



YEMEN

# In the Name of Unity

The Yemeni Government's Brutal Response  
to Southern Movement Protests

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## Summary

A grave human rights crisis is unfolding in southern Yemen, where government security forces have responded to calls for secession with the brutal repression of the so-called Southern Movement.

Since 2007, southern Yemenis have conducted sit-ins, marches and demonstrations to protest what they say is the northern-dominated central government's treatment of them, including dismissal from the civil and security services. The protests escalated and by 2008 many southern Yemenis were demanding secession and the restoration of an independent southern Yemeni state, which had existed up until the union of the Yemen Arab Republic and the People's Democratic Republic of Yemen in 1990.

The security forces, and Central Security in particular, have carried out widespread abuses in the south—unlawful killings, arbitrary detentions, beatings, crackdowns on freedom of assembly and speech, arrests of journalists, and others. These abuses have created a climate of fear, but have also increased bitterness and alienation among southerners, who say the north economically exploits and politically marginalizes them. The security forces have enjoyed impunity for unlawful attacks against southerners, increasing pro-secessionist sentiments in the south and plunging the country into an escalating spiral of repression, protests, and more repression.

While the government publicly claims to be willing to listen to southern grievances, its security forces have responded to protests by using lethal force against largely peaceful protestors without cause or warning, in violation of international standards on the use of lethal force. Protestors occasionally behaved violently, burning cars or throwing rocks, usually in response to police violence.

At the six protests investigated in depth by Human Rights Watch, Yemeni security forces violated almost every aspect of those standards. During an April 15 protest in Habilain, Central Security riot police without warning or provocation fired automatic weapons directly at protestors, wounding one man in the foot. During a May 21 protest in Aden security forces on several different occasions opened fire without warning or provocation, wounding 23 protestors including Nasr Hamuzaiba, a former army officer and Southern Movement activist. Protestors responded by throwing rocks at the security forces, who again responded with deadly force.

On May 30, protestors marched peacefully in Shahr, demanding the release of some 75 persons detained during a protest two days earlier. When they came to within meters of riot police blocking the road, police fired first into the air, but then at the protestors, killing 'Awwad Baram. The government held no inquiry into the fatal shooting. In al-Dhali', security forces shot and killed Tawfiq al-Ja'di during a May 31 demonstration without warning or provocation.

Security forces have made it increasingly difficult for wounded persons to obtain medical care by ordering public hospitals not to treat persons wounded at protests, stationing officers from the Political Security Organization (PSO) and other security agencies at hospitals, and even carrying out attacks inside hospitals or seizing wounded patients from their beds. Such actions gravely endanger the lives of wounded persons, many of them unlawfully shot by the security services. Two days after he had been hospitalized, security officials arrested a 15-year-old student who was shot through the ankle with a live bullet during the May 21, 2009 protests from his hospital bed. Guards at the Shu'aibi public hospital in al-Dhali' governorate refused to let protestors wounded at the July 4, 2008 protest enter the hospital, forcing them to seek out private treatment.

There have also been at least two incidents involving clashes between groups of armed men and the security forces, following which the Yemeni authorities have accused the Southern Movement of harboring an armed component. Armed clashes in the Ahmarain mountains around Habilain some 100 kilometers northeast of Aden in late April and early May 2009 left several soldiers dead and civilians wounded. In July 2009 a clash between followers of Tariq al-Fadhli and security forces in Zanjibar, the capital of Abyan province, left at least 12 persons dead in the wake of a "festival" promoting southern demands.

Furthermore, on two occasions in July, southerners attacked northern shopkeepers living in southern Yemen. In the worst such attack, three northern shopkeepers were abducted and two of them killed in Radfan district in July, 2009. Vigilante violence by supporters of a united Yemen also appears to be increasing: the central government helped establish Committees to Protect the Unity, groups of pro-unity supporters, some of them armed, who have carried out armed attacks on suspected southern activists.

While still exceptional—and contrary to the stated peaceful orientation and conduct of the bulk of the Southern Movement—these incidents underline the combustible nature of the situation and danger that violence may escalate. The armed clashes show the potential for armed conflict throughout the south, and appear to be indicative of elements that

sympathize with the goals of the Southern Movement but are prepared to pursue them by violent means.

Since the onset of protests in 2007, security forces have arbitrarily detained thousands of participants or bystanders, including children. These arbitrary arrests take essentially three forms—short-term preventive detentions in order to stop would-be participants from reaching protests and to prevent protests from taking place, arrest of peaceful participants and their sometimes lengthy detention, and targeted arrests and long-term detention without trial of suspected protest leaders. Children have been among those detained. While some were released after only a few hours, Human Rights Watch has documented three cases of children under age 18 being held for days and weeks without charge, some missing school examinations as a result.

Yemeni prosecutors have only charged a few detained leaders and put them on trial. In April 2008, security forces arrested twelve leaders of the Southern Movement and detained them until President Saleh amnestied them in September. The leaders included Ahmad bin Farid, Ali al-Gharib, Yahya Ghalib al-Shu'aibi, Hasan Ba'um, and Ali Munassar, among others. They spent six months at the Political Security Organization's prison in underground cells, and were later prosecuted on vague and politicized charges of "acting against national unity," "fomenting secession," or incitement. Since then, most Southern Movement leaders have been hiding in the mountains to escape arbitrary detention and political charges.

In 2009, the authorities continued to rely on specious politicized charges against Southern Movement leaders. In April, authorities arrested Qasim al-Askar Jubran, former ambassador of the PDRY to Mauritania, charging him with "threatening national unity and inciting a fight against the authorities." Jubran was transferred to San'a's PSO prison and put on trial based on evidence of "speeches, documents, a handout titled 'Project on the Vision of Peaceful Struggle Movement for the Southern Issue & Future of South Yemen's People,' and a document of affiliation with the Supreme National Council for Liberating and Restoring State of South Yemen." He remains in detention at this writing.

The authorities have also launched a frontal attack on the independent media, suspending publications, blocking websites, arresting journalists, and even shooting up the offices of the largest independent newspaper. On May 4, 2009 the Ministry of Information suspended from publication eight daily and weekly independent newspapers over coverage they had given to events in the south. They are *Al-Ayyam*, *Al-Masdar*, *Al-Watani*, *Al-Diyar*, *Al-Mustaqilla*, *Al-Nida*, *Al-Shari'*, and *Al-Ahali* papers. Also in May, the government created a new court to try journalists. On May 1 and May 2, security officials confiscated copies of *Al-Ayyam*,

Yemen's oldest and most popular independent newspaper. On May 4, unknown assailants opened fire on the newspaper's compound and it suspended circulation. On May 12, security forces surrounded the compound and engaged in a one hour shoot-out with the newspaper's security guards that left one passer-by dead and another gravely injured.

The government imposes unwritten "red lines" in an effort to ensure that the media exercise self-censorship. These are generally understood by journalists to include a ban on publishing interviews with exiled southern politicians or Southern Movement leaders, publishing pictures of the violence committed by the security agencies against demonstrators, or even mentioning the formal names of the organizations behind the protests. Human Rights Watch documented two further arrests of journalists over their reporting on the south. Officials also attempted to prevent coverage by foreign satellite TV stations. On at least two occasions in May and July 2009, security officers prevented Al Jazeera journalists from physically leaving their hotel to stop them from filming footage at protests in southern cities. In June, unknown assailants attacked Aden's Al Jazeera correspondent Fadhl Mubarak, and in July Al Jazeera's bureau chief for Yemen, Murad Hashim, received anonymous death threats via telephone.

Yemeni authorities have arrested popular bloggers Salah al-Saqladi and Fu'ad Rashid, who remain in detention at this writing. Saudi Arabian secret police have arrested Yemenis blogging from Jeddah for websites featuring news about the Southern Movement, and secretly rendered Ali Shayif to Yemen in May or June 2009, where he remained in the detention of the PSO as of mid-November 2009. Academics are also not free to express their opinion. Security forces arrested Professor Husain 'Aqil after he wrote in the press and lectured in the classroom about economic injustices faced by the south. 'Aqil is a professor of economic geography at Aden's university, and remains in detention in San'a's PSO prison as of this writing. Human Rights Watch spoke to and detailed four other cases of harassment and detention of academics who spoke out against what they perceived as repression by the northern central government.

Despite the host of repressive measures and their wide application, calls by southerners for their reinstatement into the army and civil service, higher pensions, an end to corruption, and a fairer share of Yemen's national wealth—especially oil revenues, have continued unabated. Although so far mainly peaceful, feelings of bitterness in the south and a sense of betrayal in the north the tensions threaten to spill over into intercommunal violence.

International attention on Yemen, one of the poorest Arab states, is more focused on two other challenges—in August 2009 the five-year old episodic war with rebels from the Huthi

movement in the north flared again, leading to more deaths and displacement, and 2009 also saw increased activity by the group known as al Qaeda in Yemen. The human rights crisis in the south is being largely ignored.

Yemen's central government should respect the rights to freedom of assembly, association, and expression, including by amending its laws to protect these rights. Its security forces should cease using unnecessary and disproportionate force against protesters and stop arbitrary arrests of protestors and critics and release all those arbitrarily arrested, including children. An independent commission should review all incidents in which security forces using lethal force injured or killed protestors in the south over the past three years and hold accountable those who unlawfully used such force.

Yemen's neighbors and donors should publicly criticize Yemen's human rights abuses and advocate for greater respect for human rights, in particular the rights to freedom of expression and assembly. Donors should assist Yemen in training its security personnel in non-lethal methods of crowd control and monitor the conduct of security personnel.

## **I. Recommendations**

### **To the Government of Yemen**

- Ensure that state security forces abide by international policing standards, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms, when responding to protests, and in particular restricting the use of firearms to situations of imminent threat of death or serious injury, or the equivalent.
- Establish an independent commission of inquiry with full authority to investigate the use of excessive force by the state security services against Southern Movement protests which should report speedily.
- Investigate and hold accountable, through prosecutions, disciplinary proceedings and other measures, state security officials who have engaged in, or ordered the use of, excessive force against unarmed protests.
- End the arbitrary detention of protesters by the security forces, and release those who remain in detention without charge. Any remaining detainees should be speedily brought before an independent judicial body with the power to review their detention and order their immediate release.
- Ensure that all security forces act within the limits of the law when arresting and detaining persons, and close all unauthorized detention facilities.
- End the use of vague and overbroad criminal charges, such as articles 125 and 126 of the Crimes and Punishment Law of 1994 that punish by death anyone who “intentionally undermines the independence of the republic and its unity and the integrity of its territory,” and “broadcasts news or ... false rumors ... or intends advocacy causing panic among the people or weakening the the people’s moral spirit,” respectively, and article 136 that punishes with three years in prison “broadcasting false news ... or rumors ... with the intent to disturb public order ... or damage public interests.” Repeal these articles, and amend articles 127, 128, 129, and 131 to remove overly broad and vague charges.
- Ensure that all detained suspects are treated in accordance with international human rights standards, including, to have access to a lawyer of their choice, to be held in humane conditions free from cruel, inhuman, and degrading treatment, and not to be held in long-term detention without trial or access to the judiciary.
- Adopt procedures to ensure that children under age 18 are detained only as a measure of last resort and for the shortest appropriate period of time. Mandate that children are never detained with adults, in accordance with international standards.

- Respect and protect the right of all persons to peacefully assemble and to associate with others. Any limitation on these rights should be strictly minimal: i.e. it must not be arbitrary and be clearly based in law; can only be for a legitimate reason and the restriction should only be to the minimum extent necessary to meet the aim. .
- Thoroughly review—and revise as necessary—the training curriculum for security forces to ensure comprehensive training on human rights issues including respect for the rights to freedom of assembly, association, and freedom of expression and non-lethal forms of crowd control.
- Ensure that pro-government organizations, including the Committees to Protect Unity, do not engage in vigilante violence against government critics and opponents. Investigate, and if appropriate prosecute, all allegations of violence by pro-government militias as well as opposition forces.
- End the arbitrary arrest, prosecution, and intimidation of independent journalists, bloggers, and editors reporting on the Southern Movement and abuses by security forces in the south. Pardon those charged or convicted of acts protected under the right to free speech.
- Stop closing down or suspending independent newspapers for reporting on the Southern Movement and abuses by security forces in the south.
- Review and amend legislation to ensure that Yemeni law does not criminalize protected forms of expression and exchange of information, including through electronic media or contact with international human rights organizations. In particular, decriminalize peaceful advocacy for secession, which, as a political discussion, is a strongly protected form of speech under freedom of expression. Ensure that there is minimal interference in peaceful political discussion.

### **To the Southern Movement**

- Publicly reject acts of violence by Southern Movement activists or sympathizers against northerners; ensure that any such attacks are investigated and that those responsible are held accountable.

### **To Yemen's Neighbors and Donors**

- Publicly criticize human rights abuses committed by the Yemeni security forces, in particular the use of excessive force against peaceful protesters, the use of vague and overbroad criminal charges to carry out arbitrary arrests and long-term detentions, including of children, and widespread violations of rights to freedom of assembly, association, and expression, and academic freedom. Call for all children

detained around the protests to be released pending trial, if any, and that children in detention be separated immediately from adults.

- Advocate for greater media freedom in Yemen, including the electronic media, and publicly criticize closures of newspapers, as well as threats against, arrests, and prosecutions of journalists, bloggers, and editors who report on the Southern Movement and abuses by security forces in the south.
- Call for the release of all persons held arbitrarily, and for the Yemeni authorities to clarify immediately the whereabouts of “disappeared” individuals believed to be held in secret, incommunicado detention.
- Call on Yemeni authorities to investigate abuses committed by security forces and prosecute those found to be responsible.
- Make it clear to the Yemeni authorities that international assistance, including financial, military, and diplomatic support, will be contingent upon improvements in Yemen’s human rights conduct, and develop clear benchmarks with which to monitor Yemen’s human rights record. Ensure that all forms of assistance to Yemen are carefully monitored to ensure that they do not contribute to human rights abuses committed by security forces.
- Strengthen assistance programs to Yemen that focus on educating and monitoring security forces in non-lethal crowd control and respect for international human rights standards.
- Ensure that non-lethal crowd control assistance programs are not abused by the Yemeni authorities to restrict the exercise of rights to freedom of association, assembly and expression.

## II. Methodology

A three-person Human Rights Watch team visited Yemen for two weeks in July 2009, carrying out research in the capital, San'a, and in the southern Yemeni cities of Aden and Mukalla. We interviewed more than 80 victims of and eyewitnesses to human rights abuses, in addition to local journalists, human rights activists, intellectuals and academics, politicians, and activists in the Southern Movement, government officials, and diplomats in the capital. We also conducted follow-up phone interviews after completion of the field mission.

For many of the cases documented in this report, Human Rights Watch also reviewed accounts in the local and international media, as well as extensive videos taken at the protests and made available on such public websites as Youtube and websites devoted to Yemen. Video materials were usually uncut and covered long periods of the incidents. We closely scrutinized video and photographic materials to determine the presence, or lack thereof, of armed persons among protesters, a crucial point of contention in the differing accounts by southern activists on the one hand, who claim that there are no armed persons at their protests, and by government officials on the other hand, who claim that deadly violence often results because of the actions of armed protesters. These videos, while invariably taken by persons affiliated with or at least sympathetic to the goals of the protestors, can provide additional evidence to supplement witness accounts Human Rights Watch collected because they generally comprised lengthy, raw, unedited footage. Human Rights Watch cross-checked videos about attacks in Hailan in April and in Zunjibar in July with detailed interviews with eyewitnesses present at the time.

We conducted most interviews in Arabic: one native Arabic-speaking member of the team interpreted for the non-Arabic-speaking member; the third member of the team conducted separate interviews in Arabic. Most interviews were conducted in a private setting, with only the interviewing team and the person interviewed present, although crowded interview settings in Mukalla made strictly private interviews difficult.

Yemeni authorities did not interfere with Human Rights Watch's research in southern Yemen, but heavy security presence and the general security situation in some rural areas complicated field work. Local activists advised Human Rights Watch against visiting rural areas in Radfan, al-Dhali', Abyan, and Shabwa, both because of dangers posed from armed persons in rural areas as well as the possibility that the security forces would detain our team and confiscate notes or other materials.

Websites and television stations in south Yemen announced Human Rights Watch's visit while the team was conducting research in the area. The authorities did not directly interfere with our work in Aden, but an escort of armed tourist police and an armed security officer in civilian clothes waited for our team at our hotel in Mukalla, and insisted on accompanying our team on our second day, citing concern for our safety, which made further research impossible. Agents of the Political Security Organization, a domestic intelligence agency, that same night telephoned a local taxi driver, who had briefly driven the team around on its first day in Mukalla, and questioned him about our activities. An official of the National Security Agency in San'a, another intelligence organization, told a Yemeni human rights activist that he was aware of our activities and presence in Aden before such news became public.

Human Rights Watch is grateful to the Minister of Human Rights, Dr. Huda Alban, for promptly accommodating our request for a meeting, and for the detailed information her office provided. Unfortunately, that meeting coincided with the timing of a separate meeting the Ministry of Interior had arranged with its deputy minister; we were only informed of that meeting by phone while we were at the meeting with Dr. Alban. We appreciate the Interior Ministry's willingness to meet to discuss the situation in south Yemen.

### III. Background

Yemen is a country of 22 million people, geographically slightly larger than France, on the southwestern corner of the Arabian Peninsula across the Red Sea from the Horn of Africa (Somalia, Djibouti, Eritrea, and Ethiopia). The World Bank estimated Yemen's annual per capita gross domestic product at US\$520 in 2003, making it one of the poorest countries in the world. That year, Yemen ranked 151 out of 177 countries on the United Nations Human Development Index.<sup>1</sup> Three quarters of Yemenis live in rural areas.

In 1962, an army coup ended centuries of rule by the Zaidi imam, establishing the Yemen Arab Republic (YAR), in what many referred to as North Yemen. A civil war in the 1960s drew in Egypt and Saudi Arabia on the republican and imamate sides respectively. What was then South Yemen had been a British protectorate until it achieved independence as the socialist People's Democratic Republic of Yemen (PDRY) in November 1967.

#### Unity and Secession

Historical accounts and the Qur'an refer to Yemen as a geographic entity, although kingdoms and principalities with different names existed on the territory until colonial powers including the Portuguese, Ottomans, and the British occupied parts of what is now Yemen. Throughout the twentieth century, people living there under different political regimes nonetheless thought of themselves as Yemenis, part of "a mythological past in 'Arabia Felix',"<sup>2</sup> providing the popular foundation for the unification of the YAR and the PDRY.

In 1989, the PDRY's Soviet backers pulled out their military personnel, recalled their advisers, and cut aid, leading the government to begin a program of political liberalization and to consider union with the north.<sup>3</sup> The YAR, meanwhile, also faced economic pressures and was keen to develop oil fields around Shabwa, in the territory of the PDRY.<sup>4</sup> The two leaders, Ali Salim al-Baidh and Ali Abdullah Saleh, declared unity of the two Yemens on May 22, 1990

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<sup>1</sup> World Bank, "Yemen,"

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/YEMENEXT/0,,menuPK:310170~pagePK:141159~piPK:14110~theSitePK:310165,00.html> (last accessed October 2, 2008).

<sup>2</sup> Joseph Kostiner, "Yemen. The Tortuous Quest for Unity, 1990-94," The Royal Institute of International Affairs, Chatham House Papers, (Royal Institute of International Affairs, London: 1996), p.2.

<sup>3</sup> Joseph Kostiner, "Yemen," p.7.

<sup>4</sup> Joseph Kostiner, "Yemen," p.11. See also: Klaus Enders et al., "Yemen in the 1990s: From Unification to Economic Reform," International Monetary Fund, Occasional Papers 208, <http://www.imf.org/external/pubs/nft/op/208/index.htm> (accessed October 29, 2009), p. 4.

as the Republic of Yemen. Yemen embarked on a path of multiparty politics and held its first elections in 1993. Rather than spur unity, the elections reinforced the divide between southern Yemen which overwhelmingly voted for Yemeni Socialist Party (YSP) candidates, and northern Yemen, whose voters returned candidates of the Islah party, an Islamist group, and General People's Congress (GPC), the party of President Saleh.<sup>5</sup> Relations between the YSP and the GPC, which had formed a coalition government after 1990, deteriorated over policy differences, not least the speed and extent of integration of the two separate armies, bureaucratic and judicial reform, and measures against corruption and terrorism.<sup>6</sup> An attack on southern army units stationed in the north, allegedly by northern tribesmen, sparked the civil war of April-June 1994, which ended in southern defeat.<sup>7</sup>

After the 1994 war, the authorities in Sana'a forcibly retired many southern military officers and civil servants and replaced them with northerners. Many southerners regard the defeat as the beginning of a sharp decline in their economic fortunes and the start of an even greater marginalization of southerners in northerner-dominated united Yemen, although southern Yemen's formerly socialist economy was already in sharp decline long before the civil war, and mismanagement of the economy was one of the main factors driving South Yemen towards unification.<sup>8</sup> The damage from the war and the looting to factories and industries was never fully repaired, and southerners claim that economic patronage and oil-based development has bypassed them in favor of northerners.<sup>9</sup> According to southern accounts, southern land and oil contracts often went to northerners close to the president, and the profits from Yemen's oil exploitation in the south lined the pockets of northerners.<sup>10</sup> Some 100,000 retired southern military officers and civil servants only sporadically received their pensions.<sup>11</sup> Suspensions of pensions often appear to be politically motivated, occurring

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<sup>5</sup> Brian Whitaker, *The Birth of Modern Yemen* (2009), e-book published at [www.al-bab.com/yemen/birthofmodernyemen](http://www.al-bab.com/yemen/birthofmodernyemen) (accessed October 28, 2009), p.137.

<sup>6</sup> Joseph Kostiner, "Yemen," p. 65-74.

<sup>7</sup> Human Rights Watch/Middle East, *Yemen: Human Rights in Yemen During and After the 1994 War*, vol. 6, no. 5, October 1994, p.6.

<sup>8</sup> Brian Whitaker, *The Birth of Modern Yemen*, pp. 16-22. A 1990 contemporary account described the economic conditions in South Yemen prior to unification as follows: "[T]he economy had effectively broken down; farmers refused to deliver food for the miserable prices they could get, for weeks the only food available in Aden market was potatoes, bread and onions. The government's coffers were empty..." Liesl Graz, "South Yemen Waits for Unity," *Middle East International*, March 16, 1990.

<sup>9</sup> Ginny Hill, "Yemen: Fear of Failure," *Chatham House Middle East Programme Briefing Paper*, November 2008, p.5.

<sup>10</sup> "Troubled Yemen," *The Economist* (London), June 2, 2009.

<sup>11</sup> Brian Whitaker, *The Birth of Modern Yemen*, p. 216.

after the individual participated in a political protest.<sup>12</sup> These economic grievances are at the core of the southern protests.

## Security Forces

There are many security agencies in Yemen answering to different parts of the executive. Their remits overlap, leading to public uncertainty about which agency might be responsible for a particular human rights violation.

A 1980 presidential order established Central Security (*al-Amn al-Markazi*), tasking the agency with responsibilities ranging from ensuring the safety of property and persons to border patrolling and counter-terrorism.<sup>13</sup> Central Security is officially under the Minister of Interior's direct authority.<sup>14</sup> This agency has been heavily involved in the use of force against southern demonstrators.

Also under the Interior Ministry are the Criminal Investigation Department (CID) responsible for non-political crimes, and a separate counter-terrorism unit. However, both the CID and the counter-terrorism unit have carried out arrests of persons for alleged political offenses. The CID has been responsible for many of the arrests of southern protestors and activists at the local level.

Political Security is Yemen's domestic intelligence agency, established by Decree 121 in 1992 as the Central Agency for Political Security (*al-Jihaz al-Markazi lil-Amn al-Siyasi*). Its powers of arrest and detention derive only from this decree and not from any law, and its detention facilities are not among the authorized places of detention, as required by the Yemeni constitution.<sup>15</sup> The agency reports directly to President Saleh. Political Security appears to be responsible chiefly for arresting suspected leaders and organizers of the Southern Movement, as well as intellectuals and other prominent persons involved with the Southern Movement whose influence reaches beyond the local level.

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<sup>12</sup> Human Rights Watch telephone interviews with Jamal Shunaitir, teacher, Shabwa, and Ali bin Yahya, civil servant in education department, Shabwa, July 12, 2009.

<sup>13</sup> Republican Decision no 107, Ministry of Interior, 1980, published on the website of the Central Security Forces, [www.yemencsf.org](http://www.yemencsf.org) (accessed November 28, 2009).

<sup>14</sup> Ministry of Interior, Organizational Regulation of the Ministry of Interior, 1995. [www.police-info.gov.ye/laws/Mino1.htm](http://www.police-info.gov.ye/laws/Mino1.htm) (accessed August 19, 2008).

<sup>15</sup> Human Rights Watch telephone interview with Qasim, lawyer, San'a, September 2, 2008. According to information Human Rights Watch obtained, the Political Security agency's places of detention are also not authorized as required by the Constitution. Yemen's constitution prohibits detention "in any place not authorized under the Prisons Administration Law." Constitution of the Republic of Yemen, 2001, art. 48(b).

National Security, an agency established by decree 262 in 2002, mainly prepares analyses and provides advice to the government. A dispute over competency and authority between it and Political Security led National Security to establish its own detention centers in the early 2000s, also undeclared and therefore outside the framework of Yemeni law. Its powers of arrest and detention similarly only derive from decree and not law.<sup>16</sup> This agency does not appear to play much of a role in the state's response to the Southern Movement.

Other agencies that witnesses said are involved in suppressing protests, arresting or detaining activists include the military police, Presidential Guard, military intelligence, and various military units, including air defense troops.

Yemen's judiciary provides no effective oversight over the legality of arrests and detentions. National Security and Political Security in particular do not abide by requirements under Yemeni's Criminal Procedure Law of 1994 that officials conduct arrests only pursuant to a warrant, present suspects for charge within 24 hours of arrest, and release prisoners whose sentences have expired.<sup>17</sup>

The Specialized Criminal Court (*al-Mahkama al-Jaza'iyya al-Mutakhassisa*), established by law in 1999, was originally set up to try crimes defined in the Qur'an and included in the Penal Code, such as highway robbery (*hiraba*), in addition to other statutory offenses not specified in the Qur'an, including the abduction of foreigners, harming oil installations, theft by armed groups of means of transportation, membership in an armed group seeking to attack public property or citizens, and attacking members of the judiciary or abducting officials or their family members. In 2004, a new law broadened the court's jurisdiction to include vaguely-worded crimes against national security.<sup>18</sup> The court, like most of the judiciary in Yemen, is not independent and its trials do not meet international standards of fairness.<sup>19</sup>

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<sup>16</sup> President of the Republic of Yemen, "Republican Decision on the Establishment of the National Security Agency by the Republic of Yemen," August 6, 2002. Article 5.2 provides National Security officers with the powers of judicial arrest officers. Article 84 of Yemen's law of Criminal Procedure lists prosecutors, governors, police officers and others as "judicial arrest officers," and further specifies that "all officers who have been given the quality of judicial arrest officers by law (emphasis added) may be added to the list." President of the Republic of Yemen, "Republican Decision on Law no 13 of Year 1994 Regarding Criminal Procedures," articles 84-9.

<sup>17</sup> Republican Decision on Law no 13 for the Year 1994 Regarding Criminal Procedure.

<sup>18</sup> Republican Decision on Law no 391 for the Year 1999 Regarding the Specialized Criminal Court, art. 3; and Republican Decision on Law no 8 for the Year 2004, Regarding the Specialized Criminal Court, art 1.

<sup>19</sup> Human Rights Watch interview with defense lawyer for suspected Huthi rebel sympathizers [name withheld on request], San'a, July 2008. The lawyer detailed how the court refused to allow defense witnesses to give evidence, and how the court accepted prosecution allegations, such as plans to poison San'a's water supply, without evidence.

## IV. The Southern Movement: An Overview

### Genesis and Make-up of the Southern Movement

According to most Yemenis interviewed by Human Rights Watch, the genesis of the current protest movement in south Yemen was a series of small-scale protests mounted in 2007 by an organization of military officers from the south who had been forcibly retired, calling for their reinstatement and increased pensions. These former officers formed the Society of Retired Military Officers (*Jam'iyat al-'Askariyyin al-Mutaqa'idin*), and began a series of sit-ins and protest marches. Security forces almost immediately met the sit-ins and protests with violence and arbitrary arrests.

Widespread economic discontent and marginalization in southern Yemen led other elements of society to join the protest movement. Civil servants, many of whom had also been forcibly retired in 1994, joined almost immediately. There are an estimated 100,000 military and civil employees in the south who were forcibly retired after 1994, and their pension arrangements were at the core of the original protests in 2007.<sup>20</sup> Lawyers, academics, students, journalists, and many ordinary southerners broadened the scope of the protests. Soon, most of the southern branches of political parties, led by the Yemeni Socialist Party (YSP) but including the local branches of the Islah party, Nasserists, and Ba'thists, used their grassroots networks to mobilize support for the movement.<sup>21</sup> Demands now included more employment opportunities for southerners, an end to corruption, and a larger share of oil revenues for southern provinces.<sup>22</sup> As explained by one commentator, "There was a feeling that southerners were being excluded from the north's patronage networks in business, politics and the military."<sup>23</sup>

More traditional leadership structures, including tribal shaikhs, as well as many ordinary rural residents, joined the Southern Movement as well.<sup>24</sup> By early 2009, the movement had gained broad support in southern Yemeni society, and demands escalated to calls for

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<sup>20</sup> Whitaker, *The Birth of Modern Yemen*, p. 216.

<sup>21</sup> See Susanne Dahlgren, "The Southern Movement in Yemen," *ISIM Review* 22, Society & the State, Autumn 2008, p.51.

<sup>22</sup> Ginny Hill, "Economic Crisis Underpins Southern Separatism," *Carnegie Endowment for International Peace, Arab Reform Bulletin*, June 2009, <http://www.carnegieendowment.org/arb/?fa=show&article=23191> (accessed June 29, 2009).

<sup>23</sup> Whitaker, *The Birth of Modern Yemen*, p. 216.

<sup>24</sup> As explained in this report, the "Southern Movement" is not a single well-organized organization with a clearly defined leadership, but rather a loose coalition of individuals and organizations. However, it is popularly known as the "Southern Movement" both inside Yemen and abroad, hence the use of the name in this report.

outright secession and the re-establishment of an independent state in the south. A prominent Yemeni human rights activist described the process this way:

Now, by mid-2009, all of the southern factions demand secession from the north. The government in San'a only looks at how to stop these groups, not at how to solve the problems that have created them. There are elites in south Yemen who feel marginalized, but the groups they head represent real grievances of the people. The people want lower prices, better services, and more employment. That is the reason they line up behind the secessionist slogans.<sup>25</sup>

The Southern Movement has tried to develop some centralized structures in order to bring together the divergent elements participating in the protests. In June 2009, the Southern Movement reportedly appointed a "Council for the Leadership of the Peaceful Revolution of the South,"<sup>26</sup> which, according to persons interviewed by Human Rights Watch, consists of five officials, namely Hasan Ba'um of Hadhramawt, president of the Council of the YSP, Salah Shanfara of Dhali', a YSP member of parliament, Nasir Nuba of Shabwa, head of the Retired Military Consultative Association, and Tariq al-Fadhli of Abyan, a tribal leader and ally of an Islamist faction, who recently joined the Southern Movement after many years as a key ally of President Saleh, in addition to Yahya Sa'id, a sociology professor at Aden University.<sup>27</sup>

There appear to be many competing bodies and persons portraying themselves as the leadership of the Southern Movement, and it is unlikely that there is a single over-arching leadership body, but rather various locally and regionally organized groups that loosely coordinate their activities, but often act independently of one another. Human Rights Watch has been unable to determine the effectiveness of this leadership council or its current ability to operate as a body, given that all members are either in hiding or have fled abroad. Furthermore, numerous others introduced themselves to Human Rights Watch as "leaders"

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<sup>25</sup> Human Rights Watch interview with human rights activist, San'a, July 8, 2009.

<sup>26</sup> "Al-Dhali' Meeting 12 June 2009," Al-Dhiya'i post to *Al-Yemen* discussion forum, June 12, 2009, <http://www.al-yemen.org/vb/archive/index.php/t-389737.html> (accessed August 20, 2009).

<sup>27</sup> Human Rights Watch interview with Rashid Ajina, Aden, July 12, 2009. A differently named group, the National Council of Liberation and for the Restoration of the State of the South announced it would not recognize this leadership council. *Taj Aden News Website*, June 21, 2009, <http://tajaden.org/bayanat/467.html> (accessed August 20, 2009). Just days later, one of the five members of the Council, Nasir Nuba, announced that he had not been present at the Dhali meeting where the Council had been formed, and instead claimed he was the President of the "Supreme National Authority for the Presidency of the South," (Arabic) and that the Supreme National Authority "is the only entity authorized to speak on behalf of [the Southern Movement] and dialogue with any other party," suggesting internal power struggles for control of the movement. (Statement of Brigadier Nasir al-Nuba, dated June 13, 2009, on file with Human Rights Watch.)

of the movement. The impression emerging from our contacts is of a loose movement with little internal cohesion.

## Declared Nonviolence and Armed Clashes

Since the start of the protests in 2007, the Southern Movement has publicly insisted that it is peaceful, and has repeatedly rejected the use of armed resistance in achieving its goals.<sup>28</sup> The Yemeni authorities and the state-controlled press, on the other hand, have frequently accused the Southern Movement of harboring armed elements and have blamed deaths at protests on armed participants in the demonstrations.<sup>29</sup>

According to a politician associated with the Southern Movement:

[W]e have faced a lot of violence from the state... Whenever there is a [major] rally, people are killed. But people in the movement are peaceful—and this is a historical development in a tribal society where everyone is armed. Most of the protesters have legal weapons at home, and they know how to use them, but we prefer to be peaceful.<sup>30</sup>

Human Rights Watch research indicates that the vast majority of large organized protests in southern Yemen, particularly those in urban centers such as Aden and Mukalla, have not involved armed protestors. Video footage from these urban protests, and many village-level protests, mainly show unarmed demonstrators at non-violent sit-ins and demonstrations. Eyewitness accounts collected by Human Rights Watch also claim that the majority of the protests have been non-violent. However, the main protests have seen violence from

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<sup>28</sup> See for example comments by Nasir Nuba: “We call on the people of the south to actively participate in this event [commemorating withdrawal of the last British troops] ... while holding dear their civil values and civilized manners and peaceful means in changing opinion.” “The Supreme Council for the Liberation of the south and the Commission of the Southern Movement in Aden Call on SouthSoutherners to Celebrate Independence Day,” contribution by Nasr Asad to discussion forum Yemeni Council, November 21, 2008, <http://www.ye1.org/vb/showthread.php?t=304437> (accessed October 29, 2009).

And comments by Yahya al-Shu’aibi on peaceful nature of the movement, in Muhammad Humaidi, “Deputy al-Shanfara: Depriving People of the South from Employment and Treasure and the Attempt to Obliterate its History and Identity Are Among the Most Extreme Types of Terrorism,” *Al-Ayyam*, September 24, 2008, <http://www.ye1.org/vb/archive/index.php/t-284724.html> (accessed October 29, 2009).

<sup>29</sup> See, for example, Hammoud Mounassar, “Yemeni president urges dialogue after deadly clashes,” AFP, May 21, 2009 (quoting President Saleh blaming “outlaws aiming to hit at the nation and its safety and to stir unrest” for deaths during a protest in Aden); “Aden Governor: No clashes between citizens and security,” *Saba News*, May 21, 2009 (Quoting Aden governor Adnan al-Jifri stating that armed persons who were part of “chaotic elements” who had “conducted unrest and sabotage acts” were responsible for the death of a protestor.); “One Killed, Four Wounded in Yemen Unrest,” *Maktoob Business*, July 25, 2009 (quoting Ministry of Defense website as blaming “anti-unity” activists firing from rooftops for causing casualties).

<sup>30</sup> Human Rights Watch interview with Nasir Ba-Habib, San’a, July 10, 2009.

protesters, usually after security forces attempted to block the protests or fired into the crowd, drawing rock-throwing in response from demonstrators. On a few occasions, protestor violence included throwing incendiary devices such as Molotov cocktails and burning tires.<sup>31</sup>

To Human Rights Watch's knowledge, there have, however, been at least two incidents involving armed clashes between armed men and the security forces, leading the Yemeni authorities to accuse the Southern Movement of harboring an armed component. Armed clashes in the Ahmarain mountains around Habilain some 100 kilometers northeast of Aden in late April and early May 2009 left several soldiers dead and civilians wounded. In July 2009 a clash in Zanjibar, the capital of Abyan province, left at least 12 persons dead.

There have also been sporadic incidents of violence against northern civilians in southern Yemen, indicative of increasing intercommunal tensions. In July 2009, three northern men were murdered in Radfan by suspected Southern Movement sympathizers. In the same month, protesters attacked, burned or looted northern-owned shops in Mukulla.

While still exceptional—and while contrary to the stated peaceful orientation and conduct of the bulk of the Southern Movement, including at protests and demonstrations organized by the Movement's supporters—each of these incidents underlines the combustible nature of the situation and danger that violence may escalate. The armed clashes in particular show the potential for armed conflict throughout the south, and appear to be indicative of elements that sympathize with the goals of the Southern Movement but are prepared to pursue them by violent means.

### *Armed Clashes*

Although Human Rights Watch was unable to visit the sites of the clashes at Habilain and Zanjibar, we interviewed persons about both incidents, and obtained extensive video material documenting these events.

#### **April 28-May 7, 2009 clashes at Habilain**

On April 28, the Yemeni army began moving new troops into the Ahmarain mountains of Habilain town, establishing military positions overlooking villages in the area and erecting new checkpoints. While some local villagers and townspeople reacted by organizing

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<sup>31</sup> These incidents are described in more detail below. See Chapter: IV. Unlawful Use of Deadly Force Against Peaceful Protestors .

peaceful protests in Habilain, other elements carried out armed attacks on the remote military posts. According to media reports, the clashes resulted in the deaths of at least five security personnel and two armed persons.<sup>32</sup>

Human Rights Watch obtained a videotape from a local journalist who had traveled with some of the armed men during the fighting, and we also interviewed the journalist himself. The videotape shows small groups of armed men firing AK-47 automatic rifles at military outposts located on remote mountain-tops, far away from the populated villages below.<sup>33</sup> An army position is then seen firing tank shells and artillery at a village below, with smoke rising from the impact of shells amidst the homes. The video also shows several civilian men who appear to have been wounded by the shrapnel from the army's artillery attack on the village.<sup>34</sup>

One of the armed men on camera provides the journalist with his reasons for taking up an armed struggle:

We are fighting the thieves, the occupiers. Today, we ask, what unity—the unity of tanks above our homes? They have started the shooting. They have pillaged our land, consumed our wealth. We have no more patience for these oppressors, death is preferable.<sup>35</sup>

After about a week of clashes, on May 3, former Minister of Local Administration Abd al-Qadir Hilal came to Habilain to resolve the stand-off between the military and the local armed men.<sup>36</sup> An agreement between the local shaikhs, not the Southern Movement, and the military was reached to remove some of the recently erected military posts from the

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<sup>32</sup> Human Rights Watch telephone interviews with Yasir, Habilain hospital, May 3, 2009, and with Salah Shanfara, member of parliament, al-Dhali', and separately with Burkan Tanbah, Habilain, May 5, 2009. See also: "Broadening of Isolated Armed Confrontations and Rows of Tanks and Missile Launchers Arrive in Radfan," *Al-Ayyam* newspaper, May 1, 2009, <http://www.al-ayyam.info/default.aspx?NewsID=b056428e-d616-40ec-9f47-55556bfe1938> (accessed August 20, 2009).

<sup>33</sup> The armed men, in interviews with the journalist, refer to themselves as the "Red Wolves"—a reference to the Marxist-inspired National Liberation Front guerillas who fought British forces during the colonial period 1964-1967. See Vitaly Naumkin, *The Red Wolves of Yemen: The Struggle for Independence* (London: Oleander Press, 2004).

<sup>34</sup> Ibid.

<sup>35</sup> Video tape on file with Human Rights Watch.

<sup>36</sup> Human Rights Watch interview with journalist Gha'id Nasr al-Radfani, Aden, July 11, 2009.

Ahmarain mountains, but it has only been partially implemented, according to local villagers. However, since then, armed attacks on the army in the area have largely ceased.<sup>37</sup>

The armed clashes in Habilain do not appear to be attributable to the Southern Movement, as the armed men carried out attacks on military targets in their own name and not in response to any calls for action by the Southern Movement. These armed men also did not use or claim cover of peaceful protests to launch their attacks.

### July 23, 2009 clashes around the al-Fadhli compound in Zanjibar

Another violent clash took place on July 23, 2009, around the compound of Shaikh Tariq al-Fadhli, a former southern ally of President Saleh, which left at least 12 persons dead and at least 18 wounded.<sup>38</sup>

Al-Fadhli became an ally of President Saleh in the early 1990s and in the 1994 civil war fought on Saleh's side against separatists in the south. He remained an important provider of "Arab-Afghan" fighters especially in the 1994 war and a supporter to President Saleh ever since.<sup>39</sup> However, in April 2009 Al-Fadhli switched sides, and is reportedly the newest of the five leaders of the Council for the Leadership of the Peaceful Revolution of the South, which, as described above, claims to be the leadership body for the Southern Movement, formed in

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<sup>37</sup> On July 28, 2009, an apparent 2 a.m. ambush on a military checkpoint near Lawdar in Habilain province killed four soldiers, but this incident was in a different area from the earlier clashes and more likely related to the July 23 clashes at the al-Fadhli compound, described below.

<sup>38</sup> Some news accounts claimed that up to 16 people died in the fighting. According to the governor of Abyan, Ahmad al-Maisari, eight people were killed and 18, including six policemen, were wounded. Mohammed al-Kibsi and Abd al-Aziz Oudah, "Confrontations in Abyan Result in Tens of Deaths and Injuries," *Yemen Observer*, July 25, 2009. However, doctors at the al-Razi hospital in Zanjibar and the May 28<sup>th</sup> Hospital in Aden told the Associated Press that their hospitals received ten corpses, and that two additional persons died from their injuries at the hospital. Ahmed Al-Haj, "Security Forces Kill 12 Protestors in Yemen," Associated Press, July 25, 2009.

<sup>39</sup> John F. Burns, "Yemen Links to bin Laden Gnaw at F.B.I. in Cole Inquiry," *New York Times*, November 26, 2000, <http://www.nytimes.com/2000/11/26/world/yemen-links-to-bin-laden-gnaw-at-fbi-in-cole-inquiry.html?pagewanted=all> (accessed November 11, 2009). Al-Fadhli, who was an associate of Osama bin Laden in Afghanistan in the 1980s, in 2009 rejected any links with al Qaeda in Yemen, saying his involvement in Afghanistan dates back more than two decades and that he now welcomes western support for South Yemen. Arafat Madayash and Sawsan Abu-Hussain, "Al Qaeda Calls for Islamic State in South Yemen," *Al-Sharq al-Awsat*, May 14, 2009, <http://www.aawsat.com/english/news.asp?section=1&id=16728> (accessed October 29, 2009).

Tariq al-Fadhli is a descendant of the British-appointed Sultan of Abyan, and his family acquired large land holdings during the era of British rule. . . He fought in Afghanistan during the Afghan-Soviet war, earning a reputation as a military leader of the Afghan-Arab fighters. Following his return to Yemen in 1993, al-Fadhli reportedly established training camps in southern Yemen for "Afghan-Arabs" – Arabs who fought in Afghanistan -- and his fighters attacked the PDRY government, which had nationalized his family's lands. . . He was linked to a series of bombing attacks targeting socialist officials in November 1992. Authorities attempted to capture him from his mountain stronghold in Maraqisha, but were unable to overcome his defenses. . . See Gordon Waterfield, *Sultans of Aden* (London: Stacey International, 2002), Eric Watkins, "Yemeni Extremists Heed the Call," BBC, December 30, 1998, and Whitaker, *Birth of Modern Yemen*, pp.111-113.

June 2009.<sup>40</sup> However, as he told Human Rights Watch in a telephone interview, he does not appear to be in agreement with the non-violent approach of other activists in the Southern Movement:

My brothers in the Southern Movement are not listening to me, but this regime doesn't understand what political dialogue is, they only understand force. I am in favor of [armed] resistance and instituting a military movement.<sup>41</sup>

Al-Fadhli conceded that few in the Southern Movement agreed with his call for armed resistance, saying, "Frankly, I do not find any of our allies in favor of my opinion. All are unanimously in favor of [limited] self-defense and the peaceful option."<sup>42</sup>

While al-Fadhli has stated that he joined the Southern Movement because south Yemen "is a case of a people being occupied and their wealth confiscated,"<sup>43</sup> he has rejected claims he wants to establish an Islamist regime in the south and has welcomed cooperation with Western countries.<sup>44</sup>

The occasion of the Zanjibar clashes was a July 23 "festival" that al-Fadhli organized to support the Southern Movement at his compound in Zanjibar, the capital of Abyan province, some 50 kilometers northeast of Aden. Video footage obtained by Human Rights Watch shows a very different picture from footage and accounts of other non-violent protests viewed by the organization.

The video shows a large crowd waving the flags of the pre-unity PDRY state (a secessionist symbol) and calling for secession. Armed men are clearly visible among the crowd, including raising their weapons at times in support of the speakers on the podium, as well as on a roof

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<sup>40</sup> See: Yasir Hasan, "Al-Khubaji Calls for Changing the 'Leadership Council for the Revolution' Because it is Not 'Untouchable' and Has 'Problems'," *Al-Masdar Online*, [http://www.almasdaronline.com/index.php?page=news&news\\_id=2190](http://www.almasdaronline.com/index.php?page=news&news_id=2190) (accessed October 29, 2009).

<sup>41</sup> Human Rights Watch telephone interview with Tariq al-Fadhli, Abyan, August 27, 2009.

<sup>42</sup> Human Rights Watch telephone interview with Tariq al-Fadhli, Abyan, August 27, 2009.

<sup>43</sup> Arafat Madayash and Sawsan Abu-Husain, "Al Qaeda Call for Islamic State in Southern Yemen," *Al-Sharq al-Awsat*, May 14, 2009, <http://www.aawsat.com/english/news.asp?section=1&id=16728> (accessed October 29, 2009).

<sup>44</sup> "Civil War Fears as Yemen Celebrates Unity," BBC, May 21, 2009.

behind a large flag of the south.<sup>45</sup> Government security officers are seen in military and police vehicles at the outer edges of the crowd.<sup>46</sup>

The video goes on to show exchange of fire between armed men around al-Fadhli's compound and security forces. How the fighting broke out remains unclear.<sup>47</sup> In a telephone interview with Human Rights Watch, al-Fadhli denied official claims that his followers attempted to free detainees from the local prison, explaining that security forces had surrounded the protesters and closed all roads, leaving no room to go to the prison three kilometers away. Al-Fadhli told Human Rights Watch that an officer from Political Security was the first to open fire, on the protesters, and that other members of the security forces joined almost immediately thereafter.<sup>48</sup>

Video evidence collected by Human Rights Watch shows al-Fadhli's armed men handling with apparent familiarity weapons that include automatic rifles (AK-47s) and shoulder-fired M-72 LAW missiles, an anti-armor or anti-tank weapon. The fighting at the al-Fadhli compound was a two-way battle between armed supporters of al-Fadhli and the security forces, and thus different from the unprovoked firing of live ammunition at peaceful protesters that had taken place at other protests (documented below). However, the involvement in such clashes of al-Fadhli, one of the purported leaders of the Southern Movement, represents a worrying escalation of the political situation.

### *Increasing tensions between southerners and northerners*

There are increasing tensions between "southerners" and "northerners" in the south, who often see themselves as culturally distinct from each other. During interviews with Human Rights Watch, southerners often expressed strongly negative views of "backward" northerners, and occasionally even cursed (to Human Rights Watch) northerners passing in the street during meetings or interviews.

On occasions, these tensions have spilled over into targeted attacks. In Mukalla, protestors have attacked, looted, or burned businesses owned by northerners. Protesters accuse northern businessmen of siding with the security agencies in cracking down on protests, or

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<sup>45</sup> Youtube video clips on file with Human Rights Watch.

<sup>46</sup> Youtube video clips on file with Human Rights Watch.

<sup>47</sup> According to the governor of Abyan province, Ahmad al-Maysari, the fighting started when the protestors tried to storm the prison: "After they had finished [the speeches] they headed towards the central security camp and announced through their loudspeakers that they would attempt to release some of the prisoners by force." Mohammad al-Kibsi and Abd al-Aziz Oudah, "Confrontations in Abyan Result in Tens of Deaths and Injuries," *Yemen Observer*, July 25, 2009.

<sup>48</sup> Human Rights Watch telephone interview with Tariq al-Fadhli, Abyan, August 27, 2009.

even actively participating in crackdowns and violence against protesters. The state-sponsored Committees to Protect Unity, discussed elsewhere in this report, participated in violence against southerners, and the creation of such vigilante groups greatly increases the potential for intercommunal violence.

Another, this time deadly, incident was the killing of three northerners on the morning of July 10, 2009, in the Habil Jabr area of Radfan. Abd al-Hamid Sa'id al-Qatabi, 55, his two sons, Fayiz, 14, and Yasin, 19, and his son-in-law, Khalid Ali Abdullah, 25, were on their way home to their sweets shop in al-'Askiriyya when gunmen stopped their car and shot them. Yasin al-Qatabi, who escaped injured after being left for dead, later told state-run television that his family had repeatedly received threats to leave the area:

We were told to meet Ali Saif [al-Shu'aibi] near his house in Habeel Jabr. Accompanied by three armed men, [al-Shu'aibi] interrogated my father, accusing him of collaborating with Yemeni intelligence and demanded that he leave the area because he was a northerner and didn't belong. My father appealed to him to take everything and to let us go, but he insisted my father admit we were intelligence agents. Then, he ordered his men to shoot my father dead. They also killed my brother and uncle.<sup>49</sup>

Security forces said they were looking for four “criminals associated with the Southern Movement.”<sup>50</sup> Southern Movement leader Nasir al-Khubaji rejected any connection between the killings and his movement, saying “we have condemned this heinous crime against shopkeepers. We have no enmity against our brotherly northerners; they are oppressed like southerners.”<sup>51</sup>

## **Al Qaeda in Yemen and the Southern Movement**

Yemen is home to a significant number of “Afghan-Arab” veterans of the anti-Soviet campaign in Afghanistan, and Yemeni authorities have attempted to link the Southern Movement to al Qaeda, notably by accusing Shaikh Tariq al-Fadhli of colluding with al Qaeda. Southern Movement leader and former Member of Parliament Salah Shanfara rejected such

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<sup>49</sup> Mohammad al-Qadhi, “Killings Deepen Yemeni Rift,” The National (UAE), July 21, 2009.

<sup>50</sup> Zaid al-Alaya'a, “Police Arrested 2 Suspects of Murder of Three Shopkeepers in Lahj,” Yemen Observer, July 18, 2009.

<sup>51</sup> Mohammad al-Qadhi, “Killings Deepen Yemeni Rift,” The National (UAE), July 21, 2009.

links, saying, “We have no links to al Qaeda and we do not accept any such [violent] talk or position.”<sup>52</sup>

Al Qaeda in Yemen’s leader, Nasir al-Wuhaishi, has publicly expressed support for the Southern Movement. In a May 14, 2009 audio statement, al-Wuhaishi told the people of the south, “We in al-Qaeda organization support what you are doing to reject oppression and support you against the government.”<sup>53</sup>

Al-Wuhaishi may have been speaking only for his Yemeni groups, since comments a global al Qaeda leader made one month later distanced the group from supporting secession of southern Yemen. On June 22, 2009, Mustafa Abu al-Yazid, a member of the global al Qaeda group’s highest ranking Shura Council and identified as the “general chief” of al Qaeda in Afghanistan, denied al Qaeda’s support for southern secession. He explained that al Qaeda was fighting for the establishment of a unified Islamic state, first in Yemen, then of the Islamic world:

The origin [of our movement] is the unification of the entire Islamic nation and the countries of Islam... We do not support the separation [secession] ... Islamic governance will come and govern this great state instead of it being in schism.<sup>54</sup>

Some Yemeni political analysts and two foreign diplomats Human Rights Watch met dismissed claims of direct links between the Southern Movement and al Qaeda. One European ambassador called such allegations a “red herring” put out by government officials.<sup>55</sup>

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<sup>52</sup> Arafat Madayash and Sawsan Abu-Hussain, “Al Qaeda Calls for Islamic State in Southern Yemen,” *Ashraq Alawsat*.

<sup>53</sup> Abdul Hameed Bakier, “Al Qaeda in Yemen Supports Southern Secession,” *Jamestown Foundation, Terrorism Monitor* vol.7, no. 16, June 12, 2009.

<sup>54</sup> NEFA Foundation, “Transcript of Mustafa Abu al-Yazid’s Interview on Al-Jazeera,” June 22, 2009.

<sup>55</sup> Human Rights Watch interview with ambassador, name, place and date withheld on request. Abdul Hameed Bakier, an intelligence expert on counter-terrorism, writes, “Al-Wuhayshi’s audio, ostensibly in support of the South Yemen opposition movement, is actually an attempt to exploit the situation and control the southern region because al-Qaeda would never ally itself with those who do not adhere to Salafi-jihadism, let alone infidel communists.” “Al Qaeda in Yemen Supports Southern Secession,” *Jamestown Foundation, Terrorism Monitor* vol.7, no. 16, June 12, 2009.

## V. Unlawful Use of Deadly Force against Peaceful Protestors

On an almost daily basis since 2007, the Southern Movement has organized largely peaceful demonstrations, sit-ins, festivals, marches, and other forms of public protests to give voice to their cause. With disturbing consistency, security forces have opened fire on protesters, killing and wounding unarmed demonstrators. The Yemeni authorities appear unwilling to permit public displays of grievances by the Southern Movement, regardless of their peaceful nature.

### Legal Provisions on Freedom of Assembly and the Use of Deadly Force

The right to freedom of assembly is enshrined in article 21 of the International Covenant on Civil and Political Rights, which provides that “no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interest of national security or public safety, public order (*ordre publique*), the protection of public health or morals or the protection of the rights and freedoms of others.”<sup>56</sup> Yemen has been a party to the International Convention on Civil and Political Rights (ICCPR) since 1987.

Any restriction on the right of freedom of assembly on grounds of public safety, national security, and public order should be interpreted narrowly, as otherwise these vague grounds can be used to bar almost any form of assembly, particularly protests.<sup>57</sup>

Yemen’s 2003 Law on Organizing Demonstrations and Marches requires organizers to notify the authorities three days in advance, except for smaller protests and gatherings that the law exempts from this procedural requirement.<sup>58</sup> Demonstrations also must not sow “sedition” or question the “unity of the lands.”<sup>59</sup> While international human rights law permits governments to act against groups using or advocating violence, it does not allow a

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<sup>56</sup> International Covenant on Civil and Political Rights, art. 21.

<sup>57</sup> Manfred Nowak, UN Covenant on Civil and Political Rights: CCPR Commentary (Kehl am Rhein: N.P. Engel, 1993), pp. 386-387.

<sup>58</sup> Republican Decision of Law 29 for the Year 2003, Regarding the Organization of Demonstration sand Marches, arts. 4 and 19.

<sup>59</sup> Law on Demonstrations and Marches, arts. 9.c. and 16.

government to ban a group solely because it is regionally based or advocates autonomy or even secession.<sup>60</sup>

The Yemeni law on demonstrations bans carrying weapons at such a public event.<sup>61</sup> It requires security forces to protect participants in demonstrations and provide medical care. Security forces must disperse demonstrators when crimes are being committed, when demonstrations are unannounced, and in the event of riots.<sup>62</sup>

The use of force by state security forces acting in a law-enforcement capacity is governed by international standards. The UN Code of Conduct for Law Enforcement Officials states that “law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.”<sup>63</sup> The UN Basic Principles on the Use of Force and Firearms provides that law enforcement officials “shall, as far as possible, apply non-violent means before resorting to the use of force” and may use force “only if other means remain ineffective.”<sup>64</sup> When the use of force is necessary, law enforcement officials must “exercise restraint in such use and act in proportion to the seriousness of the offense.”<sup>65</sup> Article 9 of the Basic Principles states:

Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

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<sup>60</sup> It is clear that political parties cannot be banned on grounds of regional basis or secessionist platform: See, for example, the judgment of the European Court of Human Rights in *United Communist Party of Turkey v. Turkey* (19392/92) (1998) 26 E.H.R.R. 121. See also the African Commission on Human and Peoples' Rights ruling in Communication 75/92, *Katangese Peoples' Congress v. Zaire*, Eighth Activity Report 1994-95.

<sup>61</sup> Law on Demonstrations and Marches, arts. 13 and 17.

<sup>62</sup> Law on Demonstrations and Marches, arts. 8 and 9.

<sup>63</sup> United Nations Code of Conduct for Law Enforcement Officials, adopted December 17, 1979, G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979), art. 3.

<sup>64</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), principle 4.

<sup>65</sup> Ibid, Principle 5(a).

Article 10 of the Basic Principles requires that law enforcement officials “give clear warning of their intent to use firearms.”<sup>66</sup> The Basic Principles make clear that there can be no departure from these provisions on the basis of “exceptional circumstances such as internal political stability or any other public emergency,” i.e. that these are non-derogable standards.<sup>67</sup>

At the six protests investigated in depth by Human Rights Watch, Yemeni security forces violated almost every aspect of the principles stated above. At most of these protests, protestors posed no threat to the police or others that could have necessitated the use of deadly force: most were peaceful demonstrations in which unarmed civilians shouted slogans and carried banners. When rock-throwing or other violence took place, security forces could have used non-lethal methods to contain the violence. At none of the shooting incidents investigated by Human Rights Watch did security forces call on demonstrators to disperse, fire warning shots, or otherwise warn demonstrators that they were about to use lethal force. At most of these protests, police made little attempt to use non-lethal forms of crowd control, such as water cannons, rubber bullets, and stun grenades, to disperse the protesters. When they used tear gas, they immediately followed it with live fire.

In addition to the eyewitness accounts collected by Human Rights Watch and our on-the-ground investigation in southern Yemen, extensive amateur video clips from the protests have been posted on public websites. Most of these clips comprise raw, unedited footage that show security forces confronting what appear to be peaceful and unarmed protestors with deadly force, and are consistent with the accounts documented below.

These six cases represent only a fraction of the total number of cases of the use of deadly force used by the security forces during the protests in southern Yemen, but they show a disturbingly consistent pattern of unlawful use of force by security forces. News outlets like Al Jazeera have documented deadly use of force against protestors at other protests.<sup>68</sup>

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<sup>66</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), principle 4.

<sup>67</sup> Ibid, Principle 8.

<sup>68</sup> See for example: “One Dead in South Yemen Protests,” *Al Jazeera.net*, July 25, 2009, <http://www.AlJazeera.net/NR/exeres/F4E6419A-D3DB-4B12-A944-421B0790C44D.htm> (accessed October 29, 2009), and two persons were injured when police opened fire on demonstrators who blocked a road in Zanjibar, “New Targeting of One of Al Jazeera’s Journalists in Yemen,” *Al Jazeera.net*, June 23, 2009, <http://www.AlJazeera.net/NR/exeres/68F71DC6-C275-47EA-8BD3-FD13EBC4E625.htm> (accessed October 29, 2009).

Yemen's Minister of Human Rights, Dr. Huda Alban, told Human Rights Watch that her ministry had recommended different forms of crowd control to the security forces in response to killings at southern protests.<sup>69</sup>

The incidents documented by Human Rights Watch below are organized in reverse chronology, starting with the most recent. Cases of unlawful shooting in urban areas such as Hashimi Square, Aden, are documented in greater detail than some in remote rural cases, where it was more difficult to find multiple witnesses.

### *May 31, 2009, al-Dhali'*

On May 31, 2009, several thousand protesters marched down the main street in the town of al-Dhali', about 100 kilometers north of Aden, chanting and raising slogans of the Southern Movement on banners. Abd al-Khaliq Muthanna Abdullah, a teacher and Southern Movement activist, told Human Rights Watch how security forces opened fire without warning, killing one protester and wounding several others:

I arrived around 9:30 a.m., just when it was starting. The security was already there. We started to walk down the main street, and more people joined. Suddenly, while we were moving forward, we heard gunfire. ... At the time the shooting started, there had been no violence [from the marchers], we had just started our march. There was a police barrier far ahead of us, but we never reached it.

There was no warning from the security services, asking us to disperse or something: that is not the method they use. Maybe 10 or 20 shots were fired, directly into the crowd. Then everybody was busy trying to help the wounded. This protest only lasted 15 minutes, and then it was finished by the shootings.<sup>70</sup>

This same witness saw another protester, Tawfiq al-Ja'di, shot dead: "I saw one of the protesters fall down with bullet wounds to his head and shoulder." Several other protesters were wounded that day.<sup>71</sup>

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<sup>69</sup> Human Rights Watch interview with Dr. Huda Alban, minister of human rights, San'a, July 19, 2009.

<sup>70</sup> Human Rights Watch interview with Abd al-Khaliq Muthana Abdullah, Aden, July 11, 2009.

<sup>71</sup> Ibid; see also Hammoud Mounassar, "Four Killed in Yemen Clashes," Agence France Presse, May 31, 2009, reported: "Earlier on Sunday, one Yemeni protestor was killed and five others wounded in clashes when police used firearms to break up a demonstration in Ad Dali', north of the southern port of Aden, capital of former South Yemen. One protestor, Tufiq al-Jaadi,

*May 30, 2009, Shahr*

On May 30, 2009, unarmed civilians held a peaceful protest in Shahr town, demanding the release of some 75 persons detained during a protest two days earlier. The protesters marched to the ‘Umar Mosque in the center of the town’s waterfront, then to Siddat al-Khor, and were marching back to the ‘Umar Mosque when a large contingent of Central Security riot police confronted them by blocking the road. As the protestors approached the police line, officers first fired into the air, but then directly at the protestors, according to an eyewitness:

At Bubak’s house, the central security waited for us, all lined up. We approached them, and they shot into the air, at least 50 shots. The people didn’t stop, though, and came to within five or 10 meters from them. Then they started shooting at the people.<sup>72</sup>

The shooting by the Central Security officers wounded at least nine of the protesters, and fatally injured ‘Awwad Sa’d Barami, 21, who was in the first row. According to his father and a second witness interviewed by Human Rights Watch, ‘Awwad Sa’d Baram was shot in the head and had several other gunshot wounds in the legs. No inquiry in the fatal shooting was held.<sup>73</sup>

*May 21, 2009, Hashimi Square, Shaikh ‘Uthman, Aden*

On May 21, 2009, the anniversary of the 1994 declaration of an independent state by south Yemen political leaders (and one day before Yemen’s Unification Day, commemorating the May 22, 1990 unification of North and South Yemen) a large protest was held at the central Hashimi Square in the Shaikh ‘Uthman neighborhood of Aden. The May 21 protests were large because the exiled former president of South Yemen, Ali Salim al-Bidh, had just broken his long-standing silence and at a press conference in Munich called for secession of southern Yemen. Security forces killed at least three people and wounded another 25 to 30 in their response to the protest.

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died while being operated on in hospital. He was hit by a bullet,’ medical sources said after the incident. Witnesses said police exchanged fire with demonstrators who carried banners with slogans against the government. Violence broke out again at the hospital as police tried to arrest a wounded demonstrator, resulting in injuries to a policeman and a demonstrator, witnesses said.”

<sup>72</sup> Human Rights Watch interview with Muhammad Sa’id bin Sahil, Mukalla, July 14, 2009.

<sup>73</sup> Human Rights Watch interview with Father of ‘Awwadh Sa’d Baram, Mukalla, July 14, 2009.

According to multiple eyewitnesses, security forces on several different occasions opened fire on protestors without giving warning and in the absence of a threat that could have justified such force. After the security forces began firing live ammunition at protestors, some protestors began throwing rocks at security forces, who responded with additional shooting. Rock-throwing by protestors may well be criminal, but does not present the level of threat to security forces that justifies the repeated use of deadly force.

Abd al-Nasir Salih Ahmad ‘Ubaid, a former military pilot who was forcibly retired after the 1994 civil war, told Human Rights Watch how the protestors had filled the square early and that a large security force was already present:

I arrived around 9 a.m. The protest was at Hashimi Square. The square was filled with thousands; it was full. People were shouting slogans against corruption, and for freedom for the south. There was Central Security [riot police], as well as Republican Guards from San’a, new units in their thousands, and regular army units. They were all around the square.<sup>74</sup>

According to several witnesses, the security forces soon attacked protestors with teargas and began firing live bullets at them. Nasr Nasr Abdullah Hamuzaiba, a former soldier who was in front of a protester holding a sign with Southern Movement slogans, recounted how he was wounded when the Central Security riot police attempted to block his group from entering the square, first with tear gas and then with live ammunition:

I was holding the sign at the front of the protests, in the first row. We wanted to enter the square from al-Karimi street, close to the square. Units of the Central Security arrived with their tear gas guns and targeted us with the teargas. Then, a woman in front of me picked up a rock and threw it at the police .... The police were mostly in front of us, maybe fifty meters away, but they also surrounded us.

About four soldiers started shooting, directly at the people in the front. They weren’t just firing one or two bullets: they were emptying their clips from

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<sup>74</sup> Human Rights Watch interview with Abd al-Nasir Salih Ahmad ‘Ubaid, Aden, July 10, 2009. See also Human Rights Watch interview with Abd al-Khaliq Muthanna Abdullah, Aden, July 10, 2009 (“I got to Hashimi Square around 8 a.m.. By the time I arrived, the square was very full. They had all the security agencies there, including Central Security [riot police], regular police, military units, you can’t always say for sure who they are. They were all around the square.”).

their guns, firing lots of shots. Two of us fell down wounded, I was shot in my right leg and another man, from Radfan, was wounded in the chest.<sup>75</sup>

‘Abbadi Naji Ali al-Suhail, an army officer forcibly retired in 1994, gave Human Rights Watch a similar account of how he was wounded that morning at the protest in Hashimi Square:

The number of soldiers and security was greater than that of the protesters, and they were armed, most of them were from the Central Security. The protesters were trying to enter Hashimi Square from the side streets, and the security was in the square and the side streets. We first tried to enter from the side of Aden International Market Street, but they fired tear gas and live bullets at us.

When we reached the edge of Hashimi Square we were many people. The security stood in front of us and fired at us, and six people were wounded, one after the other. Sometimes, we tried to get close [to the security] to get them to retreat, and the youth sometimes threw rocks at them, but we told them not to.

I was the third to be wounded that day, six were wounded right there, but 23 total were wounded that day. We were standing still at the moment I was shot, shouting slogans. Then there was intense gun fire—I had several bullet holes in my clothes. I was on the first line of the protesters when I was shot—I am not sure if people were already throwing stones then, but after we were shot, people got angry and threw more rocks. The bullet entered right through my ankle and came out the other side. As soon as I fell, I was taken to the hospital.

The police didn’t give any warning before the shooting started.<sup>76</sup>

Muhammad Fadhil Haider ‘Azab, 15, recounted to Human Rights Watch how, following the initial shooting, some angry protesters began throwing rocks at security forces and were met with further live fire:

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<sup>75</sup> Human Rights Watch interview with Nasr Nasr Abdullah Hamuzaiba, Aden, July 11, 2009.

<sup>76</sup> Human Rights Watch interview with ‘Abbadi Naji Ali Al-Suhail, Aden, July 13, 2009.

We were peaceful at first, but then they started shooting and so we started throwing rocks at them. I and the other [youth] were throwing rocks at the police, and they kept responding with live fire. We were about fifty meters away from the police, and the police kept hiding behind walls and then coming out and firing on us. We hit their shields with our rocks a few times, but we were pretty far away. They shot many times at us—they would finish their clips and put new ones in. We were hundreds of youths fighting the police.

About 30 youth were wounded that day. I was shot in the ankle with a live bullet, and also hit with a teargas canister in the leg.<sup>77</sup>

Abd al-Khaliq Muthanna Abdullah, the teacher and movement activist, gave Human Rights Watch a similar account of the clashes that morning:

By the time I arrived, teargas had already been fired. People were hiding behind buildings and in the side streets, and the security forces were chasing them around. Then the security forces went back in formation, and the youths advanced on them, and then they would chase the youth. The youth threw stones at the police, and the police responded with live fire.

There was a big group of youth in the main street. There was a big distance between the youth and the security forces. The security fired directly into the youth, and shot them. I saw seven youth fall down with my own eyes, one was shot in the neck and died, and another was shot in the head and died. ...The youth were throwing rocks at the police when the shooting happened, but they were too far away to hit the police. They were only throwing rocks, nothing else.<sup>78</sup>

According to multiple press accounts, at least three persons died after being shot at the protests—one died at the clashes themselves, and another two at the hospital from their

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<sup>77</sup> Human Rights Watch interview with Muhammad Fadhil Haidar 'Azab, Aden, July 11, 2009.

<sup>78</sup> Human Rights Watch interview with Abd al-Khaliq Muthanna Abdullah, Aden, July 10, 2009. As a movement activist, he witnessed this incident as well as the later one in al-Dhali' (see above), which is several hours away by car or bus.

wounds.<sup>79</sup> The three persons killed were Abd al-Qasim Muhsin Hasan al-Talali, ‘Abid Muthanna Sail al-Halimi, and Adib ‘Abdu Abdullah al-Bahri.

The security forces continued to use live fire even during efforts to get the wounded to the hospital. Following the shootings at the Hashimi Square, the demonstrators moved the wounded towards a private hospital. A large crowd of angry protestors gathered outside the hospital, and the security forces again responded with teargas and live ammunition, wounding more protesters. One of those present recounted:

When I was wounded, we had further problems at the hospital. The hospital was full of wounded people, and their relatives gathered to protest, it was very crowded outside. The Central Security [riot police] came and dispensed the crowd with teargas and live bullets, and more people were wounded, including Abdullah Khalid, about 20, he was shot in the side and needed medical care abroad. They shot teargas and it got inside the hospital, we were getting sick so they gave us masks.<sup>80</sup>

Aden governor ‘Adnan al-Jifri that day bluntly denied that any clashes had taken place, saying that “no clashes occurred between security forces and demonstrators in Aden.” He blamed the deaths on “rogue elements” and “saboteurs” trying to cause unrest, rather than the security forces.<sup>81</sup>

### *April 15, 2009, Habilain*

On the morning of April 15, thousands of protesters gathered at Radfan Teaching College in Habilain, a couple of hours drive northeast from Aden, to protest recent detentions in Radfan and an increased military presence in the area. Central security riot police had already deployed in the area of the college as early as 6 a.m., anticipating a protest. According to a participant: “I went to the protest because I have friends who are wounded or detained. We protested in front of the gates of the college. It was mostly students, but civilians joined also.

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<sup>79</sup> Mohammed Mukhashaff, “Three Killed as Police Disperse South Yemen Protest,” Reuters, May 21, 2009; “Yemen Denies Reports of Deadly Clashes,” *CNN*, May 22, 2009; Hammound Mounassar, “Yemeni President Urges Dialogue After Deadly Clashes,” Agence France-Presse, May 21, 2009.

<sup>80</sup> Human Rights Watch interview with ‘Abbadi Naji Ali Al-Suhail, Aden, July 13, 2009. Another wounded protester recalled: “We could hear the bullets hitting the walls of the hospital, so we got out of our beds and crawled to the wall. Then teargas fell on the balcony of the hospital, and smoke entered the rooms.” Human Rights Watch interview with Nasr Nasr Abdullah Hamuzaiba, Aden, July 11, 2009.

<sup>81</sup> Ibid.; “Yemen Denies Reports of Deadly Clashes,” *CNN*, May 22, 2009.

We were demanding the release of the detainees.”<sup>82</sup> Karim Zain Thabit, 20, a college student, described to Human Rights Watch how he was shot:

At about 9:15 a.m., the shooting started, and I was among the first to be wounded, with a live bullet to my foot. Riot police from two trucks opened fire on us; they were in the main street, maybe five or six police started shooting. They opened fire on full automatic—we couldn’t count the bullets--and they fired directly at the protesters, at our legs... At the college, before the police opened fire, there were no rocks thrown, that happened only after the shooting. The police didn’t give us any warnings, they just came out of a side street, moved towards us on the main street, and started shooting.<sup>83</sup>

Following the initial shooting, the protesters moved the wounded to the local hospital, where another clash with the security forces took place. Aiman Salim Muhsin Ali, 25, a student, explained how he was wounded at the hospital:

At the Radfan hospital, we were about 300 protesters. We were shouting slogans, like “Revolution, revolution in the south!” The Central riot police and the General Security police were there, with about 20 cars. There were no warnings [to disperse] from the security forces: they just opened fire on us with live ammunition, right on to the crowd, they fired from machine guns for about 15 minutes. ...I was shot in the groin by one bullet when they opened fire.<sup>84</sup>

At least two people, Majid Husain Thabit, and Lul Muhammad al-Halimiyya, were shot dead by the security forces in this incident at the hospital.<sup>85</sup>

#### *July 4, 2008, Mafraq al-Shu’aib, al-Dhali’*

On July 4, 2008, several thousand inhabitants of al-Dhali’ town located 100 kilometers north of Aden, held a protest at the nearby town of Mafraq al-Shu’aib to call for the release of detainees from previous protests. The Central Security riot police set up four checkpoints

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<sup>82</sup> Human Rights Watch interview with Karim Zain Thabit, Aden, July 10, 2009.

<sup>83</sup> Human Rights Watch interview with Karim Zain Thabit, Aden, July 10, 2009.

<sup>84</sup> Human Rights Watch interview with Ayman Salim Muhsin Ali, Aden, July 10, 2009.

<sup>85</sup> Ibid.

around the protestors, with at least 100 police officers in the area. As the protestors approached a police line, the police opened fire on them. Walid Qasim As'ad Shu'aibi, 25, a leader of the Union of Southern Youth organization, recalled to Human Rights Watch how he was shot by the police when they opened fire on the protestors without warning:

We first receded, and protested from another area, but they shot at the ground before us as we approached their lines. I got shot in the upper left thigh, and got four other wounds from bullets that hit the ground before me—I don't know if this was from pebbles or bullet fragments that hit me in the lower left leg. ...The shortest distance between the protestors and the police was about 10 meters, that's when they opened fire. We didn't try to go any closer—I was among those who called for the protestors to go back. I wasn't even in the frontlines when I got shot.<sup>86</sup>

#### *January 13, 2008, Hashimi Square, Aden*

On January 13, 2008, the anniversary of an outbreak of fighting in 1986 between two rival southern groups, a large demonstration was held in Hashimi Square, in the Shaikh 'Uthman area of Aden. Southerners now celebrate that anniversary as a festival for tolerance and unity among the people of the south and the demonstration in the square included speeches by a number of prominent politicians, including Ali Munassar, Hasan Ba'um, Nasir Nuba, Shala Shayi', 'Aidarus al-Naqib, and Ahmad bin 'Umar al-Farid, according to a participant.<sup>87</sup>

A large security presence, including Central Security riot police, rapid response police, army soldiers, and regular police, was at Hashimi Square, close to the podium. The security forces had vehicles with mounted machine guns, and most were armed with AK-47 automatic weapons. At one point, the security forces began to fire teargas and sound (stun) grenades into the crowd of protestors. Thabit 'Ubaid Hazim al-Qahwari, a colonel ('aqid) in the southern army who was forced to retire in 1994, recalled to Human Rights Watch how security forces wounded him as they opened fire on the peaceful protestors:

I was part of the security for the event, so I was in the last row [away from the podium]. Then, suddenly, live fire came from behind me. I was shot with one bullet, from behind. It entered into my right thigh, and it hit the muscle.

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<sup>86</sup> Human Rights Watch interview with Walid Qasim As'ad Shu'aibi, Aden, July 11, 2009.

<sup>87</sup> Human Rights Watch interview with Thabit 'Ubaid Hazim al-Qahwari, Aden, July 12, 2009.

Behind me were officers from Central Security police, rapid response police, the army, and the regular police, about 40 meters away. I heard many shots fired when I was hit.<sup>88</sup>

At least three people were killed during the crackdown that day, according to news reports.<sup>89</sup> One of them was Salih Abu Bakr al-Bakri, from Lahj. His family sued the security committee of Aden on January 17, 2008, for the unlawful shooting, but to date there has been no investigation or court hearing into the death. After filing the law suit, the family received several threatening phone calls from National Security officers, saying they should drop the case or they would be detained.<sup>90</sup>

## **The Role of Pro-government Militias**

The abuses documented by Human Rights Watch in Yemen are not limited to those committed by formal security forces. Pro-government militias and security officials out of uniform, acting as vigilante groups, have also been implicated in abuses. The increasing activities of these extra-legal militias and groups greatly impede the mechanisms for accountable law enforcement, thus raising the potential for further violations and intercommunal violence. President Ali Abdullah Saleh gave warning of possible intercommunal violence in April, when he warned:

If anything happens to unity, God forbid: The country won't be divided into two parts, as some might think, but into many... People would fight from house to house, and from window to window... They have to learn a lesson from what had happened in Iraq and Somalia.<sup>91</sup>

Human rights and southern political activists as well as independent journalists who spoke with Human Rights Watch said they believed that the president decided to create pro-government militias known as “Committees to Protect Unity” (CPU) sometime in April 2009, during the Habilain clashes (see above) and southern protests. The aim of the CPU, they said, was to organize counter-protests in the south in favor of Yemen’s unity, but these shadowy

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<sup>88</sup> Human Rights Watch interview with Thabit ‘Ubaid Hazim al-Qahwari, Aden, July 12, 2009.

<sup>89</sup> “Four Dead in Yemen Protests,” AFP, January 13, 2008 (claiming three protesters and a policeman died);

<sup>90</sup> Human Rights Watch interview with Abu Bakr Salih Abu Bakr al-Bakri, Aden, July 11, 2009.

<sup>91</sup> “YEMEN: Fissiparous Tendencies as Unrest Flares in South?,” *IRIN*, May 13, 2009, <http://www.irinnews.org/Report.aspx?ReportId=84359> (accessed October 29, 2009).

groups also appear to have had a hand in vigilante violence against protesters.<sup>92</sup> On May 25, 2009, President Saleh met with pro-government tribal leaders and local council officials from al-Habilain, Radfan, and al-Dhali' at his San'a palace, reportedly telling them, "I am sure you will stay faithful to the September and October revolutions," and promising to open military training camps in the south for supporters of Yemen's unity.<sup>93</sup>

Members of the CPU allegedly include former or active members of the military or security organizations, and other government officials.<sup>94</sup>

The first reported appearance of the CPU came when a group of armed men near al-Milah stopped the van carrying *Al-Ayyam* newspaper to San'a, confiscating and burning 16,500 copies. According to witnesses, armed and unarmed members of the Committees to Protect Unity also appeared during security crackdowns on demonstrations, and their members fought alongside the security forces at al-Fadhli's compound on July 23, 2009.<sup>95</sup>

Abd al-Nasir Salih Ahmad 'Ubaid, a 45-year-old retired military pilot, told Human Rights Watch how he had been present at the May 21, 2009 protests in Aden, and had hidden from the security forces to avoid arrest. When he tried to make his way home, just after 9:30 p.m., a group of northerners stopped his car. He identified them as "janjaweed," a derogatory reference to pro-government militias terrorizing civilians in the Darfur region of Sudan (and a common southern Yemeni slur used for members of the CPUs). When the northerners found posters of South Yemen's exiled ex-president, Ali Salim al-Baidh, in 'Ubaid's car, they brutally beat him. Ultimately, one of the attackers punched him in the eye with a hard metal object, causing his eyeball to rupture and permanently blinding him in that eye.<sup>96</sup>

In many of the incidents involving violence against protest organizers by civilian-dressed men, it is impossible to tell who is responsible. 'Isam Mahdi Ali, a district leader in the Southern Movement's youth wing, was detained around 7:30 am at a protest at al-Hashimi Square on May 7, 2009, and kept in detention until after midnight by the Political Security Organization because he refused to sign a pledge that he would not take part in future protests. Shortly after midnight, he and another detainee were taken to al-Hashimi square and released. As he began walking home, a taxi pulled alongside him, and the driver told

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<sup>92</sup> Human Rights Watch interview with newspaper editors, San'a, July 8, 2009.

<sup>93</sup> Nasser Arrabyee, "Yemen: Even Mountains Erode," Arab Reform Initiative, June 3, 2009.

<sup>94</sup> Human Rights Watch interview with *Al-Ayyam* owners, Aden, July 11, 2009.

<sup>95</sup> Human Rights Watch interview with *Al-Ayyam* owners, Aden, July 11, 2009.

<sup>96</sup> Human Rights Watch interview with Abd al-Nasir Salih Ahmad 'Ubaid, Aden, July 11, 2009.

him to come inside. As he opened the backdoor, he was grabbed by the men inside and forced into the car. The men took him to an uninhabited part of Aden, near the city's electricity plant, where they threatened and tortured him:

There were three of them, one from the south and two from the north. They had shawls around their heads. We stopped and they started questioning me while burning their cigarettes on my arms. They asked me why I was working with the movement, saying that we should all live in unity, that we should respect the president, that he would give all of us a comfortable life, such things. Then they threatened me, saying that if I participate in the July 7 protests, they would burn President Ali Abdullah Saleh's entire name on my arm with their cigarettes.<sup>97</sup>

### **Denial of Medical Care and Attacks Against Medical Staff and Facilities**

According to a number of witnesses, including medical officials, security forces have made it increasingly difficult for wounded persons to obtain medical care by ordering public hospitals not to treat wounded persons from protests, stationing officers from Political Security and other security agencies at hospitals, and even carrying out attacks inside hospitals or seizing wounded patients from their beds. Such actions gravely endanger the lives of wounded persons, many of them unlawfully shot by the security services.

Denial of access to medical care is a serious violation of human rights law. The International Covenant on Economic, Social, and Cultural Rights guarantees the "right of everyone to the enjoyment of the highest attainable standard of physical and mental health."<sup>98</sup> Yemen acceded to the International Covenant on Economic, Social and Cultural Rights on February 9, 1987. The Committee on Economic, Social and Cultural Rights, which interprets the convention, in its General Comment 14 stated: "The right to treatment includes the creation of a system of urgent medical care in cases of accidents."<sup>99</sup> The Committee held that "the

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<sup>97</sup> Human Rights Watch interview with 'Isam Mahdi Ali, Aden, July 12, 2009.

<sup>98</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art.12.

<sup>99</sup> U.N. Committee on Economic, Social and Cultural Rights, "Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights," General Comment No. 14, The Right to the Highest Attainable Standard of Health, E/C.12/2000/4 (2000), [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/40d009901358b0e2c1256915005090be?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/40d009901358b0e2c1256915005090be?OpenDocument) (accessed October 29, 2009).

denial of access to health facilities” violated the obligation of states to respect the right to health.<sup>100</sup>

Muhammad Fadhil Haidar ‘Azab, a 15-year-old student, was shot through the ankle with a live bullet during the May 21, 2009 protests and taken to the hospital for treatment. He told Human Rights Watch that after he spent two days in the hospital, security officials came to the hospital in four pick-up trucks, and took him out of his hospital bed and drove him to the al-Qahira police station. At the police station, officers questioned him why he took part in the protests, who had organized the protests, and then ordered him to sign a paper promising that he would not take part in future protests before being released.<sup>101</sup>

Walid Qasim As’ad Shu’aibi was shot in the upper left leg during a protest at the Mafrq al-Shu’aib junction on July 4, 2008. He was taken directly to the Shu’aibi public hospital, but, he told Human Rights Watch, guards at the hospital refused to let him and other wounded enter the hospital, so he had to seek out private treatment instead. An AK-47 bullet was extracted from his leg by a private doctor.<sup>102</sup>

Thabit ‘Ubaid Hazim al-Qahwari, the former military officer wounded in the Hashimi Square protest of January 2008, was quickly taken by fellow protesters by car to a private hospital, but on their way, Central Security officers stopped their car at the Jawlat Masna’ al-Qazl wal-Nasij roundabout. The officer at the checkpoint said he needed to speak to his superior officer before allowing them to pass. Al-Qahwari explained that he was wounded, but the officer replied, “I still need to speak to my superior officer.” They were made to wait five minutes before being allowed to proceed. Al-Qahwari spent months in the hospital to recover from the gunshot wound, and ultimately had to travel to India for a \$20,000 operation and remains disabled. The authorities refused to accept a case against the security forces for the shooting, filed by al-Qahwari’s lawyer.<sup>103</sup>

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<sup>100</sup> U UN Committee on Economic, Social and Cultural Rights, “Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights,” General Comment No. 14, The Right to the Highest Attainable Standard of Health, E/C.12/2000/4 (2000), [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/40d009901358boe2c1256915005090be?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/40d009901358boe2c1256915005090be?Opendocument) (accessed October 29, 2009).

<sup>101</sup> Human Rights Watch interview with Muhammad ‘Azab, Aden, July 11, 2009.

<sup>102</sup> Human Rights Watch interview with Walid Shu’aibi, Aden, July 11, 2009.

<sup>103</sup> Human Rights Watch interview with Thabit al-Qahwari, Aden, July 12, 2009.

## VI. Arbitrary Detentions and Unfair Trials

Since the onset of protests in 2007, security forces have arbitrarily detained thousands of participants or bystanders, including children. These arbitrary arrests take essentially three forms—short-term preventive detentions in order to stop would-be participants from reaching protests and to prevent protests from taking place; arrest of peaceful participants and their sometimes lengthy detention; and targeted arrests and long-term detention without trial of suspected protest leaders. Only a few detained leaders have been put on trial, facing vague and politicized charges of “acting against national unity,” “fomenting secession,” or incitement.

### Legal standards

International law prohibits arbitrary arrest and detention. According to the UN Working Group on Arbitrary Detentions, detention is arbitrary if the authorities provide no valid legal basis justifying the deprivation of liberty; the deprivation of liberty results from the exercise of protected rights or freedoms such as the freedom of expression; or violations of international fair trial norms are so grave as to give the deprivation of liberty an arbitrary character.<sup>104</sup>

Article 9 of the ICCPR states that “[n]o one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” Those arrested shall be informed at the time of arrest of the reasons for their arrest and shall be promptly informed of any charges against them. Persons charged with a criminal offense “shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.”<sup>105</sup>

Yemen's constitution provides that “[t]he State guarantees citizens' security, liberty and dignity.”<sup>106</sup> It prohibits arrests, searches and detentions other than those of a person caught *in flagrante delicto* or pursuant to a judge or a public prosecutor's order.<sup>107</sup> The constitution, which contains basic elements of criminal justice procedure, further specifies that the public

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<sup>104</sup> See The UN Working Group on Arbitrary Detention, “Fact Sheet no. 26,” <http://www.unhchr.ch/html/menu6/2/fs26.htm>, (accessed September 8, 2008).

<sup>105</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art.9.

<sup>106</sup> Constitution of the Republic of Yemen, 2001, article 48(a).

<sup>107</sup> Constitution of the Republic of Yemen, 2001, article 48(b).

prosecutor must charge anyone arrested with a crime within 24 hours, and that only a judge may prolong an order of detention beyond an initial seven days.<sup>108</sup> Yemen's Penal Code stipulates a prison sentence of up to five years for officials who wrongfully deprive persons of their liberty.<sup>109</sup>

## Mass Arbitrary Arrests

Because protests are typically organized and announced well in advance, and often fall on days of historic significance to the south, the security forces are usually able to mobilize a large presence, and begin arresting suspected protest organizers in advance of the rallies. On the day of announced protests, people traveling through checkpoints or finding themselves close to protests risk arbitrary arrest. At the protests themselves, the security forces often attempt to detain suspected participants, sometimes arresting bystanders. Formal charges for those arrested include “participation in an unlicensed protest” and “threatening the unity of the State,” but only a few prosecutions or trials of detained protesters have taken place for those offenses, according to former detainees and Southern Movement activists.<sup>110</sup>

### *A case study in arrest and intimidation: Muhammad Abdullah Hasani*

Many southern Yemeni movement activists and organizers have faced multiple episodes of harassment and arrest, and this typically follows the pattern illustrated by the arrest, intimidation, and beating of Muhammad Abdullah Hasani, a young lawyer and organizer for the Southern Movement in Aden.

On January 13, 2008, Muhammad Abdullah Hasani joined a sit-in at Hashimi Square. Four civilian-dressed armed men detained him and took him to the headquarters of the Military Intelligence (*Istikhbara*) in the Tuwahi neighborhood of Aden. They kept him there all day and beat him during interrogation. He said:

In each interrogation room, there were four investigators. From 8 a.m. until 4 p.m., they questioned me there. With their pistols, they beat me on my back

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<sup>108</sup> Constitution of the Republic of Yemen, 2001, art.48(c).

<sup>109</sup> Penal Code, Yemen, art. 246.

<sup>110</sup> Human rights Watch interview with Arif al-Halimi, Southern Movement activist and lawyer, Aden, July 11, 2009. Al-Halimi said that leaders of the Movement were sometimes charged with “undermining unity,” “forming organizations]” without a license, and “disturbing the peace [تفكير السلم].” See also: “State of Human Rights in Yemen ... in Week (27),” *Al-Taghyir.net*, August 11, 2009, <http://www.al-tagheer.com/news.php?id=10236> (accessed October 29, 2009). The report cites the beginning of the trial of 25 Movement activists for participation in an unlicensed event before Hut court.

and slapped me. They asked me who supports our movement, and they insulted me, saying we aren't true Muslims, that we are traitors, insects, dogs. They beat me the whole time, saying they would kill me, that I was a nobody, that nobody even knew where I was. Then they fingerprinted me and released me.<sup>111</sup>

On November 30, 2008, the anniversary of South Yemen's 1967 independence from Britain, Muhammad Abdullah Hasani attended a festival at Shaikh 'Uthman's Hashimi Square. This time the police apprehended him as he left the festival, and took him to the Shaikh 'Uthman police station, where they detained him with about 200 other participants who were kept for five days in overcrowded cells and poor conditions:

I stayed in a cell for five days without any charges, we were treated like criminals. We just stayed in the cell; they never took us out for questioning. We were with 23 protesters in the cell, but there were also criminals kept in the same cell, including murderers. There were 38 people in the cell in total. There was only a fan in the corridor...One of the protesters was injured and they didn't allow him medical care. After five days, I was released.

Six weeks later, on January 13, 2009, security forces detained Muhammad Abdullah Hasani once again as he made his way to that day's protest at Hashimi Square. Police stopped him at a checkpoint, and again took him to Shaikh 'Uthman police station where he spent four hours locked in a police vehicle with the windows rolled up.<sup>112</sup> From the police station authorities took him to al-Mansura prison where they detained protesters in two large cells, each holding up to 350 persons. The authorities began releasing some of the detained protesters the same day, but called suspected organizers or Southern Movement leaders out by name, including Hasani, and placed them in solitary confinement. Hasan spent three days in solitary confinement in Mansura prison.

Following the protests in April and early May in response to clashes in Radfan and the closing of the daily *Al-Ayyam* (see below), on May 7, 2009 Muhammad Abdullah Hasani went to the Shaikh Uthman police station in his capacity as lawyer to ask for the names of the hundreds reportedly detained. As he left the station, uniformed and plainclothes security officers in two police vehicles stopped him near al-Nur Mosque, and began kicking him and

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<sup>111</sup> Human Rights Watch interview with Muhammad Abdullah Hasani, Aden, July 11, 2009. All other quotes and references to his treatment are from this interview.

<sup>112</sup> Daytime temperatures in Aden in January average 25 – 27 degrees centigrade.

beating him with their gun butts and batons. They took him, badly bleeding, back to the Shaikh 'Uthman police station, then brimming with detainees. "When I got to the station, it was packed," he recalled. Officers then took Hasani to the Criminal Investigation Division (CID) for further questioning, even as they began releasing detainees after the protest ended. He spent six days at CID with four other suspected movement organizers in a cell they shared with five suspects in violent crimes, including a man accused of murdering two persons with an axe. On May 13, after a friend signed a "guarantee" for him saying he would stay away from protests, authorities released him.

Hasani reported receiving "lots of intimidation" since his release. "They tried to arrest me again several times, so I have stopped sleeping at home." He said that a few days after his release, several men stabbed his brother, 23, with a knife as he went to a store, telling him, "See if the south does you any good now." When Hasani reported the attack to the police, they took no steps to investigate the incident.<sup>113</sup>

## Other Arbitrary Arrests

Others active in the Southern Movement have faced similar treatment. Nasr Nasr Abdullah Hamuzaiba, a military veteran, recounted to Human Rights Watch how he and three friends were arbitrarily detained on January 13, 2009, close to Hashimi Square where people were gathering in protest. The police put him on a police truck with 50 other detainees and took him first to al-Mandana police station, before transferring him to Military Intelligence (*Istikhbarat*) because he was a former soldier. Hamuzaiba said:

I spent eight days at the *Istikhbarat*, but it felt like eight years. We were all kept in a small room with just a fan, some 70 people in 3 small rooms, but there were no beatings, just swearing at us and insulting us. Then they just released me, and I lost my military [retirement] salary for 6 months.<sup>114</sup>

On June 5 or 6, 2009, Walid Qasim As'ad Shu'aibi, the head of the Union of Southern Youth in al-Dhali', was walking from his student housing in Aden when a rapid response police car pulled up alongside him, and four armed men pulled him inside after he acknowledged his identity. They put a black bag over his head and took him to the Central Security headquarters in Aden's Khor Maksar neighborhood. On the way there, the security agents asked him, "Why are you trying to spread hatred between the people?" At the security

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<sup>113</sup> Human Rights Watch interview with Muhammad Abdullah Hasani, Aden, July 11, 2009.

<sup>114</sup> Human Rights Watch interview with Nasr Nasr Abdullah Hamuzaiba, Aden, July 11, 2009.

headquarters, his hands were bound and he was put in a large hangar. Two men began interrogating him while punching him in the head and chest, and telling him, “You are an Indian. You are a Somali. You are not Yemeni.”<sup>115</sup> When he explained that he joined the Southern Movement to fight for his rights, the security officials told him, “You will only get your rights once Central Security ceases to exist.”

After the beating and interrogation, which Shu’aibi estimated lasted about 25 minutes, the officials refused to allow him to call his family. He was kept in the same room for three days, without access to a toilet (he had to relieve himself in a corner of the room) and very little food or water, but no further questioning. At midnight on the third day, he was taken by car to the Aden Hotel roundabout, and kicked out on to the road: “They kicked me out of the car with their boots. I was half naked, and bystanders looked at me as if I was crazy.”<sup>116</sup>

In advance of the planned protest in Aden on July 7, 2009, Yemen’s Unity Day, the police and security services ramped up the scale of preventive arbitrary detention to an extent not previously seen. Police erected roadblocks around the city and over the two days preceding the protest arrested thousands seeking to gain access to Shaikh ‘Uhtman’s Hashimi Square. According to a lawyer familiar with the events of that day,

The detentions around July 7 were different from those that happened before. The security response was well prepared for that day, and they arrested a lot of people. The prisons were not big enough to hold everyone, so they moved the detainees to hangars and even to the May 22 sports stadium. Most of the people were arrested at the checkpoints on the way to the protest. On July 7, there wasn’t a major protest in Aden because of the arrests.<sup>117</sup>

On July 2, five days before the planned July 7 protest, the authorities arrested two leaders of the Southern Movement, Qasim al-Da’iri, and Ali Muhammad al-Sa’di, a member of the Leadership Council for the Peaceful Revolution, apparently with the intention of disrupting the protest.<sup>118</sup>

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<sup>115</sup> Human Rights Watch interview with Walid Qasim As’ad Shu’aibi, Aden, July 11, 2009. President Ali Abdullah Saleh made similar racist claims in a phone call to pro-government supporters during Unity Day celebrations in Dhali’, telling his audience that the movement leadership “are foreign agents and represent the British occupation. One is originally from India and the other from Indonesia, they are not Yemenis. I am serious, look at his face, he doesn’t look like a Yemeni, he looks like an Indian! ... do not listen to the separatists, those from India and the offspring of Indians, the offspring of Somalis and others.” Audio recording of the president’s phone call on file with Human Rights Watch.

<sup>116</sup> Human Rights Watch interview with Walid Qasim As’ad Shu’aibi, Aden, July 11, 2009.

<sup>117</sup> Human Rights Watch interview with Sa’id Salim Ba-Faraj, Aden, July 13, 2009.

<sup>118</sup> Human Rights Watch interview with Samia al-Aghrabi, San’a, July 9.

## Long-term Detention Without Charge

Although Yemeni authorities quickly release the vast majority of those detained at protests, hundreds of suspected supporters and leaders of the Southern Movement have been held for periods as long as six months, often without judicial review of their detention or contact with their lawyers. Access by family and lawyers was usually only allowed after a few days.

In an unannounced visit to Mukalla on July 14, 2009, in a single day Human Rights Watch researchers met the families of 24 persons who at the time were in long-term detention without charge, and the families indicated there were many more. A member of an opposition political party estimated that, of those detained since May 2009, approximately 200 persons remained in detention without charge. On April 27, a protest in Mukalla had turned violent, and the police jail, the central prison, and the Political Security Office detention facility in Mukalla were all crowded with detainees picked up during the crackdown that followed. Among those detained were children (see below) as well as elderly persons: Salim ‘Abbadi, one of those remaining in detention at this writing on suspicion of involvement in the Southern Movement, is 81 years old.<sup>119</sup> Hundreds more have fled from Mukalla to the hinterland in order to escape arbitrary arrest and detention.

The arrests in Mukalla that followed the April 27 violence appear to have been widespread and arbitrary. For example, on April 28, Central Security agents raided a hotel in Mukalla, detaining about 15 men who were chewing qat at the time, many of whom had attended the protest on the previous day.<sup>120</sup> Among those detained were al-Sa’id Ba-Faraq, in his 30s, and his nephew Nasr Abdullah Ba-Mithqal, 25, both of whom had attended the April 27 protest. The men were so badly beaten that Nasr Abdullah Ba-Mithqal had to be hospitalized (under police guard) afterwards. At the time of Human Rights Watch’s visit in mid-July, the two men remained in detention at the Central Prison in Mukalla, on suspicion of “infringing national unity,” but had not been brought to trial, like the many other detainees being held in Mukalla.<sup>121</sup>

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<sup>119</sup> Human Rights Watch interview with Khamis Muhairiq, Mukalla, July 14, 2009.

<sup>120</sup> Qat refers to the leaves of the Qat tree grown in Yemen and that most Yemeni men and a growing number of women consume on a daily basis in the mid-afternoon by chewing the leaves and stuffing them in their cheeks, producing a hamster-like look. Most relaxation and business is conducted over gender-segregated qat-chewing sessions, preferably in the *mafraj*, a comfortable room with a good view. It is a mild stimulant classified by the World Health Organization as a drug of abuse. Qat cultivation consumes most of Yemen’s scarce water resources.

<sup>121</sup> Human Rights Watch interview with Saida Salim Ba-Faraq, Mukalla, July 14, 2009; Human Rights Watch interview with relative of Yasir Abdullah Ba-Mithqal, Mukalla, July 14, 2009; Human Rights Watch interview with in-law of Yasir Abdullah Ba-Mithqal, Mukalla, July 14, 2009.

The security agencies continue to search for two brothers of Nasr Abdullah Ba-Mithqal, Yasir Abdullah Ba-Mithqal, 33, and Muhammad Abdullah Ba-Mithqal, 40, who fled into the mountains to seek the protection of their tribe, as many wanted Southern Movement activists have done. After being unable to find the two wanted men, the security forces held one of their brothers-in-law on June 27, interrogating him for an hour about their whereabouts. The security forces have also repeatedly detained another brother of the two wanted men, Jamal Abdullah Ba-Mithqal, who is mentally disabled, holding him as a “hostage” to force the two wanted brothers to surrender to them.<sup>122</sup>

In another typical case, Political Security agents detained Nasir Mahfuzh Ba-Qazquz , 32, a geography teacher who also heads the Mukalla branch of the Unitarian Gathering (*Tajammu’ Wihdawi*) political party , two days after he gave a speech at the April 27 rally. He was detained for 45 days, released for four days and then re-arrested. He remained in detention at the Central Prison in Mukalla at the time of Human Rights Watch’s mid-July visit.<sup>123</sup>

Although much more difficult to monitor, it appears that similar widespread arbitrary arrests and detentions are taking place in many rural areas of southern Yemen. According to Abdullah Salim Jambain, the head of the YSP in the town of Shahr, some 30 kilometers east of Mukalla, 83 persons remained in detention (at the time of Human Rights Watch’s mid-July visit) after being arrested between May 28 and May 30. On July 7, another 20 people were detained in Shahr, including seven minors. Four of the persons detained on July 7 were severely beaten by the security forces, including two who required hospitalization for their injuries.<sup>124</sup>

### *Transfers to Military Intelligence and Political Security*

Since the protests began in 2007, some persons detained in the south, particularly those believed to play a leadership role in the protest movement, have been moved to the custody of Military Intelligence and the Political Security Organization in San’a for further investigation and questioning. In rare cases, the authorities moved to try Southern Movement leaders on charges such as infringing national unity, but no trials have concluded to date.

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<sup>122</sup> Ibid.

<sup>123</sup> Human Rights Watch interview with brother of Nasir Mahfuz Ba-Qazquz, Mukalla, July 14, 2009.

<sup>124</sup> Human Rights Watch interview with Abdullah Salim Jambain, Mukalla, July 14, 2009.

Among the first detained was Brig-Gen. (ret.) Nasir al-Nuba, the head of the Retired Military Consultative Association, an early organizing body for protests and sit-ins by the forcibly retired military officers. Al-Nuba was detained from his Aden home on September 2, 2007, and, as a former military officer, moved to Military Intelligence (*Istikhbara*) on September 8, 2007, after which a military tribunal charged him with treason for having challenged Yemen's unification as illegal. On November 29, 2007, before the tribunal reached a verdict, he was released from detention following a presidential decision to free him.<sup>125</sup>

Other detainees at the PSO in San'a have never been charged or brought to trial, as required under Yemeni Law. Security forces detained two bodyguards for Member of Parliament Nasir al-Khubaji on May 13, 2008 at a sit-in by retired army officers in Habilain, which al-Khubaji addressed, and transferred to the PSO in San'a five days later. One of the bodyguards, Nasr Muhammad Salih, 24, explained how they were treated at the PSO in San'a:

We were kept in solitary confinement [for 17 days] and in detention for 3 months and 14 days in San'a. They had late night interrogations starting on day one. We would be blindfolded, hands tied, and questioned deep in the basement of the building, after they woke us up in the night. Two people would interrogate us, asking about our relationship to our member of parliament, Nasr al-Khubaji, where he was hiding, and who were the leaders of the movement. I cooperated with their questions, and told them what they wanted to know. There was no beating or torture, just the psychological mistreatment of being woken in the night, but I could hear others [detainees] scream out in pain.

I wasn't brought to court during those 3 months, and wasn't allowed to make phone calls, and didn't see any relatives or lawyers.... In September, a decision was made to release me [and the other body guard].<sup>126</sup>

Twelve other leaders of the Southern Movement arrested and transferred to San'a in April 2008 include Hasan Ba'um and Yahya Ghalib Shu'aibi.<sup>127</sup> They spent six months at the Political Security Organization's prison in underground cells, and were later charged with

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<sup>125</sup> "Al-Nuba After his Release: I Refused to Sign Any Pledge to Stop my Political Engagement, Which I Will Continue from Tonight," *Aden Press*, November 30, 2007.

<sup>126</sup> Human Rights Watch interview with Nasr Muhammad Salih, Aden, July 11, 2009.

<sup>127</sup> "President Pardons Detainees of Inciting Regionalism, Separation," *Sabanews.Net*, Sept. 11, 2008, <http://www.sabanews.net/en/news163807.htm> (accessed October 13, 2009).

working against the unity of Yemen. President Saleh in an amnesty released all 12 in September. Ba'um has since fled abroad, and Shu'aibi is hiding in a rural area for fear of being arrested again if he comes to a town.<sup>128</sup> Most Southern Movement leaders are in hiding in the mountains to escape arbitrary detention and political charges.<sup>129</sup>

In 2009, the authorities continued to rely on specious politicized charges against Southern Movement leaders. In April, authorities arrested Qasim al-Askar Jubran, former ambassador of the PDRY to Mauritania, charging him with “threatening national unity and inciting a fight against the authorities.”<sup>130</sup> Jubran was transferred to San'a's PSO prison and put on trial, which was suspended after two sessions without providing a reason. The Yemen Times reported that during a June 3 hearing, the prosecution entered as evidence “speeches, documents, a handout titled ‘Project on the Vision of Peaceful Struggle Movement for the Southern Issue & Future of South Yemen's People,’ and a document of affiliation with the Supreme National Council for Liberating and Restoring State of South Yemen.”<sup>131</sup> He remains in detention.

## Detention of Children

The Convention on the Rights of the Child (CRC) defines as a child “every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.”<sup>132</sup>

The CRC also sets standards for the detention of children, stipulating that arrest, detention, and imprisonment of a child “shall be used only as a measure of last resort and for the shortest appropriate period of time.”<sup>133</sup> The best interests of the child must be a primary

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<sup>128</sup> Human Rights Watch telephone interview with Yahya Ghalib Shu'aibi, Aden, July 10, 2009, and Aden Foundation for Women and Youth – Human Rights Center, July 2009 Report, on file with Human Rights Watch.

<sup>129</sup> Human Rights Watch telephone interviews with Yahya Ghalib Shu'aibi, a lawyer, Nasir al-Khubaji, member of parliament, and Nasir al-Nuba, retired general, all leaders in the Southern Movement in hiding at the time we spoke to them between July 10 and 15, 2009.

<sup>130</sup> *Al-Ayyam*, April 23, 2009, <http://www.al-ayyam.info/Default.aspx?NewsID=a2ad1f7d-3c80-49f4-a38f-0281ca7ee832> (accessed October 13, 2009), and: “Man who provided rebels with information about missiles to be tried, Saba News Agency, June 12, 2009, <http://www.sabanews.net/en/news186238.htm> (accessed October 16, 2009).

<sup>131</sup> Mohammed Bin Sallam, “Protests, Trials Continue,” *Yemen Times*, June 3, 2009, <http://cc.bingj.com/cache.aspx?q=qasim+askar&d=76767331559523&mkt=en-US&setlang=en-US&w=416b5d7c,21f5b02b> (accessed October 16, 2009).

<sup>132</sup> Convention on the Rights of the Child, adopted November 20, 1989, 1577 U.N.T.S. 3 (entered into force September 2, 1990), art 1.

<sup>133</sup> Convention on the Rights of the Child, art. 37(b). See also U.N. Rules for the Protection of Juveniles Deprived of their Liberty, para. 2; U.N. Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”), G.A. res. 40.33, annex, 40 U.N. GAOR Supp. (No. 53), p. 207, U.N. Doc A/40/52 (1985), para. 13.

consideration in detention decisions.<sup>134</sup> International guidelines on the detention of juveniles also require that a parent or guardian be notified immediately when a child is apprehended.<sup>135</sup> Separation of children from adults in detention is a basic requirement of international law.<sup>136</sup> International standards also require the separation of untried children from those convicted of crimes.<sup>137</sup>

Children have been among those detained in the protests. While some were released after only a few hours, Human Rights Watch has documented three cases of children under age 18 being held for days and weeks without charge, some missing school examinations on account of their detention. In reviewing a list of 69 detainees from Hadhramawt published on Adenpress.com, a Southern Movement activist from Shahr indicated four detained children aged 14, 14, 15, and 16 from his town.<sup>138</sup> In all cases documented by Human Rights Watch, children were detained together with adults. Authorities are detaining children with adults in other southern towns and cities: according to the head of the YSP in Shahr, seven children were detained there on July 7, 2009, and they remained in detention 10 days later.<sup>139</sup>

‘Amr Habani, 13, was arbitrarily arrested on July 8, 2009 and had been detained for seven days at the time Human Rights Watch interviewed his mother. She had taken him to the police directorate in Mukalla on separate business, where, she said, “The *muqaddam* [major] took ‘Amr by the hand and said he should be arrested.”<sup>140</sup> The day before, the shop of a

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<sup>134</sup> Convention on the Rights of the Child, art. 3. Under the U.N. Rules for the Protection of Juveniles Deprived of their Liberty, paragraph 28:

The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex and type of offence, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations. The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.

<sup>135</sup> The Beijing Rules, para. 10; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 16(3).

<sup>136</sup> See Convention on the Rights of the Child, art. 37(c) (noting that “every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so”); U.N. Rules for the Protection of Juveniles Deprived of their Liberty, para. 29; The Beijing Rules, para. 13.4; Standard Minimum Rules for the Treatment of Prisoners, adopted August 30, 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the U.N. Economic and Social Council by resolution 663 C (XXIV), July 31, 1957, and 2076, May 13, 1977, para. 8(d).

<sup>137</sup> U.N. Rules for the Protection of Juveniles Deprived of their Liberty, para. 17.

<sup>138</sup> “Initial List With Names of Those Arrested in Hadhramawt, Among Whom Are Children Under 18 Years,” *Adenpress.com*, July 12, 2009, printed copy on file with Human Rights Watch, and Human Rights Watch interview with activist from Shahr, Mukalla, July 14, 2009.

<sup>139</sup> Human Rights Watch interview with Abdullah Salim Jambain, Mukalla, July 14, 2009, and follow up telephone conversation July 17, 2009.

<sup>140</sup> Human Rights Watch interview with the mother of ‘Amr Habani, Mukalla, July 14, 2009.

northern shopkeeper had been burned during a protest in Mukalla and the policeman thought ‘Amr may be a suspect. His mother said that the family lives next to the burned shop, but that ‘Amr had been sleeping alongside her when the shop was burned down. ‘Amr’s mother was first able to visit her son on July 14 at the prosecutor’s office.<sup>141</sup>

In a related case, the Mukalla police on July 9, 2009, asked the father of two teenage boys, ‘Umar Ba-Nubu’, 19, and ‘Imad Ba-Nubu’, 16, to bring his sons to the police station. At the police station, they detained the two boys, sending the father home. The two teenagers, including ‘Imad, who is a child, were still in detention on July 14 when Human Rights Watch met with their relatives. Their father told Human Rights Watch that the boys were in a crowded cell together with adult suspects. “The children complained that it was too full in the cell, and that the adults smoked too much,” he said.<sup>142</sup> A police officer had asked and received a bribe of 11,000 Yemeni riyals (US \$55) to get the boys released on July 9, but as of July 14, the boys were still kept in detention.<sup>143</sup>

On June 21, the security forces detained Muhammad Husain al-Saqqaf, 16, and one of his classmates, also 16, when they tried to go visit an adult friend being detained at the Badud police station in Mukalla. The friend was released the same night, but the police told Muhammad’s father that they were under orders of the Political Security to keep Muhammad in detention. A week after his detention, about twenty security agents came to search his home. Muhammad remained in detention at the time of Human Rights Watch’s visit in mid-July, and, according to his father, was being kept at the Central Prison in a communal cell with a few other children and some 50 adults.<sup>144</sup>

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<sup>141</sup> Human Rights Watch interview with Umm ‘Amr Habani, Mukalla, July 14, 2009.

<sup>142</sup> Human Rights Watch interview with Abu ‘Umar, Mukalla, July 14, 2009.

<sup>143</sup> Human Rights Watch interview with Abu ‘Umar, July 14, 2009.

<sup>144</sup> Human Rights Watch interview with Husain Abd al-Rahman al-Saqqaf, Mukalla, July 14, 2009.

## VII. Press Censorship and Attacks against Journalists and Newspapers

The government in San'a has cracked down on independent and southern partisan reporting on events in the south. Free expression in Yemen is under siege.

On May 4, 2009, the Ministry of Information suspended from publication eight daily and weekly independent newspapers over coverage they had given to events in the south.<sup>145</sup> According to Yemeni lawyers this was an unprecedented and unlawful move.<sup>146</sup> The weeklies were allowed to commence publication again in late June.

On May 11, 2009 the government created a new court to try journalists. By July it had begun trying some cases.<sup>147</sup> There separately exists a special prosecutor for press and publication matters, who in the past has taken journalists and media personnel to court over alleged violations of the penal code and the Press and Publications Law.

The abuses against journalists, editors, bloggers and opinion writers documented below, while novel in their severity, are not a new phenomenon in Yemen. In 2008, Human Rights Watch research into human rights abuses committed in the context of the armed conflict between Huthi rebels and government forces in northern Yemen found severe restrictions on freedom of expression, and a widespread campaign of intimidation and threats, arbitrary arrests, and trumped-up charges against journalists and other opinion-makers.<sup>148</sup>

### Legal Standards on Freedom of Expression

Article 19 of the International Covenant on Civil and Political Rights guarantees freedom of expression:

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<sup>145</sup> Papers that whose distribution was suspended included *Al-Ayyam*, *Al-Masdar*, *Al-Watani*, *Al-Diyar*, *Al-Mustaqilla*, *Al-Nida*, *Al-Shari'*, and *Al-Ahali* newspapers. See also: "Yemen: Halt Crackdowns on Newspapers," Human Rights Watch news release, May 15, 2009, <http://www.hrw.org/en/news/2009/05/15/yemen-halt-crackdowns-newspapers>.

<sup>146</sup> Human Rights Watch interview with Samia al-Aghrabi, public freedoms officer, journalists' syndicate, San'a, July 8, 2009, and with Sami Ghalib, editor-in-chief of *Al-Nida*' weekly newspaper, San'a, July 8, 2009. According to both al-Aghrabi and Ghalib, a lawyer for the syndicate argued that the law gives the minister of information the power to suspend publications only for violation of their license, such as when a paper licensed as a weekly publishes daily, but not over the content.

<sup>147</sup> Human Rights Watch interview with Dr. Huda Alban, minister of human rights, San'a, July 19, 2009. A journalist said that the court had started to look into cases in late June or early July.

<sup>148</sup> Human Rights Watch report, *Disappearances and Arbitrary Arrests in the Armed Conflict with Huthi Rebels in Yemen*, October 2008, pp. 38-45.

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.<sup>149</sup>

International law allows for the restriction of freedom of expression “for the protection of national security,” but this does not cover peaceful expression of demands for independence, as the Johannesburg Principles on National Security, Freedom of Expression, and Access to Information make clear.<sup>150</sup>

Yemen’s Press and Publication Law of 1990, which establishes the Ministry of Information and regulates press freedom, is on paper one of the most liberal press laws in the Middle East. It sets out a broad range of freedoms for journalists, and the rights of citizens to an independent press:

Freedom of knowledge, thought, the press, expression, communication and access to information are rights of the citizen which enable him/her to express his/her thoughts...The press shall be independent and shall have full freedom to practice its vocation....The press shall be free to print what it pleases and to gather news and information from their sources...The law assures the protection of journalists and authors, and it provides the legal guarantees necessary for them to practice their profession, to enjoy freedom of expression and immunity from interference as long as they do not contravene the provisions of this law.<sup>151</sup>

However, while asserting that the “press shall be independent,” the same preamble also places a paternalistic burden on the press: “It shall serve society, form public opinion and express its different outlooks within the context of the Islamic creed, within the basic principles of the Constitution, and the goals of the Yemeni Revolution and the aim of solidifying national unity.”<sup>152</sup>

The law places vague prohibitions on the types of news that can be published. Yemeni authorities have used the law’s article 103 to censor the independent press. It prohibits

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<sup>149</sup> International Covenant on Civil and Political Rights, art. 19.

<sup>150</sup> The text of the Johannesburg Principles is at <http://www.article19.org/pdfs/standards/joburgprinciples.pdf/>

<sup>151</sup> Republic of Yemen, Law No. 25 (1990) on the Press and Publications, December 22, 1990, arts 3-6.

<sup>152</sup> Ibid, art. 4.

criticism of the head of state as well as the publication of any articles that “might spread a spirit of dissent and division among the people,” or that “leads to the spread of ideas contrary to the principles of the Yemeni revolution, [or is] prejudicial to national unity or the image of the Yemeni, Arab, or Islamic heritage.”<sup>153</sup>

Penalties for violating these prohibitions, if proven in court, include the closing of a publication, banning the journalist from practicing journalism, and a YAR 10,000 (US\$50) fine or one year in prison, although journalists have been sentenced to even longer prison sentences for critical articles.<sup>154</sup> The minister of information also may order the seizure of any newspaper “issued or circulated in violation” of the Press and Publications Law, but “the matter shall be brought before the courts to rule on whether the material seized should be confiscated,” and the newspaper’s officials have “the right to appeal to the courts against the decision of seizure and to claim compensation.”<sup>155</sup>

### **“Red Lines”: Government-Imposed Self-Censorship**

Violations of media freedom in Yemen involve not only the seizure of newspapers, arrests of journalists, and other such forms of persecution, but also efforts to ensure that the media practice self-censorship and do not cross “red lines”—topics that are off-limits and which will lead to the confiscation of the issue, or even arrest and prosecution of the journalist or editor. Such “red lines,” not always written down, are well-known to journalists and editors and are not limited to events in southern Yemen. One editor told Human Rights Watch how officials from the National Security service wrote to journalists and editors in 2004, ordering them to refrain from criticizing the president or members of his family (many of whom hold government office or prominent positions in the economy), official abuse of power, and the question of who will succeed President Saleh.<sup>156</sup>

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<sup>153</sup> Law no 25 (1990) on Press and Publications, December 26, 1990, article 103 (b)-(d) prohibits the publication of “any secret document or information which might jeopardize the supreme interests of the country or expose any of its security or defense interests [and] anything which might cause tribal, sectarian, racial, regional or ancestral discrimination, or which might spread a spirit of dissent and division among the people [and] [a]nything which leads to the spread of ideas contrary to the principles of the Yemeni Revolution prejudicial to national unity or distorting the image of the Yemeni, Arab or Islamic heritage.”

<sup>154</sup> Ibid. arts. 104-106. In July 2008, the Specialized Criminal Court sentenced Abd al-Karim al-Khaiwani, a prominent journalist, to six years in prison for his 2007 critical writings on the war in northern Yemen between the Huthi rebels and government forces. Even al-Khaiwani’s own legal team couldn’t explain to Human Rights Watch what the precise charges against al-Khaiwani had been. President Saleh pardoned al-Khaiwani on September 25, 2008 and ordered his release.

<sup>155</sup> Article 107.

<sup>156</sup> Human Rights Watch interview with newspaper editor, place and date withheld.

Since the intensification of the protests in southern Yemen in 2009, journalists and editors have faced increasing restrictions in reporting on the south. Journalists and editors told Human Rights Watch that they would be crossing “red lines” if they published interviews with exiled southern politicians or Southern Movement leaders, published pictures of the violence committed by the security agencies against demonstrators, or even mentioned the formal names of the organizations behind the protests.

The Yemeni government also uses bribery to silence its critics. According to a credible source, the president’s office has offered newspaper editors “support payments” amounting to thousands or even tens of thousands of dollars per month, in order to toe a pro-government line in their newspapers. One independent editor explained to Human Rights Watch that even though he had continued to refuse such bribes, officials in the president’s office continued to call him, reminding him of the large sums of money which were “accumulating” in his account.<sup>157</sup>

### Closure of *Al-Ayyam* Newspaper

Aden-based *Al-Ayyam* is Yemen’s oldest and most popular daily newspaper, with a daily print-run of 70,000. It is also the only independent newspaper in Yemen to possess its own printing press—all others print on government presses, which makes it easier for the authorities to interfere with their publication (see below).

The current troubles facing *Al-Ayyam* are affected by an incident in February 2008, involving a property dispute rather than newspaper content, when a northern official tried to take control of *Al-Ayyam*’s San’a offices.<sup>158</sup> When protests and clashes in southern Yemen intensified in April 2009, *Al-Ayyam* “covered this extensively—there was blood and gore on the cover of the paper for days,” Bashraheel Hisham Bashraheel, the general manager of *Al-*

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<sup>157</sup> Human Rights Watch interview with newspaper editor, place and date withheld.

<sup>158</sup> According to the Bashraheel family, owners of the newspaper, on February 12, 2008, a group of men attempted to spray-paint an ownership claim on the San’a compound of *Al-Ayyam*, which also housed the family of the paper’s owners, stating “This house belongs to Shaikh Ahmad al-Habari.” According to the Bashraheels, Shaikh al-Habari was well-known for fraudulently claiming property, using his ties to the President to unlawfully seize properties. A gunfight erupted between the group of men and the compound’s security guards, leaving four of the spray-painters wounded, one of whom died. Following the shooting, a guard from *Al-Ayyam*, Ahmad ‘Umar al-‘Abadi, was detained by the security forces and the family compound was surrounded by security forces, who demanded the Bashraheel family hand over a family member “hostage” for tribal mediation with the family of the killed man. The case of the February 12 attack on *Al-Ayyam* continues to fester: the family of the dead man has threatened to revenge his death through a blood feud, and although President Ali Abdullah Saleh has repeatedly promised to intervene directly in the case, he has not done so to date. Instead, the authorities have continued to use the open case against *Al-Ayyam*’s owners to pressure them into toning down their reporting on the southern crisis. Human Rights Watch interview with *Al-Ayyam* owners, Aden, July 12, 2009.

*Ayyam*, told Human Rights Watch.<sup>159</sup> President Saleh began sending envoys to the paper, asking them to tone down its coverage. Starting in early April, according to Bashraheel, Yasir al-Yamani, the deputy governor of Lahj province and a trusted middleman for the president, asked the editors to stop using images of the bloodshed, saying that the president was worried the images would be used as evidence against him at the International Criminal Court in the Hague.

On April 9, Bashraheel said, President Saleh called *Al-Ayyam*'s owner to get him to publish under his own name a pro-government editorial on the situation in the south. In return, he promised that the February 2008 San'a case against *Al-Ayyam*'s owners would be dropped. Hisham Bashraheel complied and printed the editorial faxed from the president's office, but the paper also continued to critically cover the protests and the government's violent response. Staff of the newspaper then received personal threats, Hisham Bashraheel said: a layout designer at the paper found a note stuck to his door threatening to "slit his throat" if he continued to work for the paper.

On May 1, armed individuals stopped *Al-Ayyam*'s delivery van in the Milah area of Lahj (see above). According to Bashraheel, the attackers belonged to the recently formed pro-government Committee to Protect Unity.

On the night of May 2, soldiers at two military checkpoints outside Aden confiscated more than 50,000 copies of *Al-Ayyam*, the entire print-run designated for the rest of the country. A receipt *Al-Ayyam* received for the confiscated copies was signed by the police, the intelligence service, and the Ministry of Information. By May 4, security forces surrounded the *Al-Ayyam* Aden office and searched all leaving cars, preventing the distribution of the entire 70,000 copy print-run.<sup>160</sup> In light of the siege on the paper's headquarters, the owners on May 4 decided to cease publication, and Yemen's largest independent newspaper remained unable to publish when Human Rights Watch visited more than two months later, on July 12, 2009.

Following the forced closure of *Al-Ayyam* on May 4, the authorities again revived the property dispute case of February 2008, with persons the Bashraheels believed to belong to the security forces shooting at the family's San'a compound and attempting to serve summons on family members to testify in court (the family refuses to attend hearings out of fear for

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<sup>159</sup> Human Rights Watch interview with Bashraheel Hisham Bashraheel, July 23, 2009. Unless otherwise noted all quotes and information related to *Al-Ayyam* are from this interview.

<sup>160</sup> Ibid.; Committee to Protect Journalists, "Government Seizes Newspaper Offices in Yemen," May 4, 2009.

their safety). On the pretext of enforcing the summons, on May 12 security forces launched an attack on the *Al-Ayyam* compound in Aden, engaging in an hour-long gun battle with the compound's guards that left one person dead and another gravely wounded, but the security forces were unable to take control. Since the shootout, the Bashraheel family has sought refuge in the newspaper compound, unable to leave out of fear of arrest or worse. Government ministers have visited the family to seek to mediate an end to the stand-off, without tangible results to date.

## Multiple Closure of Newspapers, May-June 2009

Yemen's minister of information, Hasan Ahmad al-Luzi, on May 4 announced a ban on the sale of eight of Yemen's most prominent independent daily and weekly newspapers, extending the ban already placed on *Al-Ayyam* to the privately-owned *Al-Masdar*, *Al-Watani*, *Al-Diyar*, *Al-Mustaqilla*, *Al-Nida*, *Al-Shari'*, and *Al-Ahali* papers.<sup>161</sup> On May 6, the minister announced that the newspapers had violated the country's press law by publicizing articles "against national unity and the country's highest interests," and accused the papers of "inciting violations of law and order, spreading hatred and enmity among the united people of Yemen."<sup>162</sup> According to the affected editors, this was the first time since the founding of the unified Yemen state in 1990 that such severe restrictions had been placed on the independent press.

President Saleh backed the ban on most of Yemen's independent press in a May 6 speech to the parliament:

If there is room to talk in the press then you have to publish kindness, love, and brotherhood. If there were mistakes in development or security or the judiciary, criticize those mistakes and there would be no objection, there is

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<sup>161</sup> Human Rights Watch meeting with newspaper editors, San'a, July 8, 2009; Human Rights Watch meeting with *Al-Ayyam* editors, Aden, July 11, 2009.

<sup>162</sup> "Yemen: Police Raid Paper, Wound Three," IFEX press release, May 13, 2009, [http://www.ifex.org/yemen/2009/05/13/police\\_raid\\_al-ayyam/](http://www.ifex.org/yemen/2009/05/13/police_raid_al-ayyam/) (accessed November 2, 2009). A handwritten circular from the ministry of information orders the confiscation of all printed copies of five newspapers, *Al-Masdar*, *Al-Watani*, *Al-Diyar*, *Al-Nida'*, and *Al-Shari'*, signed by "General Press Director [مدير عام الصحافة]," on what appears to be May 4, 2009. Copy on file with Human Rights Watch. . . A lawyer for the journalists' syndicate, argued that the ministry has no powers to suspend the publication of newspapers, though it could confiscate a specific issue that violated the Press and Publications Law, subject to judicial review and appeal. He considered that the law provides only for such suspensions in cases of a violation of the license, such as when a weekly newspaper publishes on a daily basis. No such administrative powers exist for content of a publication otherwise in compliance with the stipulations of its license.

room for that. But the unity, freedom, democracy, revolution, the republic, and the constitution are national constants that cannot be crossed.<sup>163</sup>

According to the affected editors, the decision to close the newspapers was taken after they published interviews with leaders of the Southern Movement and detailed, often graphic, articles and photographs about the violence committed by security services at the protests.<sup>164</sup>

On May 18, the office of the Prosecutor for Press and Publication (*Niyabat al-Sahafa wal-Matbu'a*) summoned Sami Ghalib, the editor-in-chief of *Al-Nida'* newspaper, and three of his colleagues to inform them that the minister of information had brought charges against them for "inciting armed disobedience, incitement against national unity, and promoting sectarianism."<sup>165</sup> According to the Committee to Protect Journalists, an international monitoring group, the investigation extended also to editors and journalists of *Al-Shari'*, *Al-Masdar*, *Al-Diyar*, and *Al-Watani* newspapers.<sup>166</sup>

On May 11, the High Judicial Council, Yemen's highest judicial institution, announced the establishment of a Specialized Press Court to prosecute journalists, a development which seems to mirror the establishment of a Specialized Criminal Court which tried the leadership of the Southern Movement (see below). Journalists fear that the establishment of the Specialized Press Court will lead to further persecution of journalists, and claim that the establishment of such specialized courts violates Yemen's constitution.

On July 11, the Specialized Press Court held its first criminal hearing, relating to earlier (December 2006) charges against editor Sami Ghalib following his newspaper's publication of a story investigating corruption at the Ministry of Endowments. The ministry brought charges of "insult and humiliation" against Ghalib, whose lawyers demanded a clarification of the legal basis for those charges at the first hearing.<sup>167</sup> On August 2, the Specialized Press Court dismissed the case, ruling that the paper's coverage did not include slanderous or

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<sup>163</sup> Committee to Protect Journalists, "CPJ Alarmed by Yemen Government's newspaper censorship," May 7, 2009 (translating President Saleh's speech as quoted in the government newspaper *Al-Thawra*).

<sup>164</sup> Human Rights Watch meeting with newspaper editors, San'a, July 8, 2009; Human Rights Watch meeting with *Al-Ayyam* editors, Aden, July 11, 2009.

<sup>165</sup> Human Rights Watch interview with Sami Ghalib, editor-in-chief, *Al-Nida'*, San'a, July 9, 2009.

<sup>166</sup> Committee to Protect Journalists, Letter to President Ali Abdullah Saleh, May 22, 2009.

<sup>167</sup> Yemen Times, July 12, 2009.

defamatory material and was within the bounds of what is legally permissible to publish in Yemen.<sup>168</sup>

The minister of information lifted the suspension of some newspapers in late June, but continued the ban on *Al-Ayyam* and *Al-Watani*. He reportedly issued strict instructions to editors and journalists of the papers allowed to publish again to refrain from covering the southern protests, the crackdown, or interviews with leaders of the Southern Movement.<sup>169</sup> However, when the newspapers then tried to print, the government-owned *Al-Thawra* press refused, saying they had no instructions from the Ministry of Information to do so. “That’s how they play games with you,” commented one of the affected editors, Sami Ghalib of *Al-Nida*’ newspaper.<sup>170</sup>

Some of the newspapers went to more costly privately-owned small printing presses, but their operations remain severely disrupted and heavily censored. *Al-Watani* was finally allowed to publish an issue in mid-July, but security forces confiscated all the issues being sent to Aden.<sup>171</sup> On August 4, copies of the *Al-Diyar* newspaper were confiscated by the authorities from newsstands in Sana’a because of articles relating to the southern protests.<sup>172</sup> On August 10, the Ministry of Information ordered the confiscation of all copies of issue 105 of *Al-Ahali* newspaper, from the al-Thawra printing press where the paper was being printed, because of coverage of the southern protests.<sup>173</sup>

## Arrests of Journalists

Other serious and widespread abuses include the arbitrary arrest of journalists and editors.

Gha’id Nasr Ali, the Radfan correspondent for *Al-Shari’* and *Al-Thawri* newspapers, told Human Rights Watch about several occasions on which security agents had beaten, threatened, or detained him for his activities as a journalist. On April 21, 2008, Central Security police arrested him for covering a protest at Radfan Teaching College, and detained him for seven days. In detention, they told him to sign a commitment not to write about

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<sup>168</sup> “First Press and Printing Court Ruling Goes for al-Nida; Local and International Denounce Threats Targeting al-Jazeera Crew in Sana’a,” Yemen Post, August 2, 2009.

<sup>169</sup> Human Rights Watch interview with Samia al-Aghrabi, representative of Yemen Journalists Syndicate, Sana’a, July 8, 2009.

<sup>170</sup> Human Rights Watch interview with Sami Ghalib, editor-in-chief, *Al-Nida* newspaper, Sana’a, July 9, 2009.

<sup>171</sup> Human Rights Watch meeting with *Al-Ayyam* editors, Aden, July 11, 2009.

<sup>172</sup> Yemen Journalists Syndicate, Announcement, August 10, 2009.

<sup>173</sup> Ibid.

protests again.<sup>174</sup> On May 13, 2008, Central Security again detained and badly beat him after he photographed a protest in Radfan. Ali told Human Rights Watch:

I was taking photographs of the protest. They beat me that time, eight people from General Security, including the director of General Security in Radfan, who ordered them to beat us and arrest us, me and some student leaders. They beat us with batons and gun butts, and while taking us to the district jail they continued to beat us in their vehicles.

Authorities detained Gha'id Nasr Ali in the district jail until May 22, when he was charged with "infringing the unity of the Yemeni republic" and released on bail pending trial. On July 18, a court convicted him and 22 others, and gave them six-month suspended sentences, on the condition that they take no part in future protests. Authorities again detained Gha'id Nasr Ali on January 13, 2009 when he covered a protest in Aden, and kept him another five days in Aden's prison before releasing him, after he pledged that he would not participate in future protests.

On January 2, 2009, Political Security agents held Wajdi al-Sha'bi, a correspondent for *Al-Ayyam*, *Al-Watani*, and *Mukalla Press*, at the Republican (*Jumhuri*) Hospital in Aden where he was investigating a story about inadequate medical care in the hospital. Political Security agents detained and questioned him for several hours.<sup>175</sup>

After his story on inadequate hospital care appeared in *Al-Watani* and *Mukalla Press* on January 5, the head of security for Aden governorate ordered his re-arrest. This happened on January 13, when he covered protests in Aden. Police took him to the Basatin police station, checked his identification, and an officer there told him, "You are wanted, with an alert out to all police stations on orders from the security chief." They threw al-Sha'bi in a cell with drug criminals and Somali pirates, where he spent ten days, and then transferred him to the central prison in Lahj, where he spent an additional week, without ever being charged or questioned. Finally, the deputy prosecutor received a charge sheet from Aden, accusing al-Sha'bi of "killing soldiers," but al-Sha'bi told Human Rights Watch the prosecutor "knew these were false charges" and "he released me without any conditions."<sup>176</sup>

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<sup>174</sup> Human Rights Watch interview with Gha'id Nasr Ali, Aden, July 10, 2009. The quote and information in the following paragraph is from this interview.

<sup>175</sup> Human Rights Watch interview with Wajdi al-Sha'bi, Aden, July 12, 2009.

<sup>176</sup> Human Rights Watch interview with Wajdi al-Sha'bi, Aden, July 12, 2009.

Al-Sha'bi also told Human Rights Watch that he could no longer continue his university studies, even though he was a final-year student in the journalism and media department, and close to getting his degree.

Now, I cannot go on studying, because if I enter my faculty, Political Security will arrest me because I continue to write for the media. A [sympathetic] southern Political Security officer warned me that this would happen. And I was so close to finishing my degree.<sup>177</sup>

## Attacks against Al Jazeera Television

The Qatar-based satellite news channel Al Jazeera is one of few international news agencies to operate a permanent bureau in Yemen, based in San'a. The network extensively covered the Southern Movement protests and repeatedly drew the ire of Yemeni authorities.

On at least two recent occasions, security officers prevented Al Jazeera journalists from physically leaving their hotels to stop them from filming footage at protests in southern cities. On May 21, 2009, security forces confined Al Jazeera bureau chief Murad Hashim to his hotel room in Aden while protests took place outside.<sup>178</sup> On July 7, security forces again confined Hashim and his crew to their Aden hotel rooms.<sup>179</sup>

Al Jazeera journalists have also faced physical assault. On June 22, masked persons attacked Al Jazeera's Aden correspondent Fadil Mubarak while he was filming a protest in Ja'ar, in Abyan province. Mubarak was injured and required stitches for his wounds. On June 17, unidentified persons threw stones on an Al Jazeera vehicle on its way to filming a pro-government protest in al-Dhali', damaging the vehicle. In both attacks, the attackers remain unidentified. Pro-government and official news outlets have not faced such attacks.<sup>180</sup>

On July 12, a member of parliament from the ruling General People's Congress Party, Ali Mis'id al-Lahbi, called for the closure of Al Jazeera's Yemen bureau, saying that the channel

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<sup>177</sup> Human Rights Watch interview with Wajdi al-Sha'bi, Aden, July 12, 2009.

<sup>178</sup> Article 19/IFEX, "Dark Days for Yemeni Media," June 2, 2009.

<sup>179</sup> Ibn Alshibani, "One killed because the Occupation forces storming to one of the Hotels and Prevent Al-Jazeera crew to leave the Hotel," *South Arabia Times*, July 7, 2009 <http://sa-times.co.cc/breaking-news/one-killed-because-the-occupation-forces-storming-to-one-of-the-hotels-and-prevent-al-jazeera-crew-to-leave-the-hotel/> (accessed November 2, 2009).

<sup>180</sup> "Months-long Assault on Media Continues," IFEX news alert, June 24, 2009, [http://www.ifex.org/yemen/2009/06/26/al-jazeera\\_attacked/](http://www.ifex.org/yemen/2009/06/26/al-jazeera_attacked/) (accessed November 2, 2009), and: "New Targeting of One of Al Jazeera's Journalists in Yemen," *Al Jazeera.net*, June 23, 2009, <http://www.AlJazeera.net/NR/exeres/68F71DC6-C275-47EA-8BD3-FD13EBC4E625.htm> (accessed October 29, 2009).

was “hostile to Yemen’s unity and security” and allowed itself to be exploited by “Yemen’s enemies...especially the secessionists who aim to [damage] Yemen’s image abroad.”<sup>181</sup> Government officials barred Al Jazeera from covering government events, in apparent retaliation for its critical coverage of the southern protests and the Sa’da war in the north. On July 27, the Al Jazeera correspondent was the only journalist denied entry to a question-and-answer session of the Yemeni parliament on defense and national security, and officials had expelled the Al Jazeera team from an Aden conference of local officials with the deputy Prime Minister earlier in July.<sup>182</sup>

On July 26, Al Jazeera’s Sana’a bureau received a call from a phone number registered in Saudi Arabia. The caller told the secretary who answered the phone: “Tell the bureau chief that his death is imminent. By God, we will get him [even] at his home.”<sup>183</sup> On April 11, Al Jazeera bureau chief Murad Hashim and Al Jazeera journalist Ahmad al-Shalafi both received similar threats on their mobile phones from a Saudi phone number, warning them to stop all coverage of the events in southern Yemen.<sup>184</sup> Murad Hashim told the Committee to Protect Journalists:

There is a massive incitement campaign against us by media affiliated with the ruling party.... Officials publicly incite the masses against us. Party-affiliated newspapers have said that a jihad against al-Jazeera and its journalists is a religious duty. There have been assaults on our staffers, [and] we have been prevented from doing our work many times, and we have received threatening messages and calls.<sup>185</sup>

## Detention of Bloggers and Blocking of Websites

Yemen has a lively community of bloggers, and because of the severe restrictions on independent print and broadcast media, some of the most detailed, albeit politically partisan reporting on events in southern Yemen appears on blogs, which also publish interviews with Southern Movement leaders. As a result, bloggers have come into the crosshairs of the security agencies: most of the blogs that report on events in southern Yemen have been blocked by Yemen’s government-controlled internet service providers, and

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<sup>181</sup> “Yemeni Parliament (sic.) demanded to close al-Jazeera office in Sana’a,” Yemen Post, July 13, 2009.

<sup>182</sup> Reporters Without Borders, “Al-Jazeera Journalist Harassed and Threatened Over Coverage of Southern Unrests,” July 28, 2009; Arabic Network for Human Rights Information/IFEX, “Authorities Threaten to Close al-Jazeera Office,” July 16, 2009.

<sup>183</sup> Committee to Protect Journalists, “Al-Jazeera Bureau Chief Threatened in Yemen,” July 27, 2009.

<sup>184</sup> Article 19/IFEX, “Al-Jazeera Journalist Warned About Covering Southern Yemen,” April 20, 2009.

<sup>185</sup> Committee to Protect Journalists, “Al-Jazeera Bureau Chief Threatened in Yemen,” July 27, 2009.

Political Security officials have detained editors of blogs and a number of prominent bloggers.

On June 18, 2009, armed security officials came to the home of Salah al-Saqladi, the editor of AdenGulf.Net, a popular website focusing on news from southern Yemen and providing extensive coverage of the southern protests. Security forces detained al-Saqladi and confiscated his computer and private papers.<sup>186</sup> He remains in detention as of this writing.

At the time of Human Rights Watch's fieldwork in Yemen, this was the latest of a number of similar arrests. On May 12, 2009, armed security officials raided the home, of Yahya Ba-Mahfuz, a Mukalla-based blogger and former manager of the Hadhramawt news website that covered southern protests and published the statements of leaders in the Southern Movement. The security personnel detained Ba-Mahfuz and seized his computer and other personal property.<sup>187</sup> As of this writing, he reportedly remains in the custody of Political Security after being transferred to San'a.<sup>188</sup>

On May 4, 2009, armed security officials raided the home of Fu'ad Rashid, the editor-in-chief of Mukalla Press, a news website, and arrested him. After being held incommunicado for seven weeks, authorities transferred Rashid into the custody of Political Security in Aden, where as of this writing he remains in detention.

Most of the websites that report on southern Yemen and provide commentary on the Southern Movement have been blocked for months, and in some cases for years. Among the websites reportedly inaccessible inside Yemen because of government censorship are those of Sawt al-Janub (Voice of the South), Shamsham News, al-Khalif Aden Network, al-Dhali' Forums, *Al-Ayyam* newspaper, *Mukalla Press* and even the Armiesofliberation.com blog by Jane Novak, which compiles often critical news accounts on Yemen.<sup>189</sup>

Following deadly protests in January 2008, the Yemeni authorities also blocked several websites, apparently after they posted graphic video footage of security forces firing "unprovoked at the crowd [of protesters]," according to the Committee to Protect Journalists.<sup>190</sup> The websites blocked in January 2008 included YemenPortal, YemenHurr,

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<sup>186</sup> AdenGulf.Net, "Statement from AdenGulf.Net on the Editor's Kidnapping," June 19, 2009.

<sup>187</sup> CPJ, "Editors Detained, Special Court Established in Yemen," May 12, 2009.

<sup>188</sup> Yemen Journalist Syndicate, "YJS condemns extraordinary actions against Rashid, Assaqladi," July 5, 2009.

<sup>189</sup> Human Rights Watch interview with Forum for Dialogue activists, San'a, July 10, 2009.

<sup>190</sup> Committee to Protect Journalists, "Yemeni Web sites apparently blocked," January 25, 2008.

Hour's News, Hdramut, al-Teef, al-Yemen, AdenPress, and SoutalGnoub.<sup>191</sup> The Yemeni government allegedly also blocked domestic access to videos of the protests uploaded onto Youtube and other websites that have content about the southern protests by labeling the videos as "pornography" in its filtering software.<sup>192</sup>

## Saudi Arrest and Rendition of Yemeni Bloggers

Saudi Arabia, Yemen's wealthier northern neighbor, hosts a large number of Yemenis, including many southern Yemenis, both political exiles and ordinary persons seeking greater economic opportunities in Saudi Arabia.<sup>193</sup> There are Yemeni contributors to Yemen-related news-services, blogs, and other journalistic fora on the internet operating from Saudi Arabia who are very critical of the Yemeni authorities. The Saudi intelligence service, the *mabahith*, has over the past year cooperated with its Yemeni counterpart in detaining Yemeni bloggers and rendering them to Yemen.

In one such case, on October 20, 2008, Saudi intelligence officials detained Ali Shayif, a blogger who wrote for the *Bawwabat al-Dhali'* (Dhali' Portal), from his apartment in Jeddah. For the next eight months, Shayif remained in Saudi custody, without being allowed phone calls or visitors. His family in Yemen said they knew nothing about his fate besides his arrest, reported by Shayif's roommates.<sup>194</sup> In May or June 2009, the Saudi authorities transferred Shayif to Yemen without any due process. He remains in the custody of the Political Security Organization in San'a as of this writing. In early July 2009, Political Security allowed his family to visit him, and since then he has been allowed to make a few phone calls per week to his relatives, but as of this writing he remains in detention without charge or trial.<sup>195</sup>

The Saudi intelligence service in October 2008 detained a second blogger on Bawwabat al-Dhali', Fahmi Ali Nasr in Jeddah, and transferred him to Yemen to the custody of the Political Security Organization, which subsequently released him.<sup>196</sup> Saudi security reportedly

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<sup>191</sup> Committee to Protect Journalists, "Yemeni Web sites apparently blocked," January 25, 2008.

<sup>192</sup> Rashad al-Shar'abi, China to the Rescue (of Internet Freedom in Yemen), MENASSAT, July 2, 2008.

<sup>193</sup> The kingdom got drawn into the northern Yemeni civil war in the 1960s and was an ideological nemesis of the PDRY's Marxist outlook. However, in 1994, Saudi Arabia supported southern Yemen in the civil war, although it did not recognize its declaration of independence. (Kostiner, Yemen, p.95.)

<sup>194</sup> Human Rights Watch telephone interview with relative of Ali Shayif, July 13, 2009.

<sup>195</sup> Human Rights Watch telephone interview with relative of Ali Shayif, July 13, 2009.

<sup>196</sup> Ibid.

arrested a third blogger on Bawwabat al-Dhali', Muhmmad al-Rabi'i, in Jeddah several months ago. He apparently remains in the custody of Saudi security.<sup>197</sup>

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<sup>197</sup> Human Rights Watch interview with Samia al-Aghrabi, official of the Journalists' Syndicate, San'a, July 9, 2009.

## VIII. Detention of Academics and Other Opinion-makers

Universities in southern Yemen have been hotbeds for the Southern Movement. Students have become activists and organizers, and some southern academics have also taken to writing and lecturing on the historical and economic issues which are at the core of the grievances underlying the movement.

Southern academics and students told Human Rights Watch that academic life, never free under the Marxist state, was now controlled by northerners and tightly circumscribed politically. A professor related that among academics in the University of Aden, which has campuses in several southern cities, the only remaining faculty dean with southern origins was the dean of the education faculty in Yafi' campus. All other deans are northerners, as is the university's top management, he said.<sup>198</sup>

Due to the heavy presence of northern Yemeni military in the southern provinces, northerners, especially soldiers in a study program, make up a significant part of the student population. One academic estimated it at 30 percent, who, he said, get scholarships and positions within the university.<sup>199</sup> Southern students and academics at the university thus feel disadvantaged professionally.<sup>200</sup>

Yemeni university administrations have restricted academic freedom and freedom of expression at universities, colleges, and schools throughout the south. Academics and students who have participated in the Southern Movement have faced arrest, threats, disciplinary action, and dismissal.

Security agencies are active on university campuses, keeping a close eye on dissent. Political Security has its own university presence, monitoring, detaining, and questioning any student or professor who participates in protests. Academics told Human Rights Watch that the security agencies had set up an informant system, tasking particular students in their classes to provide notes of their lectures to the security agencies.<sup>201</sup>

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<sup>198</sup> Human Rights Watch interview with university professor QAA, name withheld, Aden, July 12, 2009.

<sup>199</sup> Human Rights Watch interview with QAA, July 12, 2009.

<sup>200</sup> Human Rights Watch interview with university professor AY, name withheld, Aden, July 13, 2009.

<sup>201</sup> Human Rights Watch interview with university professors QAA and YA, names withheld, Aden, July 12 and 13, 2009.

Students who participate in protests face consequences both from the security agencies and from the academic authorities. A fifth-year engineering student, Muhammad Abdullah Muthanna, told Human Rights Watch how Central Security had detained him together with about 30 to 35 other students, both men and women, on the Aden campus during a May 10, 2009 protest calling for the release of detained activists. He was held for two days, and then ordered to write a pledge not to participate in future protests before being released. Following the release of the students, the university threatened to expel the 15 women who had been detained. A teaching assistant, a doctoral student from northern Yemen teaching Muhammad Abdullah Muthanna, also threatened him, telling him that if he continued to participate in the protests, he would make sure that he would fail and be forced to re-do the academic year.”<sup>202</sup>

### Detention of Husain ‘Aqil

Among the academics currently detained is Professor Husain ‘Aqil, who teaches economic geography at the University of Aden. In April 2009, Professor ‘Aqil wrote an article in Al-Watani newspaper entitled “The Initiative of the Academic Group to Unite the Organs of the Southern Movement” (*Mubadarat al-Majmu’ al-Akadimiya Hawl Tawhid Hai’at al-Hirak al-Janubi*), signed by fourteen academics (some signatories later denied having agreed to sign the initiative).<sup>203</sup>

Following publication of the initiative, the head of the University of Aden, Dr. Abd al-‘Aziz al-Habtur, summoned some of the 14 professors (nine of whom were from Aden University), and demanded they issue an apology, threatening them with the loss of their salaries, suspension from the university, and a block on promotions.<sup>204</sup> Dr. al-Habtur then reportedly convened the University Council, which issued a decree suspending the signatories for six months from the university, and blocking any future promotions, although that decision has not yet been implemented.<sup>205</sup>

Professor ‘Aqil also lectured and wrote about corruption and favoritism in the granting of land and oil exploration contracts in the south, a sensitive issue because it often leads to accusations against the president and his family. The academic wrote a series of articles on oil in al-Watani newspaper, discussing how the president’s family and tribe had taken state

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<sup>202</sup> Human Rights Watch interview with Muhammad Abdullah Muthanna, Aden, July 12, 2009.

<sup>203</sup> Human Rights Watch interview with university professor QAA, name withheld, Aden, July 12, 2009.

<sup>204</sup> Human Rights Watch interview with university professor MS, Aden, July 12, 2009.

<sup>205</sup> Human Rights Watch interview with QAA, July 12, 2009.

land around the Shabwa oil fields for private oil exploration, listing over one hundred members of the ruling family.<sup>206</sup> He also lectured his students at the university about oil-related corruption, and even included a question about it in one of his exams for his students.<sup>207</sup>

Beginning in early May, security forces sought to arrest Professor 'Aqil, putting up checkpoints near his home. A relative said that when they were unable to locate him, they arrested and detained for two weeks his 13-year-old son, Saddam Husain 'Aqil, instead. Saddam "went out of the house to get some things, and they arrested him as a hostage. They kept him in detention for two weeks at the Tuban police station, together with two other detainees of about the same age."<sup>208</sup> On June 7, Professor 'Aqil was detained at the Aden University campus. He has since been transferred to the custody of Political Security in San'a. His trial began on October 10 on charges of "inciting sedition and hatred culture among the society," and of "publishing articles which harm unification of Yemen."<sup>209</sup>

### House Arrest of Salih Yahya Sa'id

Salih Yahya Sa'id, a professor of sociology at Aden University and a signatory to the "academic initiative" published in Al-Watani newspaper, reportedly attended the June 12 al-Dhali' leadership meeting of the Southern Movement. A statement following the meeting announced that he had been appointed a vice-president of the Council for the Leadership of the Revolution.<sup>210</sup>

In early July, security forces surrounded Professor Sa'id's Aden home, effectively placing him under house arrest. On July 10, security forces detained Professor Sa'id's 25-year-old son following prayers at an Aden mosque, telling him they were holding him as a hostage to get his father to surrender to the police.<sup>211</sup> The son was released after 24 hours; security forces told him they would detain his father as soon as he stepped out of the house.<sup>212</sup>

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<sup>206</sup> Human Rights Watch interview with QAA, July 12, 2009.

<sup>207</sup> Human Rights Watch interview with relative of Husain 'Aqil, Aden, July 13, 2009.

<sup>208</sup> Ibid.

<sup>209</sup> "Court Prosecutes Yemeni Professor," *Alsahwa-yemen.net* news website, October 10, 2009, [http://www.alsahwa-yemen.net/view\\_nnews.asp?sub\\_no=401\\_2009\\_10\\_10\\_73388](http://www.alsahwa-yemen.net/view_nnews.asp?sub_no=401_2009_10_10_73388) (accessed November 2, 2009).

<sup>210</sup> Human Rights Watch interview with Rashid Ajina, Aden, July 12, 2009.

<sup>211</sup> Human Rights Watch interview with relative of Salih Yahya Sa'id, Aden, July 13, 2009.

<sup>212</sup> Ibid. According to a fellow academic: "The police tried to arrest Dr. Sa'id, but he refused to come out of his house. He, like most, has weapons in his house, so they were afraid. In our culture, it is shameful to allow people to come into your house to arrest you. So the police told him, 'Once you step out of your house, we will arrest you.'" Human Rights Watch interview with university professor MS, Aden, July 12, 2009.

Two days earlier, on July 8, five academic colleagues of Professor Sa'id had gone to visit him in a show of solidarity. One of the academics later told Human Rights Watch how the police had detained and roughed them up following their visit:

There were twenty security guys sitting next to the house. When we left around 6 p.m., in two cars, they registered the license plates [of our cars]. Suddenly there was a lot of security everywhere.

I went with another academic in my car to Khor Maksar. We were stopped two kilometers away, at Jawlat 'Arish. The police told me to pull over; they opened the door, and four policemen pulled us violently out of the car, searched the car, and took 8,000 riyals [US \$40] from me, and 10,000 riyals [US \$50] from my colleague, and our mobile phones. They searched us also. They took our IDs, registered our names.... After one hour of calls back and forth to I don't know who, they gave us back our mobiles, but not our money, and let us go.<sup>213</sup>

A second car of academics heading to the Shaikh 'Uthman area of Aden was stopped at the Abd al-Qawi checkpoint. All three passengers were taken to the al-Mandana police station, where they were questioned for five hours before being released.<sup>214</sup> One of the detained academics recalled to Human Rights Watch how he had argued with a security official about their treatment, asking the officer, "If you beat academics in this way, what do you do with the ordinary people?" The officer responded to him, "You are not academics, you are saboteurs of our unity."<sup>215</sup>

### **Abduction of Abd al-Khaliq Muthanna Abdullah**

Abd al-Khaliq Muthanna Abdullah, 32, is an Aden-based teacher and political activist who regularly contributed opinion pieces to *Al-Diyar* and other newspapers, breaking the taboo of discussing the economic marginalization of the south. He told Human Rights Watch about what he saw as "political marginalization and injustice in the south, inequality between us and the north," indicating that in his view the south had not received its fair share and that it was his duty to assert southern economic rights:

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<sup>213</sup> Human Rights Watch interview with QAA, July 12, 2009.

<sup>214</sup> Ibid.

<sup>215</sup> Human Rights Watch interview with MS, July 12, 2009.

A lot of resources are located in the south, but we don't see any of the benefits—northerners come and take our resources, and we don't receive anything. For us as intellectuals, this situation is unacceptable.<sup>216</sup>

On June 12, as he left Friday prayers at an Aden mosque, a plainclothes security agent approached Abdullah and took his hand, saying he wanted to have a chat, but then pushed him into a waiting car full of security agents who blindfolded him. They drove him to an unknown house that appeared to be a detention facility. During his entire detention and questioning, none of the officers identified themselves or the agency they worked for.

From 7 p.m. until 1 a.m., Abdullah was kept alone in a room, and then taken to a room with an interrogator and another officer who took notes. After a few basic questions about his name, age and home, the interrogating officer launched into a profane diatribe:

He asked me what my position was in the Southern Movement, and began swearing at me, and saying we should love unity, and other such things. Then he asked me if I get paid for writing these things, and whom I knew [among Yemeni exiles] in London. He asked me about my writings, if I really believed this “shit” I wrote, or if I just wrote what “they” paid me to write. I asked him if he wanted to discuss these things with me, or if he just planned to yell at me.

The interrogator then threatened Abdullah:

He paused and said, “So, you are a philosopher!” He ordered a soldier to come inside. The soldier came in holding a head-dress dripping with blood, and an iron bar. The interrogator said, “You see, this is from the person we interrogated before you, now it is your turn!” He started to swear and threaten me again.

At the end of the interrogation—despite the threats, Abdullah was not physically mistreated—the interrogator made one further threat: “He told me, ‘If I see any of your writings again, I will bring you back here and kill you. We brought you here this time without any problems, and we can get you again anytime we want, no problem’.”

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<sup>216</sup> Human Rights Watch interview with Abd al-Khaliq Muthanna Abdullah, Aden, July 11, 2009. All other quotes and information in this section are from this interview.

Following the end of the interrogation, around 5 a.m., Abdullah was blindfolded again, put back into the car, and later unceremoniously kicked out in the street: “I was told to get up, blindfolded, and taken to the same car, which circled around on the streets like we did when we came. Suddenly, I felt a kick in my back, and found myself hitting the asphalt. I found myself lying on the street.”

## **Acknowledgments**

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# In the Name of Unity

## The Yemeni Government's Brutal Response to Southern Movement Protests

A grave human rights crisis in southern Yemen is ready to spill over into open conflict. In the context of growing tensions in southern Yemen, security services have killed dozens and wounded hundreds by firing without adequate cause or warning at unarmed demonstrators of the Southern Movement. Authorities have arbitrarily arrested thousands more. Southern Movement leaders and activists face charges of “harming the unity of the state.”

North and South Yemen united in 1990, but fought a brief civil war in 1994 in which northern forces prevailed, later dismissing southern army officers and government officials. Their demands for increased pensions or reinstatement constituted the initial basis for the Southern Movement's peaceful public protests starting in 2007. Since 2008, the movement has grown to include ordinary citizens demanding more jobs, less corruption, and a greater share of centrally controlled oil revenues. Now many southerners call for secession and restoration of an independent southern state. Most public protests have been peaceful, but in a handful of cases persons sympathetic to the Southern Movement's aims have attacked Yemeni security forces or civilians from the north living in the south.

This report documents how the central government in Sana'a has hit back at largely peaceful protests with violent repression, mass arrests, and a frontal attack on the media, academics, and opinion-makers. In May 2009 authorities suspended eight newspapers; the largest, *Al-Ayyam*, remains suspended following an armed assault by the security forces on its Aden offices in which one person died. The report urges Yemen's government to end its unlawful use of lethal force and repression in the South, and to bring those responsible for serious human rights abuses to justice.

*South Yemeni protestors demand the release of prisoners in Radfan, September 30, 2009*

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