neighbour's house and taken to the Criminal Intelligence Department in Aden, where he was reportedly detained in solitary confinement, beaten a number of times and suspended from his wrists. Security forces contacted his family in the morning of 25 June 2010 to say that he had been taken to hospital; when they arrived, they were told he had died. His lawyer and his family demanded an investigation into his death. The prosecutor's office ordered that the security officers on duty on 24 June be questioned. As of 1 April, no other steps are known to have been taken in relation to the investigation.<sup>46</sup>

One duty officer who was detained pending the investigation was reported to have been released without charge in March; other officers on duty on 24 June are reported not to have been questioned or apprehended in connection with Ahmed Darwish's death in custody.

**Hussein Omar al-Qassar**, a police officer by profession, was reportedly tortured or otherwise ill-treated, including by being subjected to death threats, at the Criminal Investigation Department in al-Shahar in the governorate of Hadramawt during the period between 10pm on 26 December 2010 and the following dawn. He was asked to make statements against leaders of the Southern Movement. Hussein Omar al-Qassar was released a few days later and received treatment at al-Shahar hospital on 29 December. According to a note by a doctor who treated him at the hospital, Hussein Omar al-Qassar had bruises on both arms and on both feet, as well as on the left leg.<sup>47</sup> On 8 January 2011 he wrote for the second time to the prosecutor in al-Shahar to make a torture complaint and demand an investigation. According to a letter seen by Amnesty International, the prosecutor in al-Shahar wrote to the head of security in the area and requested that appropriate measures be taken. On 7 February 2011, Hussein Omar al-Qassar was arrested for the second time and is believed to be detained at the Criminal Investigation Prison in al-Mukalla. Amnesty International is not aware that any investigation into the allegations of torture has been carried out.

Since the beginning of the unrest in the south in 2007, hundreds are reported to have been arbitrarily detained on account of their activism in the Southern Movement or for their participation in protests calling for secession. Many have been detained incommunicado for varying periods of time, during which they were reported to have been tortured or otherwise ill-treated.

The authorities' apparent failure to ensure full, independent and impartial investigations are carried out into alleged cases of torture or other ill-treatment above are illustrative of the general pattern of impunity enjoyed by the security forces with respect to such abuses. Amnesty International is not aware of any case in which individuals have been brought to justice for involvement in the torture or other ill-treatment of those detained on account of their activism in the Southern Movement or for their participation in protests calling for secession, despite the widespread reports of such abuses.

## 3. AL-QA'IDA AND THE RESPONSE

### A) ATTACKS BY AL-QAIDA AND OTHER ARMED GROUPS

A number of attacks targeting Yemeni members of the public and foreign nationals are reported to have been carried out since mid 2010 by armed Islamist groups, most often by what Yemeni media refer to as al-Qa'ida in the Arabian Peninsula. A number of them have led to the deaths of bystanders as well as those targeted.

One of the most lethal incidents of recent months was a bomb attack on 24 November 2010 on members of the Zaidi Shi'a community that reportedly killed at least 17 people and injured 15 as they travelled to celebrate the Shi'a festival of al-Ghadeer in the northern town of al-Zahir. It is unclear who carried out the attack. However, according to media reports, al-Qa'ida was reported to have claimed responsibility for the bombing.<sup>48</sup> The attack showed the perpetrators' complete disregard for the most fundamental human right, the right to life.<sup>49</sup>

Amnesty International condemns all attacks that deliberately target members of the public, which can never be justified under any circumstances. It calls for prompt, thorough and impartial investigations into such attacks and for those responsible to be brought to justice in proceedings that meet international standards of fairness, and without the imposition of the death penalty.

In addition, al-Qa'ida in the Arabian Peninsula was reported to have been responsible for the killing or injuring of dozens of members of the security forces. On 28 August 2010, a security official in Yemen was reported to have said that al-Qa'ida claimed responsibility for an attack on a checkpoint in Zinjibar in the governorate of Abyan in which eight soldiers were killed.<sup>50</sup> Al-Qa'ida in the Arabian Peninsula was also reported to have announced in September 2010 a list of over 50 security officials that it would target.<sup>51</sup> A number of these officials were later killed in attacks in southern Yemen.

### B) ALLEGATIONS OF UNLAWFUL KILLINGS BY SECURITY FORCES

Dozens of people suspected of links to al-Qa'ida have been killed by security forces since mid 2010. Many of these killings took place in areas of south Yemen which are effectively closed to journalists and human rights activists, making accounts of the killings, often presented by the authorities, difficult to verify. Some killings were reported as a result of exchanges of fire between al-Qa'ida and security forces. However, even the official media reports suggest that many were killed in circumstances where no attempt was made to detain them, as required by law enforcement standards. As such the killings may have amounted to extrajudicial executions.

Amnesty International recognizes that the Yemeni government has a duty to take measures to protect citizens and other people within their jurisdiction from attack by armed groups, but the measures must be lawful, proportionate to the threat posed and consistent with international human rights law and standards. The armed attacks by al-Qa'ida and other armed groups and the government response to them have not, up to this point, crossed the threshold of intensity and scale as to categorize the situation as an armed conflict.<sup>52</sup>



Allegations of extrajudicial executions should trigger an immediate, independent and comprehensive investigation to determine whether there were unlawful killings and, if so, those responsible should be brought to justice. As far as Amnesty International is aware, the Yemeni authorities have not announced the launch of investigations which could establish whether the use of lethal force by the security forces was lawful or not.

In September 2010, an intense military operation in al-Hawtah in the governorate of Shabwah, allegedly against al-Qa'ida, led to dozens of deaths of government soldiers and suspected militants, as well as some local residents who were not involved in the fighting, and the flight of thousands of families.<sup>53</sup> Dozens of houses were reported to have been destroyed. Local residents said the target of the operation was actually armed tribesmen with grievances against the government. They also said that a greater number of residents would have been killed had they not fled the area before their houses were destroyed by the authorities' action. Many of the inhabitants are now said to have returned to the area. The area is inaccessible to human rights monitors and other observers, and as such Amnesty International has only limited details about the events which took place. However, it is not aware of any investigation having been conducted into this incident to determine the circumstances of the deaths. This lack of investigation on part of the authorities together with inaccessibility of these areas to human rights monitors heightens concern over what the reality of these incidents was.

One incident that was exceptionally subjected to a preliminary fact-finding investigation was the missile attack against two settlements in al-Ma'jalah in the southern governorate of Abyan on 17 December 2009, leading to the deaths of at least 41 local residents, 21 of them children and 14 of them women. A Yemeni parliamentary committee investigated the incident and called on the government to open a judicial investigation and bring to justice those responsible for the killings of the "innocent".<sup>54</sup> However, to date, the authorities are not known to have opened such an investigation nor to have held anyone to account for the killings.



One of the images released by Amnesty International in June 2010 identifying part of a cruise missile carrying cluster munitions, Yemen  
© Private

A leaked diplomatic cable in January 2011 corroborated images released in June 2010 by Amnesty International indicating that the US military carried out the missile strike.<sup>55</sup> In the secret cable published by the organization Wikileaks, Yemen's President Ali Abdullah Saleh is reported as having assured US General David Petraeus that his government would "continue saying the bombs are ours, not yours".<sup>56</sup> According to the cable, this prompted Yemeni Deputy Prime Minister Rashad al-'Alimi "to joke that he had just 'lied' by telling Parliament that the bombs in Arhab, Abyan, and Shabwa were American-made but deployed by the ROYG [Republic of Yemen Government]". Amnesty International had requested information from the Pentagon about the involvement of US forces in the attack, but has received no response to date.<sup>57</sup>

The Yemeni authorities appear to have targeted at least one person accusing the USA of being behind the attack. **Abdul Ilah Haydar Shayi'**, a freelance journalist specializing in counter-terrorism affairs who had interviewed alleged al-Qa'ida members, was the first Yemeni journalist to allege US involvement in the attack. He did so shortly after it occurred in newspaper articles and interviews with Al Jazeera. He was arrested on 16 August 2010 and held incommunicado until 11 September 2010. He was tried before the Specialized Criminal Court in Sana'a along with another man, **Abdul Kareem al-Shami**. People who saw him in the courtroom in October 2010, including his lawyers and the Secretary General of the Journalists Syndicate, said that he told them he was beaten after his arrest and sustained injuries to his chest, bruising on his body and a broken tooth. He was sentenced to five years in prison after he was convicted on several charges including communicating with "wanted men", joining an armed group and acting as a media consultant to al-Qa'ida.<sup>58</sup> Abdul Ilah Haydar Shayi' was reported to have said that he does not intend to appeal against his prison sentence.

Given the allegations of torture or other ill-treatment and persistent concerns about the fairness of trials before the Specialized Criminal Court, not least because of serious questions about the independence of the Court's judiciary, Amnesty International is concerned that, in spite of the charges on which he was convicted, Abdul Ilah Haydar Shayi' may have been jailed solely for exercising his right to freedom of expression. If this is the case, it would consider him a prisoner of conscience and call for his immediate and unconditional release. Abdul Ilah Haydar Shayi' continues to be detained despite an order for his release issued on 1 February by President Ali Abdullah Saleh. On 2 February, US President Barack Obama expressed his concern to the Yemeni President about the release.<sup>59</sup> Abdul Ilah Haydar Shayi's acquaintance, Abdul Kareem al-Shami, was sentenced to two years imprisonment on a number of charges including communicating with "wanted men".

### C) ABUSIVE DETENTION OF SUSPECTS

Security force operations against suspected al-Qa'ida members or supporters increased in the second half of 2010, particularly in the wake of the news about two parcel bombs that had been sent by air freight to the USA from Yemen in October 2010 but were intercepted in Dubai and the UK and defused.<sup>60</sup>

Most of the dozens arrested since mid 2010, in addition to hundreds detained from previous years, are held without charge or trial. Many have been subjected to prolonged periods of incommunicado detention by agencies such as Political Security and National Security that are not overseen by the judiciary; some have alleged torture or other ill-treatment. The profile of those arrested apparently includes those who raised the suspicion of the authorities by merely being related to or knowing a security suspect or exchanging words with one.

**Badr al-Sabili** was arrested on 5 May 2010. According to his family, he was taken from a market in Sana'a by plain-clothes security officers in an unmarked car. His family was not informed of his arrest or his place of detention, but, after searching for him for at least a week, they found out that he was detained in the Political Security prison in Sana'a. While detained incommunicado, Badr al-Sabili was said to have been made to stand for seven hours with his arms raised. His arrest is believed to be connected with his knowing a security suspect from school. A few months before his arrest, he had apparently bumped into his former schoolmate in a street in Sana'a and spoken to him briefly. According to information

received by Amnesty International, he was questioned about this brief encounter. His former schoolmate was arrested about two months prior to his own arrest, but was said to have been released in February 2011 without charge after influential, mainly local, actors intervened with the Yemeni authorities to release him. Badr al-Sabili remains detained without charge or trial.

**Hanan al-Samawi**, aged 22, was arrested on 31 October 2010 in connection with the attempted parcel bomb plot after her phone number was left with the cargo company used to send the parcels. According to press reports and local NGOs, Hanan was arrested from her house in Sana'a along with her mother by members of the security forces who were reported to have beaten her and members of her family. Her mother was reported to have been released shortly afterwards, while Hanan al-Samawi was released without charge the next day. The organization HOOD reported that she had been tortured during her time in detention.<sup>61</sup>

In or around 1 February 2011, many detainees at the Political Security prison in Sana'a, among them many accused of being al-Qa'ida members or supporters, went on hunger strike to protest against their prolonged detention without charge or trial,<sup>62</sup> as well as alleged ill-treatment and lack of access to adequate medical assistance. On 7 February, the prison authorities were said to have beaten some of the detainees and moved them to solitary confinement. Family members who visited the prison in the days following the incident reported seeing bruises and marks on the bodies of their detained relatives; at least 10 detainees were reportedly hospitalized as a result of the beatings.

The authorities have generally failed to ensure investigations of any kind are conducted into such reports of torture or other ill-treatment of security suspects.

#### D) UNFAIR TRIALS AND THE DEATH PENALTY

Dozens of people accused of terrorism-related offences have been tried before Specialized Criminal Courts in recent months. There are major concerns about the fairness of such trials.<sup>63</sup> The majority have been sentenced to prison terms; several have been sentenced to death.

On 18 October 2010 the Specialized Criminal Court in Sana'a sentenced **Saleh 'Abd al-Habib al-Shawish** to death.<sup>64</sup> He was accused of killing members of the security forces in

Hadramawt, carrying out attacks on oil refineries in Ma'rib and acting as an explosives expert for al-Qa'ida. He had been arrested in January 2010 in the city of al-Mukalla and brought to trial in September 2010. Amnesty International has no further details about his trial, but opposes the use of the death penalty in all circumstances.



Specialized Criminal Court in Sana'a © Amnesty International

## 4. CONFLICT IN SA'DAH



Building destroyed by aerial bombardment, Sa'dah, Yemen, March 2010 © Private

### A) SITUATION FOLLOWING THE CEASEFIRE

Following the ceasefire agreement of 11 February 2010 which formally brought to an end the last round of fighting between the Yemeni government and the rebel Huthi movement, there was a marked reduction in reports of attacks on and killings of civilians by the parties to the conflict in Sa'dah. However, in the subsequent months, Huthi leaders expressed their frustration, that at least 1,000 Huthi fighters held by the Yemeni authorities in connection with the conflict had not been released. For its part, the government accused the Huthis of not implementing some of the terms of the agreement, such as removing land mines, withdrawing from district administrations and returning "plundered" military equipment.

In July 2010 the Yemeni government embarked on a political dialogue with opposition parties which was welcomed by the Huthis. Following this, the Qatari government acted as a mediator between the government and the Huthis for the second time since 2008 and on 27 August 2010 both parties reportedly signed a "clarification annex" to the ceasefire agreement, which contained 22 points and set out a time line for detailed measures to be taken by both sides.<sup>65</sup>



Children playing in an IDP camp in Amran governorate, Yemen, February 2010. The camp was home to people who had fled the conflict in Sa'dah

© Private

set up or if compensation has been paid to any of those affected. Meanwhile, journalists and human rights organizations in Yemen report that they are still not being allowed access to Sa'dah and the surrounding areas.

Despite the new agreement, over 350,000 people from Sa'dah remain internally displaced, according to UNHCR, the UN's refugee agency.<sup>66</sup> Only a fraction of them found refuge in specially constructed camps. The scale of the destruction and the prevalence of unexploded ordnance and land mines in the area continue to hamper the return of displaced families. In July 2010, the authorities announced that compensation would be paid to families affected by the destruction,<sup>67</sup> but Amnesty International has not been able to confirm whether any mechanisms or processes have been

A parliamentary fact-finding committee consisting of eight members of parliament was formed in December 2009 to investigate violations committed during the latest round of conflict in Sa'dah.<sup>68</sup> However, as far as Amnesty International is aware, its findings and any recommendations it may have had have not been made public.

Hundreds, possibly thousands, of civilians have been killed in the conflict in Sa'dah, many as a result of apparently indiscriminate attacks and other violations of international humanitarian law. The sixth round of fighting in late 2009 and early 2010 was particularly intense, involving heavy aerial bombardment by Yemeni security forces and the Saudi Arabian military, and many civilian casualties. In September 2009, for example, at least 80 civilians, most of them women and children, were said to have been killed when the Yemeni air force bombed 'Adi village in the Harf Sufyan district of 'Amran.

Despite reports of serious violations committed by all sides, Yemeni government forces, the Huthis and the Saudi Arabian military, none of them are known to have conducted prompt, impartial and thorough investigations into allegations of violations of international humanitarian law during the conflict.

## B) PROLONGED DETENTIONS OF SUSPECTED HUTHI SUPPORTERS

Hundreds of suspected Huthi fighters or supporters were held for months or years without charge or trial in the Political Security prison and Central Prison in Sa'dah, as well as in the main prisons in Sana'a and other detention centres. Some disappeared for weeks or months after capture or arrest. Many were said to have been tortured or otherwise ill-treated. The Yemeni authorities failed to provide details of those detained, their names, reasons for their detention, their place of detention, and any legal proceedings against them, despite repeated requests by Amnesty International, local human rights NGOs and the families of the detainees.

While the majority of those suspected of being Huthi fighters or followers did not appear to benefit from the presidential amnesty of May 2010, many of those held in connection with the conflict in Sa'dah were released in December 2010 and January 2011.<sup>69</sup> One of those released in January 2011 was **'Ali al-Saqaf**, a member of the Yemeni Organization for the Defence of Rights and Democratic Freedoms, who had been detained since September 2009. His family told Amnesty International in March 2010:

*"On 28 September 2009 'Ali went to the mosque, and did not come back. When it was 9pm we called his mobile, but it was sometimes switched off, sometimes busy. We called his friends but they did not know anything about him. We went to the police stations and hospitals looking for him. We could not find him. We also went to National Security and Political Security, but they also said they didn't have him. We organized a sit-in, but we still did not hear anything for 10 days. When we went to visit his brother 'Aqeel al-Saqaf, who was also in prison, we said to him 'Where is 'Ali?', and he said 'Ali is with us'. When 'Aqeel said this, the security forces came and took him forcibly and threw him around. They stopped him from receiving food, clothes and money for three months. 'Ali disappeared for two months. He said he was tortured for two weeks in National Security and in Political Security. They even took the braces for his teeth."*

'Ali al-Saqaf has hepatitis B and, according to his family, Political Security refused to allow him to go to hospital.<sup>70</sup>

Following the release of those suspected of being Huthi sympathizers, many of them told Amnesty International that the authorities made them sign blank papers before they were released. They asked Amnesty International not to reveal their identities for fear of reprisals. They told Amnesty International that they feared the signed papers could be used against them in the future.

Despite the releases, dozens of suspected Huthi sympathizers remain in detention. One of them is **Walid Sharaf al-Din**, an accountant with the UN Development Programme, who was seized on a street in August 2009 by National Security personnel and disappeared for two and a half months, during which he was allegedly tortured. He was transferred to Political Security custody in mid-November 2009 and reportedly remains there facing trial, accused of spying for Iran and funding the Huthis.



Walid Sharaf al-Din © Private

Around December 2009, **Muhammad al-Hatmi** was reportedly arrested from the street near his bookshop in Old Sana'a. He was reportedly held incommunicado for four months by National Security and then transferred to the Political Security prison. In December 2010, he, along with his wife and 16-year-old son, were charged with spying for Iran. They were interrogated without a lawyer. His wife and son were released on bail pending trial, but he remains in the custody of Political Security. He and his family members are being tried before the Specialized Criminal Court, where proceedings are often marred with irregularities.

# CONCLUSION AND RECOMMENDATIONS

In late March, different groups of actors – national and international – were debating ideas for how to resolve the current political crisis in Yemen. The President and the ruling party, on the one hand, and the JMP, on the other, were discussing how to effect a gradual and secure transition of power. According to some sources, one of the bargaining chips was a proposed guarantee that the President, his close relatives and possibly others would be granted immunity from prosecution for their actions while in office, defying accountability. Influential international actors such as the USA and European Union, while rightly condemning violence against protesters and calling for dialogue and reform, appeared to be prepared to accept such a proposition, fearing that a political vacuum might otherwise be created that could then be exploited by al-Qa’ida. Many civil society activists in Yemen and others were concerned that these governments would put their security interests first, ahead of the need to ensure accountability.

The Youth of 3 February, which has become the voice of the younger generation of protesters, made public its vision on 25 March. Their demands included continuing calls for the President and his “sons and nephews” to stand down from their posts, as well as the formation of a committee to draft a new constitution and the establishment of a transitional national council to take charge of the country for a period of six months. As well, they made clear their demand that those responsible for killing and injuring protesters should be brought to justice. This message has been widely echoed by members of the general public who have taken part in protests.

However what many believe to be the endgame for President Ali Abdullah Saleh’s reign plays out, it is imperative that no deal should be struck at the expense of accountability. Upholding the right to truth and justice of victims of both the repression of recent pro-reform protests and longer-standing patterns of violations – particularly those related to the government’s response to unrest in the south, the presence of al-Qa’ida in the country and the intermittent conflict in the north – is not only an obligation on the Yemeni authorities but also a key component of any strategy to defuse rising tensions in the country.

Both the Yemeni authorities and the international community must put human rights at the heart of their attempts to seek stability for the immediate future of Yemen. Breaking the current cycle of impunity in Yemen, facilitated by both a lack of political will and weaknesses in the country’s judicial institutions, should be a central part of them.

The first step is for the Yemeni authorities to acknowledge that they have failed to respond adequately to the reports of often grossly excessive use of force against protesters and that they need the help of the international community to carry out investigations that can uncover the full truth about the recent protest deaths in the country. This should lead to a much wider process of dealing with the heavy legacy of impunity for patterns of violations in recent years and to tackling the institutional weaknesses that underlie the lack of accountability. These include the lack of judicial oversight over some security forces, in

particular Political Security and National Security, and concerns about the lack of independence of the judiciary.

The demand for accountability for recent human rights violations in Yemen has been unequivocal and determined, both from Yemeni people and human rights organizations as well as from the UN High Commissioner for Human Rights and from some of the UN human rights Special Procedures.<sup>71</sup> On 28 March 2011, immediately after the 16th session of the UN Human Rights Council in the wake of the killings of protesters in Sana'a, Amnesty International and other NGOs called for a Special Session of the Council to address the human rights situation in Yemen.<sup>72</sup> The Council has taken no steps to date to hold a Special Session. Amnesty International believes that if the Yemeni authorities fail to promptly establish credible processes to investigate the recent grave and widespread violations, the Council's consideration of the situation could become the only option.

Amnesty international recommends that the following measures are implemented as a matter of urgency:<sup>73</sup>

**To the Yemeni government:**

- Issue all security forces with orders with immediate effect not to use live ammunition against protesters who are not posing a risk to their lives or the lives of others.
- Seeking the international assistance needed to ensure it functions effectively, establish promptly an independent, impartial and thorough commission of inquiry to investigate the killings and injury of protesters and others since February 2011. The commission of inquiry should:
  - be given the power to oblige officials allegedly involved in unlawful attacks to appear before them and testify;
  - ensure that witnesses to the events are protected from intimidation;
  - make public the results of the inquiry, including a list of the dead and injured and the methodology used;
  - ensure that anyone identified as having committed, ordered or failed reasonably to prevent any human rights violations, such as unlawful killings or excessive use of force are brought to justice in fair proceedings without recourse to the death penalty;
  - ensure that those injured as a result of unlawful acts and the families of those who are found to have been killed unlawfully are provided with adequate reparations;
  - recommend a set of measures to ensure that the practices of the security forces when policing demonstrations comply fully with international human rights standards, such as the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
  - draw up an action plan to address the legacy of impunity in Yemen, in particular for alleged massive violations committed in recent years in the context of the unrest in the



south of Yemen against those seen as secessionists; in the name of countering terrorism against those accused of belonging to or supporting al-Qa'ida; and in the context of the intermittent conflict in the north between government forces and the Huthi rebel movement against suspected Huthi supporters and, more widely, the civilian population of the region.

- Ensure that peaceful protesters are not arbitrarily arrested and detained, or tortured or otherwise ill-treated.
- Ensure that all detainees are given prompt access to their families and lawyers following their arrest and to the judiciary to challenge the legality of their detention.

**To the international community:**

- Provide the Yemeni authorities with the support necessary for the effective functioning of an independent, impartial and thorough commission of inquiry into recent human rights violations.
- Immediately suspend the authorization, supply and transfer of weapons, munitions, armaments and related material that could be used for excessive force in the policing of protests to the security forces in Yemen.
- Ensure that military and security support given to Yemen is designed and implemented so as to adhere fully with relevant international human rights law and standards, including the standards governing the use of firearms and other lethal force in law enforcement, and that such human rights standards are made fully operational in training programmes and systems of monitoring and accountability.

# ENDNOTES

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<sup>2</sup> For information on such concerns, please see, for example, Amnesty International, *Yemen: Government should announce commitment to tackle 'widespread' torture* (Index: MDE 31/017/2009), 27 November 2009; Amnesty International, *Yemen's Dark Side: Discrimination and violence against women and girls* (Index: MDE 31/014/2009), 25 November 2009; Amnesty International, *Yemen: Submission to the UN Universal Periodic Review: Fifth Session of the UPR Working Group of the UN Human Rights Council, May 2009* (Index: MDE 31/012/2008), 10 November 2008; Amnesty International, *The Gulf and the Arabian Peninsula: Human rights fall victim to the "War on Terror"* (Index: MDE 04/002/2004), 22 June 2004; Amnesty International, *Yemen: The Rule of Law Sidelined in the Name of Security* (Index: MDE 31/006/2003), 24 September 2003.

<sup>3</sup> The Republic of Yemen was created in 1990 out of the unification of two previously separate states: the northern Yemen Arab Republic and the southern People's Democratic Republic of Yemen.

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<sup>5</sup> See Amnesty International, *Yemen: Human rights activist threatened, Tawakkol Karman (f)* (Index: MDE 31/003/2011), 27 January 2011, at <http://www.amnesty.org/en/library/info/MDE31/003/2011/en>

<sup>6</sup> "President of the Republic calls for the Fourth Committee to resume its work and announces the freeze on constitutional amendments" (in Arabic), *26 September* newspaper, 2 February 2011, at [http://26sep.net/news\\_details.php?lng=arabic&sid=71115](http://26sep.net/news_details.php?lng=arabic&sid=71115) accessed on 1 April 2011.

<sup>7</sup> "Yemen Council" website forum, post dated 30 January 2011, at <http://www.ye1.org/vb/showthread.php?t=560133> accessed on 1 April 2011.

<sup>8</sup> "Press conference of the President" (in Arabic), 21 February 2011, website of President Saleh, at <http://www.presidentsaleh.gov.ye/shownews.php?lng=ar&newsctgry=4> accessed on 1 April 2011.

<sup>9</sup> "JMP accept President Saleh's initiatives with conditions", *Yemen Times*, an English-language newspaper, 14 February 2011, at [http://www.yementimes.com/defaultdet.aspx?SUB\\_ID=35558](http://www.yementimes.com/defaultdet.aspx?SUB_ID=35558) accessed on 1 April 2011.

<sup>10</sup> Amnesty International has identified tear gas used by security forces in March 2011. Tear gas has been used extensively by security forces against protesters across countries in the Middle East and North Africa in recent months. The potentially harmful and lethal effects of tear gas are underestimated. Amnesty International has raised concerns over many years about how often tear gas is misused to inflict injuries on individuals and suppress the rights of peaceful protesters. See, for example, Amnesty International, *Pain Merchants: Security equipment and its use in torture and other ill-treatment*, 2 December 2003, at <http://www.amnesty.org/en/library/info/ACT40/008/2003/en>; Amnesty International, *G8: Failing to prevent irresponsible arms transfers*, 12 April 2006, at <http://www.amnesty.org/en/library/asset/POL30/011/2006/en/fc44b449-d43c-11dd-8743->

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<sup>11</sup> Amnesty International has identified cartridge casings used by security forces in March 2011.

<sup>12</sup> "Yemen declares 'state of emergency'", Al Jazeera, 18 March 2011, at <http://english.aljazeera.net/news/middleeast/2011/03/2011318115434957754.html> accessed on 1 April 2011.

<sup>13</sup> Amnesty International has identified rubber grenades used by security forces in March 2011.

<sup>14</sup> For example, tear gas grenade launcher.

<sup>15</sup> Amnesty International, *Yemen must rein in security forces as protests are violently repressed*, 14 February 2011 at <http://www.amnesty.org/en/for-media/press-releases/yemen-must-rein-security-forces-protests-are-violently-repressed-2011-02-14>

<sup>16</sup> Amnesty International, *Yemen: Security forces block access to hospital*, 26 February 2011 at <http://www.amnesty.org/en/for-media/press-releases/yemen-security-forces-block-access-hospital-2011-02-26>

<sup>17</sup> Amnesty International, *Yemen must rein in security forces as protests are violently repressed*.

<sup>18</sup> Amnesty International, *Yemen must reign in security forces as protests are violently repressed*.

<sup>19</sup> Amnesty International has the names of those killed and injured from credible sources inside Yemen.

<sup>20</sup> Amnesty International, *Yemen must halt attack on protesters*, 17 February 2011 at <http://www.amnesty.org/en/for-media/press-releases/yemen-must-halt-attacks-protesters-2011-02-17>

<sup>21</sup> Name withheld for fear of reprisal.

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<sup>23</sup> Amnesty International, *Security forces in Yemen block access to hospital*.

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<sup>26</sup> Amnesty International, *Yemen urged to halt deadly attacks on protesters*, 9 March 2011 at <http://www.amnesty.org/en/for-media/press-releases/yemen-urged-halt-deadly-attacks-protesters-2011-03-09>

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<sup>28</sup> Amnesty International, *Yemeni protesters killed in violent attacks*, 14 March 2011 at <http://www.amnesty.org/en/news-and-updates/yemeni-protesters-killed-violent-attacks-2011-03-14>

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<sup>73</sup> For recommendations for how the Yemeni government and the international community can over the longer term tackle some of the institutional weaknesses that underlie the lack of accountability, see Amnesty International, *Yemen: Cracking Down Under Pressure*.









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## MOMENT OF TRUTH FOR YEMEN

The human rights situation in Yemen has deteriorated rapidly since early 2011. Protests across the country calling for President Ali Abdullah Saleh to stand down, fuelled by frustration at corruption, unemployment and the repression of freedoms, have been met by widespread and often brutal repression. Security forces have repeatedly used what appears to have been excessive force, including the firing of live ammunition at unarmed demonstrators, killing scores of protesters and injuring hundreds.

This report shows that the response of the authorities has been woefully inadequate. While investigations have been announced into some of the killings, they inspire little confidence. The apparent impunity enjoyed by the security forces for their actions reflects a broader pattern of lack of investigations into violations committed in the context of the government's response to other challenges: the secessionist movement in the south, the intermittent conflict in the north, and the presence of al-Qa'ida in the country.

In light of this, Amnesty International is calling for an independent investigation, with international expertise, into the protest deaths as a first step towards breaking the cycle of impunity in Yemen.

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