

تقرير حقوق الإنسان 2011 - 2012
Human rights report for 2011-2012

ضحايا الإنتهاكات .. من ينتصف لهم؟!!

Victims of vioations
Who would do them justice ?!



منظمة
صحفيات بلا قيود

Women Journalists without chains

Supervised by:

Dr. Abduhakeem Ahmed Al-Sharjabi

Edited by

Aidi Al-Manifi

Co-authored by:

Ashraf Al-Raifi

Abduh Mohsen Al-Haj

Aidi Al-Manifi

Ishraq Al-Maqtari

Basim Al-Haj

Jazem Saif

Nabeel Al-Bukairi

Administrative Team

Bushra Al-Surabi

Faizah Hubaish

Hafsa Aupal

Elham Al-Hudabi

Zakaria Al-Hussami

Hakima Abdul Salam

Mohammed Al-Muraisi

Saleh Al-Qudami

Proofread by:

Al-Shaima

Data base designer and programmer

Osama Al-Dubai

Design and Direction

Hussein Abdullah Mahmood

Table of Contents

Acknowledgement	۳
Foreword	۴
Introduction	۸
Report Significance	13
Methodology	14
Report contents	۱۶
Recommendations	۱۸
Executive Summary	۲۳
Chapter 1: Right to Life	۳۲
Chapter 2: Right to Peaceful Assembly	۶۲
Section 1: Protests in Yemen	63
Section 2: Peaceful Protest Movement	۸۲
Chapter 3: Armed Conflict	۹۸
Chapter 4: Al-Qaeda-US Drones –Assassinations	۱۲۰
Section 1: Al-Qaeda in Yemen	۱۲۱
Section 2: Yemenis killed in US Drone Strikes	۱۴۴
Section 3: Assassinations	۱۴۹
Chapter 5: Right to Freedom	۱۶۰
Chapter 6: Freedom of Opinion and Expression	۱۸۴
Chapter 7: Women and Children	۲۰۲
Chapter 8: Data and Statistics-annexes	۲۱۸

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Perhaps, the publication of this report for 2011 and 2011 is considered the most significant achievement, in terms of documenting and monitoring the events that took place during the above period, which is regarded as a defining and decisive stage in the life of Yemenis. Thus, our utmost thanks go to all revolutionary constituents at all Change and Freedom Squares across the country in general and in Sana'a, Taiz, Aden, Hodeidah, Ibb and Hadramout in particular, which provided us with invaluable information in such a way as to cover the events that occurred during that same period throughout the Republic of Yemen.

Last but not the least, our deepest gratitude is due to the experts, assistants and technicians, who were not mentioned herein, for their great contributions to the production of the report.

Foreword:

The 2006 presidential elections, which pitted Ali Abdullah Saleh, then General People's Congress (GPC) candidate, against Faisal Bin Shamlan, then Joint Meeting Parties' (JMP) nominee, didn't lead to the resolution of the political crisis that was gripping the country at the time. Rather, the political scene increasingly grew more complex than ever before. Saleh emerged victorious in the vote. Instead of conducting Parliamentary elections in the ensuing year 2007, the Parliament extended its four-year mandate by two extra years.

Further, the political standoff between the GPC and the JMP got even worse, thus preventing the Yemeni citizens from either running for office or taking part in such elections. The polls were even postponed for two extra years i.e. to April 2011, as the regime and opposition were at loggerheads over the disputed electoral law. The extension of parliament's mandate prompted the two parties to approve a new electoral law envisaging the partial or full conduct of the vote based on the proportional list system, the redrafting of some articles on the reformulation of the Supreme Commission for Election and Referendum (SCER) and resolving some issues of disagreement.

Subsequent talks led to the so-called "February 2010 Agreement" that envisioned the enactment of a new electoral law. Though several rounds of talks were held shortly thereafter, new differences cropped up. The GPC decided to go it alone by pushing through Parliament new amendments to the law despite the fact that the two parties had already approved some of such changes in August 2008. The GPC, which was in a race

against time, backtracked on previous accords and approved the amendments unilaterally. Further, preparations for parliamentary elections must have started at least six months ahead of schedule in order to set up the SCER and revise voter registers.

Moreover, the GPC, spearheaded by Saleh, consented to the approval of the new legislation with the intention of duping the opposition to accept proposed amendments to the constitutional provisions blocking Saleh's bid for reelection after the end of his tenure in 2013. Therefore, the deposed president wanted to amend the constitution in such a way as to allow him to renew his mandate for two extra tenures starting from September 2013 up to 2027.

True that neither Saleh nor the GPC had stated overtly that they sought to further extend the president's stay in office; however, there were hints that they actually tried to do so. Sultan Al-Barkani, one of the former president's lackeys, once revealed that the ruling party wanted to "remove the meter", a figurative phrase meaning allowing Saleh to stay in office indefinitely. The revelations were designed to lure the opposition into forming a coalition government with the GPC, an attempt that ended up in failure. The JMP instead raised the ante, and walked out of the parliamentary debates over the proposed constitutional amendments. They also staged daily protests inside the chamber, which eventually halted the discussion of the proposed charter changes.

The winds of change that came from abroad took the country by surprise. The Arab Spring uprisings swept through Tunisia, Egypt, and Yemen was no exception. The Yemeni youth then joined in the Arab spring revolts, triggering an uprising in Taiz governorate on January 15, 2011 with the aim of overthrowing the

Yemeni regime. The revolt then spilled over into Sana'a on February 3. On Feb.11, Sana'a University Students started protesting near the varsity campus, sparking off a revolution that spread like wildfire across the country. Moreover, the JMP joined forces with the peaceful youth revolution just after the Egyptian revolution of January 25 toppled the Egyptian president Hosni Mubrak on Feb.11. The Tunisian president Zainul abbedin Bin Ali was ousted on January 13.

Of course, there were many reasons for seeking a regime change in Yemen. These include but not restricted to the following:

-The political situation further worsened after Saleh had won the 2006 presidential vote whose results were dismissed as sham exercise by the JMP candidate Bin Shamlan, who accused the GPC of vote rigging. The political standoff aggravated even further, as the opposition's hopes for any political and constitutional reforms were fading. Besides, both the GC and Saleh were reluctant to give up power, which further exacerbated the situation. Consequently, the country tunneled into darkness, and the president was forced to transfer power to his Deputy Abd Rabo Mansour Hadi based on the GCC-brokered initiative, which was signed on Feb.23,2011 by all political rivals, including the GPC and its allies as well as the JMP and its stakeholders. Nonetheless, the political tension continues unabated, with *no signs of easing any time soon.*

Furthermore, the peaceful youth revolution has triggered owing to the deterioration of socio-economic conditions, because of widespread corruption, rising rates of poverty and unemployment, injustice, human rights violations etc. For instance, unemployment stood at 40 percent, and UN sources indicate that 31.5 percent of Yemeni suffers from food insecurity, 12%

experience sharp food shortage, and 40 percent live below the poverty line. In addition, violation of human rights and freedoms, confiscation of lands and properties, and the political marginalization of southerners, are still persisting, not to mention the war in Sa'ada and other political crises the regime created during its more than three-decade-old rule.

More importantly, Saleh desperately attempted to get his son Ahmed succeed him to power, including by appointing his relatives to high government, security and military positions. For example, Ahmed was appointed Commander of the Republican Guard, Yahya Mohammed Saleh was named Chief of Staff of the formerly Central Security Organization Forces, Tareq Saleh was the head of the Special Guard troops, Ammar Saleh, served as the Deputy Chairman of the National Security Organization, and Mohammed Saleh Al-Ahmar was leading the Air Force. Saleh's relatives who were appointed to high government, security and military position amounted to more than 22. Such a policy prompted the Yemeni youth to demand the removal of Saleh's family members from their positions.

4-`The eruption of both the Tunisian revolution on December 18, 2010, and the Egyptian uprising on January 25, 2010, was a direct reason for the outbreak of the Yemeni revolt. Both revolutions were sparked off in reaction to suppression, corruption, impoverishment policies, and social injustice. Truly, Arab peoples have long kept silence on despotism and injustice; however, their revolutions revived hopes that they are capable of changing despotic regimes, achieving democracy and building modern civil states.

Similarly, the Yemeni people have revolted against the authoritarian regime, thereby putting an end to decades of

dictatorship and corruption as evidenced in the plundering of the country's resources.

Introduction:

The year 2011 saw the eruption of the peaceful Yemeni revolution during which over 2,000 people were killed and more than 26,000 others were injured. The revolt, which broke out on Feb.11, sought an end to Saleh's rule that lasted for over three decades and was notorious for gross human rights violations that took root in public institutions, mainly security apparatuses.

Many civil society organizations, including human rights bodies, blame such violations on security and military forces commanded by Ali Abdullah Saleh and his family members.

The revolution was not an accidental or knee-jerk event, nor was it irrelevant to the political situation and the external context. Rather, it was an imperative exigency to change the bitter reality the country, which is teetering on the verge of collapse, has long been experiencing. Consequently, the revolt that ended Saleh's rule was heavily influenced by the Arab spring uprisings that first erupted in Tunisia and Egypt.

The Yemeni revolution was first triggered by Sana'a University students, but was later joined by the JMP and other revolutionary forces. Five weeks later, the Friday of Dignity massacre, which was perpetrated by Saleh's security forces, left over 40 peaceful protestors dead. Then, a ferocious war flared up in Hasba neighborhood between Saleh's troops and tribesmen loyal to Al-Ahmar family. The fighting later spilled over into Sufan neighborhood and lasted for over five months. Shortly afterwards, clashes broke out between the formerly First Armored Division, commanded by Major General Ali Mohsen Al-Ahmar, who defected from Saleh's camp, and the Republican Guard troops, led by the deposed president's son, Ahmed, as well as the

security forces, commanded by Saleh's nephew, Yahya Saleh. The confrontations spiraled into Zubairi and Hayel streets, Ring Road and elsewhere in the Capital.

The war came to an end only when the GCC countries stepped in and proposed an initiative, dubbed the GCC-brokered deal and its time-bound implementation mechanism, which were signed by the GPC and its allies, as well as the JMP and their associates. As a result, power was handed over to then Deputy President, Abd Rabo Mansur Hadi, who in December assigned Mohammed Salem Basundwa, an opposition leader, to form a national consensus government. The acting president forged ahead with steering the affairs of the country till an early presidential election was held on Feb.21,2012. Hadi was elected president for a transitional period of two years. The interim president then embarked on executing Phase 1 of the GCC-backed deal and its implementation mechanism. However, there have been lots of obstacles to the transition process, as some parties, which are still adamant on hampering the execution of the initiative, don't want to see the country break out of the crises that have been plaguing it for over three decades.

On May 21, 2011, Saleh's forces launched an offensive on Al-Ahmar's family home located in Hasabah suburb. Then, the two warring parties indulged in killing, displacing, torturing and kidnapping citizens. Such events disrupted economic development across the country, as oil and power installations and other public institutions were sabotaged. The recurrent power outage, which lasts for over 20 hours a day, resulted in the deaths of lots of patients receiving medical treatment at hospitals, especially those suffering kidney failure and cancer or those hooked up to life support devices. It also led to the impairment of medicines at drugstores as well as the decomposition of corpses

lodged in mortuaries, not to mention other human rights violations committed against citizens all over the country at the hands of security services, militias and armed groups.

On June 3, 2011, a mysterious blast ripped through the Presidential Palace mosque, wounding many senior government officials, including former president Saleh, Ali Mujawar, the prime Minister, Yahya Al-Raea, Speaker of Parliament, Sadeq Ameen Abu Ra'as, Deputy Prime Minister for economic affairs, Abduh Burji, Saleh's press secretary, and many others. Abdul Aziz Abdul Ghani, Speaker of Shoora Council, was the only such official who succumbed to the wounds he sustained during the explosion.

Following the attack whose details are still shrouded in mystery, subsequent events were about to lead the country into civil war, particularly in the aftermath of the standoff between the forces supporting the peaceful youth revolution and pro-Saleh troops, led by his son and relatives. Though the tension was defused, there are fears that the country is likely to see a military showdown at any time.

The GCC-sponsored accord and its mechanism, strongly opposed by the revolutionary youth, served as a roadmap for the resolution of the crisis currently plaguing the country. The international community, including the United Nations, the Arab League, the ten sponsors of the deal, viewed the transition of power in Yemen as a bold move unprecedented anywhere in the Arab world, as it prevented the country from sliding into a devastating civil war. On Nov.23, 2011, foreign pressures forced political rivals to sign the deal in Riyadh as a way out of the crises that have been crippling the country for decades.

On Feb.21, 2012, presidential election was carried out, and Abd Rabo Mansour Hadi was elected president. The political tension

started easing off gradually, as Parliament approved the immunity law for Saleh on January 20, 2012. This triggered heated debates in the Cabinet over the transitional justice bill.

It was not until the end of 2012 that the National Consensus Government passed the law on the transitional justice and national reconciliation. The bill was amended several times before it was signed into law, because the GPC-affiliated ministers objected to the same draft submitted by Dr. Mohammed Al-Mikhlaifi, Minister of Legal Affairs.

Though the approval of the bill was to the ire of political parties, martyrs' relatives, and the victims of human rights violations, it meets their minimum demands.

Article 21 (h) of the initiative implementation mechanism provided for transitional justice. Therefore, the government was bound to propose the bill in order to do justice to the victims of conflicts, which had erupted in North and South Yemen, and to put an end to decades of conflicts that resulted in many casualties, arrests, enforced disappearances, and human rights violations.

There can be no democratic transformation in Yemen unless those whose rights were violated during the conflicts, which flared up from 1960s-2011, are fairly compensated and rehabilitated.

The perpetrators of human rights violations should be brought to account in order to spare the country new conflicts and vendettas.

Transitional justice involves five procedures:

-Setting up adhoc fact-finding missions, as well as justice and reconciliation panels that look into human rights violations and then table their findings thereon to the government to enable it address such infringements through prosecution, fair compensation, and institutional reforms. The government can credit conflict victims for the great sacrifices they offered;

innocent victims who were killed in political conflicts should be remembered for ever. Streets, schools and public parks can be named after the victims in recognition of their sacrifices, while their relatives should be granted access to free education, health services, and provided with job opportunities and other privileges.

Noticeably, many political forces don't want the transitional justice bill to be signed into law, because they are afraid they may be indicted for the human rights violations they committed during their rule in south and north Yemen.

The detractors of the law argue that it is focused on granting financial compensations to the victims, but doesn't provide for any penalties against the perpetrators of human rights violations, who are immune from prosecution under the immunity law. They further argue that a law as such doesn't do justice to the victims, thus leaving the door wide open to feud.

For the time being, victims' relatives seek only confessions from the culprits that they committed, then they may opt for prosecution, compensation or forgiveness.

The bill will be meaningless if not seriously enforced. Therefore, all civil society organizations and national forces must enact a law that enables all Yemenis restore their rights.

During a seminar organized by the Ministry of Legal Affairs in Sana'a on March 25, 2012, many remarks were made on and reflected into the 18-article bill. Broadly speaking, the bill met the minimum demands of victims' relatives and gave them the right to prosecute the culprits at home or abroad in case national courts didn't do them justice- something not included in the initial draft.

Overall, the president can refer the draft version passed by the Cabinet to the Parliament for approval. He can also withdraw the

previous draft he had already referred to the legislature because it runs counter to all human rights conventions and even the Islamic law. Unless the bill is withdrawn, the country will remain in conflict, as no justice or change has been achieved despite the great sacrifices offered by the Yemeni youth at all freedom and change squares across the country.

Yemen is gearing up for holding a comprehensive national dialogue conference whose date shall be set later by President Hadi. The conference technical committee, comprising 31 members, was set up to prepare for this August event as per the GCC-brokered deal. The panel has fulfilled its task and tabled its report to the president. It is anticipated that the conference shall debate a variety of national issues such as the Southern Question, Sa'ada Cause, and other matters related to the military, security services, the constitution, transitional justice, etc. The conference seeks to bring the country out of the crises it is grappling with, and to build a modern nation state. So, President Hadi is set to fix a date for the conference.

Significance of Report:

This report, which is released by the Yemeni Network for Human Rights, is highly significant, as it deals with basic human rights in Yemen, including the right to life, the right to freedom and physical integrity etc. Some of such rights are essential and inherent to human beings, others are acquired as humans grow up. It also debates the events occurred during the two past years, 2011 and 2012 i.e. from the start of the peaceful youth revolution that broke out in Taiz on January 25 up to the February 11 revolution and the events that occurred towards the end of 2012.

Further, the report tackles various topics, including the right to life, the right to freedom, the right to freedom of opinion and expression, and the right to peaceful assembly, among others.

It gives a full picture of the situation of human rights in the country, and touches upon the issue of transitional justice, even though it is still new to a post-revolution Yemen. Accordingly, it heralds the enactment of the transitional justice law. It sheds the light on the issue of US drones killing innocent Yemenis across the country without any trials as well as the political assassinations of high-ranking military and security officers from both the political security organization and the National Security Organizations, not to mention ordinary soldiers and civilians.

Moreover, the report came up with recommendations to official authorities that would enable them avoid mistakes, crimes and/or violations, such as those committed during the past couple of years, so that they enter the next phase with purely clean human rights record.

It will also enable such authorities to implement the recommendations stipulated in both this report and other local and international reports on the situation of human rights in Yemen. Thus, the government will be obliged to find suitable solutions to all problems and avert a repeat of the infringements perpetrated in 2011 during which the country was about to slip into a devastating civil war.

Methodology and Reference:

This report is based on the Yemeni constitution and law as well as the international treaties to which Yemen is signatory, given that human rights are inextricably correlated and protected by local and international legislations, as human rights are one and the same".

The exercise of such rights demands protection on the part of the governments concerned with protecting human rights and freedoms and safeguarding citizens' dignity so that they can lead a safe and sedate life.

It is also based on the Islamic Shariah that prioritizes the protection of the right to life and the right to freedom, and prohibits any violations thereof. It is the successive governments that perpetrated flagrant human rights violations in contravention of Islamic Shariah, the constitution, valid local laws and the international law. The report adopted the method of data gathering. Information are collected and verified on the part of well-trained monitors from across the Yemeni.

It also depends on the information obtained from monitors working for the Yemeni Observatory for Human Rights, Women Journalists Without Chains (WJWC), the National Organization for Defense of Human Rights and Freedoms (HOOD), the Democratic School, Yemen Organization for Rights and Freedoms, and other members of the Yemeni Network for human rights and freedoms.

The report also adopted the analytic approach to analyze the information gathered besides other scientific procedures in order to make the document more objective and more credible.

The terms of reference of and the guiding principles for those assigned with preparing both the background papers and the reports were outlined. The work involved daily monitoring of violations by collecting information from various sources, newspapers, reports, field observation, and case files of some detainees, and international reports on Yemen during the period 2011-2012. The document was undertaken in coordination with

the Network-affiliated organizations operating in Aden, Taiz, Hadramout, Hodeidah, Sana'a, and Abyan,, in addition to volunteers and other outfits that have work relationships with the network.

After the information was gathered and the papers prepared, the initial draft of the report was framed and revised. Several seminars were held to debate the draft and the remarks made thereon were reflected into the final version.

The information obtained from the network's members were noticeably conflicting. However, it was later thrashed out, while the similar information was reconciled, and only the correct data were used.

In all, the report covers a significant phase of Yemen's modern history and keeps pace with the changes that came to pass during the peaceful youth revolution.

The final chapter of the report contains the statistics based on which the work was done.

Contents of Report:

The report breaks into seven chapters beside another chapter for data and appendices.

The third chapter tackles the armed conflict in Yemen, while the fourth chapter deals with Al-Qaeda and the killing of Yemenis by US drones, as well as the assassinations carried out against army officers, soldiers and civilians by gunmen on motorcycles.

it also tackles Al-Qaeda approach to its standoff with the government, as the network shifted its tactics from secret operations against the government to direct confrontations, as was the case in Abyan, Shabwa, Al-Baydha and Mareb. For

instance, in Abyan, the network used heavy weapons against government troops.

Chapter one deals with civil rights, mainly the right to life, which is most violated. The number of killings committed during the period 2011-2012 was noticeably high, and the information thereon was gathered by the network members as well as the legal committee set up at Sana'a Change Square, Wafa'a Institution for Martyrs and the Wounded, the field hospital and the University of Science and Technology, not to mention other civil society organization that collected relevant accurate information.

Chapter two deals with the right to peaceful assembly aswell as the violations of this right, which were committed over the past two years in Sana'a, Taiz, Hodeidah, Sa'ada and southern governorates.

Chapter three tackles the armed conflict in Yemen, while Chapter four deals with Al-Qaeda and the killings of Yemenis by US drones, as well as the assassinations carried out against army officers, soldiers and civilians by gunmen on motorcycles.

It also tackles Al-Qaeda approach to its standoff with the government, as the network shifted its tactics from secret operations against the government to direct confrontations, as was the case in Abyan, Shabwa, Al-Baydha and Mareb. For instance, in Abyan, the network used heavy weapons against government troops.

Chapter five details the right to life, while the sixth chapter dwells upon the right to freedom of expression. The report made use of the data obtained over the past couple of years from the Yemeni Journalists' Syndicate (YJS) and Women Journalists Without

Chains, as the two organizations are concerned with monitoring and documenting violations of freedom of expression.

Chapter six tackles the issues of women and children, including the violations, killings, rape, kidnapping, human trafficking, and child recruitment, and other infringements on the rights of both women and children.

The report was rounded up with tables showing the data used in the authoring of the background papers as well as in correcting the information.

Recommendations to the President of the Republic:

-Issue a presidential decree naming the members of the fact-finding panel on the violations and killings committed in 2011, in accordance with the UN Security Council's resolutions 2014,2051 for 2012.

-Withdraw the transitional justice bill from Parliament so that it can be reframed in such a way that it includes all transitional justice principles that enable victims' relatives restore their rights. This requires the consent of all political parties, victims' relatives and all victims of human rights violations. The bill should also be in line with the Islamic Shariah and the UN principles.

-Ensure that those found guilty of ordering, committing or helping human rights violations, extra-judicial killings or the excessive use of force will be brought to justice.

-Issue presidential decrees immediately removing those accused of or pleaded guilty to committing human rights violations from

their political positions. Corrupt officials must be sacked from their posts by revitalizing the Central Organization for Control and Audit (COCA), and revoking the immunity law.

Legal Recommendations to the Yemeni government:

-Work towards reversing the immunity law, because it runs counter to the Islamic Shariah, the Yemeni constitution and law as well as the international conventions and treaties ratified by Yemen. The abolition of the law would enable victims to prosecute those who violated their rights during the revolution staged for the purpose of demanding regime change and building a modern civilian state.

-Expedite the enactment of the transitional justice and national reconciliation law provided that it conforms to international norms and achieves justice for victims.

-Revitalize the relevant legal provisions by punishing whosoever violates the freedom and dignity of individuals by means of restricting their freedom, torture, arbitrary arrest, and abuse of public office.

-Ratify all international conventions on the protection of all persons from enforced disappearance, and take national precautions to put such treaties into force.

-Issue a new press and publication law in such a way that meets the demands of journalists and enables them to work freely as per the international treaties ratified by Yemen.

-Put a halt to the imprisonment of journalists.

-Expedite the enactment of audiovisual media in such a way as to fulfill the aspirations of professionals, and in accordance with the international criteria.

-Reactivate the Right to Information Act and instantly name the Chief Information Commissioner so that all those interested can access, exchange and disseminate correct information.

-Coin an inclusive definition for the term "seizure" in such a way that prevents any misinterpretation or text distortion, providing that it must be included in article 104 on the punitive measures that details the cases where seizure is authorized.

Overall Procedural Recommendations:

-Immediately release all detainees and reveal the whereabouts of those who were forcefully disappeared, reunite them with their families, and give them fair compensation for the imprisonment and forced disappearance terms they had already spent, whether they are held in public prisons, secret detention centers etc, due to either their involvement in the peaceful revolution or association with the Southern Movement.

-Bring to justice those responsible for arresting citizens for taking part the peaceful youth revolution, or having links to the Southern Movement, or on suspicion of involvement in the presidential palace bombing attack and/or any other peaceful protests staged across the country.

-Document the martyrs, care for their families and bring the killers to justice.

-Immediately provide medical treatment to those who suffered injuries while taking part in revolution-related protests. The

wounded protestors can be treated at home or abroad depending on the kind of their injuries. Those found guilty of causing such injuries should be brought to account in order to do justice to the wounded and handicapped protestors, martyrs, their relatives and those badly affected by the crackdown on protestors.

-Respect the right of citizens, mainly journalists, to the freedom of expression and opinion, and never deny them free access to or exchange of information.

-Immediately release journalist Abdul Elah HayderShaye'a and compensate him for the term he unjustly spent behind bars.

-Immediately order the reopening of Al-Ayam newspaper and the payment of fair compensation to the mass circulation daily for the damages it suffered during the period of its unfair lockdown.

-Prevent the killings of innocent civilians by both Yemeni fighter jets and US drones, as they constitute a violation of Yemen's sovereignty, a contempt for the Yemeni blood, and a crime against humanity. The government should officially apologize to the victims and ask the US government to do the same.

-Compensate the relatives of those killed and/or wounded, cover the expenses of their medical treatment, and rebuild the areas badly damaged by airstrikes.

-Repatriate and fairly compensate the Yemeni detainees held in foreign prisons, mainly those jailed in Guantanamo concentration camp, Iraqi and Saudi prisons or any foreign jails.

-Lay out a work plan for the purpose of ending the culture of impunity.

-Allow the families of prisoners to call or visit them and never make them subject to harassments. Also, permit their lawyers to

visit them to enable them get all the information that helps them defend their clients, especially those arrested on suspicion of having links to Al-Qaeda or involvement in terror acts.

-Respect human rights in general and the rights of vulnerable groups, such as women, children, the marginalized citizens and minorities. Also, liberate those who are still being enslaved in some parts of Hajja and Hodeidah governorates, among others, and then provide them with job opportunities as per the International Convention on the Prohibition of Slave Trade ratified by Yemen over a quarter century ago.

Recommendations to the GCCdeal sponsors:

-Support the Yemeni political leadership to enable it fully enforce the GCC-backed deal.

-Support the comprehensive national dialogue conference, which is meant to lead Yemen to safety.

-Extend the necessary assistance to the Yemeni authorities in order to set up a panel to be charged with conducting a thorough and impartial investigations into the human rights violations committed in the period 2011-2012. Ensure the efficacy of the panel and announce the findings to the public.

-Immediately stop licensing, supplying and transporting weapons and ammunitions and other related materials that can help the use of excessive force against protestors on the part of security forces.

Executive Summary:

It is common knowledge that democracy, human rights, equality, freedom, justice and equal citizenship are values that must be inculcated into the minds of Yemeni citizens in such a way as to reflect positively on their behaviors and practices. These values, which have never been embraced by the Yemeni society, remained as mere slogans chanted by officials and trumpeted by the official media. In other words, such civic concepts have never been practiced on the ground; therefore, they should be adopted as a motto for the post-revolution era.

Accordingly, the next constitution is supposed to be written in such a way that it encompasses all these concepts that would contribute immensely to the building of the mostly sought-after modern civil state, a state that embodies and exalts the culture of the rule of law rather than the culture of "Bull Sacrifice", a social norm embraced by Yemeni tribal sheikhs, rulers, and even intellectuals in order to disrupt the enforcement of laws and regulations when it comes to human rights violations, such as murder. So, a society aspiring for respect of human rights must put a halt to such an abominable culture.

This report, which covers the situation of human rights in Yemen during the past couple of years, also touches upon the right to life and how the former regime troops resorted to violence that claimed over 1,000 lives across the country, including Capital Secretariat, Taiz, Aden, Hadramout, Hodeidah, Arahab, and Nihm, Bani Jarmouz, among others. The violence was meant to subdue the peaceful protests that demanded freedom, equality, justice, respect for human rights and an end to succession.

Some organizations catering for martyrs' relatives estimated that as many as 1,100 protestors were killed, and more than 26,000

others were wounded in the government's clampdown on protestors. According to such outfits, some of the wounded are partially handicapped whereas others are fully retarded.

For instance, on the Friday of Dignity, which fell on March 18, 2011, over 45 protestors were killed and more than 200 others were injured during the regime's crackdown on peaceful protests at Sana'a Change Square.

Civil society Organizations, including Hood, WJWC, Suwasya, Muswah, Himayah, Al-Marsad, and the General Council for the revolutionary detainees, said that over 3,000 people were arrested in connection with the peaceful youth revolution and the Southern Protest Movement activism. They also said that though the majority of those detainees were released, others are still being jailed in public prisons and other private detention centers.

The outfits added that some protestors remained unaccounted for to date. Some protestors, like those arrested in Taiz and Hajja in connection with the revolution, are standing trial on charges falsely leveled against them to justify their detention.

A case in point is the prosecution of 19 detainees held in Hajja on fabricated charges as well as that of Maher Al-Maqtari, who is still being detained in Taiz despite that fact he was proven innocent. Traffic officers testified that Maher and two colleagues came under attack, and after four months of medical treatment, he was arrested in front of his family home on suspicion of murder, a charge he vehemently denied.

Moreover, some 28 detainees, who were rounded up on charges of involvement in the Presidential palace bombing attack, have never been prosecuted though they have spent over one and a

half years behind bars, a flagrant breach of the Yemeni law. Those suspects remained in prison till the end of 2012.

In Aden, scores of people are still being held in the central prison, Sawlaban jail, and political security organization cells on suspicion of being terrorists having links to Al-Qaeda. Those detainees were denied family visits, and were even prevented from meeting their lawyers in a gross violation of the international conventions ratified by Yemen.

During the past couple of years, Yemen witnessed 2,028 violations of the right to peaceful assembly. According to official statistics, these included 916 assaults against demonstrations, 305 violations against peaceful marches, 263 breaches against peaceful assemblies. The data pointed out that the violations also included 90 assaults on festivals, 9 attacks on civil disobedience activities and 6 others against participants in general strikes.

They highlighted that during the same period, the protest activities included, 1,049 demonstrations, 243 strikes, 359 sit-ins, 315 marches, 91 festivals, 9 cases of civil obedience, and 33 peaceful assemblies across the country.

Considering the statistical data on the authorities' attitude towards peaceful activities, one can notice that it is the government that, more often than not, violated the right to peaceful assembly during the peaceful protests.

The authorities didn't exert any effort to prevent the violence committed against the peaceful protests; they even turned a blind eye on some violations, and left many to go uninvestigated. Rarely did they play any role to stop subduing the demonstrations.

The statistics indicated that the government was implicated in 1,735 violations against 2,099 peaceful protests; it had nothing to do with 306 such violations, but turned its back on 10 cases. However, it acted positively towards 69 cases.

The authorities also committed 826 violations against the peaceful demonstrations. Violations were also committed against 300 sit-ins, 298 marches, 215 strikes, 77 festivals and 28 protest assemblies. The government had nothing to do with the violations committed against other protest activities that comprised 163 demonstrations, 13 marches, 8 festivals, 17 strikes, 3 assemblies and 39 sit-ins.

The statistics showed that of the afore-mentioned 2,028 violations, 581 were committed by police forces, 451 were perpetrated by the Central Security Organization forces. They revealed that the Criminal Investigation Authority was involved in 263 cases, the Republican Guards in 259 cases, while other civil and judicial authorities were implicated in 101 cases.

The First Armored Division was involved in 95 cases, as power centers and influentials committed 94 cases; the military police was implicated in 79 cases, while foreign interventions were blamed for 24 cases. The National Security Organization, and the military intelligence apparatus committed 34 cases, 17 each, whereas the anti-terror apparatuses perpetrated two such cases.

In terms of size and scale, peaceful assembly violations were second to only those that comprised arrests, manhandling, and imprisonment. According to the statistics, of the 2,028 victims, 1,157 were ordinary citizens, 350 employees, 163 university students and school children, 113 party henchmen, 90 rights activists and 76 laborers. They also highlighted the victims also

included 47 trade unionists, 17 prisoners and detainees, 10 journalists, 9 women, two children, two asylum-seekers, and one cleric.

Moreover, the data further showed that the Capital Secretariat ranked first in terms of the violations committed against the peaceful protests, which amounted to 407 cases. Taiz came in second, with 314, while Aden ranked third, with 224.

Furthermore, Ibb saw 198 violation cases, Hodeidah 184, Dhalea and Dhmar 216, 108 each. The number of violations committed in Shabwa and Hadramout stood at 106, and 78, respectively. Also, the number of the infringements perpetrated in Hajja and Sa'ada was put at 37 and 30, respectively. Still, other governorates saw a number of violations, which was not as high as those registered in the above-mentioned provinces.

The report touches upon the right to peaceful assembly as well as the right to freedom of expression. Indeed, the peaceful protests were met with excessive force, as hundreds of protestors were killed by security forces on March 18, 2011, dubbed the Friday of Dignity as well as during the crackdown on peaceful protestors at Kentucky roundabout, Al-Zera'a street, Al-Thawra stadium, in front of the Ministry of Foreign Affairs building, and elsewhere in Sana'a, Taiz, Aden, Hadramout, Hodeidah, among other places.

None of those accused of committing such violations has never been brought to justice. In other words, the culprits are enjoying their full freedom. More importantly, female protestors and children were killed during the peaceful protests staged in Taiz.

The report highlighted the crimes committed against humanity by US drones in Hadramout, Abyan, Mareb, Shabwa, and Al-

Baydha, among others. The drone strikes claimed hundreds of innocent lives, including men, women, and children.

It seems that the Yemeni government has agreed on the violation of the Yemeni sovereignty as well as the killing of citizens in a blatant breach of the constitution and law. This was manifested in the agreement signed by Ali Abdullah Saleh's regime and the US administration in 2009.

US drones launched an airstrike on Al-Ma'ajala village in Shabwa province, killing around 42 civilians, mostly women and children. Back in 2003, a US drone attack killed Abu Ali Al-Harethi suspected to have links to Al-Qaeda. If such air raids are launched at the pretext of fighting terrorism and Al-Qaeda, then the Yemeni blood should not be cheapened as such. Those believing that drone strikes kill Al-Qaeda and terror suspects must bear in mind that the attacks are counterproductive, as they generate anti-US sentiment, and earn Al-Qaeda more sympathy among community members.

The report tackles the assassinations, which were carried out by gunmen on motorbikes against army officers, soldiers and civilians, and claimed about 77 lives in 2012 alone. The victims came from the Capital Secretariat, Lahj, Taiz, Hadramout, Dhale'a, Aden, Dhamar, Al-Baydha, and elsewhere. The culprits are still at large, which spread panic amongst army officers, soldiers and civilians who feel that they can be targeted at any time, given the spread of weapons as well as the security laxity prevailing in the country following the peaceful youth uprising.

According to the report, violations of the right to freedom of expression were committed during 2011 and 2012. Some 577 journalists and writers were subject to violations; seven journalists

were killed for doing their journalistic jobs while others escaped assassination attempts on their lives. Other editors were reportedly beaten, and TV channel headquarters and news agency offices, such as those of Suhail and Al-Saeeda TVs and Saba News Agency, came under attacks. Several other violations were reported, including assaults on newspaper headquarters and journalist homes, kidnappings and forced disappearances involving journalist, burning down of newspaper headquarters, and confiscation of press equipment, among others. Journalist Abdul Elah Haydar Shaye'a has been jailed for over two years due to unjust jail verdict and pressures from the US, while Al-Ayyam newspaper office has been forcibly closed down since 2009.

Today, there are demands for halting assaults on journalists as well as for the enactment of a new press and publication law as well as legislation on audiovisual media in accordance with the international standards for the freedom of expression.

The study also touches upon the armed conflict that took place in 2011 between government troops and armed groups loyal to Sheikh Sadeq Al -Ahmar, and left scores of people dead or wounded.

The clashes also led to the demolition of civilian homes as well as the forced displacement of dozens of families, who fled the violence to somewhere else in the country. Further, children were recruited and engaged in the standoff. Kids were reportedly drafted on the part of government forces, including security services and the Republican Guards on the one hand, and the pro-revolution First Armored Divisions and Sheikh Al-Ahmar's followers on the other; some child soldiers were killed in the confrontations.

Estimates indicated that the clashes cost the country billions of dollars in losses. The fighting between Sheikh Sadeq Al-Ahmar's loyalists, supported by Major General Ali Mohsen Al-Ahmar, commander of the First Armored Division, and Saleh's troops, came to an end only when the Saudi King Abdullah Bin Abdul Aziz led mediation efforts at the conflict resolution.

However, check-points remained in many Sana'a neighborhoods, such as Hasba, Sufan, airport and Al-Sawad, and elsewhere in the capital, till after the presidential elections held in February 2012.

The document showed the violations committed against women and children during the peaceful uprising, indicating that more than 13 women were killed during the revolution. Chief among them were Tufaha, Azizah, and Zaynab, among other females, who were killed by sniper shots, shells, and other weapons used against unarmed civilians.

On 29 May, 2011, the Freedom Square protest camp in Taiz was burned down, and tens of protestors were either killed or injured as a result. Yet, the criminals have noticeably gone unpunished.

Till late 2012, nothing was done to punish the perpetrators of such violations. In addition, tens of children-males and females-were subject to killings, displacement, kidnapping, and trafficking. They were also engaged in the armed dispute and suffered a variety of abuses during the clashes that erupted in some areas.

The work team made use of the information gathered during the monitoring stage in order to make the report objective, impartial, credible and devoid of party views and prejudgments on the events that occurred in 2011 and 2012.

The report included recommendations to the President of the Republic, the Yemeni government, the GCC-mediated deal sponsors and the international community. Other recommendations are included in the background papers; therefore, all those concerned are urged to execute such proposals.

Chapter 1

Right to Life

Right to Life

The already dire human rights situation Yemen experienced during the course of 2011 and 2012, has noticeably further worsened due to the high number of multifarious breaches against these rights, mainly the right to life, which were perpetrated by official and unofficial parties. Foremost of such violations were the extra-judicial killings committed by government security forces, army troops and armed militias, which some organizations put at over 2000.

Most these violations occurred when the government deliberately moved to subdue the peaceful protestors, who were opposed to the regime and its policies that never fulfill the people's aspirations and hopes. No sooner had such protests flared up than they turned into a peaceful uprising triggered by the youth. The revolution was later joined by various social segments that demanded the overthrow of the regime as well as a radical change that ultimately leads to the building of a modern civil state based on the rule of law.

"The Right to life is a key human right that can never be impinged upon or violated. The protection of this right is not restricted to the fact that it should not be breached by the state and its public authorities. Rather, it entails ensuring that the state is obliged to

prevent assaults on the part of individuals, agencies and groups, and to enact the laws that actually achieve such a protection and exact punishment against anybody infringing upon this right".

Though the Yemeni revolution is an integral part of the Arab spring uprisings that broke out in Tunisia, Egypt and Libya, it is lawfully regarded as a human right as well as an embodiment of man's right to live as he wills.

This right covers human needs for freedom, security and dignity, meaning that the state and its institutions, including the army and security forces, must give Yemeni citizens the opportunity to exercise the same right and then provide them with all essential means that enable them to do so. The government must have not suppressed this very right in such a way that resulted in gross violations, the most gruesome of which is killing.

Such premises normally prompt us to question why does the state shirk its responsibility towards the protection of human rights, and instead tends to violate them?

Did this result from flawed legislations and applicable laws or the poor enforcement thereof? To what extent the society is conscious of its rights? How it exercises them on the ground?

This work-paper shall answer such questions by cross-examining the circumstances of the Yemeni political scene over the past couple of years. It tries to give detailed information on the happenings that occurred during the same period, as well as the reasons and motives for these events. It will also examine how conscious the government, the political parties and the general public were of such events. The paper would come up with accurate findings on human rights situation in Yemen in such a

way as to propose suitable solutions to the problems, if any, and put a halt to human rights abuses.

Legal Framework:

To begin with, the law guarantees the rights clearly enshrined therein. The term "law" refers to other legal nomenclatures such as charters, conventions, treaties, constitutions, as well as the laws interpreting legal provisions and working out the mechanisms that should be adopted in order to put legislations into effect.

It is also the law that defines duties, because rights go hand in hand with duties. "Caring for man as well as determining his basic rights and liberties is the ultimate goal end of every society. The recognition of basic human rights and freedoms achieves justice, serves as a key guarantee for building a political system based on a real broad-based grassroots support, and strengthens relations among nations in such a way that they contribute to resolving international issues of common concern".

Based on national constitutions, local and international laws, human rights involve regulating the relationship between the state and individuals in order to prevent authorities from encroaching upon rights and public freedoms. They also envisage the elimination of absolute dictatorships.

Thus, we can discern the secret behind the great attention nations and societies had over centuries paid to laws, which are ultimately the core of human intellectual pursuits that sought to contrive a feat ensuring co-existence amongst individuals, and regulating relations between them and the authorities governing them through either elections or dictatorship.

Owing to their significance, laws are usually the focus of people's attention, as they enshrine rights, justify their legitimacy and regulate the exercise thereof. Therefore, it is no surprise to find such a great amount of legal provisions stipulated in the Divine laws or even in the man-made legislation.

A close look at these laws reveals they all stipulate that man has rights and obligations. This means that he is entitled to exercise his full rights, foremost of which is the right to life.

Law experts are unanimous that the right to life is existential, in the sense that it is inherent to human beings. Thus, all modern constitutions provide for the right to life together with the right to freedom and the right to security, a trio that is instinctively inherent to mankind, hence they are called natural rights.

Life is an existential right bestowed upon man by God rather than other fellow humans, while freedom is an emotional feeling which is deeply sensed. Security is an instinctive human need – an innate right exercised by man not based on counseling, legislation and/or dictates.

Thus, it is evident that the right to life is the cornerstone of other human rights, as it establishes the right to ownership, the right to stability and security, the right to equality, the right to revolution against dictators, the right to family formation, the right to purchase and sale".

In view of the high significance of human rights, mainly the right to life, most statutes provide for these rights, including the international conventions that constitute a universal reference reflecting the consensus of nations. For instance, article 3 of the Universal Declaration of Human Rights issued in 1948

state that "Everybody has the right to life, liberty and security of person".

Also, article 6 of the International Covenant on Civil and Political Rights, which was issued in 1969, envisioned strict guarantees for the protection of this right. Item 1 of the same article stipulated that " Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life".

Such a description of the right to life as inherent to human beings means that it is a natural right derived from human existence, and that the law explicates rather than establishes it. It follows that statutes should protect such a right of which nobody may be deprived.

The United Nations didn't only provide for the right to life in its declarations, charters, conventions and protocols, but also sought to supplement the provisions thereon with other interpreting stipulations so that this right may not be derogated.

Besides, the right to life entails that man enjoys socio-economic, political, cultural and religious rights. It also entails that man has the right to good economic status through which he can make a living and get his life essentials, including food, water and clothes, as well as the technological devices that enable him to deal with his surroundings. Furthermore, this right implies that man has also the right to express his opinion freely and to communicate it to others through the means available to him. Also, man has the right to assume or oppose power, to set up political parties and institutions, and to protest as he deems fit. He can also protest against concerned officials to press them to fulfill their promises of undertaking development programs. In addition, he has the

right to practice his religious observances and cultural traditions in which he believes, and to associate with any group of his choice.

Out of the UN's keenness to achieve a maximum respect for and abidance by human rights, not least the right to life and relevant others, it included in its charters the necessary provisions that bind governments to comply with human rights principles.

Such statutes include a provision binding the countries signatory to the UDHR to protect the right to life by law, which was interpreted by the Committee on human rights and oversight bodies as being binding upon the concerned countries to protect the life of everybody living in their own territories.

Thus, the state is bound to enact legislations to prevent any violation of this right and punish those found guilty of breaking it. Countries signatory to human rights conventions pledge to take the necessary measures to protect the life of anybody living on its territory from any dangers that may result from their governments' default on health care and environment protection systems. So, it is incumbent upon those countries to take whatever precautions they deem necessary to protect public health and prevent any environmental pollution. They are also obliged to inform their citizens of any risks to the environment.

Further, the state should regulate not only official or vertical relations, but also the private or interpersonal relationships amongst citizens. The right to life does actually bind countries to take the necessary measures to protect it from any dangers, threats or violations due to individual behaviors. In the event of any country breaching human rights, mainly the right to life, the International Humanitarian Law (IHL) obligates this particular

country to conduct a transparent and effective investigation into any assault on life or deprivation thereof. The IHL also obligates governments to crack down on and prosecute whosoever found guilty of committing criminal acts against people's lives.

"Though universal declarations, international accords, and national constitutions and laws provide for human rights and basic liberties, they are notlonelycapableof protecting man against the state that is breaching his rights and freedoms. This is because it is not the legal provisions that count; rather, it is man's ability to enjoy such rights. This is not possible except if enough guarantees are provided to enable him do so". "Thus, there has been a consensus that there can never be a legal system in the real sense of the term if basic human rights and freedoms are not protected".

Therefore, the UN urged its member countries to provide adequate and factual guarantees for the protection of human rights other than the constitutions and laws that guarantee these rights by means of provisions only. For instance, the UN demanded member countries to put legal provisions on human rights into practice in such a way that they may not veer off the course charted by official and unofficial authorities, especially the judiciary which is entrusted with administering justice by enabling citizens, who have their rights violated or confiscated, to restore them. This means that there should be just and independent judiciary.

Under the International Humanitarian Law, the UN's charters, declarations, agreements and protocols provided for guarantees that delineate basic human rights and freedoms, such as the independence of judiciary as stipulated in the preamble to the UN Charter, the Statute of the International Court of Justice, the

Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights. The fact that the UN Charter confirmed that member countries firmly believe in the basic human rights conspicuously indicates that these rights are an integral part of the core issues enshrined in the document.

The right to life and freedom, the right to fair trial, and the right to fair and independent judiciary are all prerequisites for the achievement of justice.

In sum, the UN provided a maximum number of legal guarantees necessary for the protection of human rights, and the follow-up to the implementation of any relevant universal declarations, conventions or protocols issued by the international body. When it comes to Yemen, one may ask about the legal framework of human rights in the country. How compatible is it with relevant international laws? How can we assess the human rights abuses that have been, and are still being, committed in Yemen?

The answer to such questions is that Yemen is a UN Arab member country, and is an integral part of the international community. Further, the country had signed and ratified lots of declarations, conventions and protocols issued by the United Nations that protects the international legitimacy. Accordingly, Yemen always confirms that it is part and parcel of the comity of nations, and thus it respects the international treaties and conventions as set forth in article 6 of the Yemeni constitution. In addition, Yemeni authorities often emphasize that they exerted substantial efforts to fulfill their obligations towards human rights by setting up a number of relevant ministries, and that they have enacted a legal code in line with the International Humanitarian Law. Nonetheless, there is no gainsaying the fact that Yemen is still abuzz with human rights abuses as manifested in local and

international reports released by human rights watchdogs that monitored and documented a good deal of infringements, some gross, to the shock of local and international public opinion.

This proves the fallacy of authorities' wild claims that they respect human rights on the one hand, and confirms that there may well be a flawed legal framework or faulty enforcement of law on the other.

In a country like Yemen, where the rate of illiteracy tops 45%, any talk of good laws is pointless, as citizens have never been educated on the country's legal system. Nor are they aware of their rights and the way of exercising them rightly. Thus, the state must not only enact laws, but also educate citizens on and enforce these laws properly.

Ironically enough, the Yemeni authorities made a lot of false claims in terms of human rights laws. When considering the extra-judicial killings committed by these authorities in 2011 and 2012, one can find out that such crimes were part of the crackdown on the protests staged in the course of the peaceful youth revolution. Hence, the suppression of protestors is a breach of the right to peaceful assembly, which is enshrined in article 21 of the International Covenant on Civil and Political Rights ratified by Yemen in 1987.

Needless to say that some flawed laws need to be rectified in such a way as to be compatible with the International Humanitarian Law. For instance, the Yemeni penal code doesn't adequately prohibit torture, which is defined therein differently from the definition set forth in the IHL, especially article 1 of the International Convention on the Prohibition of Torture and Other Forms of Cruel, Inhuman, and Humiliating Treatment to which

Yemen is party. Further, the code provides for penalties involving sorts of torture as well as cruel, inhuman and humiliating treatment.

Legitimization of State Security Courts:

The Yemeni law legitimizes the so-called "state security courts" set up in 1999 to prosecute bandits. In 2009, the Supreme Judicial Council passed a verdict stating that the competence of these courts runs the whole gamut of security-related crimes. Based on the verdict, three extra state security courts were established. Though bound by the penal code, the tribunals, which have so far heard cases in Sana'a, Aden, Taiz, Hadramout and Hodeidah, have since been disregarding the due process. They haven't even taken adequate procedures to investigate defendant's claims that they were tortured, and that the pre-trial confessions they made while in captivity were baseless, as they were given under duress.

The practice contravened human rights, including the right to fair trial, in addition to other rights to which the defendants are entitled prior to and during the trial whose hearings should be held in public as stated in article 14 of the International Covenant on Civil and Political Rights to which Yemen is signatory.

Trial hearings may not be held in private, except for the reasons stipulated in article 14 of the same Covenant. Regarding the right to freedom of expression and creation of societies, the Yemeni laws include restrictive provisions, and repressive security forces and special courts do restrict freedom of expression enshrined in the Yemeni constitution.

Since 1990, freedom of expression has been restricted by the press and publication law. Though the legislation was ostensibly enacted to guarantee journalists' right to freedom of expression, it included numerous provisions that extremely restrict this right. Indeed, the law affected journalists in varying degrees depending on the political and security situation prevailing in the country. It has also taken a heavy toll on many rights advocates, lawyers, journalists, dissidents and CSO activists. Accordingly, the law contravenes article 19 of the International Covenant on Civil and Political Rights.

A close glimpse at the Yemeni law reveals that the position of women is even more tragic. Some local NGOs, including the National Committee for Women, observed 27 anti-women laws that need to be amended in such a way as to tally with Yemen's international obligations towards human rights. These include but not restricted to the civil status law 20 for 1992, which was amended in 1997 and then in 1999. The legislation, which tackles the issues of marriage, divorce, child custody and inheritance, involves many provisions severely restricting women's rights and making them susceptible to violations. For instance, a woman insisting on her right to choose a husband against the wishes of her family may well run the risk of physical violence as well as restrictions on her freedom of movement. Sometimes, women, mainly young girls living in rural areas, are coerced into marriage against their will.

It is evident that many laws, which intentionally or unintentionally legitimize human rights abuses, mainly the right to life, need to be reconsidered. A case in point is the anti-money laundering and terrorism financing law approved in January 2010, which binds lawyers to reveal information on their clients suspected of

committing crimes. The law breaches the mutual trust between lawyers and their clientele.

Article 4 of the same law defines the phrase "terrorism financing" in general terms rather than in specific terms. For example, it states that financing of terrorism includes "Financing any act that constitutes a crime under any relevant treaty or convention joined or ratified by Yemen". However, the law doesn't list down such treaties and conventions, thus running counter to the due process tailoring that legal definitions of crimes should be accurate. The anti-terror law lacks in the due process necessary for protecting suspect rights during arrest or captivity; it also proposes the inclusion of more crimes in the list of offences punishable by death penalty.

So, it is clear that this law is not in tandem with the International Humanitarian Law (IHL) as exemplified by article 4 of the same legislation that appertains to the funding of terror activities.

In brief, the legal structure of the Yemeni law needs to be upgraded in such a way that it fully protects human rights, something which can never materialize unless the legislation is redrafted in such a manner as to conform to the International Humanitarian Law.

Therefore, Yemen must ratify a number of international conventions and protocols that include the following :

a-The International Convention on the Protection of Persons Against Enforced Disappearance.

b-The Optional Protocol attached to the International Institute on Economic, Social and Cultural Rights.

c-The two optional protocols 1,2 attached to the international Convention on the Prohibition of Discrimination Against Women.

d-The optional protocol attached to the Convention on the Prohibition of Torture, and Other Forms of Cruel, Inhumane and Humiliating Treatment.

e-The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

f-The Convention on the Rights of the Disabled Persons and the protocol attached thereto.

g-Yemen should retract its reservations about article 29 (1) of the Convention on the Prohibition of All Forms of Discrimination Against Women, as well as articles 7(1) and 22 of the International Convention on the Prohibition of All Forms of Racial Discrimination.

h-Ratifying Rome Statute of the International Criminal Court signed by Yemen on December 28, 2000, and then including same into valid national legislation in consultation with civil society organizations.

i-Ratifying Palermo protocol as well as the 1954 and 1961 conventions on refugees, persons without nationality, in addition to the UNESCO convention against the Prohibition of Discrimination in Education.

j-Ratifying the third additional protocol of Geneva convention dated 12 August 1949, as well as article 9 of the first additional protocol recognizing the international humanitarian fact-finding committee.

Above all, the immunity law 1 for 2012 passed by Parliament on Jan.21, 2012, which granted full immunity from legal prosecution to former president Saleh and his aides, should be rescinded, as it doesn't fulfill Yemen's obligation to carry out investigations into crimes, as well as human rights violations as set forth in the IHL. The law also granted Saleh's henchmen immunity from criminal prosecution over politically-motivated crimes they committed while on official duty.

Violations of the right to life in Yemen:

1-Extra-judicial killings:

The year 2011 saw the eruption of the peaceful youth revolution that swept across the country, demanding the ouster of the regime. During the course of the uprising, the regime troops and security forces, including the Republican Guards and security services, deliberately committed lots of crimes against youth protestors. The regime also perpetrated a variety of youth rights violations through the National Security Organization, the TV and Radio institution, official newspapers, Ministry of Telecommunications, and other administrative bodies. It also enlisted the help of armed militias, dubbed "Supporters of Constitutional Legitimacy", which were deployed to different suburbs and camps. Though Saleh himself had pledged to protect the peaceful protestors and to meet their demands, his forces

conducted different forms of assaults against the revolutionaries, which all resulted in deaths.

Human Rights Watch said that Saleh's troops and gunmen targeted protestors through unjustified killings. Human rights organizations couldn't find any evidence that those protestors resorted to violence against authorities, such as targeting public and private institutions, as marches and sit-in protests were for the most part peaceful.

Some deadly violations committed by pro-Saleh troops can be summarized as follows:

a- Security forces and pro-government militias used excessive force against peaceful demonstrators starting from February, 2011 onward. These attacks turned deadly on Feb.18, 2011 when militiamen in plain clothes hurled a hand grenade at a demonstration in Taiz, killing one demonstrator and wounding 87 others. In March, security forces fired live bullets at demonstrators.

b- The Friday of Dignity, which fell on March 18, was a bloody day on which the regime committed an atrocious genocide against the peaceful protestors. The regime first withdrew the security forces that were allegedly guarding the protest site, replacing them with snipers, who, Hood said, were affiliated with the Republican Guard and the Central Security Organization. The trigger-happy snipers fired on the protestors at the conclusion of Friday prayers in a shooting spree that lasted for almost two

hours and left more than 50 youth revolutionaries dead and another 278 injured; more than 600 demonstrators suffocated after inhaling tear gas.

"The Friday of Dignity massacre that saw gunmen in civilian clothes fire automatic machine guns at a peaceful march was the deadliest ever since the eruption of the 2011 uprising. At least 45 demonstrators, including three minors, were killed and around 200 others were wounded, many seriously.

Such a carnage, which was a turning point in the anti-Saleh protest movement, prompted dozens of government officials and diplomats to defect from the regime's camp. The defections were of very high symbolic significance to the protest movement, given the high death toll from such a brutal onslaught.

A few hours later, President Saleh announced a 30-day state of emergency; he and his Interior Minister held the "armed" demonstrators responsible for the bloodshed, a charge he kept repeating over the next week.

Noticeably, the exact number of deaths and injuries was not confirmed: those buried two days later didn't exceed 30 persons, thereby raising suspicions over the number of the dead and the injured, as well as that of those who asphyxiated after inhaling tear gas, which, some say, crossed 500.

Neither official authorities nor the make-shift hospital confirmed the number of casualties. Yet, the fact is that more than 45 protestors were killed and over 600 others were either injured or suffocated for inhaling tear gas.

The public prosecution indicted 79 persons for the massacre, and the attorney general informed Amnesty International on June 2012 that 14 out of the 79 suspects had been held in custody. He pointed out that some of the detained suspects were released on bail, while the others, who haven't yet been arrested by authorities, are still on the run. He added that they are being prosecuted in absentia at a Sana'a court.

To elaborate more, it all started in the early morning hours as worshippers started streaming into Sana'a Change square, individually and in groups. At the time the square's size was not more than half square km, but later it straddled more than four square km. The Friday congregation had only one goal: to overthrow the regime and prosecute its leaders.

Preacher Fuad Al-Himyri, an eloquent speaker, mounted the platform of the memorial monument located opposite Sana'a University gate. The square was crowded with thousands of worshippers who never imagined that they will see a tragedy by all standards, a massacre unprecedented in the history of Yemen.

The Last Friday, called the Friday of resoluteness, the square expanded into neighboring suburbs in all directions. On the Friday of Dignity, the protestors decided to take up the challenge of

expanding the protest site beyond the walls set up by authorities at the square edges to stop the protest spilling over into adjoining suburbs. The highest such wall was the one built in the middle of the Ring Road, a few meters away from Ring Road-Raqas street junction, at which point the crowds were bracing to advance beyond the barrier towards the old University campus.

The preacher gave a fiery sermon, stirring up the worshipper's sentiments. He gave Saleh what he called " the last ultimatum", saying that "President Saleh has closed all doors to dialogue. Therefore, he should go before losing the opportunity to do so". This prompted some to change the name of that particular Friday to "The Friday of Last Ultimatum".

At the end of Friday prayers, worshippers started dispersing as the killers in civilian clothes began taking up positions on the other side of the separation barrier and on surrounding rooftops in preparation for a sudden, unilateral attack.

The trigger-happy snipers started firing at the crowds that tried to scramble out of the Square. Security forces set up human shield of security men, supplemented by armored personnel carriers, at the entrance to the square from the direction of Raqas street as they have evicted the square's southern edge since early morning. Amid heavy gunfire and indiscriminate killings, the protestors were left with no option but to surge towards the wall and demolish it. Just as they started doing so, the snipers fired live ammunition at them and torched tires so that rising columns of smoke can obstruct visibility in such a way that they will be able to hide themselves while firing at the demonstrators. As

blood started spilling and martyrs falling one after another, Small groups of security forces arrived at the scene in full combat gear, including water cannon, which was used to disperse the demonstrators. A few moments later, the water-soaked square turned red as blood was profusely oozing from protestors' bodies

The newly-built but poorly equipped field hospital started receiving the injured one after another, with Al-Jazeera TV channel bearing witness to the crime. According to the strategic report for 2011, the Pan-Arab Channel filmed the dead and the wounded, revealing the heinous massacres perpetrated by security forces and goons against unarmed, innocent civilians. A massacre and cold-blooded killings as such couldn't go without a reaction. General Ali Mohsen Al-Ahmar, Commander of the Northwestern military region and the First Armored Division, who was a close aide to Saleh, announced his defection from pro-Saleh army in support of the peaceful youth revolution. He also pledged to protect the revolutionaries against any assaults that might be conducted by the regime's troops and thugs. Mass defections from the General People's Congress (GPC) ensued, involving lawmakers, ministers, military commanders, diplomats, academics, journalists etc.

The permanent Yemeni envoy to the UN Security Council, Abdullah Al-Saidi, announced his resignation in protest over the genocide, and so did many Yemeni ambassadors abroad, including the Yemeni envoy to the Arab League.

More importantly, the tribes of Hashed, Bakeel, Al-Awadhi, Al-Hada, and Anis, among others, vowed their support for the peaceful uprising to the chagrin of the regime's head. Saleh was

extremely baffled by the sudden defections of the tribes, which he used to bankroll and supply with weapons.

Table 1 shows the number of martyrs fell in government crackdown on peaceful protestors

The regime used to seed strife and abet vendetta amongst tribes since it took power. However, its policies were counterproductive, as the tribes turned against it and forestalled its schemes to play them against each other. Simply put, the splits were the last straw for the regime.

Also to the regime's surprise, massive demonstrations staged across Yemen in solidarity with the martyrs and their families, and in condemnation of the atrocious massacre; southern governorates were no exception. Massive rallies held in Aden, Hadramout, Lahj, Shabwa, Al-Mahra and Socotra, in protest over the genocide. The demonstrations in the south proved national coherence, and disproved the regime's claims that such provinces would break away in case it was overthrown.

Further, southern demonstrators announced the Yemeni people are one in the same, and that the killings committed in Sana'a also stirred up the local population in Aden, Hadramout and other southern provinces, who condemned the bloodbaths perpetrated against their brothers in the north.

c- On May 29, Security forces and pro-Saleh thugs launched a deadly six-day attack against Taiz protestors and medical teamstreating the injured demonstrators, as demands were rising for Saleh to step down. During the onslaught, such forces and

bullies fired on demonstrators protesting in front of a police station, and another pogrom on the nearby Freedom Square ensued. The six-day operation left some 22 protestors killed, and as many as another 260 wounded. The dead included a six-year-old boy, who was hit with a fatal stray bullet.

It all started when security forces and gunmen in plain clothes fired on the demonstrators, who gathered in the proximity of the public security headquarters at Qahirah neighborhood. They were protesting over the continued detention of a fellowdemonstrator. Then, security forces wreaked havoc on the nearby Freedom Square, burning down and bulldozing the camp tents.

Human Rights Watch said that it received a statement from the Yemeni government claiming that the demonstrators attempted to seize control of the Public Security headquarters at Qahirah suburb.

The statement said that the protestors killed each other and used cocktail Molotovs to set the camp on fire. It highlighted that some protestors deliberately torched everything they couldn't carry, in addition to the objects and documents that could be used by security forces as evidence against them.

It pointed out that the protestors and the political opposition, particularly in Taiz, had already planned to bring down the regime, noting that 8 opposition assailants and four security men died during the six-day campaign.

S/N	Govern
1	Ad
2	Cap Secre
3	Ta
4	Hode
5	Ib
6	Al-Ba
7	Mar
8	Ha
9	Hadra
10	San
11	Aby
12	Amr
Total	

Taiz seemed to have borne the brunt of violence, as the victims didn't only include men, but also women and children, who were killed during the attacks by security forces and pro-regime snipers. Several women, such as Tufaha, Aziza, Zaynab, among others, were killed in government crackdown on the city's peaceful protestors. This obviously indicates that women were heavily involved in the protests that sparked off in Taiz on Jan.15 to demand the overthrow of Saleh's regime.

In addition, many civilian houses, hospitals, health faculties were demolished by pro-regime troops that also attacked medical teams and arrested scores of revolutionary youths.

Table 2 demonstrates the number of casualties in each province:

Also, tank shells, which were always fired from all directions into the city, spread panic amongst the population. It was obvious that such acts were intended to punish the residents for rising up against the regime that ruled the country for over three decades, during which time the city was deprived of potable water and other basic services.

Human Rights Watch 2011 report on Taiz stated that "A seemingly random shelling by government troops on Nov. 11 killed some 14 civilians, including three women protestors at Taiz Freedom Square, and a 4-year baby girl, called Amal Abdul Basit, at her family home. Amal's mother and sister were also wounded in the bombardment".

S/N	Governorate	No. of Casualties	Shootings & assaults	Tear gas suffocation cases
1	Aden	٢.٢٥٠	٥٦.	٢.٩٧.
2	Capital secretariat	١٠.٨٧١	٢.٨٥٠	٨.٠٢١
3	Taiz	٩.٠٣٠	٢.٥٠٠	٦.٥٣٠
4	Hodeidah	٢.٢١١	٣٣٥	١.٨٧٦
5	Ibb	٤٣.	٣٥٦	٧٤
6	Al-Baydha	٢٦.	١٦.	١٠٠
7	Mareb	٤٥	٤٥	٠
8	Hajja	٢٤٣	١٢٠	١٢٣
9	Hadramout	١٥	١٥	٠
10	Sana'a	٢٣٥	٢٣٥	٠
11	Abyan	٦٩	٢٦	٤٣
12	Amran-Hasabha	٥٥٥	٥٥٥	٠
13	Dhamar	١٨٥	١٥٠	٢٥
Total		٢٧.٦٧٩	٧.٩٠٧	١٩.٧٧٢

2-High-profile victims of violence:

The peaceful protestors took the brunt of the extra-judicial killings that occurred during the years 2011-2012, while the governorate

of Aden saw the highest number of killings at the start of the uprising.

According to the Yemeni Observatory for Human Rights, some 29 peaceful protestors were killed in Aden in November; and many of the wounded succumbed to their injuries as they were denied access to medical treatment.

Initial statistics from Wafa'a Institution catering for the families of the martyrs and the wounded indicated that some 1,155 persons were killed across the country by regime troops during the course of the peaceful revolution.

Moreover, some 151 people were killed in clashes between the Republican Guard units and revolutionaries hailing from Arhab, Nihm, and Bani Jarmouz, while hundreds were wounded, most of them seriously, due to the heavy shelling. The Republican Guard didn't reveal the exact number of soldiers killed during the confrontations. The bombardment caused extensive damage to more than 500 homes, 26 mosques, 12 public schools and 21 water wells.

Wafa'a initially estimated the number of casualties caused by the confrontations at nearly 28,000. These injuries were caused by gunshots, stabbings with sharp objects, and stone-throwing incidents, in addition to gas suffocation cases. The estimates indicated that some 350 persons suffered partial or full disabilities due to the fighting as shown in table 2.

On May 21, 2011, ferocious clashes broke out in Hasaba suburb to the north of the capital between tribal gunmen loyal to pro-revolution and anti-Saleh Sheikh Sadeq Al-Ahmar and government troops. The clashes escalated into an all-out war

during which the two sides seemed to have committed human rights violations. The government troops reportedly launched indiscriminate, disproportionate attacks, and on at least two occasions, they directly attacked civilians.

Likewise, the pro-Ahmar fighters reportedly used to fire indiscriminately from residential areas, endangering the lives of and intimidating civilians during the course of the fighting that raged on till late 2011.

As for the clashes that flared up in Taiz, Human Rights Watch stated that "Fighting broke out in Taiz in June 2011 between government troops and organized groups of opposition fighters sent by tribal leaders to protect the demonstrators. Some 63 civilians, including 19 children, were killed in heavy shelling mounted by security forces during the 2011 standoff".

In addition, security forces and thugs killed dozens of protestors at Kentucky roundabout on Zubairi street, Al-Thawra Football Stadium, Al-Qa'a suburb, the Sixty-Meter Road near the Ministry of Foreign Affairs, and near the Blood Bank that lies at Kuwait suburb. No investigations have so far been conducted into such killings.

3-Extra-judicial killings:

Many Al-Qaeda operatives were killed in manhunts launched by government troops or during clashes with the military in the network-held areas, such as Ibyan, Rada'a. Others were also killed in confrontations with army troops in the governorates where the organization is maintaining high presence, including Hadramout, Mareb and Shabwa.

Further, a number of Al-Qaeda suspects were killed in US drone strikes, which have recently gained momentum in Yemen. The

Yemeni-American cleric Anwar Al-Awlaqi, one of the group's prominent commanders, was killed in an air raid mounted by a US drone.

Initially, those attacks were only suspected to have been launched by US drones, as both the Yemeni and the US governments didn't deny or confirm the strikes. However, as the number of those raids was increasingly rising, senior Yemeni and US officials disclosed that the attacks were conducted by US unmanned drones.

In its report on Yemen, which was released in December 2012, Amnesty International said that "Scores of people, suspected to have links to Al-Qaeda or other Islamic armed groups, have been killed in recent years by the Yemeni troops and the US military, though they were not engaged in armed conflict. Others were killed in conditions reminiscent of the fact that there were no attempts to arrest them. In some cases, locals, who clearly had no links to the armed groups, were killed or injured in such strikes".

The number of deaths and casualties that occurred during the fighting in Abyan between "Supporters of Shariah" and the government forces have remained unaccounted for. Given the nature of the battles that erupted there, it is widely held that a lot of fighters on both sides and civilians were killed or injured as indicated by Amnesty International. Furthermore, at least 220 people were either killed or injured in the explosion that went off inside the 7th October weapons cache, which was seized by gunmen. The blast happened after civilians entered the facility after being evacuated by the armed men.

It goes without saying that that extra-judicial killings took place in several other governorates. Dozens of people were either killed or injured in the clashes that broke out in Damaj area, located in the northern province of Sa'ada, between the Houthis and Salfis. The casualties included foreigners where were studying at the Salfi-run Hadith (Prophet's holy verses) Teaching House. The fighting stopped after tribal chiefs stepped in and mediated a truce between the two sides. Yet, the security situation there remains precarious amid speculations that a potential showdown between the two sides is looming large. There are news reports that both Houthis and Salfis are stockpiling huge amounts of weapons and military hardware, thereby raising the specter of fresh fighting.

In Hajja, several people, including children, were killed during police crackdown on peaceful protestors who took to the street to demand the downfall of the regime. Of those killed was Abdul Majeed Al-Khazif, a minor hailing from the same governorate. Tens of protestors were arrested, as security forces held captive 6 people in connection with the protests. Besides, military men and civilians were arrested, others assassinated due to the unrest that inundated the province.

Landmine victims in Hajja:

The killings that occurred across the country resulted from the fighting that flared up in Abyan between government forces and Supporters of Sharia, as well as police crackdown on peaceful protestors. Also, the US drone strikes conducted in several provinces killed lots of innocent civilians on the pretext of fighting Al-Qaeda operatives. Many army officers and civilians were assassinated by gunmen on motorbikes.

In addition, Many civilians were killed in land mine explosions in Kushra district that lies in Hajja governorate. According to a report released in 2012 by Wethaq Foundation for Civil Orientation, some 37 people were killed by landmines planted by the Houthis group in Kushar, where heavy fighting broke out between the residents and Houthi gunmen.

It highlighted that as many as 45 persons, including four children, were severely injured in mine blasts. Of those, six persons were fully handicapped, including two children, while others have their own hands and feet amputated, not to mention the severe injuries to the face, chest, and backbone, according to the report.

The wounded were denied access to medical treatment in the area due to the lawlessness overwhelming the area. The report indicated that the Houthis pulled out of the district after a truce was brokered between the two sides, maintaining that the group planted landmines in the same locality in order to take revenge on the locals.

The report underscored that the Houthis rejected to release the map of the areas where they planted a lot of landmines at the pretense that the person holding it was killed. So, they didn't pinpoint the whereabouts where the mines were planted.

None could even locate the mines, which have so far resulted in the displacement of families, it noted, adding that the districts where mines were planted include Al-Haza, Al-Jarabi mountain, Al-Jarayeb, Al-Kula Al-Sawda, the technical institute, the central security department, Al-Khatwa, Al-Sawed and Ahem.

Some villagers have come back to their home villages after the tension eased off in Kushar; however, they were killed or wounded in mine explosions, it further noted.

The report said, in conclusion, that the right to life is an inalienable, inviolable basic human right that should be protected by the state and its institutions.

The UN urged member countries to provide adequate and factual guarantees for the protection of human rights, including by enacting statutes and legislations ensuring that these rights cannot be impinged upon.

Based on Islamic Shariah and statutory provisions, it is the duty of the government to keep protecting such a right. It must also embark on demining Kushar and other Hajja districts, in addition to the areas of Arhab, Nihm, Bani Jarmouz, the central regions and across the country to avoid more casualties.

Almost every governorate had seen a number of killings that took place in different ways. Statistics indicate that as many as 364 persons were killed all over the country due to the overwhelming political unrest. The number doesn't include those killed during the government crackdown on peaceful protests.

Recommendations:

- Ensure the conduct of swift and impartial investigations into the killings and acts of violence that occurred in Sana'a, Taiz, Aden, Abyan, Arhab, Nihm, and Bani Jarmouz, among others.
- Bring the culprits to account soonest.
- Take necessary measures to prevent a repeat of any acts of violence anywhere in the country.
- Compensate and rehabilitate martyr families, the injured and the disabled, who were subject to direct or indirect violence, based on the size and scale of the damages they suffered.

-Instantly provide medical treatment abroad or at home for the wounded and the handicapped.

-Reverse the immunity law, because it is incompatible with the Islamic Shariah, the constitution and valid laws, as well as the treaties signed and ratified by the Republic of Yemen.

-Rebuild the war-ravaged areas in Sana'a, Taiz, Aden, Abyan, Arhab, Nihm, and Banjarmouz, and other conflict-scarred areas.

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Chapter 2

The Right to Peaceful Assembly

Section 1

Protests in Yemen

Peacevs. Violence

Protests in Yemen

Peace vs. Violence

Introduction:

Yemenis opted for demonstrations, marches and all sorts of peaceful protests as an approach to change and non-violent struggle for rights, justice and political transformation.

Since the 2006 presidential elections, the majority of Yemenis have become despondent of any potential regime change via ballot boxes due to the absence of a conducive democratic climate. Indeed, the presidential polls were not free and fair.

In 2007, marches and protests broke out in some southern governorates in protest over the marginalization and exclusion policies the former regime has adopted against most southern military and civil cadres since the 1994 civil war. Such agitations

then swept across the South amid rising demands for stopping the plundering of lands and public property, wiping off unemployment, providing job opportunities, raising wages and improving living standards.

The southern protestors kept raising the ante as the regime was adamant to not meet their demands, which prompted some factions to demand separation. Thousands of southerners were killed or injured in government crackdowns on peaceful protests staged in the South, while the number of those held till 2010 was projected at more than 5000.

The situation in the North was also tense as political parties and civil society organizations shouldered the responsibility of leading a peaceful struggle, including by holding peaceful protest rallies, which were not as furious as those staged in the south.

In Sana'a, protests started gathering pace as hundreds of weekly sit-ins were held in front of the government compound in coincidence with Cabinet meetings. The agitations demanded that legal rights be met and grievances redressed.

The CSOs played an active role in such protest sit-ins, which were held at the bold initiative of Women Journalists Without Chains (WJWC) and its chairperson, Tawakkul Karman, a journalist and rights activist. Further, a protest camp was set up on the square located in front of the Cabinet building, which later came to be known as the freedom square. The plaza became a favorite destination for the aggrieved demanding justice.

Since the eruption of the Arab spring uprisings, the Yemeni people joined other Arab countries in the struggle for freedom. Just as the Tunisian revolution broke out, Sana'a University students along with rights activists and media persons started

organizing several activities in front of the Tunisian embassy building in solidarity with the Tunisian revolutionaries. The demonstrators chanted slogans demanding the toppling of the regime.

As the Egyptian revolutionaries managed to bring down the regime of president Mubarak, knee-jerk rallies took place before the Egyptian embassy headquarters in Sana'a. On Feb. 11, 2011, thousands of youths in Taiz started a sit-in protest at the Freedom Square demanding the ouster of Saleh's regime. Peaceful demonstrations continued throughout the country's 18 governorates till they peacefully brought down Saleh's dynasty.

The peacefulness of the Yemeni revolution was crowned with the award of Nobel Peace Prize to Miss. Tawakkul Karman, a politician and rights activist, in recognition of the peacefulness of the uprising as well as the great sacrifices the Yemeni people have offered in order to get rid of Saleh and his family.

Peaceful Protests and Legal Milieu:

The peaceful protests that triggered in 2011 as a new revolutionary approach were met with brutal violence that left thousands of protestors dead or injured. Despite the scale of violence the revolutionaries broke the restrictions the regime imposed in 2003 on the freedom of assembly through the law on the regulation of demonstrations, which was used as a smokescreen to subdue the peaceful protests.

In spite of the fact that the right to demonstration and peaceful assemblies is enshrined in international law, it is still largely restricted or confiscated by the Yemeni laws. Reviewing relevant international laws and conventions, one will find out that such legislations are totally protecting and guaranteeing this right as

manifested in article 21 of the International Covenant on Civil and Political Rights. The article states thus: "The right of peaceful assembly shall be recognized. 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 interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others".

In the same vein, article 20 of the Universal Declaration of Human Rights states thus: "Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association".

International laws safeguard peaceful assemblies against repression and any kind of assaults. Law enforcement authorities, including police and army elements, allow for the organization of public assemblies in accordance with the international standards of police functions.

The UN's Code of Conduct for Law Enforcement Officials stated that: "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result".

Also, the UN's basic principles on the use of force and firearms state thus: "Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

(a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;

b) Minimize damage and injury, and respect and preserve human life”.

Also, such fundamentals place restrictions on the use of force to break up illegal assemblies. Principle 13 stipulates that “In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary”.

Moreover, the use of non-deadly force, including tear gas, to control crowds may in turn break international norms, especially when used to disperse non-violent crowds with which the use of forces can be avoided or restricted to a minimum.

The UN's principles also provide that "In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life”.

Besides, Principle 9 states thus: "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”

Principle 10 stipulates that "In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other

persons, or would be clearly inappropriate or pointless in the circumstances of the incident”.

Accordingly, such principles may not be violated due to "extraordinary circumstances such as internal political disorders or any states of emergency".

Yemeni legislation:

A glance at the Yemeni law on demonstrations and rallies, which was passed in 2003, reveals that for a demonstration to be held, the legislation provides for the formation of a committee to notify in writing the competent authorities of the date and venue of the demonstration at least three days prior to its organization. The notice, which should be signed by the panel, shall pinpoint the itinerary of the rally and explain its objectives as well as the slogans to be chanted by the demonstrators.

It also provides that the notice should state in detail the names of the panel's chairperson and members, their designations and addresses. Where the demonstration is called by a political party, a grassroots organization or a trade union, the notification should be stamped and signed by the legal representative of same. It should also carry the names and signatures of committee members. The competent authority has the right to examine the validity of the notice submitted thereto.

Further, the law prohibits demonstrators from calling for strife or harming Yemen's unity and territorial integrity or carrying weapons. It demands that security forces protect the demonstrators and provide them with medical care.

The legislation also permits the Ministry of Interior to change the time and venue of the rally and to break it up in case its slogans and demands are not acceptable. Security forces should disperse

the demonstrators in the event of any crime, rioting, or unannounced demonstration.

Though the Yemeni police authority puts strict limitations on the use of deadly force, practices on the ground are totally different. The law bans the police from using firearms except where necessary, in which case the use of force should be reduced to a minimum. Force can also be used in the case of preventing criminal acts such as those posing a threat to public security, or in self-defense. Where police is allowed to use firearms, it should first issue a verbal warning that it would open fire. If a criminal failed to heed the verbal warning, the police should also give another verbal warning while taking into account the scene of the crime so as not to harm innocent people. In case the last caution went unheeded, then the police should fire the first bullet at the culprit's leg; in case the latter gets on a car, bullets should be fired at the vehicle's wheels.

Accordingly, police may not use firearms, except when the above-mentioned means were exhausted, or in case of any gross assaults against policemen as well as public or private property. Nonetheless, security forces brutally used excessive force against the peaceful protestors during the course of the Yemeni uprising.

Peaceful Assembly during 2011, 2012:

During the past couple of years, Yemen witnessed 2,028 violations of the right to peaceful assembly. According to official statistics, these included 916 assaults against demonstrations, 305 attacks against peaceful marches, 263 breaches against peaceful assemblies. The data pointed out that the violations also

included 90 assaults on festivals, 9 attacks on civil disobedience activities and 6 others against participants in general strikes.

They highlighted that during the same period, the protest activities included, 1,049 demonstrations, 243 strikes, 359 sit-ins, 315 marches, 91 festivals, 9 cases of civil obedience, and 33 peaceful assemblies across the country.

Considering the statistical data on the authorities' attitude towards peaceful activities, one can notice that it is the government that, more often than not, violated the right to peaceful assembly during the peaceful protests.

The authorities didn't exert any effort to prevent the violence committed against the peaceful protests; they even turned a blind eye on some violations, and left many others to go uninvestigated. Rarely did authorities budge to stop subduing the demonstrations.

The statistics indicated that the government was implicated in 1,735 assaults against 2,099 peaceful protests, but had nothing to do with 306 such violations. They further indicated that authorities turned their back on 10 cases, and acted positively towards 69 cases.

The authorities also committed 826 attacks on the peaceful demonstrations. Violations were also committed against 300 sit-ins, 298 marches, 215 strikes, 77 festivals and 28 protest assemblies. The government had nothing to do with the violations committed against other protest activities that comprised 163 demonstrations, 13 marches, 8 festivals, 17 strikes, 3 assemblies and 39 sit-ins.

The statistics showed that of the afore-mentioned 2,028 violations, 581 were committed by police forces, 451 were

perpetrated by the Central Security Organization forces. They revealed that the Criminal Investigation Authority was involved in 263 cases, the Republican Guards in 259 cases, while other civil and judicial authorities were implicated in 101 cases.

The First Armored Division was involved in 95 cases, as power centers and influentials committed 94 cases; the military police was implicated in 79 cases, while foreign interventions were blamed for 24 cases. The National Security Organization, and the military intelligence apparatus committed 34 cases, 17 each, whereas the anti-terror apparatuses perpetrated two such cases.

In terms of size and scale, peaceful assembly violations were second to only those that comprised arrests, manhandling, and imprisonment. According to the statistics, of the 2,028 victims, 1,157 were ordinary citizens, 350 employees, 163 university students and schoolchildren, 113 party henchmen, 90 rights activists and 76 laborers. They also highlighted the victims also included 47 trade unionists, 17 prisoners and detainees, 10 journalists, 9 women, two children, two asylum-seekers, and one cleric.

Moreover, the data further showed that the Capital Secretariat ranked first in terms of the violations committed against the peaceful protests, which amounted to 407 cases. Taiz came in second, with 314, while Aden ranked third, with 224.

Furthermore, Ibb saw 198 violation cases, Hodeidah 184, Dhalea and Dhmar 216, 108 each. The number of violations committed in Shabwa and Hadramout stood at 106, and 78, respectively. Also, the number of the infringements perpetrated in Hajja and Sa'ada was put at 37 and 30, respectively. Still, other governorates saw a

number of violations, which was not as high as those reported in the above-mentioned provinces.

Peaceful Demonstrations and violence:

At this juncture, we shall touch upon the most memorable, peaceful demonstrations staged across the country in 2011, and how they were met with brutal crackdowns and deadly violence on the part of the security force and pro-government gunmen.

It has so far become obvious that marches were a lifeline for the revolution in the capital city of Sana'a and other governorates despite the systematic and deadly violence adopted by the security authorities and pro-regime goons against the protests.

Demonstrations were peacefully staged, with bare-chested demonstrators sometimes throwing petals at the trigger-happy soldiers who had no scruples to open fire on them.

As many as 1,152 protestors were killed and 27,000 others injured in security forces' crackdown on peaceful demonstrations. In addition, 86 demonstrators were physically retarded while 5,808 suffocated due to the inhalation of tear gas; as many as 9,675 wounded protestors were admitted into the Change Square field hospital whereas 10,661 others were hospitalized in the University of Science and Technology hospital.

Evidently, the marches held on the streets designated as revolution areas, such as the Sixty-Meter-Highway, Rabat, and Adl, often came back to the Change Square safely. However, the demonstrators who crossed into what the regime used to call "red line" areas were met with deadly violence on the part of the

regime troops as happened in Zubairi street, Al-Qa'a suburb and TV highway.

As the series of violence, including killings, arrests, kidnappings, and enforced disappearances, which were committed against the peaceful protests, are endless, we shall touch upon the most proverbial revolutionary events during which time gross violations were perpetrated against the right to life on the part of security forces and pro-government thugs as follows:

Friday of Dignity Massacre—The Last Straw:

It all started in the early morning hours as worshippers began streaming into Sana'a Change square, individually and in groups. The Friday congregation had only one goal: to overthrow the regime and prosecute its leaders.

At the end of Friday prayers, worshippers started dispersing as the killers in civilian clothes began taking up positions on the other side of the separation barrier set up at the southern edge of the Change Square., and on surrounding rooftops in preparation for a sudden unilateral attack.

The trigger-happy snipers started firing, thus confusing the protestors who scrambled for a way out in a crowded place enclosed by barriers. Security forces set up a human shield of security men, supplemented by armored personnel carriers, at the entrance to the square from the direction of Raqas street as they have evicted the square's southern edge since early morning.

Amid heavy gunfire and indiscriminate killings, the protestors were left with no option but to surge towards the wall and demolish it. Just as they started doing so, the snipers fired live ammunition at them and torched tires so rising columns of smoke can obstruct visibility in such a way that they will be able to hide themselves while, at the same time, firing at the demonstrators. As blood started spilling and martyrs falling one after another, small groups of security forces arrived at the scene in full combat gear, including water cannon, which were used to disperse the demonstrators. A few moments later, the water-soaked square turned red as blood was seeping from protestors' bodies. The bloodbath left more than 45 protestors dead and over 617 wounded.

TV Highway March:

On April 20, 2011, a massive demonstration hit some of the streets sealed off to the revolutionaries. The protestors marched towards the TV station street, where security men and pro-regime bullies were positioned. Just as the demonstrators arrived near Al-Thawra Football Stadium, they were met with heavy gunfire on the part of security and thugs. The attack left scores of the protestors killed or wounded.

Systematic Brutality:

On May 11, 2011, a massive rally, which started at the Change Square, marched towards the Cabinet compound only to be met with brutal violence on the part of security forces and pro-regime gunmen stationed near to the Blood Bank building. The savage crackdown left tens of protestors killed or injured. Meanwhile, the pro-government troops deployed on Zubairi street conducted a

brutal clampdown on demonstrators, killing and wounding scores of them.

Meanwhile, security forces and pro-Saleh thugs positioned near the building of the Ministry of Foreign Affairs situated on the Sixty-Meter-Highway violently subdued a peaceful march by firing live ammunition at them, killing and injuring dozens of them.

The repeated crackdowns on peaceful demonstrators was suggestive of fact that there was a systematic brutal scheme to use the excessive force to quell the peaceful protest marches.

Taiz Holocaust Never Douse The Revolution:

The revolution first triggered in Taiz, which represented the cradle of the uprising in which the city's whole population was involved.

Therefore, the regime took an aggressive approach to the province whose residents were the first to set up camp tents and face Saleh's war machine with bare-chests to demand the dictator's departure. In addition, Taiz revolutionaries also demanded the prosecution of Saleh's senior aides as well as the creation of a modern civil state based on democracy, justice, freedom and equality.

In reaction, the vindictive regime committed on May 29, 2011, a hideous crime against the peaceful protestors camped out at the Freedom Square, a holocaust that was expressive of the hysteria and madness Saleh and his lackeys were experiencing due to the peaceful revolution.

Security forces broke into the Square amid heavy gunfire, and set the camp site ablaze, killing scores of the protestors and injuring

hundreds of them. The wounded included 12 protestors, who suffered physical disabilities due to the fire that gutted their tents.

The handicapped couldn't escape the inferno triggered after security forces sprayed fuel on the tents and set them on fire. The blaze devoured the protestors' objects, and none could run for his life. However, the holocaust never managed to douse the flames of the revolution, it rekindled its embers instead.

Despite such monstrous crimes, the culprits have never been brought to justice. So, prosecuting the killers has become imperative if transitional justice and national reconciliation are to be achieved.

Use of Excessive Force:

According to Amnesty International, security forces resorted to the use of excessive, disproportionate and even deadly force to crush the anti-government and pro-democracy protests.

These forces used live ammunition, tear gas, batons, electric teasing rods, and water cannon to break up the peaceful demonstrations. Snipers on rooftops and gunmen deployed on street corners often open fire on the demonstrators, killing or injuring many of them.

Further, the security forces used to take the protestors by surprise, especially during the dead hours and prayer times. Pro-regime thugs often used firearms and batons to attack the protestors in the presence of security forces.

Human Rights Watch said that security forces have arbitrarily arrested tens of demonstrators, who were viewed as rivals to former President Saleh, since the anti-government protests sparked off in February 2011.

The rights watchdog documented 37 cases where security forces held protestors for weeks and months without charges. These involved 20 persons who remained behind the bars, and many others, who were arrested after the transition of power in November, 2011, it pointed out.

The international outfit quoted some 22 former prisoners as saying that they were subject to torture and other kinds of inhuman treatment, such as beatings, electric shocks, death threats, and rape. Other former detainees complained that they were held in solitary confinement for weeks and months, the organization noted, maintaining that its personnel met relatives of five pro-opposition protestors and fighters, among others, who forcibly disappeared or imprisoned without charges.

Peaceful Assemblies as Means of Communicating Revolutionary messages and attitudes to the Public

Peaceful assemblies played a prominent role in getting the revolutionaries' messages across to the public, and explaining their attitudes on a variety of political developments.

A case in point were the peaceful Friday rallies, as hundreds of thousands of worshippers used to swarm the Change and Freedom Squares across the country to offer Friday prayers and confirm their determination to bring the revolt to fruition.

Fridays were given different names that reflect the revolutionaries' demands for change as well as their stances on the latest political issues.

To begin with, the First Friday was called "the start Friday", which fell on Feb.11, 2011. The name denotes the beginning of the revolutionary action to bring down the regime. The preacher gave a sermon in which he demanded the departure of Saleh's regime that corrupted the country and squandered its resources for over three decades. Such policies, the preacher said, made the Yemeni people subject to foreign blackmail, and gave false impressions that Yemen is a poor and resource-hungry country.

The second such Friday was called "Launch Friday", which saw massive crowds from across the country flooding the capital Sana'a despite the draconian restrictions clamped on them by authorities with an aim to prevent them from taking part in the protests. Such massive rallies were indicative of the strength of the revolution that sought to oust the regime.

Massive Friday rallies continued gaining momentum, drawing in thousands of Yemenis aspiring for freedom, the ouster of the dynasty, and an end to decades of oppression and marginalization. This provoked security forces and pro-regime armed militias to set up barriers in order to deny protestors access to the Change Square.

On March 18, 2011, the day, which was dubbed "Friday of Dignity", saw a massive rally that prompted the former regime to commit a massacre that left 54 protestors dead and 617 others wounded. The heinous genocide sparked mass defections from the regime's camp, as many diplomatic, high-ranking army officers, politicians and journalists bolted Saleh's party to join in the revolutionary movement.

Then came the "Friday of Deliverance" that sought the departure and prosecution of the regime; it was followed by the

"Steadfastness Friday", a nomenclature signaling that the revolutionaries would go full steam ahead to achieve the goals of the uprising, including the downfall of the regime and the creation of a modern civilian state.

Other high-profile Fridays comprised the "Last Chance Friday", during which time the peaceful protestors issued an ultimatum for the regime to peacefully give up power. The revolutionaries held Saleh and his stooges fully responsible for the bloodshed perpetrated against their fellows.

On April 29, another Friday called the "Solidarity with Martyrs", whose name signals the revolutionaries' pledge to remain loyal to the revolution and its heroes, who were killed nationwide during the course of the revolt.

The messages, which were sent out by the protestors on Fridays, were not confined to revolution issues or other political developments. Rather, they were reflective of the country's front-burner issues, concerns and tragedies. For instance, the protestors labeled one Friday as "The Friday of People's Solidarity with the South", during which the protestors expressed their rejection of the policy of marginalization adopted by Saleh's tyranny against the Yemeni southerners, as well as of the land-grabbing felony, which had been widespread in the south since after the 1994 civil war. Preacher, Tawhib Al-Duba'e, said that the blood that is spilling in Yafe'a would turn into red meteorites orbiting over the heads of murderers and vampires.

As the regime kept turning a deaf ear on the revolutionaries' demands, they issued an ultimatum for the despotic dynasty to quit or else they will determine its destiny through the revolutionary showdown after which they named one Friday

whose prayers were observed on the Sixty-Meter-Highway rather than at the Change Square.

On May 20, the revolution youth observed the "People's Unity Friday", a phrase that stands for the Yemeni people's firm belief in the country's unity; it also disproved the regime's claims that the South would break away in case Saleh and his government were overthrown. No wonder, the peaceful protests mirrored a shiny image about the Yemeni unity and confirmed that all Yemenis are suffering from the same oppressive policies adopted by the regime.

Since late May, the regime has kept creating crises and security problems in an attempt to drag the peaceful revolution into violence. This was evident when the despotic government started shelling out Hasaba area and the family house of Sheikh Al-Ahmar. In reaction, the revolutionaries staged a massive Friday rally, billed "the Revolution's Peacefulness Friday" during which they confirmed that they would never be drawn into violence.

The regime's failure to draw the peaceful revolution into violence prompted it to show off force when it heavily cracked down on the peaceful demonstrators in Taiz. In response, pro-Taiz protest rallies, labeled "Friday of Solidarity with Taiz" were held nationwide.

On a Friday rally dubbed "Anti-Intervention Friday", the revolutionaries confirmed their rejection of any foreign intervention in their revolution. They demanded the countries supporting the regime not to step into the Yemeni people's affairs, and to improve their ties with the country rather than with the regime which was tottering on the verge of collapse.

The revolution's key objective of creating a modern civil state was assigned one Friday rally during which the preacher demanded the protestors to remain steadfast and resolute vis-à-vis the despotic government and to unite ranks in the face of any foreign conspiracies against national unity.

Further, the revolutionaries kept demanding the prosecution of the killers as well as the leaders of the former regime for the egregious crimes they committed against the peaceful protestors. For this purpose, a Friday rally called "No immunity for Killers" was held as protestors demanded the revocation of the immunity law that granted Saleh and his cronies immunity from prosecution.

Four weeks later, another Friday was called "The Prosecution of the regime is our demand". Ensuing Friday rallies expressed the revolutionaries' stances on new developments and their solidarity with the other Arab spring uprisings triggered in Syria, Libya, Egypt and Tunisia.

Recommendations:

- Ensure the right to the prosecution of the culprits who killed the peaceful protestors and assaulted demonstrations.
- Reverse the Immunity law granted to Saleh and his confidantes.
- 3-The new Yemeni constitution and laws must include provisions asserting the right to peaceful demonstration without any

restriction, and in accordance with the international treaties and conventions ratified by Yemen.

-Document professionally the concomitant events of the peaceful protests staged during the 2011 revolution, in addition to the demonstrations that have been held by the Southern Movement since 2007.

-The national consensus government should train the security forces in how to deal responsibly with peaceful protests. Such forces should be instructed not to get provoked by peaceful demonstrations.

-Address the effects of the crimes, which were perpetrated against the peaceful protests, under the transitional justice and national reconciliation law.

-Immediately release the revolutionaries who were arrested, kidnapped or forcibly disappeared due to their involvement in the peaceful marches.

-Provide medical treatment to the injured revolutionaries, rehabilitate the handicapped and sponsor the families of the martyrs.

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Section 2
Peaceful Southern Protest Movement
Features and Current Prospects

Section 2

Peaceful Southern Protest Movement

Features and current prospects

"Yemen's dilemma lies in the fact that all rivals believe that violence and chaos are tools for attaining their ambitions. Such selfishness can be imputed to the absence of mature political projects".

Sandra Evans, a German writer, an article published in Al-Sharea newspaper on Dec.16,2012.

Introduction:

The emergence of the peaceful Southern Protest Movement (SPM) is imputed to a variety of socio-economic, political and cultural problems. On the one hand, it is indicative of a structural crisis characterized by the prevalence of the relationships that usually precede the stage of building modern civil states. Such relationships, which are based on supremacy, hegemony and prejudice, do resist change and modernization, and block the creation of regular productive enterprises that delineate the structures and functions of social classes and segments.

It is also reflective of the failure of the unitary government drive, which was spontaneously announced, and coupled with flawed laws and erroneous policies that resulted in the national unity

reaching an impasse. This is manifested in the fact that the institutions of the previous two regimes, which were reigning supreme in both the Northern and Southern parts of the country during the pre-unification era, were not fully merged during the transitional period.

In addition, the 1994 civil war, which was fought at the pretext of defending national unity, generated political, social, cultural and psychological troubles that can never be addressed easily.

The potential reason for such complications is the absence of a democratic national project expressive of the needs of Yemenis, regardless of their political, cultural, and intellectual leanings, for building a modern democratic state that works towards the achievement of development and progress.

The need for an approach to, and description of the factors governing the conditions of the Southern Protest Movement, is one of the basic theoretical modalities that aim to create an awareness of the Movement's constituents. While tracing the roots of the Southern Protest Movement, there should be an analytical and objective description of the mature political, economic and cultural projects involving local, regional and international interplays and challenges. These are closely related to the Arab spring uprisings in general, and the Yemeni spring in particular, which serve as a catalyst for achieving the people's aspirations.

The Concept of the Peaceful Southern Protest Movement (SPM)

The southern Movement as Anti-regime Protest Movement:

The Southern Protest Movement is a grassroots movement via which disgruntled southerners used to peacefully express their rejection of the mainstream politics marked by arrogance and oppression.

It is also a vector for expressing people's freewill, and standing up for their political, social and cultural existence that can never be obliterated. Figuratively speaking, the Southern Protest Movement can be likened to a margin, where people groom their alienation, cogitate on their dreams, frame their existence, embrace their differences and foresee their future prospects. On the margin, they invent their hypothetical world, their utopias and paradises lost: a parallel life, an objective correlative. Sometimes, people resort to their memories, converse with their forbearers, lovers and visionaries, and identify with the marginalized, the downtrodden and dissidents in quest for themselves and their existence.

The Southern Protest Movement seeks to enlighten the people on the repressive policies the former regime adopted against the southerners, which were based on the inclusion and co-option, violence, and exclusion. Such draconian policies are in violation of the principles of national unity, the constitution and human rights; they also ran counter to religious, human, national and brotherly bonds.

Therefore, the Movement is struggling to restore the legal and democratic rights confiscated by the regime that was notorious for

greed, selfishness, looting, prejudice, marginalization and exclusion.

The Movement's protest activities represent a rejection of the discriminatory approaches taken by the former tyranny against the southerners, including firing a lot of military and civilian employees from their positions, land-grabbing, repression, and sabotage, not to mention illegal gifts, and confiscation of rights and freedoms.

Therefore, the Movement unveiled the systematic political and cultural practices of a regime characterized by a nomadic nature that seeds and thrives on tragedy and sufferings.

Southern Protest Movement as Resistance Option :

When arrogance, exclusion, discrimination and humiliation are imposed on others as a systematic daily practice, volition becomes a means of granting humans their dignity in such a way as to give life its tragic glory and impose on it what can be described as its heaviest burdens.

Since the freedom of association is a right, and the efforts aimed at ending oppression are a prerequisite for freedom, individuals should know that (without a revolution, surprise, shock, and perplexity) there is no existence, power, spirit or history. Now, the revolutionary action has become necessary; people who don't need a deep-rooted revolution are dispensable and aimless. They are regarded as a numerical mass of breathing bodies that can be easily managed and manipulated.

Moreover, when lofty things and dreams fall apart, people should think and ask questions such as What? Why? How did that happen? In search of reasons, relations, interests and control tools, discrepancies and vain behaviors reveal the facts and the

aspects of failure that made such a downfall an objective phenomenon on the ground. Thus, criticism, movement and protests become a dismantling tool, cognitive research instrument and free democratic practice that grow in such a way that it become capable of breaking the barriers and getting deliverance.

Southern Movement's social Constituents :

The Southern Protest Movement, which is a peaceful grassroots protest entity, encompasses social components and structures that emphasize the legitimacy of political and cultural demands as reflected in the stances, activities and orientations of the group, which was created in 1997. The Movement's protest activism is on the rise, and its popularity is snowballing among the general public opposed to the firing of thousands of military and civil cadres, land-grabbing and misappropriation of public institutions.

The Movement is composed of the following bodies:

- 1-The Association of Retired Military, Security and Civil employees.
- 2-Meetings of the committees on tolerance, reconciliation and solidarity, of which the Association of Radfan residents, which was established in 2006, was the nucleus. The association was forcibly closed down while its activists were pursued and arrested.
- 3-Tolerance, Reconciliation and Solidarity forum, held in Hadramout in 2007, which issued a political and cultural document announcing the 13 January of every year an occasion for reconciliation and solidarity.
- 4-The Association of the jobless.
- 5-The Association of the unemployed youth.

6-The Revolutionary Strugglers' Committee Organizations.

7-The association of farmers (Agricultural societies' coordination council that comprises 27 associations).

8-Land defense Society.

Peaceful approaches adopted by the Southern Movement:

In conducting its political, cultural and intellectual activities geared towards solidarity, tolerance and reconciliation while sticking to the option of liberation and independence, the Southern Protest Movement depends on a set of organizational approaches as well as political instruments at the governorate and the district levels as follows:

1-Coordination and Communication Committees.

2-Southern Protest Movement's Councils.

3-Peaceful Councils

4-Political and grassroots bodies, trade unions, and innovative components.

5-Women and Youth Movements.

6-The Supreme Council of the Southern Protest Movement.

Such organizations target the population at the governorate and the district levels, including students, ordinary citizens and employees. It usually urges them to take part in protest activities demanding the restoration of legal and political rights.

The protest activities include rallies in solidarity with prisoners and wounded persons and commemorations of the Southern Prisoner's day. Other activities are held in protest over kidnappings, killings, imprisonment of political activists, and/or in commemoration of national days.

Other activities include strikes, demonstrations and gatherings, and civil disobedience, in addition to calls for reconciliation, tolerance, separation, independence and restoration of the usurped state.

The Movement's protest rallies usually start in front of schools, worship places, prisons, and headquarters of religious and unionist organizations. Such rallies are usually accompanied by other activities, such as marches, sit-ins, festivals, seminars, carnivals, lectures, panel discussions, and press statements, among others.

governorate	strike	assembly	Sit-in	demo	march	festival	Civil disobedience	total
Aden	21	4	48	110	26	13	2	224
Hadramout	13	1	12	39	11	5	-	81
Dhalea	7	4	6	62	13	9	-	101
Abyan	2	-	2	27	1	3	1	36
Lahj	6	1	13	44	11	5	1	81
Shabwa	9	4	42	52	14	4	1	108
Mahrah	-	1	-	-	1	-	-	2
total	58	15	105	334	77	39	5	633

They also include receiving journalists and Arab and foreign rights activists, and conducting interviews with the media, in addition to receiving calls from leaders living abroad.

Table 3 shows the peaceful political activities conducted in the southern and eastern governorates during 2011 and 2012.

The statistics shown in the table above indicate that the number of peaceful demonstrations held in Aden, Dhale'a, Abyan, Shabwa, and Lahj amounted to 274 out of 633 protest activities. Demonstrations topped the list of other protest events carried out by the Southern Protest Movement to express its demands and grievances. Across the South, there were 105 sit-ins, 77 marches, 85 strikes, 39 ceremonies and public speaking festivals, and two calls for civil disobedience, including two in Aden, according to the data.

The high number of the peaceful protest activities held in Aden province, which amounted to 224, signals the important role the city is playing in galvanizing the southern mobility. This is imputed to the fact that Aden is a geostrategic, metropolitan center with historic and religious characteristics.

Other governorates that also witness high numbers of protest activities include Dhalea, Shabwa, Lahj and Hadramout. However, the lowest number of activities was seen in Mahra due to the absence of the Movement's coordination and communication councils.

Observers opine that the Southern Protest Movement has recently become more reasonable, more revolutionary and more disciplined than ever before. Some believe that that the

Movement's resort to armed struggle may plunge the country into chaos and violence.

Table 4 shows the kind of violations of the right to peaceful assembly

Kind of violation	Governorates							total
	Aden	Hadramout	Dhalea	Abyan	Lahj	Shabwa	Mahrah	
Arbitrary arrest and imprisonment	9	1	6	6	7	4	1	34
Right to peaceful assembly	224	81	101	36	81	108	2	631
Right to security of person	8	2	5	2	2	3		22
Right to life	37	23	11	31	10	5		104
Right to health and physical soundness	18	6	6	4	1	1		32
Right to fair trial	2		1	1				4
Right to participation in running public affairs	4	1	7	7				19
Right to employment								
Right to freedom of opinion	6	3	16	5		3	1	34
Right to a better living standard	1	2	1	1				5
Administrative and financial corruption								
Confiscation of property			1	1	1			3
Total	309	119	155	94	102	124	4	907

Table 5 shows the authority/agency responsible for the reported human rights abuses

Violating authority/agency	Governorates							Total
	Ade n	Hadram out	Dhale a	Aby an	lahj	Sha bwa	Mah ra	
Anti-terror services	3	1		1		1		6
Others	3	3		1	3	2		12
Intelligence	2	3	14	2	3			24
Political security organization	5	1	2		1			9
Public security	140	34	26	11	24	60		296
National Security Organization	1	1	1	1	1	3		8
Central Security Organization	44	28	25	6	7	10		120
Criminal Investigation Dept.	21	11	27	2	26	22		109
Republican Guards	34	9	21	6	15	9	1	95
Military Police	7	3	10	4	11	4		39
First Armored Division	2		3	11	3	2		21
Religious groups	1			5		1		7
Foreign intervention	1							1
Juridical, civilian, government authority	15	2	10	7	1	4	1	40
Power centers, influentials	30	23	23	30	10	4	1	121

Total	309	119	162	87	105	122	3	907
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Table 6 shows authorities' role in the violations

Role of authorities	Governorate							Total
	Aden	Hadramout	Dhalea	Abyan	Lahj	Shabwa	Mahra	
Culprits arrested by authorities	2	-	1	5	1	-	-	9
Authorities played positive role	32	1	2	7	9	6	-	57
Silent on violations	-	-	-	-	-	-	-	-
Committed violations	217	66	110	36	75	103	3	610
Didn't track down criminals	-	-	-	2	1	-	-	3
Didn't play any role	52	48	47	37	17	13	1	215
Lenient	1	2	2	1	-	-	-	6
Carried out investigation	5	1	1	-	-	-	-	7
Total	309	118	163	88	108	122	4	907

Tables 2,3,4 show that the number of peaceful assembly violations amounted to 633, the highest of all violations. These included 224 violations to the same right in Aden, 101 in Dhalea, 108 in Shabwa and 81 in Hadramout. Lahj and Abyan also saw violations of the right to peaceful assembly; however, they were not as many as those reported in the other governorates.

The above figures indicate that the regime was restricting the right to peaceful assembly as well as freedom of opinion and

expression in contravention of the constitution and human rights principles. They also signal that the Southern Protest Movement, which adopts peaceful approach to the struggle for its legitimate demands, is gathering pace in the South.

Indeed, the violation of the right to peaceful assembly runs the whole gamut of the restrictions clamped on freedom of expression, the right to life and security of person, and the right to health and physical safety, in addition to the right to participation in running public affairs. It also include the fabrication of charges and passing unjust verdicts against political opponents without fair trails, in addition to arbitrary arrests and imprisonments.

It is evident that authorities are responsible for committing the above-mentioned violations across the southern and eastern governorates. Of the overall 709 violations committed throughout the South, 296 were perpetrated by public security forces, 120 by Central Security Organization forces, 118 by power centers and influentials. The rest were perpetrated by the criminal investigation department, the Republican Guards, the Military Police, and the Intelligence-the National Security Organization and the Political Security Organization, in addition to judicial authorities, religious groups, and foreign agencies. As authorities were lenient on such infringements, they arrested only 9 perpetrators, and investigated 7 others, including 5 in Aden.

Southern Movement & peaceful youth revolution: Relationship and Intersection:

The SPM has been backing the peaceful youth revolution since it eruption as evidenced in the slogan "We sacrifice our lives and blood for Sana'a", which was usually chanted by the Movement's supporters during protest activities. The move marks the

beginning of a new era featured by united demands for change based on national and democratic vision for the country, regardless of any differences over the country's unity.

However, the peaceful uprising outcomes in the North were not satisfactory and encouraging for southerners, as southern leaders announced that the revolution has not brought about any tangible change on which southerners can rely. They also stated that they are fully convinced that the comprehensive national dialogue conference represents the last chance for both southerners and northerners to reconcile and address grievances. However, the problem lies in the fact that the SPM leaders don't recognize the GCC-brokered deal, which constitutes the reference of the national dialogue conference.

This is because the Yemeni spring revolution, SPM leaders say, has no convincing strategic and democratic vision on the Southern Question. Besides, some Southern leaders have reached the conviction that the protestors across northern protest squares are being dominated and manipulated by traditional, political forces non-challant to make any serious democratic change in the country. The political conferences, involving SPM leaders, which were convened in the GCC countries, and the establishment of relations with Iran, are a clear sign that the Southern Question is influenced by regional and international polarizations.

Conclusion:

The Southern Protest Movement's factions are struggling for the restoration of the previous southern state. However, the means of achieving this end presents a political, negotiating problem to the

southern leaders, who seem to be under mounting pressure from regional and international powers that cater for their own interests. They are also obliged to deal with the political settlement based on the GCC-backed initiative which they view as irrelevant to their cause, but which cannot be ignored altogether. This entails a new political tactics to be devised by the southern leaders for the interest of the southern people aspiring for a statehood based on a consensus to be reached by the forces concerned. There are indications that the SPM may opt for armed struggle that may drive the country into violence, which requires the adoption of political approaches to the standoff.

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SECTION CHAPTER 3

Armed Conflicts in Yemen

Armed Conflicts in Yemen

Introduction:

Conflicts are as old as mankind. The tools of armed disputes had in as much evolved as human life itself, and might remain as the key factor controlling conflict management. During the 20th Century, war was the most prominent human, socio-political phenomenon marked by the use of the most relentless and monstrous means of destruction that culminated in the first and second world wars.

Indeed, many countries, including Lebanon, Iraq, Yemen and Burma, among others, saw lots of sectarian, tribal and religious conflicts. Therefore, there has long been an urgent human need for an international will to enhance international peace and security via institutional frameworks emanating from the international community that controls and sets out rules for the use of force in order to protect human society.

The concept of non-international armed conflict (NIAC) is a newly coined one. It was only in 1949 that this concept was put to use in the literature and writings of the traditional international law experts, as armed conflicts were given terms different to the familiar nomenclatures nowadays in use.

Those experts agreed that the phenomenon is a purely internal affair of a country, thereby keeping it out of the scope of the international law.

Concept of Non-international Armed Conflict (NIAC):

The traditional concept of sovereignty was the key pillar of the international law; however, the violence triggered by the intra-

state armed conflict prompted calls for averting the enactment of any laws controlling such disputes.

For example, the victims of the 1917 Russian war are higher in number than those of the first world war, and the death toll from the Spanish war of 1936 was also more than that which resulted from the first world war to which the victims were no party.

In order to ease such conflicts, a theory billed "Recognition of combatant status" was devised.

The non-international armed conflict came within the jurisdiction of the international humanitarian law. Pufendorf, an expert on the international humanitarian law, defined the NIAC as "wars at which members of one community are fighting one another".

Martinez defined it as the "wars that broke out amongst the members of one state".

Calgo defines the NIAC as the "hostilities that flare up amongst citizens living within the territories of one state".

The international law took interest in such conflicts after they caused lots of human and material losses. In the same vein, Enlightenment thinkers such as Francis Bacon attempted to study the phenomenon of NIAC and then introduced it into the international law, thereby ushering in what came to be known later as the International Humanitarian Law (IHL). This also resulted in the enforcement of both the 1929 Geneva Convention providing for the protection of prisoners from both belligerent parties, as well as the Hague law regulating fighting, its tactics and the weapons used.

Differences between International and Non-international Armed Conflicts:

Thus, the non-international armed conflict was not provided for in the international law, including the law on wars, because it erupts between two parties one of which has no international legal status.

Box 1

The traditional view of war is that the legitimacy of resorting to war as a legal means to settle conflicts is a natural right based on the absolute sovereignty enjoyed by the state.

Box 2

The modern perspective on wars ignores internal armed conflicts based on the legal status and the absolute sovereignty of the state. Therefore, the international law provisions were regulating disputes between countries.

Post-1949 Geneva convention NIAC

Armed Conflict according to article 3-common:

The legal version, which was approved by the International Committee of the Red Cross (ICRC), stipulates thus:

-The persons who are not fully engaged in hostilities, including members of armed forces who cease fighting because of illness or injury or for any other reasons, are indiscriminately given a human treatment.

The ICRC and a group of international experts define NIAC thus:

The conflicts that don't have international character and exceeds the degree of internal disorders and tensions whether or not a government is a party, taking into account how organized the

splinter groups are and to what extent they control a part of a given country's region.

However, due to the fact that there are neither specialized bodies to monitor the enforcement of the article, nor is there any legal effect of the non-enforcement thereof, not to mention the fact that the existing progressive governments are monopolizing the recognition of whether or not there is an armed conflict, the international community therefore tried to fill in the gaps regarding the issue, and the second additional protocol on NIAC was approved in 1977.

-International protection set forth in the 1977 second additional protocol on NIAC:

Protection of patients and the wounded:

A wounded person, is any military or civilian person, who stopped fighting and needs aid relief due to an illness or injury etc.

-Medics and clerics : to ensure their safety and never endanger their life, whether they are volunteers or are called up by either party to the conflict.

-Treatment of prisoners: the protocol states that convenient humanitarian conditions must be met during their imprisonment, but doesn't grant them the status of war prisoners. These include good human treatment, conducive imprisonment conditions without discrimination between servicemen and members of rebel armed groups. Regarding their trial, the protocol stipulates that convenient judicial conditions should be created during the prosecution of those held prisoners during armed conflicts.

The protocol dedicated full chapter to civilian population. It focuses on the immunity of persons who don't engage in military operations despite the difficulty of differentiating between civilians

and rebel fighters, given that civilian houses or public institutions are sometimes used for launching military operations.

- At this point, the issue of evacuating civilians presents a problem, as the second additional protocol bans the evacuation of civilians except if necessary for their own safety, provided that they must be relocated in congenial conditions. It further bans the blockade and impoverishment of civilians, destruction of food stuffs and water as a means of retaliation.

International Humanitarian law and its Relevance to Human Rights, and cases of its Enforcement

International humanitarian law (IHL) is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are no longer participating in the hostilities and restricts the means and methods of warfare.

Therefore, The International Humanitarian law can be defined as a set of rules and principles that reduce the use of violence during armed conflicts in a bid to save people's lives i.e. the lives of civilians who are not directly engaged in disputes. It seeks to reduce the effects of violence even on fighters to the necessary level so as to attain war purposes.

International Humanitarian law and Human Rights:

The fundamental human rights, including the right to life and the prohibition of slavery, inhuman treatment and the retroactive law enforcement are considered as fundamental rights that can never

be reversed in exceptional cases or during states of emergency where some rights, such as freedom of expression, Movement and association. The basic rights can never be restricted in any exceptional cases.

Thus, international humanitarian law aims to reduce human rights violations during international or non-international armed conflicts. Below are some provisions of the IHL aiming to protect basic human rights during conflicts:

- The protection provided for war victims should not be discriminatory.

- A good deal of the IHL deals with solely with the protection of life, mainly the life of civilians and non-combatant persons ; it also place limits on death penalty.

- The IHL doesn't only protect civilians' right to life, but also protects the life essentials, a right categorized under the socio-economic rights under the same law.

- The IHL entirely bans torture and inhuman treatment.

- It particularly provides for the prohibition of slavery. Thus, prisoners of war are not owned by their captors; neither should they be treated as such.

- Legal guarantees are ensured based on Geneva conventions as well as the two additional protocols.

- It clearly emphasizes the protection of child and family lives as enunciated in the provisions on child imprisonment conditions, and those forbidding any discrimination among family members.

- Provisions on war prisoners as well as art traditions took into account respect for religion.

ICRC basic humanitarian principles:

The basic humanitarian principles of the International Committee of the Red Cross (ICRC) combine clear legal obligations as follows:.

- Soldiers who surrender or who are hors de combat are entitled to respect for their lives and their moral and physical integrity. It is forbidden to kill or injure them.
- The wounded and sick must be collected and cared for by the party to the conflict which has them in its power. Protection also covers medical personnel, establishments, transports and equipment. The emblem of the red cross, red crescent or red crystal is the sign of such protection and must be respected.
- Captured combatants are entitled to respect for their lives, dignity, personal rights and convictions. They must be protected against all acts of violence and reprisals. They must have the right to correspond with their families and to receive relief.
- Civilians under the authority of a party to the conflict or an occupying power of which they are not nationals are entitled to respect for their lives, dignity, personal rights and convictions.
- Everyone must be entitled to benefit from fundamental judicial guarantees. No one must be sentenced without previous judgment pronounced by a regularly constituted court. No one must be held responsible for an act he has not committed. No one must be subjected to physical or mental torture, corporal punishment or cruel or degrading treatment.
- Parties to a conflict and members of their armed forces do not have an unlimited choice of methods and means of warfare. It is

prohibited to employ weapons or methods of warfare of a nature to cause unnecessary losses or excessive suffering.

- Parties to a conflict must at all times distinguish between the civilian population and combatants in order to spare civilian population and property. Adequate precautions shall be taken in this regard before launching an attack.

Source: Human rights during armed conflicts-Even wars have limits.

The seven fundamental rules which are the basis of the Geneva Conventions and the Additional Protocols can be summed up as follows:

1 - Persons hors de combat and those who do not take a direct part in hostilities are entitled to respect for their

lives and their moral and physical integrity. They shall in all circumstances be protected and treated humanely without any adverse distinction.

2 - It is forbidden to kill or injure an enemy who surrenders or who is hors de combat.

3 - The wounded and sick shall be collected and cared for by the party to the conflict which has them in its power.

Protection also covers medical personnel, establishments, transports and equipment. The emblem of the red

cross or the red crescent is the sign of such protection and must be respected.

4 - Captured combatants and civilians under the authority of an adverse party are entitled to respect for their lives, dignity, personal rights and convictions. They shall be protected against all

acts of violence and reprisals. They shall have the right to correspond with their families and to receive relief.

5 - Everyone shall be entitled to benefit from fundamental judicial guarantees. No one shall be held responsible for an act he has not committed. No one shall be subjected to physical or mental torture, corporal punishment or cruel or degrading treatment.

6 - Parties to a conflict and members of their armed forces do not have an unlimited choice of methods and means of warfare. It is prohibited to employ weapons or methods of warfare of a nature to cause unnecessary losses or excessive suffering.

7 - Parties to a conflict shall at all times distinguish between the civilian population and combatants in order to spare civilian population and property. Neither the civilian population as such nor civilian persons shall be the object of attack. Attacks shall be directed solely against military objectives.

Box 3

1-Prohibition of hostage taking

2-Caring for the wounded and sick

3 - Giving human treatment to Persons hors de combat and those who do not take a direct part in hostilities.

When does IHL apply?

International humanitarian law applies only to armed conflict; it does not cover internal tensions or disturbances such as isolated acts of violence.

Box 4

Common

- Right to life
- Prohibition of torture and inhuman treatment

Box 5

- Prohibition of slavery
- Prohibition of retroactive enforcement of penal provisions.
- Right to recognition of person before the law.
- Right to freedom of conscience and religion.

IHL basic and relevant documents:

- 1864 Geneva Convention for the amelioration of the condition of the wounded in armies in the field
- 1868 Declaration of St. Petersburg prohibiting the use of certain projectiles in wartime.
- 1899 The Hague Conventions respecting the laws and customs of war on land and the adaptation to maritime warfare of the principles of the 1864 Geneva Convention.
- 1906 Review and development of the 1864 Geneva Convention
- 1907 Review of The Hague Conventions of 1899 and adoption of new Conventions.
- 1925 Geneva Protocol for the prohibition of the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare

-1929 Two Geneva Conventions:

-Review and development of the 1906 Geneva Convention

- Geneva Convention relating to the treatment of prisoners of war.

1949 Four Geneva Conventions:

Amelioration of the condition of the wounded and sick in armed forces in the field.

- Amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea

- Treatment of prisoners of war and Protection of civilian persons in time of war.

-1954 The Hague Convention for the protection of cultural property in the event of armed conflict.

-1972 Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxic weapons and on their destruction.

-1977 Two Protocols additional to the four 1949 Geneva Conventions, which strengthen the protection of victims of international (Protocol I) and non-international (Protocol II) armed conflicts.

-1980 Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects (CCW), which includes:

- The Protocol (I) on non-detectable Fragments
- The Protocol (II) on prohibitions or Restrictions on the use of mines, booby traps and other devices

- The Protocol (III) on prohibitions or restrictions on the use of incendiary weapons.

- 1993 Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction.

- 1995 Protocol relating to blinding laser weapons (Protocol IV to the 1980 Convention)

- 1996 Revised Protocol on prohibitions or restrictions on the use of mines, booby traps and other devices (Protocol II [revised] to the 1980 Convention).

- 1997 Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction.

- 1998 Rome Statute of the International Criminal Court

- 1999 Protocol to the 1954 Convention on cultural property.

- 2000 Optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflict.

- 2001 Amendment to Article I of the CCW.

Armed Conflicts in Yemen:

The eruption of armed conflicts in Yemen is attributed to the nature of the Yemeni political system, which is based on military, tribal alliances and a traditional social fabric, in addition to the spread of arms and the existence of armed militias loyal to tribal leaders and some religious groups. It is also imputed to the historic dispute over power and wealth between influentials and power centers, particularly in the north. This means that the state is not monopolizing the military force.

Consequently, the political life in general is characterized by armed conflicts, and bloody violence cycles, foremost of which is the six round-war that has been raging on in Sa'ada since 2004, as well as the clashes that flared up in Abyan between security forces and religious groups during the course of the 2011 revolution.

Following the split of the teetering regime's army, Hasaba fighting erupted between defected army general, Ali Mohsen Al-Ahmar, who aligned himself with Sheikh Al-Ahmar sons leading Hashid tribal confederation, and government forces.

Hasaba Fighting:

Hasaba fighting erupted on May 21, 2011 and continued sporadically till the end of July. It coincided with the anti-regime and pro-democracy peaceful protests that evolved into an overwhelming revolution during the same month.

The hostilities broke out between the regime of embattled president Saleh, and sons of Sheikh Abdullah Bin Hussein Al-Ahmar, leaders of Hashid tribal confederation, Saleh's historical ally that bolted his camp during the last decade due to the former president's succession plans. Hashid was supported by army general Ali Mohsen Al-Ahmar, the most prominent commander in the military.

At the height of the peaceful protests, General Mohsen, commander of the First Armored Division, noticeably recruited a number of protestors to fight alongside Sheikh Al-Ahmar's militias against Saleh's regime, a move that was about to turn the peaceful uprising into a civil war. The vast majority of youth protestors and the JMP, except Islah that was polarized by tribal and military leaders, rejected to be embroiled in the fighting.

The clashes left tragic humanitarian effects, as both warring parties didn't comply with the standards and rules of non-international armed conflicts.

According to observers, Saleh's rivals subscribed less to the losses than his forces as the power balance was in his favor.

Hashid and its military ally, General Mohsen, seized control of a number of government institutions, and used civilian houses and public facilities as launching pads from where to wage attacks against Saleh's troops. They confirmed that they didn't start the fighting; rather, they acted in self defense.

Table 7 shows the kinds of weapons used during the Hasaba

S/N	Type	S/N	type	S/N	type
1	US-made 75m gun	9	Katyusha rockets	17	120mm mortar shells
2	T-62 tanks	10	Anti-concrete shells	18	82mm mortar shells
3	T-55 tanks	11	160mm mortars	19	81mm mortar shells
4	60mm mortars	12	Shells P 10	20	PMP1 Tanks
5	PMP 2 Tanks	13	RPGs	21	LU missiles
6	T-72 tanks	14	Heavy machine guns	22	Armor- piercing projectiles

The hostilities stopped only after Saudi King Abdullah Bin Abdul Aziz intervened and mediated a ceasefire between the two parties.

However, the fighting later turned into on-off clashes, and military check points, set up by both parties, remained on the streets up to the end of 2012.

During such armed conflicts, various violations of the IHL were reported. These include the following:

1-Children were recruited during the wars, especially those that erupted in Sa'ada between the Houthis and government forces.

2-Internationally-banned weapons were used in residential areas, such as rockets, projectiles etc.

3-Public schools and government institutions were used as military barracks from which to launch military offensives. Human Rights Watch report for 2011-2012 indicated that government troops and armed militias used public schools and jeopardized pupils. The watchdog said that Yemeni authorities should prevent government troops and armed militias from using schools for military purposes.

A 46-page report, titled "Schools in firing range: The Use of schools in the Yemeni Capital", explained that government troops, armed militias and opposition gunmen occupied public schools, thus putting the lives and education of tens of thousands of schoolchildren at risk.

"Forces from both parties used schools as military barracks, bases, watch centers, and firing points. Fighters stored weapons and ammunition and held prisoners in schools, who sometimes, were tortured and insulted therein".

Bianca Motta Barth, a researcher in the organization's child rights section, who co-authored the report, said that "Teens played a highly significant role in Yemen's 2011 revolution; however, they suffered a lot during the standoff. When soldiers and rebels deploy in schools, children and their education suffer more. In March 2011, HRW visited 19 schools, seven of which were being

occupied by either government troops or the opposition. During the visit, the forces entirely took over schools. However, in most cases we investigated, they partially occupied some schools as teachers and students tried to continue studying alongside gunmen".

4-Hundreds and thousands of civilians were displaced from Sa'ada, Abyan and Hasaba suburb during such armed conflicts. No conducive resettlement conditions were provided to many of the internally displaced persons(IDPs).

5-Medical teams and relief agencies were denied access to conflict-scarred areas by both parties that reportedly attacked civilian institutions.

According to Human Rights Watch 2009 report on the South's protests, security forces made it more difficult for the wounded to get Medicare after they ordered public hospitals not to admit those injured during the protests. They also deployed officers from the PSO and other security bodies to hospital, and even raided hospitals and arrested the wounded patients from their beds. Such acts endangered the lives of the wounded, many of whom were hit by live bullets fired by security forces.

Due to such tragic and deplorable situation, many of the wounded died as none was able to provide them with the necessary medical care, including first aid. Some corpses remained on the roads for a period of up to six days or more till they rotted on the streets. Some corpses decomposed before houses, and without any mercy from the shells that never let residents bury their dead or collect dismembered body parts".

Hood received complaints from medics, which provided first aid to the injured, that they came under fire, and were prevented from providing medical care to the wounded. According to the rights organization, some medics were kidnapped, while Abdul Salam

Al-Ma'amri, a medical staff, was killed in an ambulance and all his colleagues were wounded.

In a report released in 2011, Hood said that 122 civilians were killed, three of them were disfigured beyond recognition, while another 520 were wounded.

Medics and civilians were arrested in and around Hasaba on suspicion of having links to the rival parties. Their names and the public institutions wherein they were rounded up were not documented, the report indicated.

Table 8 shows the financial losses suffered due to Hasaba fighting:

S/N	Type	Number	Estimated losses in YR
1	Damaged mortar buildings	224	1,295,130,500
2	Rental apartments	42	843,300,000
3	Furniture and décors of rented businesses	122	643,471,000
4	Damaged vehicles	19	11,200,000
Total		704	2,793,101,500

6-Destruction and looting of farmlands in Sa'ada and civilian homes in Hasaba. Another Hood report on the first phase of taking stock of the damages caused by Sa'ada war from May 23-June 6,2011, quoted eyewitnesses from Al-juraf suburb as saying that they saw gunmen in Republican Guard fatigues looting contents of civilian homes and transporting them to one RG officer. Hood quoted a civilian as saying that the soldiers touted him to buy the looted furniture.

Armed conflict in Arhab, Nihm and Bani Jarmouz:

Sama'a Mountain located in Arahab. According to Raqeeb organization, as many as 200 people were killed or injured, while about 64 others, including women and children, were killed in explosions of landmines planted by forces from the RG's 62 army brigade.

The rights organization added that several RG soldiers were killed as armed tribesmen tried to storm into and take over the military camp. Many civilian houses were demolished during the fighting, according to the outfit.

Military Action against Taiz Peaceful Protest Movement

The holocaust perpetrated by regime troops against Taiz peaceful protestors sparked overwhelming outrage at the local and international levels, and triggered negative reactions from some revolutionary youths provoked by violence and the excessive use of force on the part of Saleh's forces.

Such reactions played out into the hands of those defected from the regime, who sought to overthrow it by military force. Were it not for the purely peaceful protests, the revolution could have reached an impasse, especially as Saleh had already aimed for military action that might have plunged the country into an all-out civil war.

In a bid to militarize the revolution in Taiz, the regime transferred to the city the former Aden Security Chief, who never scrupled to exercise any sort of violence. Upon arrival there, he wreaked havoc on the city, as his forces broke into the Freedom Square and burned it down. They also fired indiscriminately at protestors and held many of them at the basement of the Presidential Palace, according to some detained protestors.

Troops from the Republican Guards sprayed fuel over the protest tents and then set them on fire in order to prevent the protestors from fleeing the camp. Owing to the offensive brutality, rights activists called the onslaught a new holocaust.

The 29th May was a memorable day on which the regime forces committed a heinous crime in cold blood. Though the peaceful revolutionaries exercised utmost restraint towards the carnage, some parties allied with defected army general Ali Mohsen Al-Ahmar resorted to military action in retaliation to the blitz.

Recommendations:

-It is recommended that the Yemeni government criminalize and ban child recruitment.

-Security forces should be educated on and bound by international standards of armed conflicts, such as the UN code on the conduct of law enforcement officials towards the use of firearms.

-Set up an impartial and independent national panel to conduct internationally-supervised investigations into Sa'ada, southern governorates, and Hasaba neighborhood, among other areas.

-Account for arrests and forced disappearances in which the two parties to the conflict were involved, close down illegal detention centers and ensure that detainees should be treated humanely, and based on human rights principles.

-Take the necessary measures for disarming armed militias and ensure that weapons are only possessed by concerned authorities.

-Resettle the internally displaced persons (IDPs) in a conducive environment based on the recommendations from civil society organizations.

- Undertake qualifying activities to train security forces in the use of force based on the International Humanitarian Law and human rights principles.
- Engage seriously in the enactment of draft laws prohibiting the use of weapons during protests.
- Engage with the government in carrying out psychological and humanitarian rehabilitation programs for conflict victims.
- Enact draft laws penalizing those exercising sexual abuse during armed conflicts.

SECTION CHAPTER 4

AL-QAIDA – DRONE KILLINGS – ASSASSINATIONS

SECTION 1 : RISE AND TRAJECTORY OF AL-QAIDA IN YEMEN

Rise and Trajectory of Al-Qaida in Yemen

Introduction

The conservative tribal Yemeni society is one of the most fertile milieus in the Arab World generally and the Arabian Peninsula in particular for hosting Islamist ideas. Almost all Islamist groups, both traditional and contemporary, have a footing in Yemen due to the rich ideological, religious and historical heritage; in addition to the strategic location.

The strictly conservative Yemeni society is a typical fertile locale for equally strict and conservative interpretations of texts and traditions on which the various groups frame their collective organizational structures and intellectual systems. These groups gradually become normal constituents of the social fabric, even if they start as dissident voices, alien to it.

Yemen has a long history of hosting dissenters; it has long been a hatching ground of dissenting ideologies. Dissenters who initiated new movements in Yemen include the Zaidi imam Yahya ibn Alhusain Al-Hadawi, the Ishmaelite Ali ibn Al-Fadhli, the Sufist Ahmad ibn Issa Al-Muhajer, and Mohammed ibn Ali Al-Idrisi, and the Ikhwani Al-Fudhail A-Wartalani. More recently, non-natives who chose Yemen as a locale of propagating non-conformist ideologies include the pro-Arab nationalist Jamal Jameel, the Twelver Shiite Ali al-Kawrani, the Egyptian Salafist Abu al-Hasan al-Maribi, and the high-profile al-Qaida theorist and strategist Abu Musa'b al-Suri (a.k.a. Mustafa Setmariam).

Abu Musab Al-Suri will be dealt with in length on account of his high-profile career as a theorist who advocates the idea of shifting al-Qaida permanent headquarters to Yemen. Al-Suri cites several advantages, justifying his idea, in his famous tract, "The Responsibility of the Yemeni People towards Muslims' Holy Sites and Wealth." He describes his tract as "a message to the Yemeni people generally and to the Islamist youth and Mujahedeen in Yemen in particular. It is necessitated by the Muslim state of affairs we sense today, and our belief in our collective obligation as well as the obligation of a certain Muslim people, such as the Yemeni or Syrian people, towards it. These beliefs are built on religious evidence and hints supported by the military and political reality concerning a certain Muslim people in some cases and the whole Muslim community in others."¹

Al-Suri's view of Yemen as a potential al-Qaida base in the post-Afghan Jihadist phase was precipitated by intricate and intertwined historical and sociopolitical factors that combined in the person of the founder of Al-Qaida, Osama Ben Laden, which triggered in him the idea of founding al-Qaida a decade before it

¹ Abu Musab Al-Suri, "The responsibility of the Yemeni People towards Muslims' Holy Sites and Wealth."

was declared in the early 1990s. Bin Laden's concern for Yemen in the 1980s – captured in his statement, "I shall not survive if the Yemeni Socialist Party [YSP] survives,"² – was undoubtedly inspired by his Yemeni decent and the Marxist ideology of the YSP which ruled South Yemen at that time while the Mujahedeen were fighting the "godless communists" in Afghanistan. The Mujahedeen fighters were motivated by the atheism of the communists, according to the then American-supported, politicized Islamist discourse.

In the early 1990s, when agenda of post-Afghan Jihad was still speculated, CNN journalist and sole westerner to meet Ben Laden, Peter Bergen, remarked that Ben Laden was seriously considering Yemen as a base for his activities, and was bent on the liberation of the then South Yemen. ³

In light of these facts and subsequent developments, al-Qaida's history in Yemen can be said to have passed through three stages of development over the last two decades following the withdrawal of Soviet troops from Kabul in November 1989.

The first phase of al-Qaida organization in Yemen began a decade before the organization was formally declared in November 1998. The second phase extends from 1998 until the establishment of Al-Qaida in the Arabian Peninsula (AQAP) in 2009, following the merger of the Yemeni and Saudi al-Qaida branches. At that point, al-Qaida entered its current third phase. However, before dealing with these phases in detail, a brief account of the factors attracting al-Qaida's attention to Yemen is due as it puts us in a better position to understand the al-Qaida-Yemen close connection.

² This remark was mentioned to the researcher by a former Afghan-fighter, and confirmed by Abdul Ilah Hayde, the journalist specializing in al-Qaida. Hayder maintains that he heard these remarks from the AQAP leader, Nasser al-Wuhaishi in an interview with him; the interview was published by Aljazeera net.

³ Jamal Khashuqji, *Al-Ittihad* UAE newspaper, June 2006

Yemen in al-Qaida Strategy

Undoubtedly Ben Laden's Hadhrami-Yemeni decent played a crucial role in the early attention he paid to former South Yemen while he was still fighting against Soviet occupation troops in Afghanistan. The ancestral lineage was even more significant to Ben Laden than the ideological incentive. Hence, later interest in Yemen as expounded by al-Qaida strategist, Abu Musab al-Suri, adds nothing genuine to the matter. Ben Laden had shown ideologically- and politically-motivated interest in Yemen long before Abu Musab attempted the more or less same task in the late 1990s. Abu Musab merely tried to fuse the political vision in a religious one that he inferred from some prophetic traditions on Yemen.⁴

In his tract entitled, "The Responsibility of the Yemeni People towards Muslims," published by al-Ghuraba' Center for Islamic Studies in its 'the Right-abiding Issues' series, Abu Musab incorporates much politics that lends a clearly recognizable inciting air to the treatise at the expense of the religious vision he aims to achieve. The treatise becomes the object of much criticism by al-Qaida members; the author's rebuttal to his critics comes at the end of the treatise.⁵ However, what concerns us here is the author's unyielding persistence in portraying Yemen and the

⁴ Examples of the prophetic traditions cited by Abu Musab is the famous Hadith: The Prophet said, "[An army of] twelve thousand men will come out from Aden-Abyan, upholding the cause of God and His Messenger. Verily, they are the best of all generations between myself and them." Another is "I find the Merciful [God] from the direction of Yemen," which was interpreted by some Ulema as God's favor and His sending of Yemenis to rescue Muslims from hardships.

⁵ Abu Musab writes, "My focus on Yemen and my conviction that it should be assigned such focus were based on established Sharia traditions and real tangible evidence including Yemen's high population, abundance of weapons, fortification of the land, and the people's tough nature; traits that God bestows on some regions rather than others. These advantages must be employed in the cause of God."

Yemeni people as though they were the only ones entrusted with the task of defending Islam. He enumerates the reasons which oblige Yemenis to shoulder this Jihadist task in the twenty-first century.

According to Abu Musab, Yemen's population constitutes the majority of the population of the Arabian Peninsula as a whole, "statistics show that the native populations of Kuwait, the UAE, Qatar and Bahrain put together count around 1.5 million. The population of the whole Arabian Peninsula – the homeland of Muslims– is around 35 million people, of whom 25 million are the population of Yemen; i.e., Yemenis constitute 75% of the Arabian Peninsula native population. This fact cannot go unnoticed."⁶

In addition, according to Abu Musab, "Yemen's unconquerable mountainous topography makes it an unassailable natural fortress for the people of the whole Peninsula, indeed for the whole Middle East. It is the fort that provides a safe shelter to the mujahedeen and the Yemeni people. This is an established fact in Yemen's military history."⁷ Furthermore, Yemenis possess "prowess, might, and fighting capabilities. Besides the land's topographic features and impenetrable fortification which make it ideal for fighting, the country's solid tribal structure combined with the Yemeni people's valor, power and chivalry are valuable advantages. These are historical givens, recognized since antiquity."⁸

In addition to the afore-mentioned characteristics which set Yemen above all other Arab countries, he draws attention to "the availability of and accessibility to weapons and all types of ammunition in Yemen. Two years ago, state statistics put the number of weapons possessed by individuals at 70 million. The

⁶ Abu Musab Al-Suri, *Mas'uliyat Ahl Al-Yaman Tjah Muqaddassat al-Muslimeen wa Tharawatihim*. "The Responsibility of the Yemeni People towards Muslims' Holy Sites and Wealth" Op. Cit., p. 19

⁷ Ibid.

⁸ Ibid., p. 20

huge number is due to tribal customs in which individuals pride themselves on their possession of weapons, the arms reservoir that the communists left behind in the southern regions of the country, and the thriving arms trade with the Horn of Africa where weapons are sold in huge amounts due to successive revolts and wars in that region.”⁹

According to Abu Musab, Yemen also has “open borders which facilitate freedom of movement and military maneuvering. Mountains and deserts to the north provide passages to the various parts of the Peninsula including Nejd, Hejaz, Oman, and other Gulf countries. Yemeni borders extend over 4,000 kms, of which 3000 kms constitute a coastline along the Red Sea, the Gulf of Aden and the Arab Sea, as well as surrounding many islands. Yemen also controls a key narrow waterway, the Strait of Bab al-Mandeb, via which most international trade passes. These uncontrollable open borders provide a significant and noticeable margin of strategic military maneuvering.”¹⁰

“Like the land, the Yemeni people enjoy a free nature. The tribes, youth and Islamist awakening did not fall to captivity, hypnotizing, or psychological control as was the state in the other parts of the Peninsula. The open cultural and scientific atmosphere, variety of trends, and the existence of all intellectual currents in general and Islamist, Jihadist and Da’awa trends in particular, endowed all Yemenis, especially the Islamist awakening youth and mujahedeen among them, with a free atmosphere. In contrast, in other regions of the Peninsula, the majority of the last two generations youth, who were born during the oil boom, fell victims to intricate captivity.”¹¹ They were captivated by both the royal dictatorships which tamed them and by “the the religious clerics’

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

systems which buttressed the regimes of the Gulf Pharaohs. The regime clerics' system, particularly the Saudi variety, has almost managed to induce the peoples of those countries in general, and the religious scholars in particular, into worshipping the rabbis and monks.”¹²

Finally, Abu Musab assigns special attention to one of the most dangerous characteristics that he lists. “Prevalent poverty in Yemen, and the people's feelings of oppression, which are a main and powerful motivation, must be directed in the true Islamic orientation. Once this succeeds, it becomes a capital asset and a strategic factor in mobilizing the people to Jihad in order to restore their rights in a capable manner.”¹³ Abu Musab dedicates much attention to this last point, citing figures which indicate that 80% of the 25 million Yemenis live in poverty and deprivation which they must overcome through Jihad against the 7,000 Saudi and other Gulf Emirs who dispossess them of their rights.

After enumerating all those features which establish Yemen at the top of the Jihad list, Abu Musab states, “with some wise and great end in mind, the Prophet (Peace be Upon Him) has commanded that the Arabian Peninsula— the Peninsula of Islam – should remain an exclusively pure fortress for believers, in which no religion besides Islam should ever exist. Two wise ends immediately come to mind.”¹⁴ First, “the pure holy sites of Islam: the Kaaba in Mecca and the Prophet's Mosque in Medina, should remain away from the impurities of disbelief and polytheism.”¹⁵ Second, “the Muslims' main financial resource and wealth reservoir should remain under their own control, so that the wealth should be distributed among Muslims generally and the inhabitants of these lands in particular. When we talk about the

¹² Ibid.

¹³ Ibid. p. 21

¹⁴ Ibid.

¹⁵ Ibid.

Muslims' wealth, we do not mean the insignificant sums of a few dirhams. Rather, we refer to the fact that 75% of world oil reserves is located under the sands of the Arabian Peninsula, not to mention underground water and the abundant wealth that can be extracted if these resources are invested properly.”¹⁶

Abu Musab comments in a rather exclamatory manner, “As you see, all the religious, economical, demographic, geographical, and political motives, and all other facts which ignite a successful revolution, are to be found there. One cannot but be astonished in view of the fact that no Jihadist movement has been commenced there, especially as the region is governed by a collapsing state led by an ignorant tyrant for a long time.”¹⁷

Thus, al-Qaida's strategy on Yemen is propagandistic and discursive rather than logical, realistic or scientifically informed. This fact is evidenced by the complete failure of the project that al-Qaida has attempted to develop in Yemen over the last two decades. The superficial outlook that rests on emotional incitement rather than on factual and realistic analysis primarily occasions such failure. In fact, this is typical of al-Qaida's plans and strategies, and has often led to its defeat, as we shall see in examining the history of al-Qaida in Yemen over the last twenty years.

The First Phase of al-Qaida in Yemen

This phase preceded Abu Musab's strategy by ten years. It commenced as early as Bin Laden turned his attention to formerly South Yemen in the late 1980s. “As preparations for the declaration of the unification of Yemen were under way, Ben Laden called Mujahedeen youth who belonged to the southern

¹⁶ Ibid., p. 21

¹⁷ Abu Musab al-Suri, *Daawat al-Muqawamah al-Islamiyyah al-Aalamiyyah*, p. 774

region of Yemen to his home in Peshawar. They were all from Hadhramout. Ben Laden remarked, "They have arrived in the morning, coming fresh from the front," that is, from Afghanistan. He added, "These are the Blue," explaining that the blue was "a brigade of the Arab mujahedeen which is restricted to Hadhramis and Yemenis at this stage." They were trained as the core group of a comprehensive jihad campaign to eradicate the Marxist regime which ruled Southern Yemen since independence."¹⁸

Following the soviet withdrawal from Afghanistan in February 1989, the majority of the Mujahedeen, particularly Yemenis and those coming from the Persian Gulf, returned to their home countries. Only those who had political problems with their governments like the Egyptians and Syrians declined to do so. According to Abu Musab al-Suri, "all the Yemeni mujahedeen returned from Afghanistan in the early 1990s. Many Jihad attempts in Yemen followed in the course of the last decade of the twentieth century, but they all failed for the afore-mentioned reasons. The most important and serious attempts were Sheikh Osama Ben Laden's cherished plan in the early 1990s of building a Jihad base in Yemen, and the movement known as Aden-Abyan army led by martyr Abu al-Hasan al-Mihdhar in mid-1998."¹⁹

According to the high-profile al-Qaida strategist, "Sheikh Osama's main and special Jihad project was the establishment of a Jihadist movement in South Yemen. He kept trying to achieve this goal until the unification was declared. Although the Sheikh urged us to set to work immediately (several Jihadists close to Sheikh Osama, including myself, practically embarked upon this task within a year), Sheikh Osama himself hesitated as he entertained the hope of persuading the Islamist awakening leaders in Yemen, particularly the Muslim Brothers' leaders such as the famed

¹⁸ Khashuqji, Op. Cit.

¹⁹ Al-Suri, "Daawat al-Muqawamah," Op Cit. p. 774

Sheikh Abdulmajeed al-Zandani, to join the movement. However, those leaders would not join, and thus a golden opportunity was wasted."²⁰

With the declaration of the Unification of Yemen, Sheikh Osama's project was expanded to encompass the whole united Yemen. The struggle over the constitution of the new state and the Islamist-secular division provided a golden opportunity for declaring Jihad against Ali Abdullah Saleh and his newly-nominated government. Sheikh Osama took advantage of this opportunity and contacted a number of Yemeni religious leaders. As a result, several Yemeni Sheikhs came to him. Among those who responded to the initiative was the famed Omar Saif,²¹ who had signed his name on a book establishing the constitution as an atheist document. Some of Sheikh Osama's close associates had authored the book and proved the apostasy of the newly-formed Yemeni government and the obligation of Jihad against it."²²

Sheikh Osama also contacted Yemen's Salafist leaders, including the prominent Sheikh Muqbil ibn Hadi al-Wadi'e,²³ and the Ikhwan leaders. He spent a considerable amount of money in his attempt to win these leaders and some tribes to join the project. However,

²⁰ Ibid.

²¹ Omar Ahmed Saif is one of the most prominent Yemeni ulema during the last thirty years. He was a charismatic and influential sheikh, who played a major role in inciting Jihad in Afghanistan and took part himself in the Afghan Jihad. Upon the Soviet withdrawal he returned to Yemen and participated in the establishment of the Islah Party in 1990. Then he joined the GPC party led by Saleh, but retained his Islamist tendencies. He held a senior position serving as the Director of Religious Guidance in the ranks of the GPC's General Secretariat. He died in 2005.

²² Al-Suri, Op. cit.

²³ Sheikh Muqbil ibn Hadi al-Wadi'e is a leading alim and founder of the traditional Salafist movement in Yemen. He returned to Yemen in 1979 upon his release from prison in Saudi Arabia. Sheikh Muqbil was imprisoned on charges of participation in and incitement of the Grand Mosque Seizure in Mecca in 1979. Al-Wadi'e established Dar al-Hadith in his native place, Dammaj, in the Zaidi-dominated Saada governorate. Hadith scholars from all parts of the world flocked to al-Wadi'e's center. Sheikh Muqbil died in 1999 while on a medical tour to Saudi Arabia and Britain. His son-in-law, Sheikh Yahya al-Hajuri, succeeded him as the new Salafist leader.

all of them betrayed him. Saleh succeeded in winning them through providing them with government posts, money and other facilities.²⁴

“Saleh further succeeded in winning many of the mujahedeen youth who had been trained in Afghanistan. Some of these were assigned military ranks and others were nominated to positions in the civil service. As they experienced the comforts of luxury cars and the powers of government posts, they abandoned the life of Jihad; some of them like al-Fadhli²⁵ and al-Nahdi even went as far as joining the ranks of the intelligence services and the Republican Guard, ending up among Saleh’s inner ring of associates.²⁶

“On the other hand, some of Sheikh Osama’s followers and other Mujahedeen carried out some limited operations, targeting an American project in the first stages of its foundations. The project aimed at establishing a military base in Aden. Yet, launching a few Katyusha rockets to the site dissuaded the Americans from pursuing the project any further.²⁷

Apart from the attempted assassination of the Secretary General of the Yemeni Socialist Party (YSP), Ali Saleh Obad (a.k.a. Muqbil), the base operation was the second attempt; the first being the attempted blow-up of the Aden Hotel in 1992. The Hotel

²⁴ Abu Musab al-Suri, “Daawah,” Op. Cit. p. 775

²⁵ Tareq al-Fadhli, one of the prominent leaders of the Afghan Jihadist youth, is the son of the last Sultan of the Fadhli Sultanate in the south of Yemen while under British occupation. Al-Fadhli fought on the side of the northern troops in the 1994 war. He was appointed a member of the General Commission of the GPC. In 2008, he supposedly resigned from the GPC and joined the Southern Secessionist Movement, thereby occupying a high position in the Movement. However, in 2010, he again resumed friendly ties with the regime. Al-Fadhli has a wide following in the Southern parts of the country. He affirms that his participation in the war against the Soviets was motivated merely by allying himself with the U.S., and was not a Jihad at all. He is such an unpredictably whimsical person that he can easily shift from one position to its complete opposite.

²⁶ Al-Suri, Op. Cit., p. 776

²⁷ Ibid., p. 777

operation targeted a number of American soldiers who took part in the so-called Operation Restore Hope in Somalia carried out by American troops. It is worth mentioning that the American troops were deployed from Somalia after a series of crushing defeats.

“In fact, the assassinations of several YSP leaders were carried out by supporters of Sheikh Osama ben Laden. Jihadists also assassinated some prominent YSP leader-renegades who planned the restoration of a southern independent state in 1994 were assassinated by Jihadists.”²⁸

Abu Mahdi Yaslam Ba Rasain, from Shabwa, was the first local leader to receive direct support from Ben Laden before the idea of the sub-organization fully crystallized. Ba Rasain gathered young people around himself in al-Kawr, Shabwa, and began buying weapons for fighting the YSP in 1992. He formed some armed groups with the intent of building the Aden-Abyan army and used them in settling old scores with the YSP. Rasain was ultimately assassinated in unknown circumstances in 1994 as the defeat of the YSP in the war loomed on the horizon.²⁹

Ba Rasain was the first field leader on whom Ben Laden relied to penetrate the southern regions of Yemen after the Yemeni unification. Ben Laden supported Rasain financially so that he could buy weapons, recruit individuals and provide shelter to the recruits in a region that was still dominated by the YSP even after the unification, and continued to be dominated by it until the 1994 war.³⁰ During the war, al-Qaida allied itself with the northern troops against the YSP. Its position was motivated by hostility towards the YSP ideology. The same position was taken by the Islah Party, in contrast to Salafist movements, both traditional and

²⁸ Ibid.

²⁹ Abdul Ilah Hayder, “Mawqif at-Tayyarat ad-diniyyah min azmat al-janoub,” (The Religious Trends’ Attitude towards the Southern Crisis,” delivered in a discussion session organized by al-Jazeera al-Arabiyyah Center for Studies and Research, 06/22/2006

³⁰ Ibid.

contemporary, which adopted neutrality in a war they viewed as a fitna (affliction). Some observers, however, explained the salafist position as a replication of the Saudi position which supported the YSP in the war.

As the war ended in a decisive victory for the Saleh regime, whose side al-Qaida took in the war, the regime launched an arrest campaign against the Jihadists, including Ben Laden's followers. A fierce war between the Saleh regime and al-Qaida ensued. Ben Laden sent a personal message via an envoy³¹ to Saleh reminding him that al-Qaida was not at war with the Yemeni government, and that it was ready for such a battle once it became inevitable.³² As a result, the regime was forced to release some of the detainees, while large numbers of the Jihadists remained in political prisons in Sanaa.

In late 1997, al-Mihdhar³³ began to form an armed group and an independent organization under the name of "the Aden-Abyan army," in an optimistic reference to the Prophetic tradition in which the Prophet (pbuh) said: 'An army of twelve-thousand will come out of Aden-Abyan. They will give victory to God and His messenger; they are the best between myself and them.'

"As around 200 men gathered around al-Mihdhar, he took up his arms and sought an impenetrable mountainous area with his men. There he set up a camp and started mobilization for initiating a Jihad against the Yemeni government.³⁴ Al-Mihdhar announced

³¹ Asad al-Jihad (2) (The Lion of Jihad, 2), Open Q&A interview, al-Fallujah Islamic Forums, 2006

³² Al-Suri, Daawat, Op. cit.,

³³ His full name is Abu al-Hasan zainulaabideen al-Mihdhar. He belongs to the Shabwa Sayyed caste. He created the Aden-Abyan army in 1997. He did not take part in the Afghan Jihad, nor did he meet Osama ben Laden. He was arrested in the famous Maraqisha operation which ensued his group's abduction of seventeen western tourists as hostages to press the government to exchange them for detained Jihadists in government custody. He was sentenced to death in 1999.

³⁴ Al-Suri, Op. Cit.

the formation of the Aden-Abyan Islamic Army in spite of the fact that he had not previously met with Ben Laden, the leader of what came to be known a year later as al-Qaida, nor did al-Mihdhar join Ben Laden's camp in Afghanistan. However, a call between the two men was recorded when al-Mihdhar's activities were at their peak. Moreover, Ben Laden formally received sympathetic condolences on al-Mihdhar's execution by the Yemeni government in 1999.

Regarding the activities of the Aden-Abyan Army, the group carried out a single operation, the well-known al-Maraqisha operation in which sixteen European and American tourists were abducted. The group engaged the Yemeni police in battle as the police sought to rescue the tourists. Al-Mihdhar had demanded releasing detained jihadists in exchange for releasing the hostages. However, the adamant resolve of the Yemeni authorities to storm the Mihdhar camp led to killing four British tourists and rescuing the others. Al-Mihdhar himself was arrested in the engagement. He was tried later and sentenced to death.

Observers of Jihadist activities maintain that the execution of al-Mihdhar put an end to an undeclared compromise and informal agreement between the Yemeni regime and Ben Laden. Following the execution, the two parties resumed hostilities. The USS Cole attack in Aden in 2000 represented the beginning of a new phase in the relations of the two sides. The attack came as an act of avenging al-Mihdhar's execution.

The Second Phase (1998-2009)

The beginning of this phase coincided more or less with the actual initiation of what has come to be known as al-Qaida, which was established in February 1998 under the designation, "The International Islamic Front for Fighting the Jews and Crusaders."

The Foundational Statement was signed by al-Qaida's leader Osama Ben Laden, The Jihad Group leader Ayman al-Zawahiri, other leaders of two Pakistani, one Benghal Jihadist groups, in addition to the Shura official of the Islamist Group, Rifaai'e Ahmed Taha. This latter, however, withdrew after some time. The statement included a fatwa (religious edict) "which makes it an obligation on every Muslim to kill Americans and sack their property wherever they might be found."³⁵

Prior to this declaration, Jihadist groups in Yemen functioned independently of the symbolic leadership of Jihadists in Afghanistan; that is, it functioned according to the discretion of its local leadership rather than on direct incentives from any external group, notwithstanding its de facto recognition of Ben Laden's leadership. Such was the case with al-Mihdhar's Aden-Abyan army which was established a few months before al-Qaida. The parent organization did not crystallize into its full shape until after the September 2001 events in New York and Washington.

Therefore, "al-Qaida in Yemen functioned under the command of the Central leadership in Afghanistan until Abu Ali Al-Harithi (42) was named the first local leader of al-Qaida branch in Yemen. The central leadership focused on laying the foundations that would pave the way for Ben Laden's prospective move to Yemen. However, the September 11, 2001 events precipitated the assassination of the local leadership and dismantling local organization cells through killings and arrests in 2001-2. Following the regime's offensive, al-Qaida interests in Yemen were limited to pursuing developments in hot spots like Iraq, Afghanistan and Somalia, in addition to circulating news, ideas and other media

³⁵ Nashaat Abdulmajed, "Al-Afghan Al-Arab; Muhawalah littaarif al-ruaa alfikriyyah wal-kharitah attanzimiyyah lil-Afghan al-Arab. Islamonline.net, October, 2001

materials related to the developments on those fronts. Yemen was retained as a logistics center and transit to those countries.³⁶

During this phase, preparations were made for moving the central leadership from Afghanistan to Yemen. "A few days before the 9/11 events, Ben Laden gathered his supporters in Kandahar and informed them of his intents, telling them to prepare for leaving to Yemen. Nonetheless, the swift American attack on Afghanistan a month later frustrated the plans and hindered many members, including Ben Laden himself, from coming to Yemen. Only a few managed to arrive in Yemen, while the majority had to stay back in Afghanistan and fight the Americans."³⁷

An important fact designating this phase is that the organization and its affiliates and branches were run by the central leadership in Afghanistan. Ben Laden nominated a local leadership in Yemen and entrusted to it the task of preparing for moving the leadership of the central organization to Yemen. Hence, Yemen becomes the first country in al-Qaida's map of operations outside Afghanistan in which a local leadership was nominated. The first local leader did not survive for long as he was targeted by an American CIA drone in the Mareb desert in November 2002. A year after al-Harithi's assassination, the sub-organization's financial officer, who reportedly succeeded al-Harithi as the new leader, was arrested near Sanaa.

In spite of the centralization of command and activities during this phase, some groups, bearing designations that were quite alien to al-Qaida, assumed responsibility for disparate low-profile operations. For example, one such group, "al-Qaida-Affiliated Yemeni Fighters Battalion," carried out the two attacks; the first targeted Belgian tourists, while the July 2007 attack led to killing

³⁶ Hayde, A. "Masirat al-Qaidah fil-yemen, " newsyemen.com, 14 Sep. 2009

³⁷ M. Saif Hayder, "Tasau'd alqaidah fil-Yemen: min Osama ila al-Wuhaishi," Majallat Madarat, No.2, Jan-feb 2010

Spanish tourists in Mareb. This same group also adopted the designation "The Tawheed Battalions." Another group was the "Islamic Jihad Organization" which carried out several operations on behalf of al-Qaida.³⁸ All such actions and arrangements are possible within the intellectual and instrumental rather than the organizational framework of al-Qaida.

During this phase, in particular, Ben Laden took great pains to spare Yemen the negative consequences of Jihadist operations. In fact, he ordered his followers to keep this country "out of their hit list. According to his former bodyguard, Abu Jandal Al-Bahri, prior to hitting USS Cole in the Gulf of Aden, Ben Laden's plan was to attack the American destroyer in international waters; however, a simple technical mistake in surveillance operations precipitated the operation."³⁹

Hitting the USS Cole near the coast of Aden, and killing 17 Americans as a result, is by far the largest and most significant attack by al-Qaida in its second phase in Yemen. Another large-scale operation is the escape of 22 Qaida leaders and militants from the Political Security (intelligence) prison in February 2006. The escape raised great suspicions at that time. Among the fugitives whose whereabouts is still unidentified today was Abu Basir Nasser al-Wuhaishi, who became the AQAP (Al-Qaida in the Arabian Peninsula) leader after merging the Yemeni and Saudi branches of al-Qaida in November 2009. This merger initiated the third (regional and international) phase of al-Qaida in Yemen.

³⁸ Ahmed al-Zurqah, "Tahawwulat tanzeem al-qaidah fil-Yaman," a paper presented in a symposium on Al-Qaida Organization in Yemen, organized by al-Afif Cultural Foundation, 2010. The paper was republished at www.news-yemen.net

³⁹ M. S. Hayder, "From Osama to Wuhaishi: the Rise of Qaida in Yemen," *Madarat Istiratijiyya Magazine*, No.2, Jan-Feb.,2010.

The big escape operation in November 2006 is considered by some observers the beginning of a new era of al-Qaida activities in the local and regional arenas. Twenty three suspected terrorists- including leaders- managed to escape from the most important intelligence prison in Yemen. They escaped through a tunnel (45 meters long, and 5 meters deep) that was dug in less than two months. The organization was restructured under a new leadership that was paid the oath of allegiance while still in prison: (Abu Basir Nasser al-Wuhaishi, 33 years, the new Amir (leader) of the organization).⁴⁰ Upon the escape, the new leadership established training camps, and contacted the various branches of al-Qaida, including the central headquarters in Afghanistan. Increasing numbers of militants flocked in to swear allegiance to the new regional leadership in Yemen as the second man in the organization, Ayman Al-Zawahiri, approved of the new regional leadership in November 2008.⁴¹

However, a close examination of this phase reveals that the escape did not initiate a new era of al-Qaida in Yemen. In fact, this operation added nothing new to the branch's trajectory until after its merger with the Saudi branch. It was at this point that the organization experienced major shifts from the purely local to the regional and international arenas. By then, it began attempting large-scale operations such as the attempted assassination of Mohammed ben Nayef, the person in charge of the terrorism file in the Saudi Interior Ministry, and Faruk Abdulmtallab's attempt to blow up an American airliner on Christmas Day, 2009.

In fact, all al-Qaida operations during the second phase were confined to the local arena. They included the attack on the French tanker Limburg near al-Dhabba port in Hadramout in October 2002, the October 2000 attack on the British Embassy in

⁴⁰ A. Haider, Op Cit.

⁴¹ Ibid.

Sanaa, and the US embassy missile attack in March which left two Yemenis dead. The most dramatic operation by far was the two-bomb-cars US Embassy attack in September 2008, in which sixteen people (mostly guards) were killed.

The most significant development of this phase was the great attention paid to the media and propaganda. The “new leadership paid great attention to [these] aspects. A well-equipped media establishment was set up. It produced propagandistic films, and issued a quarterly journal, Sada almalahim (echo of grand battles), of which twelve issues have appeared so far. In addition, it publishes various booklets, statements, communiqués, etc. reflecting its position vis-à-vis developments in the region. The establishment continues to issue provocative materials regularly and to document the branch’s training and field operations.”⁴²

AQAP publications increased steadfastly over the years. In 2007, AQAP produced “Badr al Yaman” (The Badr Battle of Yemen), a film in two parts documenting the attempts to target oil installations in Yemen, and “The Yemeni Guantanamo,” documenting the escape from the intelligence prison. In addition, it released two audio recordings: “A True Promise” by Abu Basir, and “The Lie of Negotiations with the Government” by the leader of the military wing, Abu Huraira Al-Sanaani.⁴³

Another important development during this phase was the ability to restructure the sub-organization and to consolidate relations with the tribes, which acted as a host of al-Qaida. This bond was especially established in areas where government-sponsored development is almost totally lacking; a fact that undermines the state’s ability to control those areas. In fact, many governorates, such as al-Jawf, Marib and Shabwa are infamous for their tribal societies which are much behind the times in all cultural aspects.

⁴² A. Haider, “The Trajectory of al-Qaida in Yemen,” Op. cit.

⁴³ Ibid.

In these societies the culture of murder and blood intermingles with the customs of protecting and patronizing strangers who seek protection, let alone the ones who embody the tribal tenets of chivalry and religious observance, as al-Qaida militants claim to do. It is no wonder then that these tribal areas are a safe haven for al-Qaida.

This phase also witnessed severe al-Qaida incursions against the security forces. These incursions resulted in the assassination of the top two security officers in Marib, the main stronghold of al-Qaida in Yemen. The officers were Hamood Qusailah and Mohammed Rabish, who were assassinated in mid-2007 and October 2008, respectively.

Al-Qaida in Yemen prepared for its move to the regional and international stage through the merger with the Saudi al-Qaida.

The Third Stage of al-Qaida in Yemen, 2009: From Localism to regionalism and Internationalism

The Nigerian Umar Faruk Abdulmutallab's Christmas Day attempt to blow up the American airliner was only a logical conclusion of AQAP ambitions. Although many people had thought that AQAP was incapable of carrying out such attacks in the then prevailing circumstances, AQAP and its predecessor, Qaida in Yemen, could attempt such attacks as they passed quickly through the various stages of development.⁴⁴ This attempt also showed the extent to which the AQAP leader, Nasser al-Wuhaishi, had been able to follow the steps of Ben Laden not merely in the leadership style but also in formulating organizational goals in accordance to the system set up by ben Laden in Afghanistan.⁴⁵

⁴⁴ Gregory Johnson, "The Pitfalls of Vigilance: al-Qaida's Path to the Christmas Day Attack," Madarat, No. 2, Jan-Feb., 2010

⁴⁵ Ibid.

Johnson's accurate description of the sub-organization are a key to understanding the international phase of AQAP which came into being in 2009. The merger of the Yemeni and Saudi branches proved a crucial turning-point in the history of the network through which it acquired an international scope.

During this phase, the network carried out a series of typical operations that spelled infinite future ambitions. In 2009 alone, AQAP carried out a number of terrorist attacks that showed its ambitions and growing capabilities. In March, an AQAP suicide bomber killed several South Korean tourists in Hadhramout. A few days later, another attack targeted a South Korean team which arrived in Yemen to investigate the first attack.⁴⁶

In August 2009, AQAP carried out one of its most dexterous operations; namely, the attempted assassination of Saudi Deputy Minister of Interior, Mohammed ben Nayef. It is said that the assailant, Abdullah Aseeri, inserted a PENT explosive through his anus to avoid being discovered. A similar technique was employed in Abdulmutallab's attempt.⁴⁷

A very important development of al-Qaida in Yemen was the emergence of one of its famous theorists, the Yemeni-American Anwar al-Awlaki.⁴⁸ It is widely held that Awlaki had contacts with three of the 9/11 perpetrators, and with the Palestinian-American officer, Nidhal Hasan, who killed thirteen American soldiers in Fort Wood Base, Texas in 2009. Furthermore, a statement released by the Yemeni government maintained al-Awlaki's contacts with the

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Anwar Nasser al-Awlaki was born in 1971 in New Mexico to Yemeni parents. Back in Sanaa, Awlaki attended Azal School, an elite school. He then enrolled at Colorado University where he gained a B. Sc; and an M.sc in the technology of science from Saint Diego University in 2000. He returned to Yemen in 2003 after he failed to complete a PhD in Britain where he experienced a financial crisis. Indicted of terrorist activities, he spent a few months in Yemeni prisons, and was jailed in Japan in 2006-2007.

Nigerian Umar Abdulmutallab, a claim which was confirmed by Awlaki himself in an audio recording released by the AQAP electronic Sada Al-Malahim establishment. Sections of the audio were aired by Aljazeera on 15 April, 2010, featuring Awlaki's "pride that Hasan and Abdulmutallab are his disciple. Al-Awlaki's name had appeared on America's "wanted" list, and a US decree to assassinate him had been issued.⁴⁹

At any rate, the third phase was a very complicated and dangerous one in that it provided a rationale for direct foreign interference in dealing with al-Qaida in Yemen. Previously, this role was entrusted to the Yemeni government, while the role of international actors such as the US and other European states was restricted to providing financial and technical support. The new fait accompli came into being following Abdulmutallab's attempt to blow the US airliner bound for Detroit.

This phase witnessed waging a number of preemptive military operations by the Yemeni military (backed by American forces, according to some observers) on areas believed to be home to al-Qaida militants. For example, on December 17, 2010, air raids targeted Qaida cells in Arhab district near the capital city, killing

⁴⁹ In a controversial statement, Dennis Blair, the head of National Intelligence in the US and intelligence agencies coordinator, said that the intelligence agencies collected information that targeted any American citizen involved in terrorist attacks threatening the US. In a Congress hearing he said, "I say this publicly for the first time to reassure the American people that the intelligence agencies pursue certain legal policies and take very much effort to implement them." The *Washington Post* drew attention to the increasing attention that the American intelligence agencies were paying to American citizens believed to be involved in terrorist attacks against their country. According to the *WP*, "These are very outspoken and unusual observations delivered by the highest person in the intelligence." These remarks were made upon circulation of news of targeting American citizens abroad by American intelligence and military officers. The paper added, "As the American government intensified its campaign against confirmed and suspected terrorists abroad, it became clear that some of these might be American citizens." Washington-based observers maintained that the attention paid to these citizens became clear because of Anwar al-Awlaki who led a terrorist campaign against the US in Yemen. Interest in al-Awlaki sharpened following news of his links with Hasan, the Palestinian-American doctor affiliated to the military. (*Al-Rayah*, a Qatari newspaper, 13/02/2010).

three people believed to belong to al-Qaida. It is believed that Hani al-Shulan, a former Guantanamo detainee, was among the dead. Two prominent militants, Qassim al-Raimi, the leader of the military wing, and Hizam Mujalli survived this operation.

On December, 21, 2009, Aljazeera aired a huge gathering in Abyan, protesting the drone strikes that killed more than sixty people, including women and children, in al-Maajalah village, Abyan. The scene caused widespread panic at that time. Aljazeera clip featured Mohammad Saleh Omair,⁵⁰ believed to be a Qaida leader, addressing the huge crowd. Observers mistook the crowd for a gathering of al-Qaida, whereas in fact it was a tribal gathering comprising supporters of the southern secessionist movement.

The next day (December 22), fighters, apparently belonging to the US intelligence, pursued al-Awlaki to his tribal residence in Shabwah and attacked his hideout. This strike failed to kill him, however. Two days later, the same place was attacked, and the strike succeeded in killing al-Awlaki together with a number of suspected terrorists. Rumors maintain that the strike targeted a meeting of three al-Qaida leaders; namely, al-Wuhaishi, Saeed al-Shihri and al-Awlaki. Yet, there is no substantial evidence to support these claims as none of these leaders was killed in the strike.⁵¹

During this phase, news of links of al-Qaida in Yemen to the Somali Mujahideen Youth— considered as an offshoot of al-Qaida— was widespread. Such unjustified fears were reinforced by a

⁵⁰ Mohammed Saleh Omair al-Kilwi (a.k.a. Abu Musaab) was born in 1976 in Shabwah governorate. He was recruited by the current AQAP leader, Nasser al-Wuhaishi (known as Abu Basir). Al-Kilwi became an important member of the shura council of the Organization of Jihadist Qaida in the Arabian Peninsula. He was appointed as the Emir of the state of Abyan by Abu Basir. He was killed in a strike that targeted al-Qaida militants in Rafidh, Shabwah. He previously appeared in al-Maajalah, vowing to take avenged the deaths in al-Maajalah 2009 drone strike.

⁵¹ G. Johnson, "The Pitfalls of Vigilance," Op. Cit.

statement issued by the Youth leader, Sheikh Mukhtar Robo (known as Abu Mansour), who said that his group's fighters were prepared to cross the narrow waterway across the Gulf of Aden to support al-Qaida in Yemen. Abu Mansour added, " We told our brethren in Yemen that we would cross the waterway to help them fight the enemies of God."⁵² These fears were further kindled in the International Community by al-Wuhaishi's message in February 2009 to al-Qaida in Yemen, urging them to support the Youth Movement in their battle against the Somali government. The message stated, "what separates Yemen from the Horn of Africa is merely a drop of water."⁵³

The attempt to blow up the airliner over Detroit on Christmas Day 2009 led to the transformation of the network from a local and regional to an international network. This failed attempt put the network on a par with the central network in Wazeerstan Mountains in Pakistan. By contrast, Othman al-Silwi's operation, which targeted the British ambassador to Yemen on 26 April, brought al-Qaida in Yemen back to its local sphere. However, this does not mean that al-Qaida in Yemen gave up its regional and international ambitions. This operation, in fact, could be an initial step for large-scale operations in Yemen as long as the West clings to the military solution in dealing with al-Qaida.

The Fourth Phase of al-Qaida in Yemen, 2011- present

This phase is the most dangerous and dramatic in the network's history in Yemen since its establishment. During this phase, which coincided with the outbreak of the peaceful Yemeni revolution in February 2011, the network undergoes major dramatic

⁵² AFP: the Somali Youth Movement affirmed intent to deploy "militants" to fight the "enemies of God", Jan. 01, 2010.

⁵³ Sada Al-Malahim Magazine, No. 8, p. 46

transformations in its trajectory, and intellectual and strategic system. These transformations were occasioned by the major political developments in Yemen and the region as a whole, triggered by the Arab Spring revolutions.

The network took advantage of events in Yemen to control several towns in the southern part of the country especially in Abyan and Shabwah. However, it is commonly held by observers that the suspicious and sudden withdrawals of the security and military forces in Zinjubar and Jaar were ordered by the collapsing Saleh regime, as the protests demanding him to step down intensified and spread throughout the country.

The regime's plan was to allow Ansar al-Sharia (the new name of the local Qaida network) to control large areas in the country. Saleh was, in fact, putting into action his warnings of the International Community as the protests demanding his ouster intensified. Saleh warned that his ouster meant the fall of five governorates; namely Marib, al-Jawf, Abyan, Shabwah, and al-Baidha, to al-Qaida. Later developments seemed to betray a literal implementation of Saleh's remarks. Indeed, Abyan governorate and large portions of Shabwah and Marib were handed over to al-Qaida. Militants advanced to the gates of Aden. They declared two emirates in Abyan ('Waqar'— a substitute for the 'Jaar'— and the Emirate of Zunjubar), besides the Emirate of Azzan in Shabwah.

Nonetheless, the youth revolution occasioned rapid political changes. The Yemeni political scene experienced radical shifts; Saleh was forced out of power and Hadi was elected president in the single-candidate elections of 21 February 2012. It appears that Hadi had reassured the American officials that he would fight al-Qaida. The Americans, as a result, forced Saleh to sign the Gulf initiative.

Hadi's first task was to fight al-Qaida in Abyan. A series of fierce battles between Yemeni military units and al-Qaida militants took place. The military units were led by Salem Qatin, who succeeded Mahdi Maqwalah as the commander of the Southern division of the military. Maqwalah had been suspected of complicity with the militants, especially as tens of soldiers were killed in the confrontations and throwing them in harm's way irresponsibly, while at the same time taking no practical steps to rescue them.

After a series of fierce battles between the military and al-Qaida militants, the latter withdrew tactically and fled to various places in Marib and al-Baidha. Tariq al-Thahab, a tribal sheikh, emerged as the new leader of the network. In January 13, 2012, Radaa, a town in al-Baidha governorate, fell to Ansar al-Sharia militants led by Tariq al-Thahab. The new leader had familial links with the former leader, al-Awlaki, who had met his fate in a drone strike in al-Jawf four months earlier. After twelve days of the militants' control of Radaa, Al-Thahab gave up the town following a compromise with the government, withdrawing his militants to al-Manasih, near Radaa, where he was killed by his older brother. A series of assassinations of Qaida leaders followed. Among these was Fahd al-Qasa' who was killed in a drone strike in Azzan, Shabwa.

This phase represents a juncture in the history of the network. The political transformations that had taken place proved crucial in this regard; affecting al-Qaida negatively and forcing it to redraw the map of its presence and activities. Al-Qaida carried out a series of typical attacks, the most important among which is targeting the newly-appointed commander of the southern military division, General Salim Qatin.

This phase was also characterized by vagueness, especially regarding the assassinations of a number of military officers. Intelligence officers, working for the Political Security Organization

in particular, were a primary target of such attacks which claimed the lives of more than 65 officers within a single year. No party has been identified as responsible for these attacks, especially in the current turbulent political situation. In fact, in such circumstances all conflicting parties may resort to such actions. More importantly, the Houthis, an armed and violent group, followed the example of al-Qaida in seeking to achieve their goals through violence. Some observers hold the Houthis responsible for some assassinations, while others point to Saleh or his competitors. All these accusations, however, lack substantial evidence especially as no investigations of any of those assassinations have been conducted.

Evidently, the last phase is the most dangerous in the history of al-Qaida base in Yemen as counter-violence was employed in fighting it. American drone strikes increased remarkably, and hundreds of attacks targeted suspected terrorists. Yet, such intensive targeted killings give rise to growing sympathy with the militants rather than keeping them in check, especially as many innocent civilians were killed in the process.

SECTION 2

YEMENIS KILLED IN AMERICAN DRONE STRIKES (A CRIME AGAINST HUMANITY)

Table 4-1: Numbers of Yemeni civilians, killed and injured in American drone strikes

State governorate		Dead	Injured
Abyan	No.	419	70
	percent	69.03	60.87
Shabwah	No.	57	10
	percent	9.39	8.7
Al-Baidha	No.	49	25
	percent	8.07	21.74
Hadmout	No.	38	7
	percent	6.26	6.09
Marib	No.	31	-
	percent	5.11	-
Saadah	No.	4	-
	percent	0.66	-
Sanaa	No.	3	3
	percent	0.49	2.61
Aden	No.	3	-

A Crime Against Humanity

The American drone attacks on several Yemeni provinces and the crimes of killing

innocent civilians in the process are not new. Since Abu Ali al-Harithi was killed in the first drone strike in Marib in 2003,

American drone strikes have continued unabated. Numbers of civilians have been killed, and their property destroyed. In 2009, about 42 people, mostly women and children, were killed in a drone attack that targeted al-Maajalah

village, Abyan. Ever since the drones have unabatedly targeted civilians. Tens of innocent people have been killed and hundreds more injured in those attacks. Although the strikes are justified as targeting

	percent	0.49
Al-jawf	No.	3
	percent	0.49
Total	Killed	607
	injured	115

Source: The Bureau of Journalism “Yemen: reported actions 2001-2011” almasdar

Box 4-1: Killed and injured children as a result of American drone Strikes

Husain Suleiman Y. Omar (2 years)

Musaab Suleiman Omar (10 years)

Wafa Mohammed A. Al-Hamza

Hamza Husain ben Dahman (13 years)

Source: HOOD Association

“wanted” al-Qaida terrorists, this is no justification for killing innocent civilians, neither is the targeted illegal killing of militants justified. However, the number of strikes increased only to raise death tolls among innocent civilian victims in Marib, Abyan, etc. In 2012 American drones carried out 81 missile strikes, according to HOOD Association, causing severe panic among citizens of the targeted areas, and killing and injuring hundreds, in addition to killing animals and destroying crops and property.

These killings are at once a violation of international law and civilized values as well as an impeachment of Yemeni sovereignty. Yet, the Yemeni government has kept silent, an indication of its approval of these atrocious crimes. Indeed, the government has prior knowledge of many of those strikes as American officials have acknowledges in many occasions. Hundreds were killed and injured in these attacks in an unprecedented crime in Yemeni history, involving a foreign violation of Yemeni sovereignty. Of the 81 drone strikes carried out in the

Box 4-2: Some victims of American drone attacks in al-Baidha:

killed

Mohammed Taha al-qirbi
Ali taha al-Qirbi
Saleh Taha al-Qirbi
Omar Mohd. Taha al-Qirbi
Muhsin Ahmad Sharaf
Samarqand al-Sanaani
Suhail al-Sanaani
Khaled Mutasim
Jameel Jaramah
Ali al-Barakani
Husain al-Barakani
Abdulaziz al-Barq
Haddar Abdulqadir al-Humaiqani
Haddar Ali al-humaiqani
Kamal al-Lawdari
Mabrook Muqbil al-Rafari
Dawlah Nasser Salah
Saddam Hasan Musid
Ismail Mabkhoot Mohammed
Abdulghani Mohammed Mabkhoot
Masud Ahmad Ali Muqbil
Jamal Mohd. Obad
Abdullah Mohd. Ali
Nasser Salah
Waseelah Ali (N. Salah’s wife)
Abduallah Ahmad Rabish
Mohd. Abduh Jarallah

Some of the injured:
Nasser Mabkhoot
Sultan Ahmad Mohd.

(Source: Hood Association)

eastern provinces (Shabwa, Abyan, Hadhramout, Marib, etc), the Americans claimed responsibility for around half of the number.

According to HOOD Association, many citizens have related the unspeakable horrors of these atrocities and the indiscrete bombing of civilians and supposedly suspected terrorists. The following are a few examples of the atrocious mass murder of civilians.

In Abyan (Jaar and neighboring villages), tens were killed and injured in many raids in a matter of a few minutes as the drones targeted highly populated areas.

- In Jaar, a drone strike targeted the residence of al-Arashani family, according to HOOD. The attack resulted in the death of Nuwair al-Arashani (33 years). Two others were injured. As people rushed to the scene to rescue the wounded, the drone returned a few minutes later and fired several missiles targeting the gathering, killing thirteen women and men and injuring tens more. This is only one example of such attacks on civilians, which are by no means uncommon in Abyan.
- The repeated attacks on Zunjubar, Jaar, and other towns in Abyan have left tens of people dead and injured. Others, especially women and children, have experienced psychological breakdowns due to exposure to violent explosions and horrible destruction. Some women have been fully paralyzed due to intense hypertension.
- Hadhramout has had its share of these atrocious killings. Various cities and towns such as al-Mukalla and al-Shahr have been the scene of horrible drone attacks. Al-Shahr was repeatedly raided in late December 2012. Tens died in the attacks which targeted a children football ground. The attacks continued unabated, killing and injuring more

than two hundred civilians in Al-Shahr and other places in the governorate from mid-2011 to December 2012.

- In Hashamer al-Qatan, more than twelve people were killed and injured. The area witnesses an increasing number of raids, which result in civilian deaths and destruction of property.⁵⁴
- In Al-Baidha governorate, tens of people were killed on March 10, 2012. Various places were targeted, and many civilians were killed.
- In Sanaa governorate, according to HOOD, an infantry officer and two others were killed in Sanhan, Sanaa on July 11, 2012. Although the officer was leading a normal public life, no case was filed against him. He was arrested in 2008 by the intelligence, and jailed for several months before he was released without trial.

It has become clearly noticeable that the American drone strikes are only increasing and spreading to several governorates. Due to the negative reaction the Yemeni government has hitherto shown, which indeed spells complicity in these crimes, it is imperative that the people affected by these attacks shall file lawsuits in Yemeni, American, European and international courts, and demand compensation and the trial of the perpetrators of indiscriminate illegal killings even of the so-called terrorists. Legal action has also to demand putting an end to the almost daily American raids on Yemeni territories and killing of Yemeni citizens, as well as voiding the 2009 bilateral agreement between Saleh and the US. This infamous agreement has facilitated violations of human rights and committing crimes against humanity. On the other hand, the Yemeni government has to shoulder its responsibility of protecting the Yemeni citizens, and to fulfill its obligations as outlined in the Yemeni Constitution. The government must live up to the articles

⁵⁴www.abyanonline.com/?p=1055

of the Constitution which guarantee a fair trial and prohibit killing Yemeni citizens without legal proceedings. To date, these articles are violently violated and disrespectfully abandoned by the American and the Yemeni governments alike.

As Table (4-1) demonstrates, Abyan emerged as the most inflicted governorate, undergoing more than 40 drone strikes which left 419 people dead and 70 more injured in 2012 alone. Shabwa governorate comes next, with 8 drone attacks that resulted in 57 deaths and 10 injured. Al-Baidha was the target of seven attacks that claimed 49 lives and left 25 injured. In Hadhrmout eight drone attacks resulted in the death of 38 people and wounded 7 others.

SECTION 3
ASSASSINATIONS: MOTORCYCLES
DISTRIBUTING DEATH

The series of assassinations, which were carried out by people riding motorcycles, reveal the criminal mentality of the murderers. These operations have targeted civil and military

No.	Governorate	No. of assassinations	%
1	The Capital	24	31.17
2	Lahj	14	18.18
3	Taiz	13	16.88
4	Hadhramout	10	12.99
5	Al-dhali'	8	10.39
6	Al-Baidha	2	2.6
7	Thamar	2	2.6
8	Aden	2	2.6
9	Abyan	1	1.3
10	Hodeidah	1	1.3
Total		77	100

Source: Ministry of the Interior

personalities, mostly military officers. The death toll has reached 77. The perpetrators rode motorcycles, and therefore were neither arrested nor identified, a matter which raises serious concerns about the the possibility of committing more operations. In spite of the big number of assassinations, not a single perpetrator has been identified by the police.

Sanaa City: As Table (4-2) shows, the capital city of Sanaa heads the list of the cities and towns where these assassinations took place. According to the Interior Ministry 2012 statistics, 25 military and police officers were assassinated by perpetrators on motorcycles. Some of them were affiliated to the Ministry of Defense, Political Security (intelligence) Organization, the Central Security, the Republican Guard, the Military Hospital, and other institutions. All of them were shot with live bullets.

The list of the murdered officers is as follows: Mansour H. al-Walidi (52), an officer in the Ministry of Defense, and Hamood D. al-Walidi (24), a private working in the Ministry of

Defense, were seriously injured as unidentified assailants dropped a bomb into their car in Shu'ub on January 08, 2012. Major Yahya Ali Badi (45), who worked in the Ministry of the Interior, was shot dead on August 13, 2012. The perpetrator who rode a motorcycle was unidentified. Lieutenant General Yahya Muhsin al-Musannif (50) was assassinated by unidentified assailants in Shu'ub. On September 4, Lieutenant General Yahya S. al-Khalidi (50) was assassinated in al-Nasr crossroads. Similarly, Abbas Mohammed Sharafuddin was assassinated by assailants riding a motorcycle; the perpetrators fled leaving their motorcycle, but they remain unidentified to date.

In al-Sabeen area, Lieutenant General Abdullah A. Al-Ashwal (50), an intelligence agent, was shot dead on September 20, 2012 by

Figure 4-1: Numbers of assassinations by governorates

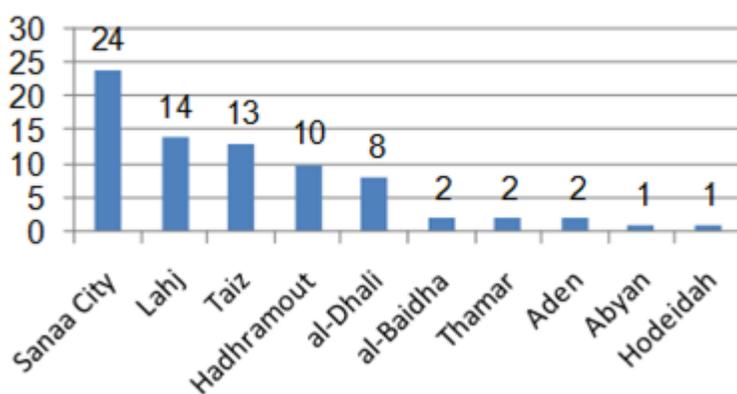
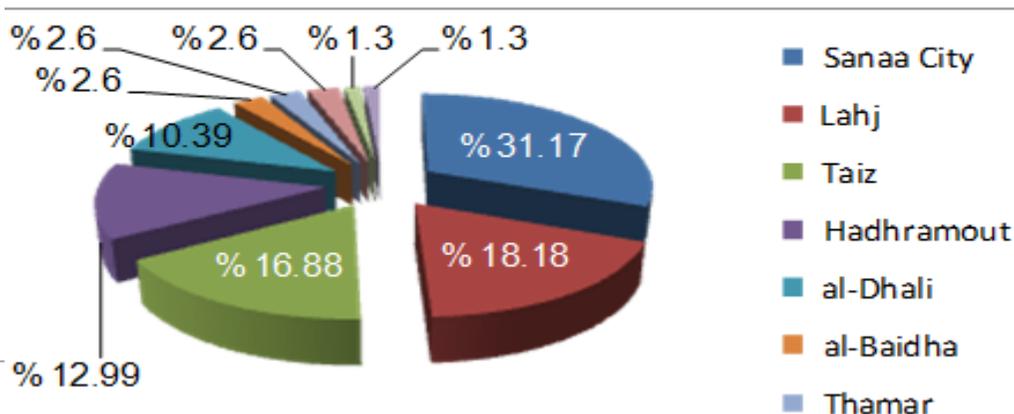


Figure 4-2: Percentage of assassinations by governorates



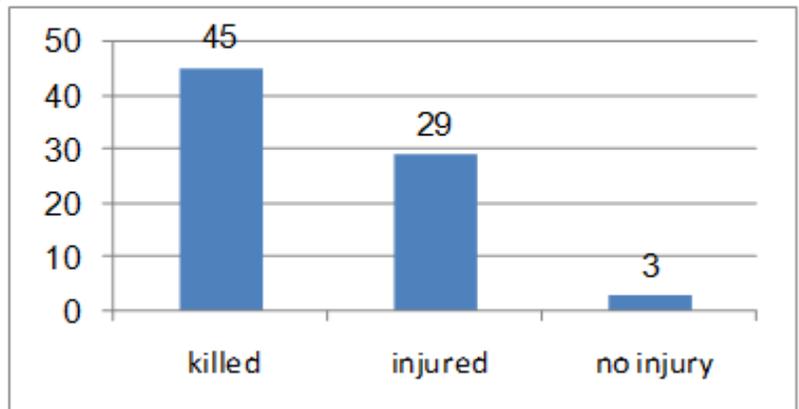
unidentified people riding a motorcycle. Qassim M. al-Shara'bi (50), an American Embassy employee and one of the investigators of the September 2012 attack on the embassy, was assassinated on October 1, 2012. The Iraqi citizen and Ministry of Defense consultant, Khaled Hatim al-Hashemi (55), was assassinated fifteen days later. On November 7, a Central Security major, Mohammed Husain Hajib al-Ghail, met the same fate. On November 11, Amin Abdullah al-Mikhlaifi was wounded; the following day a soldier and agent of the intelligence named Ibrahim al-Aqil was also injured. Rabie A. al-Baili (25), a pharmacist, was injured on November 11 as he tried to capture the assassins of Khaldoon Yahya Malik (21) who was assassinated on November 18. Major Muhsin Humran (39) was injured on December 10, whereas Basheer Ahmad al-Odaini (25) was murdered in front of the Police Faculty on December 23.

Table 4-3: Types of casualties as a result of targeted murders in 2012

Incident	Killed		Injured		No injury		Total	
	No.	%	No.	%	No.	%	No.	%
state	45	84.44	29	56.67	3	5.9	77	100

Two days later, Brigadier Fadhli Mohammed Saleh (60), the commander of Thamud Division, was assassinated; the perpetrators drove away. In the

Figure 4-3: Type of casualties

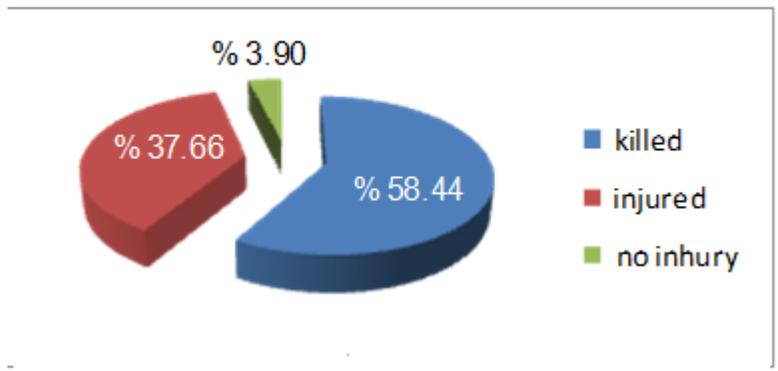


same day, Brigadier Sameer al-Othrubani was shot dead by unidentified motorcyclists.

On April 4, Hani al-Ansi was killed, and Naji al-Suwaidi (24) met the same fate on April 18, both were soldiers. Unidentified perpetrators riding a motorcycle assassinated Ali Abdullah al-Thariri (18) on May 7.

Six days later, Mohammed Abdullah al-Haj (30) who worked in the Sanaa traffic police was assassinate by motorcyclists who fled away. A week later, Sadiq Ahmad al-Ahmadi (32)

Figure 4-4: Percentage of casualties by type



was shot dead by unidentified motorcyclists who drove away. On December 5, 2012, Hasan Ahmad al-Dawlah, a lawyer, was killed in his home in Sanaa by unidentified perpetrators; the reasons of the murder are still obscure.

Table (4-4): Types of weapons used in assassinations in 2012

Type of weapon	Firearm		Traditional Weapon		Total	
	No.	%	No.	%	No.	%
State	76	98.7	1	1.3	77	100

Lahj Governorate

Lahj governorate occupies the second rank after the capital city in the number of assassinations perpetrated by motorcyclists.

There were 15 assassinations and attempted assassinations during 2012.

Unidentified

persons fired at

the director of intelligence office in Lahj, Brigadier Abdulqadir al-Shami, but he was not harmed and the perpetrators drove away. Hameed Hamed Salbat (25), a soldier, was slightly injured in an assassination attempt on January 16. The unidentified assailants tried to dispossess him of his gun forcibly. Abdrabbuh Mohd. Awadh, a soldier, was injured on January 18 as four unknown assailants riding A motorcycle fired at him. On February 7, Muhsin Salim Daashi (a soldier) was assassinated,

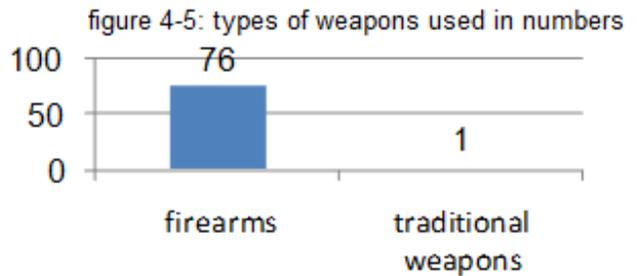
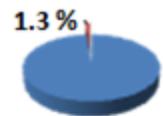


Figure 4-6: Types of weapons used



and Fadhl Mohammed Ali (30) was wounded. Colonel Abbood Fadhil al-Haj (45), the deputy director of the Political Security (intelligence) office in Lahj, was injured on March 13. Major Mohammed al-Khadher al-Haimadi (45), Director of Criminal Investigation Office in Lahj, was assassinated on December 9.

No.	Month	No. of assassinations	%
1	Jan.	5	6.49
2	Feb.	5	6.49
3	March	7	9.09
4	April	8	10.39
5	May	5	6.49
6	June	5	6.49
7	July	4	5.19
8	Aug.	3	3.9
9	Sep.	8	10.39
10	Oct.	11	14.29
11	Nov.	5	6.49
12	Dec.	11	14.29
Total		77	100

On April 6, Musin Ali Haider, a soldier, was injured in a check point near al-Anad, whereas Colonel Ahmad Slim, who works in the Yemeni Economic Corporation, survived an assassination attempt on April 8. Major Yasser Abdulqawi Awadh (40), a Political Security

officer, was assassinated as assailants on a motorcycle fired heavily at him on April 28. A week later, another intelligence officer, Major Ali Obaid Thabit (45), was injured in a similar incident.

Figure 4-7: assassinations by month

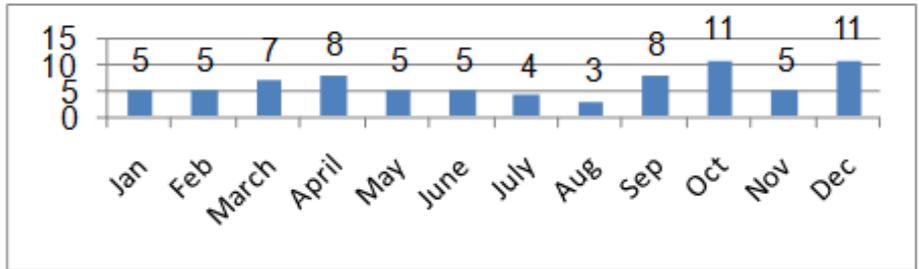
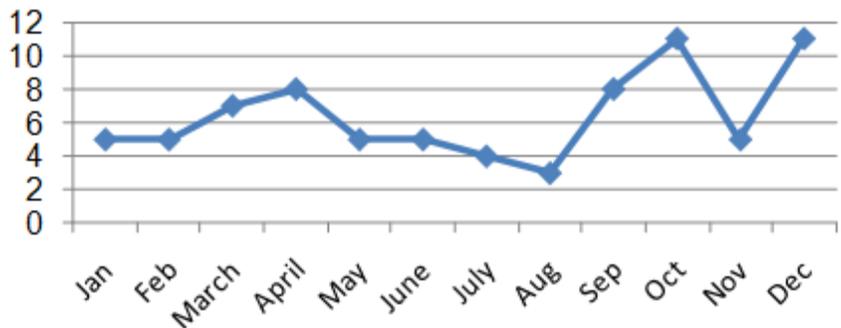


Figure 4-8: timeline of the assassinations



Major Anees Saleh al-Ozaibi, deputy director of the Security office in al-Huta, survived an assassination attempt by motorcycle assailants on June 13, but his car was severely damaged. On September 11, Arif Alhaj Fadhl (50) was assassinated, whereas Mohammed Yahya Omar was injured as assailants riding a motorcycle dropped a grenade into the yard of the Social Affairs office. Mohammed Ali al-Qadar, a policeman, was assassinated on October 26 by unidentified motorcyclists.

Taiz

Taiz occupies the third rank in the number of assassinations perpetrated by unidentified assassins riding motorcycles. Thirteen assassinations and assassination attempts were carried out. Abdullah Abdulmalik Ahmad (35), a driver working for the Military Hospital in Taiz, was assassinated as assailants shot him dead. The vehicle turned over and an Indian nurse was injured in the accident.

On February 10, Mujeeb Mohammed Abduh was killed as unknown assailants fired at an ambulance belonging to the Yemeni Red Crescent. Murshid Qaid Hasan (40) was assassinated on February 16. Similarly, Jabil Gram, an American citizen, was assassinated on March 18.

In similar separate incidents, Colonel Ismail Mohammed Ba-Alawi, an intelligence officer, and Saddam Hasan (30) were assassinated on April 18 and April 13, respectively. Mohammed Mudhish Saif, a passerby, was injured in the second incident. Another incident involves Mohammed Sultan Hasan (21) who was assassinated on July 30. In another incident Abdulla Abdulghani al-Mikhlaifi (18) and Ghalib Mohammed Nagi (55) were injured. On September 1, Abdulhameed A. al-Soufi was killed and Ali Saif Aqlan was injured in two separate incidents. Fareed Qaid Hasan, a

policeman working at al-Judairi police station, was seriously injured as assailants shot him in the back on September 26.

Hadhramout

Ten assassinations were perpetrated in Hadhramout in 2012. The first attempt targeted the director of the Criminal Investigation Office in al-Shahr, Colonel Mubarak Saeed ba Rafaa (43); ba Rafaa was seriously injured in the incident. The deputy director of the Security Office in the Shibam district, Shaif Ahmad Taleb, was assassinated On March 13 as assailants fired several bullets at him killing him immediately. Another officer in Criminal Investigation office in the Ghail ba Wazeer district met a similar fate. Saeed Sheikh ba Wazeer (63) was killed by assailants on July 23. Other assassinations involved the deputy director of the Political Security Office in Hadhramout, Colonel Ahmad Said ba Ramada (60), and Saleh Faraj ba Dhurais (51), a Political Security agent; the former was killed on December 11 and the latter injured on October 13. Shakir Awadh al-bani (38), a soldier, and Abdulmajeed Awadh al-Ajim (32) were killed in two separate incidents on December 16 and December 25 respectively. Hameed Abdullah Abu Muflih (19), a policeman, and Mutee' Mohammed ba Qatban (58), an intelligence agent, were targeted on December 26 and December 29, respectively. The former was injured while the latter died immediately. All of these incidents were carried out by unidentified perpetrators; none of them has been arrested.

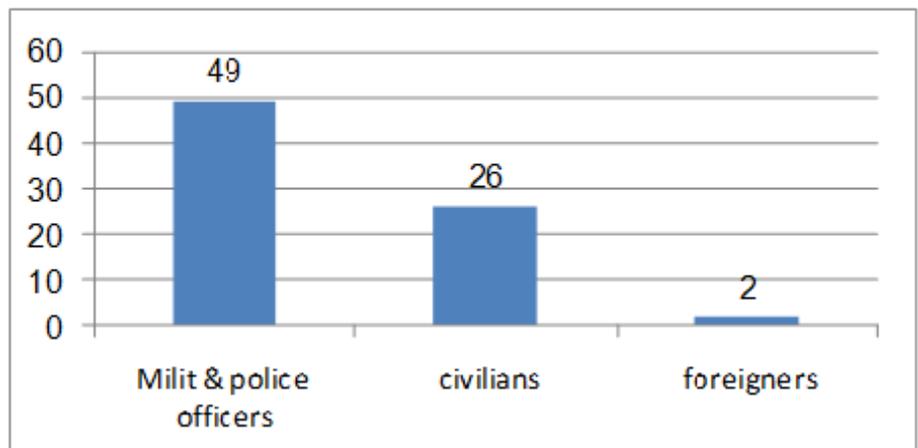
Al-Dhali'

Al-Dhali' Governorate occupies the fifth rank in the numbers of victims of motorcycle assassinations. Eight assassinations and assassination

category State	Military and police officers				Civilians		Foreigners		Total	
	No.		%		No.	%	No.	%	No.	%
Armed assaults	٤٩	%٦٣.٦٤	٢٦	%٣٣.٧٧	٢	%٢.٦	٧٧		%١٠٠	

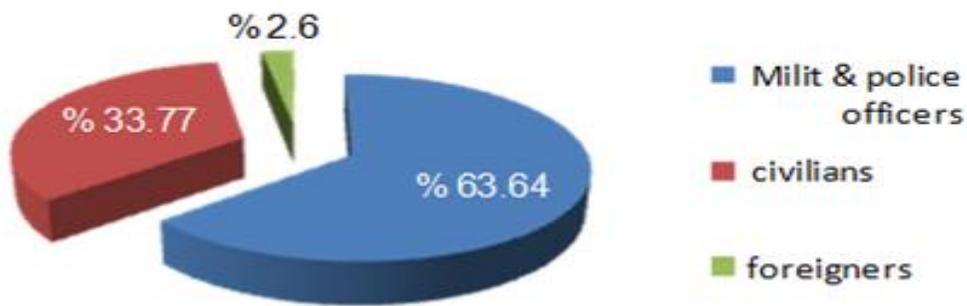
attempts were carried out in al-Dhali' in 2012. The first attempt involves two civilians, Khalil Mohammed Yahya (20) and Amjad Abdullah Saif

Figure 4-9: Assassinations by category of casualties



(30); both were slightly injured on March 6. Similarly, Two policemen survived two separate assassination attempts on May 19 and October 24; these are Mabrook R. Saad and Fath Mohammed al-Mandi (20) respectively. Both were slightly injured. On October 24, two separate operations resulted in the death of Sadeq Ahmad al-Zahibi (25), a soldier in the infantry, and the injury of a civilian, Mahroos Qaid Muthanna (20). Another infantry soldier, Mohammed Ali al-Mahjari (27), was assassinated on December 11. Finally, on the same day, Ali Haider al-Mahjari (30), a soldier, was injured. All of these assassinations and attempts were carried out by unidentified perpetrators on motorcycles; none of them was arrested.

Figure 4-10: % of Assassination by category of casualties



Al-Baidha

Two assassinations were carried out in Radaa, al-Baidha in 2012. The first victim was Ghazi Saeed Baidaha (43), a Political Security agent, who was killed on July 19. The other was Taha Mohammed Bukari (20) who was murdered on October 9. In both cases, unidentified perpetrators riding motorcycles carried out the assassinations. Neither of them was arrested.

Thamar

An unidentified person carried out two assassinations, killing both Assistant Security director in Thamar, Major Abdullah Saleh al-Saeedi (40), and Ali Abdullah al-Yamani, a Political Security agent. He perpetrator was not arrested.

Aden

An assassination attempt was carried out in Sheikh Othman in Aden. Colonel Abdullah al-Mauzai and his guard Bassam Ahmad Mansour were targeted by unidentified gunmen riding a motorcycle on March 5. Both were injured in the incident. The perpetrators drove away and have not been arrested.

Hodeidah

Faisal Abdussalam al-Bukari (37), a civilian, was killed by unidentified gunman on June 8. The perpetrator drove away and has not been arrested.

Abyan

Unidentified gunmen fired several bullets at Mohammed Husain al-Ahlasi, a policeman on May 18 in al-Ain check point. Al-Ahlasi's fatal injury led to his death. The perpetrators drove away and have not been arrested.

The above tables provide the numbers and percentages of the motorcycle assassination cases in the various governorates. They also classify the victims according to their professional career, indicate the outcome of each case (injured/killed), and classify the assassinations by month.

It may be noted that in most, if not all, motorcycle-assassinations, no perpetrators were arrested. A sense of fear and horror pervaded not only the military and police force sectors, but also the whole community. These feelings are fed by lawlessness that has prevailed in the country over the last two years. The spread and easy acquisition of arms throughout the country, as well as the absence of any arms regulation laws make a bad situation worse. These factors have also contributed to the rise in murders, assassinations and looting, illegal check points, and other violations.

CHAPTER 5
RIGHT TO FREEDOM
ARBITRARY ARRESTS AND
ENFORCED DISAPPEARANCES

The Right to Freedom: Arbitrary Arrests and Enforced Disappearances

Introduction

International conventions prohibit and incriminate arbitrary arrest, illegal detention, enforced disappearance and imposing restrictions on the freedom of the individuals. The Yemeni Constitution and laws also criminate these violations at the theoretical level. However, the international conventions to which Yemen subscribes, and the Yemeni laws are not put into force. Flagrant violations of human rights in Yemen are a widespread phenomenon. Yet, little has been done by the concerned authorities to stop those violations and protect human rights. There is a noticeable absence of the institutional guarantees that would prevent violations of human rights and protect basic freedoms. In fact, the successive Yemeni governments have contributed to, and facilitated, some violations.

In a similar vein, political parties have been ineffective in this regard. They have failed to provide clear and positive recommendations for protecting human rights and guaranteeing freedom of the individual. No serious steps are taken to pressurize the government to tone down the violations of human

rights. Worse still, some of these parties have, in fact, contributed to those violations in one way or another. On the other hand, a number of civil society organizations have, to some extent, pressurized the government to put an end to violations. Such efforts have sometimes yielded positive results, but failed most of the time to achieve any progress due to the adamant and rejectionist attitudes of the government and the security apparatus, especially with regards to arbitrary arrest, illegal detention and enforced disappearance.

The security apparatus has been involved in wide-ranging violations of human rights. In 2011, those violations reached unprecedented scales in murder, torture, and beatings. Hundreds of anti-regime protesters were arbitrarily arrested, and tens were forcibly disappeared. Some civil society organizations put the number of the arbitrarily arrested at 3000, the majority of whom were released, according to those organizations, and only a few are still in government prisons.⁵⁵ However, government and security officials affirm that no anti-regime protesters are detained in the various prisons, including the prisons of the intelligence apparatus. Minister of Human Rights, Ms Huria Mashoor, stated that she had met the directors of the various prisons who assured her that no anti-regime protesters were detained in those prisons, and that all those detained or arrested in 2011 – whether during anti-regime marches and demonstrations, from their work places or anywhere else – had been released.

A couple of civil society organizations⁵⁶ still reject these assertions, affirming that the detainees are not held in formal prisons, but rather in illegal private prisons, houses, and other similar places and that the security apparatus knows these illegal places of detention for sure. Moreover, some people are still

⁵⁵ HOOD, Sawasiya (Equal), Musawah (Equality), and Himayah (Protection).

⁵⁶ HOOD and Sawasiyah

forcibly disappeared to date while their families have no idea of their whereabouts. Some of these families have become suspicious about the fate of their disappeared members. They maintain that their relatives might have died in secret prisons. Such suspicions are fed by instances of some people who had been forcibly disappeared for long periods and then died in detention and buried with or without their families' knowledge. The unidentified corpses which were buried towards the end of the month of Ramadan in 2011 might be a case in point.

The pressing question, however, is: Why is it that those people are still arbitrarily arrested and forcibly disappeared till now in spite of the political compromise and the resulting removal of ex-regime elements from key offices? This question is yet to be answered!

Background to Arbitrary Arrest, Detention and Enforced Disappearance

The outbreak of the February 2011 revolution precipitated a series of arrests and detentions in the ranks of the protesters, journalists and sympathizers. Yet, Saleh tried to show in his statements and speeches that he would protect the protesters and fulfill their demands provided that the political parties should remain out of the way. According to Saleh, the involvement of the political parties in this issue meant hijacking the demands of the protesters. He mistakenly thought that the demands were restricted to employment and other services, while the protesters were demanding freedom, justice, equality, and the rule of law.

Once it became clear that these demands were nonnegotiable, the Saleh regime started a campaign of intimidation, including large-scale arrests, detentions, and abductions. Hundreds of protesters and sympathizers were put in security and military prisons in Sanaa, Aden, Taiz, Arhab, Nihm, Hodeidah,

Hadhramout, etc. Some were released quite early; others had to wait for months in those prisons. Some human rights organizations tracked the fate of the detainees, and contacted the concerned authorities demanding their immediate release. Some of the detainees were released as a result; a few remained in prisons.

Legal Background

The Yemeni Constitution affirms the “State’s adherence to the United Nations Charter, the international Declaration of Human Rights, the Arab League Charter and the generally recognized principles of International Law.”⁵⁷ The state is bound to respect and put into force the conventions, charters and laws mentioned in this article. Yet, nothing of this materialized. Hundreds of people were arrested, detained, and forcibly disappeared as mentioned above. Undoubtedly, such actions constitute a blatant violation of the above-quoted and other articles.

The constitution also stipulates that:

- The State shall guarantee for citizens their personal freedom and shall protect their dignity and security. The law shall specify those cases in which a citizen is deprived of his freedom. No one shall be deprived of his freedom except under an order by a competent court.
- No person shall be arrested, searched or detained unless he is apprehended in the act of committing an offense, or by an order submitting him to the necessity of investigation and for keeping the peace issued by a judge or the Attorney General in accordance with the provisions of the law. Nor shall it be permissible to carry out surveillance over any

⁵⁷ Article 6

person or enquire about him except in accordance with the law. The dignity of a person whose freedom is restricted in any way must be safeguarded. Corporal or mental torture is prohibited. The forcing of admissions during investigations is prohibited. A person whose freedom is restricted shall be entitled to refrain from making any statements except in the presence of his lawyer. No person shall be imprisoned or detained in places other than those subject to the prison organization law. Corporal punishment and inhumane treatment upon arrest or during the period of detention or imprisonment is prohibited.

- Everyone who is under temporary arrest on suspicion of committing a crime must be brought before the court within twenty-four hours of his arrest at the latest. The judge must inform him of the reason for the arrest and must interrogate him and enable him to present his defense and objections. He must issue at once an order showing cause for the continuation of arrest or discharge. In all events arrest shall not continue after the said period except under a court order.
- When a person is arrested for any reason, a person selected by the detained person shall be notified forthwith. This must also be done upon the issue of every court order for continued detention. If the detained person finds it difficult to choose, his relatives or those concerned must be notified.
- The law shall specify the penalty for anyone who contravenes the provisions of any one of the sections of this article and shall also fix a suitable compensation for the injury which a person may suffer as a result of the contravention.⁵⁸

⁵⁸ Article (480 of the Yemeni Constitution

A close reading of this article clearly indicates the violations involved during and after the arrests. No orders were issued by the Attorney General or a specialized court, to say nothing of the mistreatment of the detainees. Former detainees revealed in interviews that they were tortured, beaten and humiliated. Husam al-Hakimi stated⁵⁹ that he was tortured in the Public Security main office. According to his account, he was constantly moved, blind-folded between the Criminal Investigation office and several police stations in Sanaa during his five-months-long detention. He testified that he was handcuffed and shackled; an electric current was conducted to the iron on his hands and feet till he lost consciousness. Moreover, he suffered fastening to an iron column, known as “the roaster,” with his hands and feet shackled, and would stay in this condition for several hours. He also stated that he was assigned a solitary cell measuring about 2*1 meters. Moreover, he was denied going to the bathroom when he wanted to, and was subjected to corporal and mental torture.

Al-Hakimi was arrested in al-Zubairii St. in Sanaa due to his participation in the youth revolution. He maintains that upon his arrest, his money, mobile phone and some documents were taken away from him and have not been returned. His family was not notified of his arrest. However, with the help of the guard, he managed to send a slip to one of his relatives informing him of his whereabouts. Thereupon, his family looked for someone to intercede on his behalf and plead for his release. According to Husam’s own account, he refused to undertake in writing that he would stop taking part in protests, and was detained for a long time as a result.

Another article in the Constitution reads, “Criminal liability is personal and there is no crime or punishment except under the

⁵⁹ in a hearing to al-Hakimi during a training course on fact-finding organized by Woemen Journalists without Chains, April 2012

law or the Sharia. Every citizen is innocent unless his conviction is proved by conclusive court order. Nor shall there be punishments for acts committed before the issue of the law making them criminal; no laws shall be enacted for the purpose of convicting acts that preceded the enactment.”⁶⁰

The Crimes and Penalties Law stipulates, “Punishment with imprisonment for a period not exceeding three years is to whoever arrests a person or detains him or deprives him of his freedom by any means without a legal cause. The punishment shall be imprisonment for a period not exceeding five years if the act has originated from a public servant or by impersonating his character or by a person carrying arms or by two persons or more, or for the purpose of abuse or the victim is a minor or lacking perception or short of it, or for the sake of dispossession of freedom exposing his life or health to danger.”⁶¹

The law also stipulates that,

- Arrests may not be made except in connection with act punishable by law; must be based on due process of law.
- The General Prosecution shall immediately release any person whose freedom has been restricted in violation of this law or who has been placed under provisional arrest beyond the period authorized by the law, or by sentence or by a judge’s order.⁶²
- Personal freedom is guaranteed. No citizen may be accused of having committed a crime, nor may his freedom be restricted unless by orders of the concerned authorities in accordance of what is provided by this law accordingly.⁶³

⁶⁰ Article (47) of the Yemeni Constitution

⁶¹ Article (246) of the Yemeni “Crimes and Penalties Law”, 1994

⁶² Article 7, Penal Procedures Law, 1994

⁶³ Article 11, Penal Procedures Law, 1994

- Everyone convicted of abducting a person shall be sentenced to imprisonment for a period between twelve years as a minimum and fifteen years as a maximum. If the victim is a woman or a minor, the punishment shall be twenty years. If acts of injury or aggression are committed during or upon the abduction, the punishment shall be twenty five years. The term sentence does not affect other penalties such as retribution, blood-money and compensations if crimes punishable in this way are committed upon abduction. If murder, adultery, or sodomy is committed during or upon abduction, the punishment shall be death.⁶⁴
- Punishments mentioned in the above articles shall be doubled if the perpetrator is a military or police officer, or a public servant.⁶⁵

Although the 1994 Crimes and Penalties Law generally encodes a set of rules and procedures that should be followed in dealing with persons accused or suspected of committing acts punishable by the law, these rules and procedures contravene individual rights. However, chapter II of the law specifies the main tasks in accordance with the constitutional provisions.

The Universal Declaration of Human Rights stipulates that, “Everyone has the right to life, liberty and the security of person.”⁶⁶ It also stipulates that “No one shall be subjected to arbitrary arrest, detention, or exile.”⁶⁷ The International Covenant on Civil and Political Rights stipulates, “Everyone has the right to life, liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his

⁶⁴ Article 2, Penal Procedures Law, 1994

⁶⁵ Article 8, Penal Procedures Law, 1994

⁶⁶ Article 3, the Universal Declaration of human Rights

⁶⁷ Article 9, the universal Declaration of Human Rights

liberty except on such grounds and in accordance with such procedure as are established by law.”⁶⁸ Compared to the provisions of these conventions, Yemeni legal codes are not much different from them. The real challenge, however, lies in the enforcement of those codes.

Freedom of the individual is violated when a state agent or institution acts, incites others to act, or condones acts depriving a person or many persons of their individual freedom in a way that contravenes the provisions of the law. Such acts include arrest, detention in unauthorized and illegal places, and house arrest. In fact, the first article of the International Convention on Civil and Political Rights specifies the legality of detention, arrest and temporary detention.

The International Convention For The Protection Of All Persons From Enforced Disappearance (Dec. 20, 2006) defines enforced disappearance as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”⁶⁹ This convention differentiates between the abductions carried out by state agents and those carried out by individuals and groups acting on their own. It held the state responsible for taking the necessary procedures in dealing with such acts, holding it accountable in case it failed to do so.⁷⁰

Enforced disappearance is not defined in Yemeni law, and hence no punishment is assigned to it. However, a couple of references

⁶⁸ Article 9/1, the International Covenant on Civil and Political Rights

⁶⁹ Article 2, Intl Convention For The Protection Of All Persons From Enforced Disappearance

⁷⁰ Article 3 of the enforced disappearance convention

to cases that might involve enforced disappearance are made briefly. For instance, Article (249) of the Law No. (12), 1994 specified the penalty of abduction. Likewise, Article (5) of Law No. (24), 1998 concerning “Fighting the Crimes of Abduction and Highway Robbery” stipulates that “Every person who detains an individual as a hostage in order to hinder the normal functioning of the public authorities or to achieve gains of any kind for self or other must be punished.”

This law aims to fight certain cases, and does not refer to the cases of enforced disappearances practiced by the authorities against individuals. According to al-Baghdadi, member of the Board of Directors of the Yemeni Observatory of Human Rights,

Yemeni law does not specify enforced disappearance clearly. Merely partial references are made to some of its forms; namely, those involving non-state agents, whereas state-practiced enforced disappearance is completely ignored. The provisions of these laws, particularly the Abduction and Highway Robbery Law (1998), do not meet the requirements of fighting the crime of enforced disappearance in Yemen, especially as this law was exclusively meant to fight the phenomenon of abduction of foreigners practiced by tribal groups and gangs. Therefore, the state institutions and public servants who commit this violation remain beyond the scope of the law. This fact keeps the door wide open for more violations of the freedom of the individual by the state, notwithstanding the fact that state practices in this regard are not much different from those of the tribal gangs. Indeed, state-practiced enforced disappearance is more repulsive since, unlike those gangs, the state possesses the legal means and institutions. Although this analogy seems quite bizarre, it does shed light on the degeneration of the state, whose responsibility is to protect the rights of the citizens and guarantee their rights, rather than violate them. Briefly stated, there are no

provisions in the law specifying enforced disappearance, and hence no punishment in the Yemeni law.⁷¹

Enforced disappearance is a compound violation. It violates all the fundamental internationally-protected human rights, and arbitrarily deprives individuals of their freedom, in particular. This might be followed by deprivation of the right to life due to the excessive use of force, harsh mistreatment, or inhumane torture.⁷² Enforced Disappearance becomes a systematic abduction when practiced by state agents. In fact, when practiced by the state, enforced disappearance amounts to committing crimes against humanity in accordance with Article (5) of the enforced disappearance convention, which reads, “The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law.” Therefore, the enforced disappearance committed by the state’s military and police during the 2011 youth revolution are crimes against humanity requiring international trial in case of the Yemeni government failure to bring the perpetrators to justice and punish them for those crimes.⁷³

The Yemeni Crimes and Penalties Law provides for the submission of an arrested person to a court or the Attorney General within 24 hours upon the arrest. Detention may be expanded for seven days under a court order, or the person shall be released. The maximum provisional detention shall not exceed six months provided that a court order recommends detention. Detention shall be subject to continued revision by a court. Failing to convict the detained person by the end of the six months, the

⁷¹ Abdulaziz al-Baghdadi, “The Condition of Human Rights in Yemen: Security – A Tool or A Responsibility?” The Yemeni Network for Human Rights, 2009-10.

⁷² Ibid.

⁷³ Ibid.

detaining authority shall release him. The Penal Law also provides for the right of the detained person to refrain from making any statements or answering any questions except in the presence of his lawyer.

The International Covenant on Civil and Political Rights provides,

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge 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. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

The provisions of the Yemeni law which provide for long detention without trial contravene the above article and Article (9) of the same Covenant, which details these points further.

Arbitrary Arrest

It is a well-known fact that arbitrary arrest, detention and enforced disappearance constitute crimes against humanity. As has been indicated above, these crimes are prohibited by all international conventions; they are also prohibited by the Yemeni law. However, the perpetrators of these crimes have not been brought to justice. The crimes they committed against innocent people, who merely demanded freedom and justice, have not been given the due attention.

The Arab Spring snowballed to several countries, The Yemeni people soon arose against the Saleh regime. Hundreds of thousands swarmed the streets on February 11, 2011, demanding dismissal of Saleh and his entourage from office.

The revolution started as a purely student and youth revolution. It soon embraced all sectors of Yemeni society. The military and security apparatus responded violently to the protesters, and tried to quell the revolution by force, committing severe infringements and crimes in the process including murder, arrest, detention and enforced disappearance. Hundreds of the protesters were killed, and thousands more injured. Hundreds were permanently or partially disabled, in addition to large numbers of arrests, and enforced disappearances in military and security prisons and other secret places as many civil society organizations affirm.⁷⁴

The testimonies of formerly detained persons reinforce this information. They affirm that they could hear the voices of children crying, women, and passersby. They infer that they were detained in private apartments belonging to the security apparatus. Consequently, when security forces deny the existence of any detainees in their prisons, they are right in the sense that they have other secret prisons in residential areas, which are difficult to locate. We received long lists of people who

⁷⁴ Hood, Sawasiyah, Raqeeb, Himayah, the General Council of the Yemeni Revolution Detainees

were arrested during the revolution; most of them, however, were discharged. The fate of the rest is unknown. In response, a judicial source in the Attorney General office has called upon the citizens to report any cases of arbitrary arrest to the office. The source added that the office has already called upon security apparatus to discharge all those arrested during the 2011 events, but they denied holding any detainees.⁷⁵

This statement would not have been made, had it not been for the pressure of General Council of the Yemeni Revolution Detainees and the families of the detained persons, demanding the dismissal of the Attorney General for violating of the law. The Attorney General had earlier declined to refer the detainees in the Presidential Headquarters bombings to court after the investigations were conducted.

The Council demanded the president to order the immediate release of the detainees. The government responded positively and set up a committee to undertake this task. Yet, the committee has not moved a single step forward, while civil society organizations and the families of the detainees, in addition to activists and lawyers pressurize the concerned authorities to release detainees, and demand uncovering the fate of the disappeared. The Parliament had referred the issue of the detainees to the Public Freedoms and Human

⁷⁵ Sheba News Agency, and al-Thawrah newspaper, 11/27/2012

Table (5-1): Detainees in the Public Security Provisional Detention Prison in Shumaila, Sanaa

No.	Name	Place of Origin
١	Abduh Sarhan Al-Sharaabi	Sharaab al-Salam, Taiz
٢	Khaled Abdu Mohammed Al-Nono	Mawiyah, Taiz
٣	Isam Hsan Ahmed Al-Ahdal	Khadeer, Taiz
٤	Abdullah Mohammed al-Shaiba	Al-Janad-Taiz
٥	Adnan Ali Saeed al-Tawili	Mahweet
٦	Mansour Ahmad Hasan al-Yareemi	Raimah
٧	Ibrahim Ahmad Ibrahim al-Shawush	Baadon, Ibb
٨	Abdullah Abduh Sarhan al-Maamari	Al-Baidha (lives in Sanaa)
٩	Ali Hasan al-Thamari	
١٠	Mohammed Yahya Ali al-Wisabi	Wisab, Thamar
١١	Ali Hameed Said Salem	Al-Hazm alJanadiya, Taiz
١٢	Khaled Abdu Mohammed	Mawiyah, Taiz
١٣	Anas Ali Mohaammed Al-Naqueesh	Khamir, Amran
١٤	Ali Hasan Qassim Daabush	Khamir, Amran
١٥	Fahd Sultan al-Wahsh	Sabir, Taiz
١٦	Hasan Atif al-Lahji	Lahj
١٧	Ali al-Fudhail	
١٨	Ammar Ayesh al-Radaie	
١٩	Sinan Hasan al-Salafi	
٢٠	Saleem Saleh Saad Ahmed	
٢١	Baghdad Hameed Othman al-Hindi	
٢٢	Aqeel Ibrahim al-Shawush	

Source: Testimony of a former detainee in the Public Security Provisional Detention prison, November 28, 2011

Rights Committee,⁷⁶ which started working in coordination with civil society organizations.⁷⁷

Concerning the 28 persons detained in connection with the Presidential Headquarters bombing, lawyer Alawi al-Shater says that police authorities still violate the laws in many ways. Al-Shater demands the immediate release of the detainees, commenting that the investigations involved flagrant violations of the law and lawyers were denied attendance. "Our efforts, as lawyers, have failed so far," he said. No positive results were achieved. We have not even succeeded in ensuring the protection of the detainees. Despite the Attorney General orders, security officials have proved too stubborn to release the detainees."⁷⁸

Testimony of the former detainee, Dhiya al-Sabri

Dhiya Abduh al-Sabri (26), a motorcyclist, was arrested on 11/14/2011 by the Central Security forces in al-Zubairi St., Sanaa. He was transferred to a prison in Shumailah, thought to belong to Public Security police. Al-Sabri testifies that the prison consisted of two underground floors. He was charged with theft and forced to sleep next to unclean water. He spent five months in this prison, and was tortured, electrocuted, and beaten. On 5/16/2012, he was transferred to the Central Prison in Sanaa, where he spent three months before his release on 8/28/2012. He maintains that his relatives were not allowed to visit him; when his father came to visit him, the officials denied having him there. He was discharged upon the Attorney General order concerning a group of detainees in connection with the 2011 revolution. The

⁷⁶ On 11/26/2012

⁷⁷ The first meeting of the fact-finding committee which was set up by the parliament and some organization was held on 12/8/2012 in the Parliament.

⁷⁸ A press meeting with the families of the detainees and the General Council of the Revolution Detainees, in which al-Shater was present. The meeting was held at Siyaj Organization on 11/24/2012.

others were Sadiq al-Sabri, Mahyoob al-Wisabi, Yusuf al-Sharif, Yahya al-Nuzaili, Awadh Othman Ali, Ismail Abdulqadir, Yunus al-Zuraiki, and Nayef al-Sabri.

According to Dhiya, a Red Cross team and the Head of East-Sanaa Court visited the prison separately, while he was detained there. But neither of the visitors met the detainees. When he was discharged, he was compelled to sign an undertaking that he would never go back to al-Taghyeer square. He intends – as he told us – to file a case against those who arrested him so that he may be compensated for the moral and material injuries he suffered.

He also said that Ahmad Ali, son of deposed president Saleh, visited the prison weekly. According to Dhiya, he told them soon after their arrest that he would refer them to the Attorney General or discharge them, but did not keep his word.

More importantly, Dhiya disclosed to us the names of seventeen detainees whom he knew in the prison, including Abdullah Abdullah al-Amiri (al-Sabri). None of these has reported his release to civil society organizations, or informed the regulatory committee in the Taghyeer square of their release. Since it is customary to report to these bodies upon release, one may safely conclude that these 17 people are still detained. The fate of these persons is completely unknown. Therefore, the concerned authorities are required to find out about their condition and to ensure their immediate release.

Box 5-1: Murad al-Fudhail's Testimony concerning his brother, Ali
Murad said that his brother was arrested in connection with the Presidential Headquarters explosion, but was not found guilty. He added that the Director of Investigations demands a mediator to intercede on Ali's behalf. He affirmed that his brother suffered beatings and torture in a National Security prison where he was

detained for over a month before he was transferred to a Political Security prison. It is here that Murad met his brother after he was disappeared for a long time. Now, he added, he is still detained there, but not among the 28 suspected of involvement in the Presidential Headquarters explosion.

Detainees in connection with the Presidential Compound Mosque Bombing

Ali Jaber Jumaan, the lawyer of the detained in connection with the presidential compound mosque bombing, lawyers were not allowed to attend investigations at first. He also affirmed that the Political Security detained some of the accused for a period of 7-8 months. Jumaan stated,

“We were not allowed to attend the eleven investigations in spite of the fact that we are authorized by their families to act as their attorneys. The office of the Attorney General acted arbitrarily by preventing us from attending the investigations.

The office also deluded the detainees that the lawyers would charge big amounts (YR 5 million), while, in fact, the lawyers demanded no amounts at all. It also convinced them to defend themselves in spite of the fact that most of them had no idea that they were interrogated by the office of the attorney general. The office acted as though it were still collecting primary evidence.

The detainees were charged with forming armed gangs.

Table (5-2): Detainees in Connection with the Presidential

No.	Detainee’s name	Designatio	Date of Arrest
١	Ali Rajih Tamim	soldier	06/02/2011
٢	Hasan Mabkhut al-Thulaya	civilian	06/03/2011
٣	Abdullah Nagi Jaadur	soldier	06/06/2011
٤	Mohammed Saleh al-Wazeer	soldier	06/09/2011
٥	Abdullah Saad al-Taami	soldier	06/18/2011
٦	Abdulghani Ali al-Abbal	soldier	06/24/2011

None of the detainees with whom we were present during the investigations admitted any kind of involvement whatsoever in the acts they were charged with. The attorney general office did not refer any of these detainees to court due to the violations committed during and

upon arrest such as prolonged illegal detention, arbitrary arrest and search, violating privacy rights without order, eliciting forced statements, and threatening, beating and torturing the detainees. Fear that the police and office of the attorney general violations should be uncovered was the reason behind submitting the detainees for trial. All stages of the investigation involved transgressions. Indeed, the whole process is no more than a farce the scenario of which was fabricated by experienced forgers to cover up the actual perpetrators.

٧	Ghaleb al-Aizari	soldier
٨	Yahya Abdullah Raiman	soldier
٩	Ayatollah al-Dahoomah	soldier
١٠	Ziyad Ahmad Mu'nis	soldier
١١	Abdullah Ali al-Khadhmi	soldier
١٢	Mohammed Ahmed Omar	soldier
١٣	Abdu Saleh al-Shareef	soldier
١٤	Abdulkhaliq Abu Rawiyyah	soldier
١٥	Khaled Ali Atiyyah	soldier
١٦	Ibrahim al-Hammadi	civilian
١٧	Hijab Ali Wahban	soldier
١٨	Saad Saad al-Haddadi	soldier
١٩	Tawfiq Nasser Ali al-Ruhaili	soldier
٢٠	Mohammed al-Qarhami	soldier
٢١	Husain al-Dhibyani	soldier
٢٢	Mohammed Saleh al-Qudaimi	soldier
23	Tawfiq Abdullah al-Zahumi	soldier
24	Mohammed Ali al-Madsam	soldier
25	Jamal Abdullah al-Dufairi	civilian
26	Mohammed Abdulilah al-Masaadi	civilian
27	Mahdi Saleh al-Najjar	civilian
28	Shuaib Mohammed al-Hijri	civilian

Source: HOOD Organization

Table 5-3: Detainees in Sanaa in connection with the 2011 Revolution

1	Abdu Sarhan al-Sharaabi	9	Ali Hasan al-Thamari	17	Ali al-Fudhail
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2	Khaled Abdu al-Nono	10	Mohammed Yahya Ali al- Wisabi	18	Ammar Ayesh al- Radaie
3	Ahmad Hasan Issam al- Ahdal	11	Ali Hameed Said Salem	19	Sinan Hasan al- Salafi
4	Abdullah Mohammed al-Shaiba	12	Khaled Abdu Mohammed	20	Saleem Saleh Saad Ahmed
5	Adnan Ali Saeed al- Tawili	13	Anas Ali Al- Naqueesh	21	Mujeeb al-Nahdi
6	Mansour Ahmad al- Yareemi	14	Ali Hasan Q. Daabush	22	Salah A. al-Hijri
7	Ibrahim Ahmad Ibrahim al-Shawush	15	Fahd Sultan al- Wahsh	23	Amer al-Azab
8	Abdullah Abduh al- Maamari	16	Hasan Atif al- Lahji		

Jumaan remarks that the office of the attorney general is not entitled to detain any person more than 45 days, and in any case for more than 60 days. He explains that the detainees had had spent two years without trial or discharge. "The office of the attorney general is committing a flagrant violation in this regard," he concluded.

To sum up, we have exposed the various violations to which the detainees are subjected. We have also shown that many detainees are still concentrated in the prisons of the secret police, by the office of the attorney general, and in public and private prisons.

There are also those who are forcibly disappeared and whose whereabouts are unknown. Equally unknown is their fate. No one,

other than their oppressors, knows whether they are still alive. Through enquiry and close examination of information about this category, we were able to contact their relatives who affirmed that they had been forcibly disappeared for over a year. The authorities did not provide any information about any of these forcibly disappeared.

Table 5-3: Names of the forcibly Disappeared in connection with the 2011 revolution

١	Abdullah Ahmad al-Qadasi	٧	Arafat Abdu Mahyoob Fadhil	13	Mahdi Ali Saeed ba Audhah
٢	Saleh Abdu Ahmad al-Asal	٨	Abdurrhahman Mohammed al-Alimi	14	Zuhair Ahmed Thabet al-Qurashi
٣	Tariq Ali yahya Saadun	٩	Saleh Ali Salem ba Azab	15	Hakeem A. al-Sami'e
٤	Hayel Saeed al-Hamoudi	١٠	Hamoud Fari' Hasan Barakat	16	Yasser al-Maqaleh
٥	Mutee' Lutf al-Qadhi	١١	Ammar Abdulhafidh al-Hakimi	17	Faisal Nasser al-Otumi
٦	Mohammed Abdu Ahmad al-Sabri	١٢	Abdullah Abulilah al-Amiri		

Hajjah Governorate

Hajjah witnessed flagrant violations. In fact, nineteen of the revolutionary youth are still detained in Hajjah Central Prison. They were arrested in a peaceful march suppressed by the Central Security forces. In that march, the security forces killed the child Abdulmajeed Mohammed al-Khazeef. The detainees are subjected to trial on fabricated charges (See Table 5-4).

The arrest and detention processes have involved gross violations of the law. Two of the detainees, Hameed Ali Rasheed and Akram Mohammed Rasheed, are still held hostages in the central prison in Hajjah. The director of the Security Office has refused to discharge them upon the attorney general's order till Hameed's brother and Akram's father shall surrender to the police.

Hostage holding constitutes a gross violation and a crime as this repulsive act is associated with the Imamate rule and came to an end with its demise. However, the security authorities in Hajjah are still five decades behind the times, and apparently have not been touched by the Sep. 26, 1962 or the February 11, 2011 revolutions.

No.	Table 5-4: Detainees in Hajjah in connection with the 2011 Revolution
١	Mansour Ahmed Murshid
٢	Khaled Mohammed dahhan
٣	Mojahid Saleh Siraj
٤	Mohammed Mohammed Saleh
٥	Muath Mohammed Rasheed
٦	Najeeb Mohammed Hizam Rasheed
٧	Hameed Mabkhut Harrash
٨	Ziyad Husain Harmal
٩	Abdulkarim Hamoud Ali
١٠	Mohammed Mushli Harrash
١١	Sifyan Ali al-Khayyati
١٢	Sadeq Ali al-Khayyati
١٣	Mohammed Faisal al-Marrani
١٤	Husain Harrash
١٥	Waleed al-SHubairi
١٦	Fayyadh al-Qaffaf
١٧	Bassam al-Qusaili
١٨	Nabil Ahmed al-Qufaili

Source: General Council of the Youth Revolution detainees

Hostages in connection with the peaceful youth revolution in Hajjah

١	Basheer Hizam Hizam Rasheed
٢	Yusuf Mohammed Rasheed
٣	Majamal Mohammed Mutahhar Rasheed
٤	Hameed Ali Rasheed
٥	Hamoud Rasheed
٦	Akram Rasheed

When the police forces

failed to arrest the revolutionary youth –even though such arrests contravene the law, they resorted to holding hostages. Six persons were held hostages at first (See Table 5-5). After extensive pressure, four of the hostages were released, while the remaining two (Hameed Rrasheed and Akram Rasheed) are still held in custody, in spite of the the attorney general’s release orders. Human rights activists are still demanding the discharge of these two hostages, the transfer of their trial to Sanaa, and re-conducting investigations in a neutral attorney office. They also demand investigating the incident of murdering the child, which was completely neglected.

Arrests in Arhab, Nihm and Bani Jarmouz

The districts of Arhab, Nihm and Bani Jarmouz were the field of fierce battles between local tribes and the Republican Guard forces located in al-Sama’ Mountain in Arhab. Tens were killed in those confrontations and many houses were demolished. Moreover, tens of tribal civilians were taken prisoners and detained in the 62 Republican Guard camp; some of them were transferred to the Republican Guard Leadership Office in Sanaa,

N o	Detained in Political	No.	Detained in Political
١	Abdulmalik	١٣	Saleh
٢	Sameer hadi	١٤	Abdullah
٣	Ibrahim Ali	١٥	Nasser Ali
٤	Mohammed	١٦	Abdulilah
٥	Mohammed	١٧	Ahmed
٦	Badr Saleh	١٨	Bakeel
٧	Nasser	١٩	Abdullah
٨	Firas Ali al-	٢٠	Mohamm
٩	Mohammed	٢١	Muhsin
١٠	Nagi Husain	٢٢	Ahmed
١١	Adel Nasser	٢٣	Abdullah
١٢	Husain Qaid	٢٤	Ali
١٣	Ahmed (43)		Abdullah

as many of the former detainees testified.⁷⁹ They testified that they were subjected to corporal and mental torture, and financial blackmail. They were also submitted to the Specialized Penal Court. As they were released on bail, they hold fears that they might be brought before the Specialized Penal Court again where they had been charged of terrorism and assailing the Republican Guard batteries. They explained that the real reason behind their arrest was their support of the peaceful revolution and their political affiliations, in addition to their role in blocking the Republican Guard units which sought to attack Sanaa and Hadhramout sit-ins. The Republican Guard launched a series of offensives on tribal people as a result, they concluded.

According A. al-Shalif, head of Raqeeb Organization for human Rights, there are no more tribal detainees from these areas in state prisons. All of them were released on bail, or due to the political settlement. He affirmed that these former detainees were subjected to various forms of torture and abuse.⁸⁰

A number of civil society organizations monitored the detainees in state prisons over the 18 months following the outbreak of the revolution in February 2011. Hood Organization, for example, recorded 183 arrests over this period. Raqeeb recorded 46 arrests in Arhab, 118 in Nihm, and 33 in Bani Jarmouz, maintaining that all of them were discharged. However, as many of them are released on bail, there are serious concerns that they might be brought before court at any time.

It is worth noting that several international organizations, including Human Rights Watch and Amnesty International, as

⁷⁹ Field interviews with several former detainees in Arhab, 10/17/2012

⁸⁰ In an interview on 10/18/2012

well as Security Council Resolutions 2014 and 2051 have consistently demanded the release of detainees and called on the government to disclose information on the fate of the disappeared persons.

All these efforts have been met with outright denial by the secret police authorities who deny having any detainees in custody. However, in a positive move, and for the first time in Yemeni history, the National Security has expressed its willingness to work in tandem with civil society organizations regarding the detainees and disappeared persons. Unlike his predecessor, the lately-appointed director of National Security police has set up a bilateral committee for this purpose. This step constitutes a radical shift in the secret police-civil society relations, which have been dominated by mutual distrust.

Regarding the Ministry of Defense, Minister of Human Rights, Ms Huria Mashoor, stated that she had contacted the Defense officials sending them a list of the names of the detainees. In return, they urged her to check out the list as some names did not exist at all, while the others had been released! They also informed her that the military committee headed by the Defense Minister is working towards the release of the detainees and the disappeared. Overall, they did not provide clear information about the detainees.

Arrests in Taiz

The rights and freedoms committee of the Bar Association (Taiz Branch) exerted valuable efforts in tracking developments from the very first day of the outbreak of the revolution on February 11, 2011. The committee set up a legal team to monitor the violations to which the protesters were subjected. In the early morning of Feb. 12, 36 protesters were arrested; and the committee played a

crucial role in their release. The next day (Feb. 13, 2011), 120 protesters were arrested; the committee immediately championed their cause and they were all released.

The committee set up its own tent in Freedom Square, where members of the committee received complaints of abuses. The legal team pursued those cases. Sixty complaints and reports were received by the team till the disastrous burning of the sit-in square.⁸¹ It also received reports of enforced disappearances, some of which date back to the early 1980s.⁸²

In related contexts, the police used poisonous gas and tear gas to dispel protesters on April, 3, 2011. As a result, about 1700 protesters suffered breathing difficulties; and 28 were arrested. The police arrested 350 protesters during April and May 2011. The legal team took immediate steps towards their release. The office of the attorney general complied and issued release orders. However, the director of al-Jahmaliyyah police station declined to comply with the orders. The team sued him and he finally yielded.

⁸¹ The square was burned on 05/29/2011

⁸² Report of the Rights and Freedoms Committee, The Bar Association, Taiz, July 2011

Table 5-7: Detainees in the Central Security prison on charges of affiliation to al-Qaida and the Southern Movement

No.	Detainees	No.	Detainees
١	Alaa Khaled Abdullah al-Hulbah	١٥	Muti'balah al-Salyani
٢	Lutfi Mohammed al-Abd	١٦	Hilmi Abdullah Amer
٣	Anees Mohammed Al-Ouli	١٧	Majed Abdulbari al-Afifi
٤	Maher Mohammed al-SOmali	١٨	Tareq Mohammed Ahmad
٥	Hamadah Salem al-Haidari	١٩	Sabir Mohammed Hamoud
٦	Mohammed Ali Qarham	٢٠	Najeeb Mohammed Abdullah
٧	Munir Saleh al-Sumnah	٢١	Qassim Saleh al-Harouqi
٨	Mohammed Husain Barakat	٢٢	Majed Sharaf al-Maqtari
٩	Faruk Abdulhameed al-Khulaidi	٢٣	Ali Abdullah Ahmed Hirbaj
١٠	Mohammed Hasan al-Saqqaf	٢٤	Abdurrahman Daasah
١١	Wajdi Ahmed Nasser	٢٥	Mohammed Omar al-Zubaidi
١٢	Sultan Abdulbari al-Afifi	٢٦	Mohammed Futaini Suleimaan
١٣	Nasser Ali al-Shaibah	٢٧	Ahmed Basher al-Maisari
١٤	Qassim Mohammed Hadi	٢٨	Ammar Mohmmed al-Marfadi

Source: Release a Prisoner Initiative, Aden

Many of the former detainees bitterly relate instances of beatings and humiliating treatment during their detention. Arrest was not restricted to protesters only, but included the medical and rescue teams. Former detainees testified that they thought some doctors followed them to prisons in order to take care of the injured, but they discovered later that the doctors and ambulance staff were themselves arrested, in a gross violation of the Geneva Convention,⁸³ and all national and international laws.

Table 5-8: Detainees in the Political Security and Sawlaban Prisons in Aden, and Detainee in Taiz

The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick

Although the police carried out large-scale arrest campaigns during the revolution, the dedicated and sustained efforts of the legal team, the Bar Association and civil society organizations succeeded in securing the release of the

No.	Detainees in Political Security prison	No.	Detainees in Political Security prison
١	Nizar Abdulkhaleq	٨	Mokhtar Mohammed
٢	Ahmed Abdullah Taher	٩	Ali Al-Abd M. Nasser
٣	Saleh Hasan al-Qarf	١٠	Hani al-Juhafi
٤	Yasser Saleh al-Qarf	١١	Hisham al-Juhafi
٥	Haddar Saleh al-Qarf	١٢	Ahmed Abdullah Taher
٦	Saddam Saleh al-Qarf	١٣	Mohammed Nasser
٧	Ameen Salem Ali	١٤	Mohammed Abdullah

Source: Release a Prisoner Initiative, Aden

No.	Detainees in al-Sawlaban prison in Aden	No.	Detainees in Taiz
١	Mazen Hyel	١	Maher al-Maqtari
٢	Husain Jubran		
٣	Salem al-Abd		
٤	Ahmed Salem ba Abbad		
٥	Al-Anbari		

Source: Release a Prisoner Initiative, Aden

Source: the Bar Syndicate

detainees. Only one protester, Maher al-Maqtari, is still detained. Al-Maqtari was arrested in a march in May 2011, and was charged with murder. Eyewitnesses testified that al-Maqtari was not involved in the murder; yet, the testimonies were not considered. Al-Maqtari is still prosecuted for an act, his lawyers affirm, he has nothing to do with.

Arrests in Aden

Aden was the first Yemeni governorate to witness demonstrations and marches. Protests have been going on since 2007 with large gatherings pressing for their rights and demanding their rehabilitation since many of them were dismissed from their jobs in the aftermath of the 1994 war.

At first, civil and military personnel organized peaceful sit-ins every Thursday. Gradually this came to be known as the 'peaceful movement'.

Protesters demanded the government to grant them their rights peacefully, but the authorities responded with an iron hand, paying no attention to the demands of the protesters. The protesters began to call for secession and the restoration of an independent southern state, as a result. They continued in this radical stage until the outbreak of the 2011 revolution. This situation was aggravated by the regime's use of deadly force in dealing with the protesters. According to civil society organizations,⁸⁴ thousands were arrested during the last five years, some of them were detained for a few days. After the outbreak of the February 2011 revolution, the regime also responded with deadly force and arrested hundreds of the protesters, many of them are still detained in the Sawlaban, Political Security and Central Security prisons. These detainees are charged of terrorism and affiliation to the secessionist movement.⁸⁵ Many of the families of the detainees have no idea of these charges, especially as they were denied visits and contacts with the detainees.

According to lawyer Warda ben Sumait,⁸⁶ coordinator of the Release a Prisoner Initiative launched by Adalah Organization for Human Rights, the 47 detainees have not been referred to the attorney general office. She adds that the charges are fake and that some of the detainees have been transferred from the Central Prison in Sanaa to the Central Prison in Ibb, to end up again in the Central Prison in al-Mansoura, Aden.

⁸⁴ Hood, the Release A Prisoner Initiative, and Sahh Human Rights Organization

⁸⁵ Ibid.

⁸⁶ In an interview with Warda ben Sumait in Aden on 11/16/2012

Recommendations

- The immediate release of the detainees and disclosure of the whereabouts of the disappeared persons,
- Bringing all those involved in arbitrary arrest and enforced disappearance to justice to guarantee non-repetition of these violations in the future,
- Submitting the detainees on charges of links to al-Qaida and secessionist movement to court, or discharging them,
- Allowing the families of detainees on terrorist and secessionist charges to visit them, and their lawyers to hold solitary hearing sessions with them,
- Improving concentration centers in public prisons and closing down all other illegal prisons, including secret police prisons,
- Ensuring humanitarian treatment of the detainees, and bringing those involved in torture to justice,
- Repealing the 2003 Marches and Demonstrations Law, which contravenes international standards,
- ... exceptional ... for the former detainees and their families as a compensation for their detention in public and illegal

prisons, and honoring their contributions to the peaceful 2011 revolution and the southern movement,

- Enforcement of the president's and the attorney general's orders concerning the immediate release of the rest of the detainees in connection with the 2011 revolution and the southern movement, and in light of the Security Council Resolutions (2014, 2051), which urged the immediate release of the afore-mentioned detainees.

CHAPTER 6

FREEDOM OF EXPRESSION

Freedom of Expression

Introduction

Freedom of the press and the media in general is one of the most important public liberties. Democracies pay special attention to this right to the extent that they guarantee freedom of the press and the media in their constitutions and laws. Freedom of

No.	Journalist martyr	Place of Martyrdom
١	Jamal al-Sharaabi	Shot dead by regime gunmen on 03/18/2011 (Jumaat al-Karama) in Sanaa
٢	Mohammed Husain al-Thulaya	Shot dead by regime gunmen on 03/18/2011 (Jumaat al-Karama) in Sanaa
٣	Abdulmajeed al-Samawi	Shot dead by regime gunmen on 09/25/2011 in Old University Sanaa
٤	Abdulhkeem al-Noor	Killed in a projectile explosion in his home in Taiz, 10/04/2011
٥	Hasan al-Wadhaf	Shot dead by the Republican Guard on 10/18/2011, while filming a march in Kentucky crossroads in Sanaa
٦	Fuad al-Shamiri	Shot dead by regime gunmen on 10/22/2011, upon leaving al-Saeeda Channel Office in Sanaa
٧	Tawfeeq Ahmed Obad	Shot dead by the police on 12/24/2011, while taking part in al-hayah march in Hizyez, Sanaa

expression is no longer an internal affair as many international conventions and agreements reveal. Article (19) of the Universal Declaration of Human Rights, for instance, stipulates, "Everyone has the right to freedom of opinion and expression; this right

includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” Article (19) of the International Convention on Civil and Political Rights provides for the freedom of expression in details:

1. Everyone shall have the right to hold opinions without interference.

2. 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 other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

1. For respect of the rights or reputations of others;

2. For the protection of national security or of public order (ordre public), or of public health or morals.

Article (20) imposes restrictions on the freedom of expression in specific cases which harm the International Community. These cases are as follows,

Any propaganda for war

Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence

Table 6-2: Violations against journalists in

Article (6) of the Yemeni Constitution (2001) stipulates, “The state affirms its adherence to the United Nations Charter, the International Declaration of Human Rights, the Arab League Charter and the generally recognized principles of International Law.” The state is obliged to respect and protect freedom of expression for every individual in view of the fact that it is a genuine right.

Freedom of the Press

The year 2011 was quite bad for the freedom of the press in Yemen in some respects. Seven journalists were martyred during, and on account of, their coverage of the events of the revolution, and several others were seriously injured. Yet, the journalists persisted in doing their duty in that frightful atmosphere.

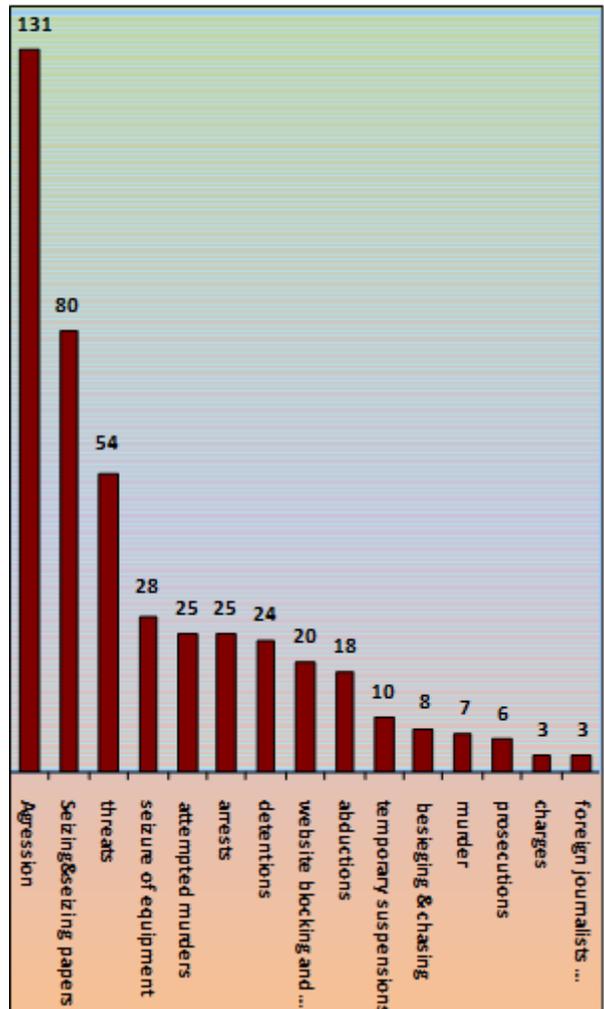
The authorities have done all they could in the past years to silence the journalists. Media outlets and journalists experienced hard times and dangers. A report dealing with the violations of the freedom of the press documents 442 violations in which journalists were the victims of various forms of abuse,

2011		
No.	Incident	No. cas
١	Assault	١٣١
٢	Seizing, burning, and destroying papers	٨٠
٣	threats	٥٤
٤	Seizure of equipment and bans from work	٢٨
٥	Attempted murders	٢٥
٦	arrests	٢٥
٧	detentions	٢٤
٨	Hacking and blocking websites	٢٠
٩	Abductions	١٨
١٠	Temporary suspensions	١٠
١١	Besieging and chasing	٨
١٢	murders	٧
١٣	prosecutions	٦
١٤	charges	٣
١٥	Foreign journalists deportation	٣
Total		٤٤٢

Source: Women Journalists with
Organiz

including murder, attempted murder, aggressive behavior, unjust trials, abductions, detention, website blocking and hacking, closure of newspapers, etc. These actions contravene the fundamental right guaranteed by all international conventions and by the Yemeni Constitution (2001) of which Article (42) stipulates that, “The right to contribute to the political, economic, social and cultural life is guaranteed for every citizen. The state guarantees freedom of thought and the expression of opinion in the verbal, written and photographic forms within the limits of the law.” The Constitution does not provide for freedom of the media unequivocally in a way that meets international standards. Nor does it refer to freedom of the press, which is merely implied in the “expression of opinion,” which is quite ambiguous. Moreover, the “expression of opinion” is merely a subcategory and a tool of the freedom of expression.⁸⁷ Anyone who is aware of the challenges to and violations of the freedom of the press in Yemen

FIGURE 6-1 Types of Abuses Suffered by Journalists in 2011, in numbers



⁸⁷ A. al-Wadi'e, *al-Sahafa fi-lyemen (Journalism in Yemen)*, Vol. 1. Women Journalists without chains, 2006, p. 215

can easily recognize the magnitude of the violations and abuses to which journalists were subjected in 2011.

Punishing the Witnesses

Journalists are witnesses to events and are more vulnerable to violations than others. Some of the violations during 2011 have been briefly mentioned above. No journalists were killed during 2012– a remarkable improvement in its own; yet there were many violations. According to a report on the freedom of expression,⁸⁸ journalists were the victims of 135 violations in 2012, including arrests, physical assault, threats, unfair trials, and website hackings. These violations reveal that severe restrictions continue to be imposed on the press. Although press freedom fare better in 2012 than the preceding year, gross abuses were still practiced by the police. In a way, the decade-long partisan and pro-regime propaganda is responsible for the police repressive attitudes towards journalists. The police have been indoctrinated in regime propaganda in which journalists figure as enemies, and that their task is to put them on the right track.

Table 6-3: Violations against Journalists in 2012

No.	Incidents	No.	of	%
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⁸⁸ The Women Journalists without chains Report on the Freedom of Expression, 2012

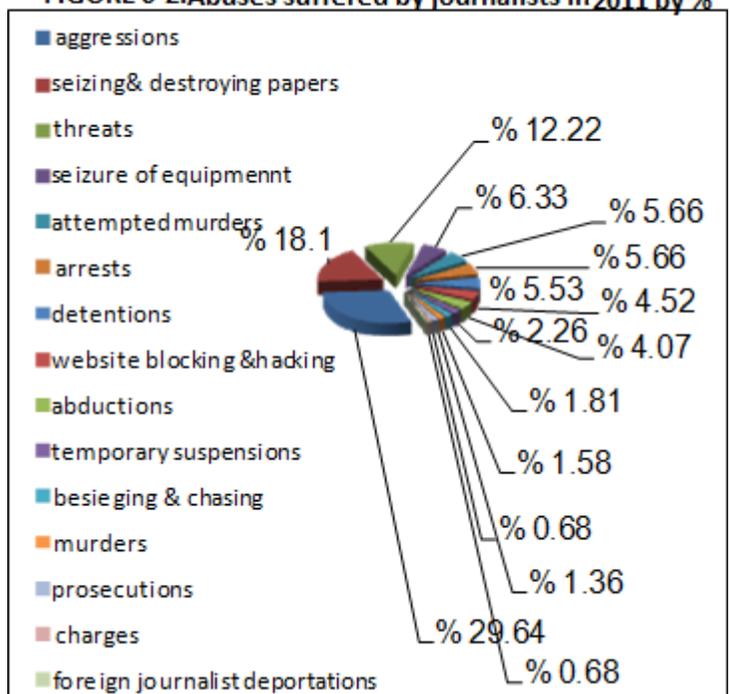
It is no wonder, then, that some journalists were murdered. Jamal al-Sharaabi and Hasan al-Wadhafi are

		times	
١	Assaults	٦٠	44.44%
٢	Threats	٣٤	25.19%
٣	Incitement and defamations	٩	6.67%
٤	detentions	٧	5.19%
٥	Attempted murders	٦	4.44%
٦	Website blocking and Hacking	٥	3.70%
٧	Prosecutions	٥	3.70%
٨	Arbitrary dismissals	٤	2.96%
٩	Arrests	٣	2.22%
١٠	Abductions	٢	1.48%
Total		١٣٥	%١٠٠

Source: Women Journalists without Chains Organization, 2011

outstanding examples of journalists who were brutally killed by the police and gunmen of the Saleh regime during the 2011 revolution. The other Journalist-martyrs are Fuad al-Shameeri, Abdulhakim al-Noor, Mohammed al-Thulaya, Abdulmajeed al-Samawi, and Tawfeek Obad. All of them were killed in hot spots, and were willing to sacrifice their life for the

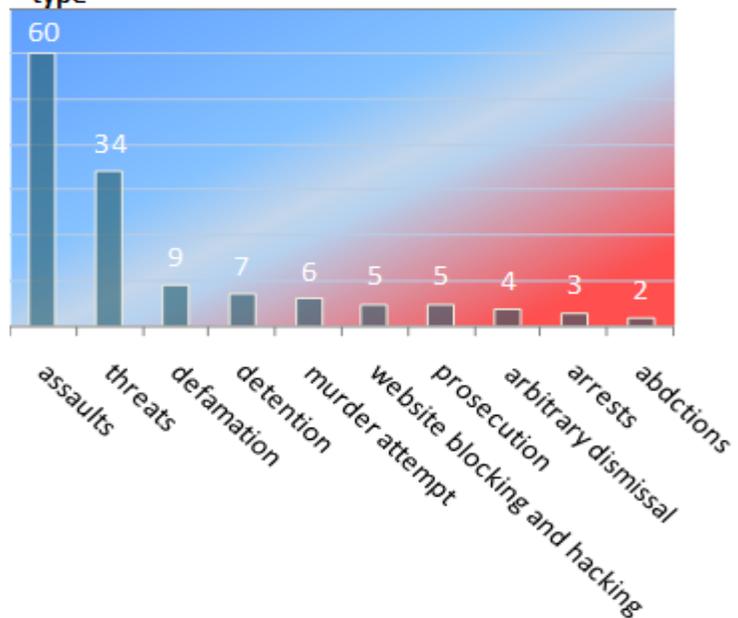
FIGURE 6-2: Abuses suffered by journalists in 2011 by %



sake of disclosing the truth. Tawfeeq Obad was martyred on December 24, 2011 while taking part in al-hayah march. The Yemeni Journalists Syndicate has to work hard to bring the abusers of the rights of journalists to justice, especially perpetrators of capital offences. The murderers of the seven journalists shall be pursued and brought to justice.

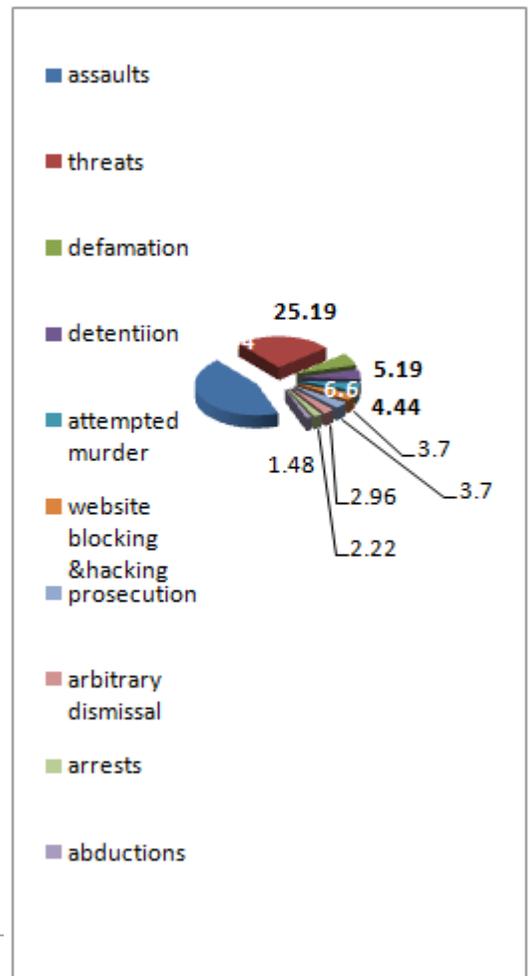
Women Journalists without Chains Organization monitored 442 abuses of journalists during 2011. Violations involved murder, attempted murder, beatings, abductions, arrests, website blocking and hacking, confiscating, burning and destroying newspapers, closure of newspapers, gas attacks, unfair trials, bombing journalists' homes, etc. Undoubtedly, these abuses had a negative impact on journalists. Several papers were compelled to stop due to repeated seizures and financial crises. Many journalists left Sanaa to their hometowns due to their inability to cope with the harsh living conditions. The military and police forces targeted satellite channels. Suhail channel studios were destroyed. Al-Saeedah head office was also bombarded; one of its staff, Fuad al-Shameeri, was martyred and Mohammed Dabwan was seriously injured. In a similar vein, news websites were hacked and all their content destroyed.

FIGURE 6-3:
Numbers of Abuses suffered by Journalists in 2012, by type



Bombardments were not restricted to satellite channels, however. Saba News Agency was also heavily bombarded and equipment was either destroyed or sacked. The head office of the agency still stands today as a witness to the crimes committed against the media institutions. Ten journalists were besieged in the agency’s main office. Although these journalists managed to escape, they have not resumed their work to date. The damage of Saba News Agency reveals an important fact; namely, that all conflicting parties in Yemen (the Saleh regime and influential traditional elites) are equally antagonistic to the media, particularly as they fail to win the journalists to their side. In a similar vein, Al-Sahwah and other newspaper offices were bombarded. Targeting newspaper offices affirms the fact that officials and influential elites cannot tolerate dissenting voices.

Figure 6-4: Abuses suffered by Journalists in 2012, by %



The Open Space

The Yemeni Press and Publications Law does not regulate the functioning of the broadcast media. In order to establish a TV channel, one has to get a license from a country other than Yemen. This monopoly is behind the continued absence of a law regulating broadcast media, in contravention of international conventions. Monopoly of the open space over the last three decades has undermined media freedom and diversity. Instead of contributing to the values of freedom, human rights, justice and

equality, the state media were monopolized by the regime and dedicated to glorifying the dictator, losing credence as a result. However, this monopoly has been broken to some extent. The Ministry of Information has lifted the ban on private broadcasting media. Many satellite channels have been established, private radio stations will be started in the near future.⁸⁹

Undoubtedly, the proliferation of the media has given rise to competition in meeting the needs and fulfilling the expectations of the listeners and viewers. The general public can have access to various sources of information, besides the advantage of communicating their views. Modern technology has played a vital role in facilitating 24-hours broadcasting and public interaction with the media.⁹⁰

Bans and Restrictions on Publications

The Universal Declaration of Human Rights places much emphasis on freedom of the press and the right to gain access to and publish news and opinions. This right, however, is curtailed due to the restrictions imposed on publications. Many provisions in the Yemeni legal code limit this right in a variety of ways, such as censorship, bans, monitoring, etc.⁹¹

Article 103 of the Press and Publications Law (1990) prohibits publishing and proliferating any materials which contravene the Islamic Sharia or the interests of the state. It stipulates,

⁸⁹ Mohammed Qaizan” Responding to human rights issues in Yemeni media policy,” The Conditions of the media in Yemen Conference, December 9-10, 2012.

⁹⁰ Husain Hamid, Head of the Board of Directors of the Radio and Television Union, in a comment during the inauguration session of the Regional Symposium on the Media and Human Rights, Cairo, January 21-22, 2003

⁹¹ The Annual Report on the Human Rights and Democracy in Yemen, The Yemeni Observatory for Human Rights, 2009, p. 59

Persons employed in radio, television and written journalism and especially those employed in responsible positions in radio and television journalism, owners and editors-in-chief of newspapers, owners of printing presses and publishing houses and journalists, shall be bound to abstain from printing, publishing, circulating or broadcasting:

- a) Anything which prejudices the Islamic faith and its lofty principles or belittles divinely-revealed religions or humanitarian creeds,
- b) In accordance with the law, any confidential document or information which might jeopardize the supreme interests of the country or expose any of its security or defense secrets.
- c) Anything which might cause tribal, sectarian, racial, regional or ancestral discrimination, or which might spread a spirit of dissent and division among the people or call them to apostasies,
- d) Anything 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.
- e) Anything which undermines public moral or prejudices the dignity of individuals or the freedom of the individual by smears and defamation,
- f) Confidential deliberations of the supreme bodies of the state,
- g) The details of cases during the stages of investigation and trial in ways which might prejudice the course of justice. During these stages, the criminal investigation departments, the police, the prosecution and the judiciary determine the items publication of which is forbidden,

- h) The intentional publication of false data or information with the aim of influencing the economic trends and situation or of spreading chaos and confusion in the country,
- i) Incitement to use violence or terrorism,
- j) Advertisements containing texts or pictures which are inconsistent with Islamic values and public ethics, defaming or libeling individuals, attacking the rights of others or mislead the public,
- k) Advertisements for pharmaceutical preparations, beauty aids or foodstuffs without the permission of the body concerned,
- l) To criticize the person of the head of state, or to attribute to him declarations or pictures unless the declarations were made or the picture taken during a public speech. These provisions do not necessarily apply to objective constructive criticism.

The above article limits the media freedom by widening the scope of responsibility imposed on journalists, enumerating even those who are not journalists in the strict meaning of the term, such as the owners of publishing houses and the top officials in the broadcast media. This provision contravenes the individual liability principle. In addition, jurisprudence and the judiciary in many Arab states have established the editor-in-chief's unaccountability for the opinions published by their papers, holding the journalist individually responsible for his opinions and views.

The article contains many other violations of the freedom of expression. To besiege media freedom, it expands the scope of the ban to include printing, publishing, and broadcasting, while in fact the journalist is the only one responsible for any

transgressions.⁹² Moreover, the loose phrasing of the article provides the authorities with the advantage of reading and interpreting the provisions in various ways, and hence allowing further restrictions on media freedom. For example, there are unspecified references to the ‘principles’ of the Sharia, “the divinely-revealed religion” and “humanitarian creeds.” It is very difficult to identify these phrases with any degree of precision.⁹³

The same also applies to the section on “cause tribal, sectarian, racial, regional or ancestral discrimination and hatred,” and “call them to apostasies.” In fact, journalists are often accused of committing offences of the kind. Section 4 refers to indefinite and unspecific concepts, making it difficult to draw lines between legal and illegal treatment of those concepts. Section (12) is especially ambiguous. It restricts criticism of the president, except in the case of “constructive objective criticism,” which is highly ambiguous.⁹⁴

At any rate, this is not the only article imposing restrictions on media freedom, notwithstanding the fact that it contains many arbitrary restrictions and prohibitions. Articles (192-202) of the Criminal Law imposes further restrictions and violations of the freedom of expression.

Box 6-1 Articles (192-202) of the Crimes and Penalties Law

Article (192)

Publicity in implementing this part means making public by word of mouth, broadcasting, presenting on screen, posting in public places, and indiscriminate distribution to people in public places.

⁹² Arab Law Bureau, “Freedom of the press and Publication Issues between Law and Freedom of Expression,” Cairo, 2005

⁹³ Ibid.

⁹⁴ Ibid.

Sheer indiscriminate distribution even if not in public places is considered an “act of publicizing”.

Article (193)

“Everyone publicly involved in incitement or seduction of a crime or several crimes, shall be considered an accomplice in the crime(s) resulting from that act, and subjected to the punishment of the crime, unless it is retributory or penal in which case punishment shall be a five-year imprisonment as a maximum, or a fine.

Article (194)

A five-year imprisonment as a maximum or a fine, shall be the penalty of:

1. A person who publicizes views containing mockery or derogation of religious beliefs, rituals and teachings,
2. a person who publicly provokes the derogation of a group of people, or the superiority of a group over others, if such acts result in public unrest.

Article (196)

Proliferation of scientific research on a religion or a sect in lectures, articles, or books shall not be considered an act of provocation, inducement, or propagation, if the topic is tackled in a scientific balanced and calm way.

Article 197:

A two-year imprisonment as a maximum or a fine not exceeding YR 4000 shall be the punishment of a person who:

1. publicly insults the president of the republic in a way that offends the president or distorts his personality;

2. publicly castigates a head of state or a representative of a foreign country recognized by the Republic of Yemen on account of his profession.

3. Publicly insults the offices of president or prime minister, the Parliament, police, the army, the judiciary, or any other authorities and public institutions.

Article 198

A one-year imprisonment as a maximum, or a fine of a thousand Rials shall be the punishment of:

1 anyone who intentionally publicizes or publishes bad news or forged documents, or attributes anything of the kind falsely to others,

2 anyone who publicizes or publishes the proceedings of confidential meetings and sessions of the judiciary, executive or legislative bodies; or intentionally distorts the proceedings of public meetings.

Article 199

A two-year imprisonment as a maximum or a fine shall be the punishment of:

1. a person who publishes or publicizes publications, drawings, engravings, photographs or the like, which contravene public morals.

2. advertisers, and sellers of the above mentioned items.

3. a person who publicly sings, chants, or makes speeches which contravene public morals.

4. a person who publicly propagates seductive acts, or publicized materials for this purpose.

Article 201

If the above-mentioned crimes were committed through newspapers, the editors-in-chief and owners shall be considered as genuine committers for the sheer publication of those crimes.

Article 202

Court rulings must in all cases stipulate the confiscation or removal of the items that the crime involves, and the closure of the establishment which published the materials for a period not exceeding a month.

Clearly, the above articles deprive the journalists and the general public of practicing their right of criticizing the president of the republic, the council of ministers and other state institutions. This means that no one would be able to criticize the authorities in spite of the fact that the officials occupy public positions, which are the object of criticism. This prohibition has led to the differentiation – indeed discrimination – between the officials and the general public, establishing the former above the law and beyond accountability.

Moreover, prohibitions are expanded to include foreign heads of state and diplomats in Yemen, again depriving the citizens of expressing their views on decisive issues. According to these provisions, a Yemeni citizen, for example, cannot criticize the massacres committed by the Asad regime in Syria, the gross violations of human rights by the Egyptian regime during the January 25 revolution, or Abbas's surrender to Zionist dictates, as such remarks would be directed at heads of states. Therefore, no citizen can express his views or condemn the atrocities of the heads of states, even from a humanitarian point of view.

One cannot but be struck by the comprehensiveness of the bans and restrictions imposed upon journalists and the general public. Restrictive provisions encompass all issues, local as well international, in gaping contradictions with Article (19) of the

Universal Declaration of Human Rights and Article (19) of the International Covenant on Civil and Political Rights. Indeed, Section (1), Article (5) of ICCPR prohibits imposing any restrictions on these rights other than those stipulated by the Covenant. As has been already shown, the Press and Publications Law violates international law in the name of national security, public order, rights of others, and public interest.⁹⁵

Generally speaking, freedom of expression is important for three main reasons. First, expressing one's views is an essential aspect of their sense of dignity. Second, approximating to the truth is best served through the existence of a "thought market," that allows the free exchange of ideas and views. Needless to say, this cannot be achieved unless freedom of expression is respected. Third, there can be no public debate or open dialogue without the free flow of information.⁹⁶

A few years ago, the government proposed a press and publications bill and submitted it to the Shura Council (the upper chamber of parliament) for discussion and suggestions. The bill was referred to the lower chamber. However, the discussion was interrupted before any agreement on the articles of the bill was reached. Journalists had put forth twelve principles as a guide in case the bill was discussed. These principles summarized the journalists' demands of an up-to-date law that should cope with international standards of freedom of expression. The principles were formulated in a way that took into consideration the various media and aimed to enable them to function freely, without fear, censorship, interference, or pressure. Several parties, however, both inside and outside parliament, cannot entertain the idea of a modern law in the context of international transformations and the

⁹⁵ Yasin Nasher, "(Dis)agreement of Yemeni Press law with the international standards of Human Rights," a paper presented in the symposium on "The Status of Press codes in Yemen and prospects of improvement," February, 24, 2005

⁹⁶ Taleb Awadh, Freedom of Expression According to International standards of Human Rights

Arab Spring revolutions. The toppled regimes and their cohorts in Tunisia, Egypt, Yemen, Libya, and even Syria had realized the fact that freedom of expression meant the end of their tyranny and oppression as the Arab Spring has clearly demonstrated. They know that modern laws adhering to international standards, particularly freedom of expression, is the bell of their doom. Hence, they push with all their weight to block the enactment of such laws.

Yemen is not secluded from developments on the international arena. Therefore, the twelve principles and standards proposed by the journalists as the basis for a modern press law will be taken into consideration, notwithstanding the fact that discussing the bill may be delayed for a period of time. In the last analysis, maneuverings will reach a dead end, and the proposed principles will be adopted. The proposed principles are as follows,⁹⁷

1. Adherence of the Press and Publications Law to the principle of international conventions, including the Sanaa Proclamation (1996), of which Yemen is a signatory;
2. Lifting the bans on owning all media, and granting the right to own them to individuals and institutions, particularly the broadcast media;
3. Ensuring the free flow of information and the right of journalists to gain access to and derive news from the various sources, including sites of events; and ensuring the safety of journalists;
4. A news item is sacred and opinion is free within the scope of moral responsibility and professional ethics which are binding to journalists in practicing their profession;
5. Enhancing the role of the media in nurturing democracy, development and transparency which contribute to the welfare of

⁹⁷ Idi al-Munifi, *The Legal Guide to the Yemeni Journalists*, The Yemeni Journalists' Syndicate, December, 2012

- society and fighting corruption; and improving the interaction of the public and the media so as to enable the public to participate in decision-making and to convey public opinion to the government;
6. Drawing clear distinctions between the rules regulating the profession within the confines of the Constitution and international conventions on the one hand, and the strictures which turn into obstacles and prohibitions restricting freedom of expression and hindering the free functioning of the media.
 7. Designating publication cases in courts in a way that suits their nature, presuming goodwill while tackling them, and avoiding comparing them to direct penal acts except in the case of issues concerning sovereignty and national security,
 8. Affirming that the media process is an economic activity as much as a mission that touches thoughts, awareness and influencing public opinion; therefore, guaranteeing the rights of media workforce is an important matter. The rights of journalists shall be enhanced so as to ensure good living conditions for them;
 9. Repealing all restrictive provisions which hinder practicing the profession;
 10. Legal proceedings are the exclusive point of reference in cases of publication, as well as prohibiting the temporary arrests of journalists and other similar acts;
 11. Transferring supervision of local media to a supreme media council overseen by the Shura Council and representatives of civil society,
 12. Adopting flexibility and evenhandedness in dealing with the journalists' rights and obligations, and facilitating all difficulties that hinder their complete freedom in practicing their profession.

The case of the detained journalist, Abdul-Ilah Haider

It is well-known that the journalist, Abdul-Ilah Haider, has been detained for over two years by the Political Security Organization on charges of propagating al-Qaida, and even of being its information and media chief (as charged by the office of the attorney general). These charges are fabricated, as it is the right of every journalist, in accordance with article (19) of the Universal Convention of Human Rights and article (19) of the International Covenant on Civil and Political Rights, to have access to information, to derive it from all sources, propagate and analyze it.

This is what Haider did. He merely collected information in his own way, analyzed and publicized it. Yet, the authorities viewed his rightful access to information as proof of crimination in contacting and propagating al-Qaida. Civil society organizations⁹⁸ affirm that Haider has been subjected to unfair trials, especially as the Yemeni judiciary is corrupt and unjust.⁹⁹

Moreover, the Yemeni judiciary is penetrated by the intelligence service. The ruling against Haider – five years imprisonment with enforcement, and two years under house arrest– is a result of intelligence interference. It has become clear to several human rights organizations that Haider is imprisoned American dictates. This affirms that the judiciary is not only infiltrated locally, but also by foreign countries. That Haider won't be released except with American approval is a testimony to this fact.¹⁰⁰

The Yemeni Journalists Syndicate, Women Journalists without Chains, Hood, and other organizations have organized several

⁹⁸ Hood, Yemeni Journalists Syndicate, Yemen Organization for Defending Rights and Freedoms, among others)

⁹⁹ Abdulkarim al-Iryani, Deputy Chief of the GPC party, in an interview with Kuwaiti *al-Siyasah* newspaper, 2010

¹⁰⁰ The annual report of the UN Supreme Human Rights Commission, September 5, 2012, p. 12

activities and protests in support of Haider in various places in Sanaa. They demanded justice and compensation for Haider.

To sum up, freedom of expression in Yemen does not fare well. Journalists still have to cope up with difficulties, restrictions, interference, and other problems. There is apparently no way out of these obstacles in the near future, unless all these hindrances and violations are dealt with seriously. The above-mentioned restrictive articles have also to be repealed.

Forced Closure of *al-Ayyam* newspaper

Al-Ayyam newspaper was compulsorily closed in May 2009, the transitional government and the Ministry of Information have taken no practical steps to end the ban on the newspaper on the basis of insubstantial and trivial reasons. Moreover, *Al-Ayyam* offices in Aden and Sanaa were the target of several attacks. Many cases were brought against the paper and the owners, some of which are still in court. Although the government pledged to lift the ban on the paper on condition that several guarantees have to be provided before resuming publication.¹⁰¹ However, the government's pledges were not fulfilled, and by the end of 2012 the paper was still closed.

Previously, *Al-Ayyam* was suspended by Mujawwar's government due to covering the southern movement, on charges of propagating secession, inciting sectarian and regional divisions, etc. Currently, there are no prospects of lifting the ban on the paper, a matter which raises concerns over the future of freedom of expression, and the well-being of *al-Ayyam* staff. In this context, we call upon the authorities to lift the ban on the paper and compensate it for the damages suffered by the owners and staff due to this long ban.

¹⁰¹ Ibid.

Recommendations

- Reforming the legal system, especially the provisions regulating press and the media generally; and passing the press and publications bill in accordance with international standards and transformations on the local, regional and international arenas;
- Enacting a broadcast media law in accordance with international standards, and in a way that ensures media freedom and removes all restrictions;
- Putting the recently-passed Information Law into force, and facilitating access to and circulation of information to journalists and the public at large;
- Repealing criminal penalties in the Press and Publications Law; and replacing such penalties in the Broadcast Media Law, at the time of its discussion in Parliament, with civil penalties.
- Expanding the scope of press freedom, and ending government monopoly of broadcast media through licensing these media by the concerned authorities;
- Abolishing the Ministry of Information, and replacing it with a higher information council in which civil society organizations, journalists and political parties are

represented, so that the new body may be able to create a sound vision for the Yemeni media in the future in line with the local, regional and international transformations;

- Working towards the resumption of issuing *al-Ayyam* newspaper, and the due government apology for the paper, as well as compensating the owners for the damages the paper suffered over the past years;
- Rehabilitating the Yemen News Agency headquarters, and compensating the agency staff for deprivation of work, as well as compensating the papers which were affected by the 2011-2012 events.

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CHAPTER 7

WOMEN AND CHILDREN

Women and Children

Introduction

Although 2012 witnessed a number of positive developments, many transgressions and drawbacks persisted. There were gross violations of human rights, particularly as violence escalated. Especially affected by those violations were women and children. The legal status of women and children is not conducive to a safe milieu for these two categories. In addition to the legal obstacles which hinder full enjoyment of rights, there are also institutional obstacles, i.e. the existing social and administrative structures which are not responsive to the needs of women and children. As a result, these categories are deprived of their rights to protection and safety, as well as security in its physical, social and economic manifestations.

The status of women was also greatly affected by the relapse of some political players – represented in the transitional government – on their pledges to empower women and secure their access to decision-making positions on an equal footing with men. The transitional government included three women, and

only two of them held ministerial portfolios previously occupied by women – Ministry of Social Affairs and Ministry of Human Rights. Except for these, no other top positions were allocated for women. Women continue to be excluded and marginalized in spite of the role they played in the peaceful revolution and the intensive efforts they have exerted in making their voice heard in revolutionary settings, workshops, and meetings with representatives of donor and Gulf Initiative overseeing countries.

Accurate statistics of abuses of the rights of women and children are not accessible due to shortage of data especially concerning women, and the fact that such abuses are scarcely reported. However, it is commonly held that 2012 witnessed many violations, including aggressive acts, murders, rapes, sexual harassment and an increase in the abduction of women. There was also a remarkable withdrawal of women from public life and restricted movement due to increase in illegal checkpoints and lawlessness.

The Legal framework of women and children's rights in Yemen

The successive Yemeni governments, both before and after 1990, tried hard to show goodwill towards the rights of women and children in particular. In fact, Yemen subscribes to several international human rights conventions, including Convention on the Political Rights of Women, Convention on the Elimination of all Forms of Discrimination against Women, Convention against Torture, Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of the Child, and the two protocols to this convention, prohibiting trafficking in children and using them in armed conflicts.

Positive steps were also taken in to guarantee women and child rights in some national legal codes, such as the Rights of the Child Law, Elections Law, Labor Law, and Civil Service Law. However, many provisions of international conventions are either excluded or vaguely rendered in Yemeni law, particularly the provisions on women's rights, their family relations, and violence against women. Post-1994 amendments were vociferously prejudiced against women.

Legal Discrimination against women

The Yemeni Constitution stipulates that “women are the sisters of men.” This provision, it might be thought, guarantees women's rights, whereas in fact the broad phrasing makes it susceptible to several interpretations. It is more of a general description of women's relations to men than a precise legal provision, as it specifies no rights for women or obligations on or towards them. It follows then that women are harshly discriminated against in legal codes and in real-life situations. Several Yemeni NGOs and the National Commission for Women have designated 27 legal provisions which discriminate against women and shall be amended. Laws providing for discrimination against women include the Personal Status Law, and Law No. 20 (1992, amended 1997 and 1999), which deals with marriage, divorce, custody of children and inheritance issues. This latter law makes women vulnerable to abuses and severely restricts their rights. A woman who abides by her right to choose her future husband without her family's consent runs the risk of physical assault in addition to further restrictions on her freedom of movement. In some cases, a woman is forced to marry the man her family chooses, especially in rural areas.

Legal discrimination against women in Yemeni law is so radical that it degrades their humanity and acknowledges treating them as inferior to men. The Crimes and Penalties Law, for example, assigns inferior status to women as compared to men. Article 232 of this law prescribes lower penalties for murder and other violent crimes committed against women when defense of family “honor” is considered a mitigating factor. The articles stipulates that if a woman is caught by her husband in the act of committing adultery and she or her mate were killed by the husband, the latter shall be fined or imprisoned for a year as a maximum. If the man is caught (by his wife) in the act of committing adultery and she kills him, she shall be killed. It is worth mentioning that in most cases, the penalty of murder is death, regardless of the gender of the perpetrator or the victim.

Rajaa al-Hakami’s case has clearly demonstrated gender discrimination. Rajaa was sentenced to death upon murdering a man who broke into her home at night in al-Odain/ Ibb and attempted to rape her. Several activists have shown that criminal evidence –compiled and recorded at the time of the incident – was tampered with. Angered by this unjust penalty of a woman who defended herself, human rights activists organized a support campaign for Rajaa and called upon the public to pressurize the government to reconsider the ruling.

Violence against Women

Generally speaking, violence is one of the most common abuses to which women are exposed. It takes various forms. First, there is individual violence, i.e. directly hurting a woman verbally or physically. Second, women suffer collective violence based on gender, such as debasement and exclusion. Finally, there is state violence. Although women are acknowledged as full citizens by the state, they are deprived of the full rights this status entails, especially in the political and economic aspects. Put differently,

women are the victims of domestic, social, and state violence. Forms of violence against Yemeni women include “beatings, threats, armed assaults, deprivation of education, deprivation of sustenance, denial of any role in family affairs, genital cuttings, restricted movement, disinheritance, forced marriage, disparaging or obscene remarks, demeaning the wife and her family, marital rape, desertion, divorce threats, prevention from work, seizure of salary, and forced successive conception.”

Studies of domestic violence have shown that: 67%, 30%, and 70% of women suffer violence at the hands of their husbands, brothers, and fathers, respectively. 57% of women suffered violence more than four times within a period of four months; 53% suffered physical violence, which recurred more often than mental violence (harsh words). Moreover, 33% were denied education, 13% were deserted by their husbands, 25% were dispossessed of their salaries by their husbands or close relatives, and 25% were circumcised (96.5 % in Aden and al-Mahrah).

Similarly, a study of a sample of women in Aden shows that 56.6% of working women and 43.4 % of illiterate women are subjected to violence. Another study of the types of violence associated with harassment shows that 75% of women suffer beatings, 45% were thrown by stones, 35% aggressively attacked or their handbags were snatched away from them, 7% faced abduction attempts, 90% were subjected to obscene language, 66% were criticized, 72% were thoroughly monitored, and 90% were harassed.”

These forms of violence have the following negative effects on women:

- Degrading women and robbing them of their human dignity
- Loss of self-confidence and personal skills,
- Deterioration of women’s social and national roles,

- Lack of the necessary security for productive and inventive life,
- Inability to raise children properly,
- Health deterioration that might come to lasting disability,
- Hostility towards men that hinders cooperation of men and women,
- Hostility towards marriage, increase in divorce, and disintegration of the family.

Therefore, violence against women has to be addressed seriously. The state and civil society institutions have to exert collateral efforts to eradicate violence against women through comprehensive projects of intellectual, educational, political, and economic

modernization. An initial step in this regard is to create an objective unit for envisioning the status of women to ensure the prevalence of women's positive choices and develop all of their achievements, in general and educational achievements in particular. A policy of comprehensive human development must also be adopted so as to create a productive harmonious society.

Box 7-1

Women Martyred during the 2011 Revolution

1. Azeeza Abdu Othman Taiz 10/16/2011
2. Rawiyah al-Shaibani Taiz 11/11/2011
3. Zainab al-Odaini Taiz 11/11/2011
4. Yasmin al-Asbahi Taiz 11/11/2011
5. Toffaha al-Antari Taiz 11/11/2011
6. Kifaya al-Amoudi Sanaa 10/30/2011
7. Maram Basheer (child) Sanaa 10/02/2011
8. Nadheera al-Absi Sanaa 10/23/2011

Educating women plays a pivotal role in fighting violence as it enhances their awareness of their rights and ways of defending them. Similarly, religious, intellectual and political elites can play an important role in enhancing the values of tolerance and peace in society, condemning violence against women, and championing their cause. Collective endeavors have to be taken in standing up to the authorities in case they decline to take

action against violence, punish the perpetrators of such acts, and do justice to the victims. Finally, women activism is central to defending women's issues. Women activists shall establish new women organizations adopting collateral endeavors based on scientific research and field studies so as to be able to contribute to the promotion of women's rights and to human rights generally.

Women's Participation in the 2011 revolution

The peaceful February 2011 revolution is to an extent the women's uprising. Women participated in the revolution from the very beginning, and even played leading roles in starting it in the first place. This role manifests itself in two ways: in women's human rights and political activism, and in the emergence of several women as field leaders in revolutionary activities. "The Sanaa University students who fomented the early protests were not all male; some of their female colleagues took part in initiating the revolution too. Women activists and journalists followed suit and joined them. Women activists, such as Tawakkol Karman and Bilquis al-Lahbi, were among the first people to respond to the Sanaa University students' call for protests."

In Taiz, female writer Bushra al-Maqtari played a leading role in staging the Freedom Square sit-in. She had been involved in disseminating revolutionary ideas for many years. However, Women's participation was not confined to writing or taking part in the marches and demonstrations. Indeed, both rural and urban housewives prepared food and sweets for the protesters; women academics and professionals volunteered in various activities, especially in giving first aid and treating the wounded.

Women's participation was highly appreciated, especially by international organizations, which were interested in documenting and highlighting women's revolutionary roles. For instance, an

Amnesty International report states, “Large numbers of women took part in the anti-government protests in 2011, but relatively few were arrested in comparison with the number of protesters. Among those who reportedly were arrested and subjected to short-term detention by security forces were at least four women medical workers involved in providing medical assistance to injured protesters. They were released apparently after a public uproar about their arrests.”¹⁰²

Abuses of women on account of their participation in the revolution

According to HOOD Organization, “the Yemeni authorities are involved in systematic discriminatory practices against women in contravention of the Sharia, Yemeni legal codes, and Yemen’s international obligations. Women leaders are especially targeted. For instance, Amal al-Basha, head of the Arab Women Forum and member of the National Council, was reportedly interrogated in Sanaa airport and threatened of harsh prosecution due to her oppositional activities.

In a similar vein, the head office of the Yemeni women Journalists Forum was plundered with an aim of putting an end to the Forum’s active enlightening role. In addition, the intelligence and government-owned media carried out intensive campaigns confining the role of Yemeni women within traditional boundaries, distorting their political activism, and advocating patriarchal supremacy in a society where over 60% of the population are illiterate, less than 30% live in rural areas, and more than 50% are below poverty line.”

¹⁰² “Yemen: Human Rights Agenda For Change,” Amnesty International, 2012

Abuses of women during the revolution were proportionate to their huge presence in the revolution. Women were subjected to corporal and moral abuses. Moral abuses involved defamation of women. For example, “former president, Ali Abdullah Saleh, publicly criticized women’s participation in protests, asserting that mingling of the sexes is strictly prohibited.” Hamid al-Ahmar also reiterated offensive remarks against revolutionary women, stating in an interview that women have turned sit-in squares into dance floors. Many women activists sued him for defamation and slander, as a result.

Women also faced abuses from men and women affiliated to the Islah Party under the pretext of limiting mingling of the sexes, both in sit-in squares and in marches. Hence, certain places were specified for women in the sit-in squares, and partitions separated them from men’s places. Women were aggressively attacked and beaten in marches. A number of women activists including Huda al-Attas and Arwa Othman were beaten and Arwa’s camera was seized in a march against General Ali Muhsin al-Ahmar. In another instance, Tawakkol Karman was arrested and briefly detained. Bushra al-Maqtari’s house in Taiz came under fire after being besieged. Women doctors and nurses were arrested in a march near the Ministry of Foreign Affairs, and a number of revolutionary women were forcibly disappeared on September 18 and 19 in al-Qaa’ area in Sanaa.”

Above all, several women were killed and wounded. Among the martyrs were Azeeza Abduh Othman (killed on October 16, 2011 by regime snipers in Taiz), Rawiyah al-Shaibani (killed during a march in Taiz), Zainab al-Odaini, Yasmin al-Asbahi, Toffaha al-Antari, who were all killed November 11, 2011 in Freedom Square in Taiz. In Sanaa, Qifayah al-Amoudi was killed by gunmen in Hayel St. on October 30, 2011; the seven-years-old-girl, Maram Basheer Sharaf, was killed on October 2, 2011; and

Nadheera Radman al-Absi was killed in Hayel St. on October 23, 2011.” According to the Bar Syndicate legal committees, there were 34 women martyrs, 13 of whom were killed in Taiz alone.

Women were also affected indirectly due to the loss of sustainers such as fathers, sons, and husbands. In some of these cases, responsibility of sustaining the family falls on women, an extremely difficult task in the context of political instability and economic stagnancy.

Intellectual Terrorism: Charge of unbelief

The Saleh regime employed religious edicts (fatwas) to charge women of apostasy. Bushra al-Maqtari and two other persons faced this charge after she published an article which reportedly contained many religious offences. Al-Maqtari’s article, entitled “Revolution First Year” was published upon the arrival in Sanaa of hundreds of revolutionary youth who walked all the way from Taiz in the well-known al-hayah march. Preachers in Taiz and other places launched a campaign against al-Maqtari, and peaceful protesters marched to the neighborhood of al-Maqtari’s house demanding her trial. Moreover, a number of the revolutionary youth distributed cassette recordings of an Aden-based preacher; the recording contained inciting remarks against al-Maqtari, who had to restrict her movement as a result.

Tawakkol Karman was, to a lesser extent, attacked in media owned by extremist groups, following her statement that the Islamic Sharia is a source of inspiration in which she implied that the Sharia should be regarded as such in the new constitution instead of viewing it as the source of legislation. These and other examples demonstrate the need for rationalizing religious discourse and setting limits for issuing fatwas, which should not be employed in achieving political goals or attacking opponents.

Law and independent judiciary, not personal attitudes and inclinations, should be the only way of settling all disputes. Failing that, peace will continue to be threatened, especially under the current circumstances of prevalent illiteracy rates, which serve as the best milieu for upholding such fatwas and putting them into practice.

Childhood in Yemen

Before delving into details of child rights in Yemen, it would be appropriate to point out that the report adopts the internationally recognized definition of a child, as stated in the Convention of the Rights of the Child which sets forth the rights of the child and was subscribed to by all states except the US. According to this convention, a child is “every human being below the age of eighteen years”.

The condition of the child in Yemen is not different from that of other age groups. It might be even harsher due to the various abuses, which will be dealt with in the following.

Exploitation of Children

Yemeni children are exploited physically, emotionally and sexually. They are also victims of neglect. Exploitation and neglect of children by their parents and guardians recur in the majority of

Box 7-2

Children Killed during the 2011 Revolution

9. Anas al-Saeedi (10 mnths) Taiz 09/19/2011
10. Akram al-Saadani (13) Sanaa 10/29/2011
11. Saddam al-Saadani (16) Sanaa 10/29/2011
12. Nuruddin al-Darbi (9) Sanaa 10/29/2011
13. Abeer Qutran Sanaa 11/11/2011

Detained:

1. Abu al-Fadh1 al-Wisabi (15) Sanaa 10/15/2011

cases. According to a study conducted by Siyaj Organization for the Protection of Children, “the sample included 24 orphan children and 167 whose parents are still alive. The majority of the children left school, 15 children stopped attending school while 37 children continue their schooling.”

Regarding psychological indicators, 37 children, out of 101 working in enclosed spaces (such as workshops, car hospitals, houses, restaurants, cafes, etc) have no desire to live, compared to 25 children out of 90 working in open spaces (streets, market places, etc).

Abuses related to the 2011 revolution

Yemeni children were not kept away from the events and repercussions of the revolution, both as a participant and as an object of abuse. More than 500 children were killed, wounded, or disabled, of whom around 142 children were killed. Among the killed was Anas al-Saidi (10 months), who was shot dead by pro-regime snipers in Hayel St. on September 19. On October 29, brothers Akram (13) and Saddam al-Saadani (16), and Nnuruiddin al-Darbi (9) were killed in a howitzer shell blast; the shell was thrown from al-Samaa Camp. Seven other children were wounded, some of them permanently disabled, while they were playing in al-Darb village. Abeer Kamal Qutran and three other girls were also killed.

Tens of children were arrested and subjected to corporal and mental torture due to their participation in the protests. The child Abu al-Fadhl al-Wisabi was arrested in mid-October 2011, but was released upon intensive efforts exerted by civil society organizations. By the time he left the Criminal Investigation prison, he had had an ear completely deafened due to heavy blows by the investigators in addition to being electrocuted in his

head. Furthermore, children faced excessive violence due to their own or their families participation in protests; School principals also punished children for frequenting sit-ins, taking part in the protests, graffiti, chanting anti-regime slogans, and refusal to take part in pro-regime rallies.

Recruiting Children

In a gross violation of international conventions, most, if not all, of the conflicting parties recruited children, used them in armed conflicts, and endangered their lives due to the tasks entrusted to them. Several reports point out that the government forces, First Armored Brigade, the Houthi and Ansar al-Sharia militias recruited children to take part in fighting operations. Civil society organizations seeking to verify those reports face many obstacles in identifying the ages of the recruits due to the lack of birth certificates and other reliable records.

In spite of the difficulties, some NGOs conducted field studies on recruiting children in several armed conflicts. One such study by Siyaj Organization reported that “children recruits among Houthi militias reaches 50%, compared to 40% of child recruits in the army, religious and tribal militias. There are 402 child recruits in Houthi militias and 282 in the popular pro-regime army.”

According to observers, there are many reasons for the spread of this phenomenon. Minors are more responsive to recruiting and recruitment due to their feeling of reaching full manhood. In addition, tribal culture, the lack of birth records, and the absence of laws incriminating the use of children in armed conflicts play a role in recruiting children in the army and militias. Finally, the government resort to tribal support in managing conflicts with political opponents is an important factor. The government

rewards tribal allies with military jobs, some of which are assigned to children by tribal chiefs.”

Collateral efforts need to be exerted to eradicate this inhumane phenomenon. The government shall play a major role in this regard. Legal codes have to be amended to meet international standards. The government shall also work in tandem with local and international NGOs in sharpening people’s awareness of the dangers of this phenomenon. Moreover, ministries of Defense, the Interior, Human Rights, and Social Affairs and Labor shall draw an urgent plan to calculate children recruited and recruited during 2011 and 2012 as a first step of dismissing them from service. They shall organize training sessions and programs to help them function normally in society and pursue their education.

Child Labor

“I work throughout the day and well into the night time, earning a thousand Yemeni Rials at most. In the meantime, I am beaten by a relative who does not work, and by some people in the streets.” With these words Munawwir (15) summarizes the abuses he is subjected to. Monawwir’s innocence and childhood were no excuse to his father who forced him to leave school and join his older brother in Sanaa in order to sustain their family in Taiz.

Munawwir dropped out in the fifth grade and joined the multitudes of child laborers, selling belts and other items in the streets of Sanaa. Millions of Yemeni children do not fare better than Munawwir. A UN study has reported that around seven million Yemeni children aged between 5-17 years are unpaid workers. The study also showed that more than 1,300,000 Yemeni children count among the workforce, about 460,000 of whom are aged 5-11. Moreover, large numbers of Yemeni children aged below fourteen years work for more than thirty hours per week, or in

harsh and risky conditions. Similarly, the United Nations Development Program maintains that over six million Yemeni children do not have access to essential health care. The program also shows that as the Yemen Humanitarian Response Plan 2013 was inaugurated, “almost 1 million Yemeni girls and boys under 5 are suffering from acute malnutrition, of whom more than 250,000 have life-threatening severe acute malnutrition,” and that “174 children have been killed and/or maimed, including 49 victims of mines.”

The spread of this phenomenon is due mainly to harsh economic conditions. As fathers and guardians fail to fulfill the demands of their dependents, including school expenses, they force children to work with little regard for the damages involved.

At any rate, this obtuse topic is tackled only partially and lacks scientific accuracy due to the lack of accurate data, and specialized research centers. Field studies are almost non-existent, except for sparse journalistic investigations and random-sample surveys made by personal efforts. This topic, therefore, must be assigned the due attention. The establishment of specialized research centers is crucial. NGOs working in this field shall be assisted in order to conduct scientific studies and build accurate database on this phenomenon.

Child Trafficking

“I dropped out in the fifth grade. I have seven brothers and four sisters. After my mother died, my father remarried and had four children. My father grew old and sickly. We are poor and my father cannot cover school expenses, so I had to travel to Saudi Arabia with other children from my village.” This is a part of the painful story of Mohammed Hasan al-Sagheer from Mahweet. It sheds light on trafficking in Yemeni children to neighboring

countries, especially Saudi Arabia, which has become a widespread and growing phenomenon to the extent that it has become a systematic profession. The media usually highlights stories of children disappearing suddenly and reappearing after some time in the neighboring countries or on the border. Some media releases also covered catastrophic stories of children who were subjected to medical operations and removal of internal organs by gangs trafficking in human organs. Other children were subjected to infamous labor such as house-keeping, begging, drug trafficking and prostitution.

Unfortunately, there are no precise statistics on trafficking in children; even though victims had numbered in tens of thousands a few years ago. More recently, Siyaj organization has revealed that around a thousand victims were taken to Saudi Arabia in 2011. A recent Saudi study has shown that around 3500 Yemeni children are captured every month by the Saudi authorities in the process of illegal trafficking. These children work as casual laborers, servants and beggars. According to a Ministry of Human Rights report, children aged between 6-12 years old – 85% of whom are male and 15% female– constitute the majority of the victims of trafficking.

Child Marriage

Hannadi Ibrahim Ali (12) said that her father, who sells second-hand cell phones in Bab Mushrif, Hodeidah, forced her to marry the second-hand market attendant who always threatened to prevent him from working in the market place on account of his poverty.

The twelve-year-old girl was shocked to know of her father's adamant decision to marry her off to the 50-year-old market attendant, Abdurrhman ba Yaqub) due to the harsh living

conditions and heavy debts. The father forced his daughter to marry a cruel merciless pedophile who threatened, beat and abused the helpless girl sexually. The tears and childish appeals of the innocent girl, who had no knowledge of sexual relations, fell on deaf ears.

The girl pleads all women and child organizations to save her, complaining that her father married her off to a very old man on condition that the husband should refrain from having sexual intercourse with her till she comes of age; to which the wily husband consented but insisted that she should move to his home. At first, Hannadi's father felt reassured that his daughter, whom he supposedly saved from 'bastards', was ultimately safe! Yet, three days after the wedding ceremony, he was surprised to find out that the cruel man has broken his word. Following many attempts to have the girl by force, he finally raped her while she was sleeping. He offered her some juice with sleeping pills and violently deflowered her.

This is a typical story of the abuses to which minor girls are subjected. Many victims of this marriage said that they were subjected to violence including domestic violence and marital rape. Some of them stated that they quite often suffered corporal and verbal violence at the hands of their husbands, brothers-in-law, and other relatives of the husband.

Child marriage causes many health problems for girls. According to a gynecologist, "a girl's early marriage can result in numerous problems, the least among which are anemia, decrease of calcium, and hypertension as the bones, pelvis and sexual organs of the 12-18 year-old-girls are not fully grown. In case of pregnancy, girls do not benefit from calcium which shall increase bone density, and strengthen the pelvis and perineum. Therefore, early pregnancy has negative consequences on the mother and

baby alike. The mother is deprived of the natural growth and the baby has no healthy nourishment.”

During this age, the size of the uterus is small. Pregnancy can result in hemorrhage and abortion; thus threatening the lives of both mother and baby. It may cause premature delivery or bleeding; hence necessitating a caesarean section which might involve hysterectomy. Early pregnancy also leads to a 33% increase in infant mortality rates.

It is noteworthy that child marriage is a widespread phenomenon in Yemen. A socio-economic study reveals that girls are more vulnerable to early marriage than boys, and that under 15-year-old marriages reached 52% among girls compared to 7% among boys in the last two years. Minor girl marriages constitute 65% of marriages as a whole, 70% of which occur in rural areas, where it is not uncommon to come across 8-10 year-old married girls.

In a related context, Yemen heads the list of countries with the highest maternal mortality rates due to early pregnancy. Annual maternal mortality is estimated at 5,000 cases, according to a UN Secretary General report.

Unfortunately, Yemeni law legalizes child marriages, under religious pretexts, even though such claims have been debunked by researchers who concluded that there is no harm in specifying puberty as a suitable age for marriage. Article 15 of the repealed Personal Status Law had prohibited marriages of girls below 15 years old. The ban was lifted by the provision of article 15 of the 1999 Personal Status Law which legalized below 15-year-old girl marriages on condition of the guardian's approval, and refraining from having sexual intercourse with them till they reach puberty.

In 2009, parliament passed a bill raising the minimum legal age of girl marriage to 17. However, MPs opposing the law requested submitting it to the Juristic Enactment Body to ensure compliance

with the Islamic Sharia. In April 2010, the Body concluded that the bill contravened Sharia provisions, thus deciding its cancellation. It may be said that the bill shall be reconsidered in accordance of international standards of human rights as an initial step, followed by campaigns – to be organized by both the government and NGOs – to raise public awareness of the damages of child marriage until this phenomenon is eradicated.

Recommendations

1. involving women as partners in decision-making positions,
2. Immediate investigations with those involved in abusing women and victimizing them,
3. bringing all perpetrators of offences against women and children to justice,
4. Putting an end to *fatwas* charging women activists of unbelief (takfeer),

5. Prohibiting recruiting children and discharging those already recruited by the Central Security, the Republican Guard, the First Armored Division, and tribal and Houthi militias,
6. Establishing research centers specialized in child labor,
7. Building a database on child labor, and rehabilitating the dropouts in schools,
8. Preventing child labor in all professions, and setting up schools for homeless children,
9. Enforcement of the Covenant on the Rights of the Child,
10. Putting an end to trafficking in children to neighboring countries and punishing everyone involved in such acts,
11. Working towards the enactment of a law prohibiting the marriage of minor girls due to their inability– as children – to bear marital responsibilities,
12. Verifying the claims of removing and selling of children body organs, and bringing the perpetrators to justice.

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CHAPTER 8

DATA AND STATISTICS APPENDICES

Figure 8-1: Violated Rights by Victim Category

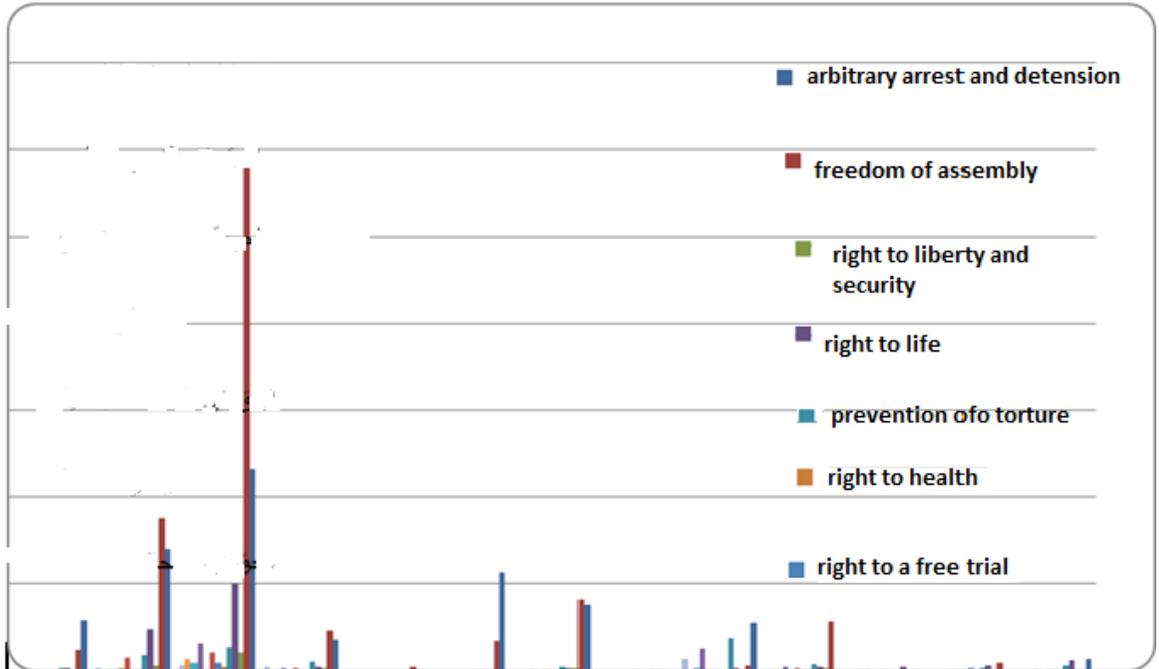


Figure 8-2: Violated Rights by violating agency

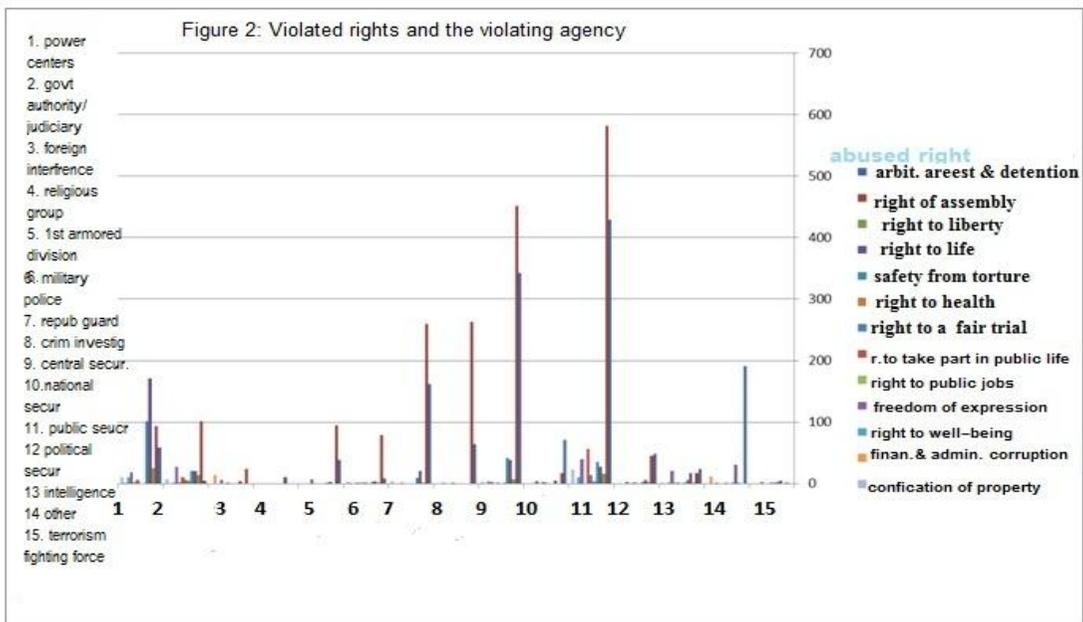


Figure 8-3: Arbitrary Arrests and Detentions

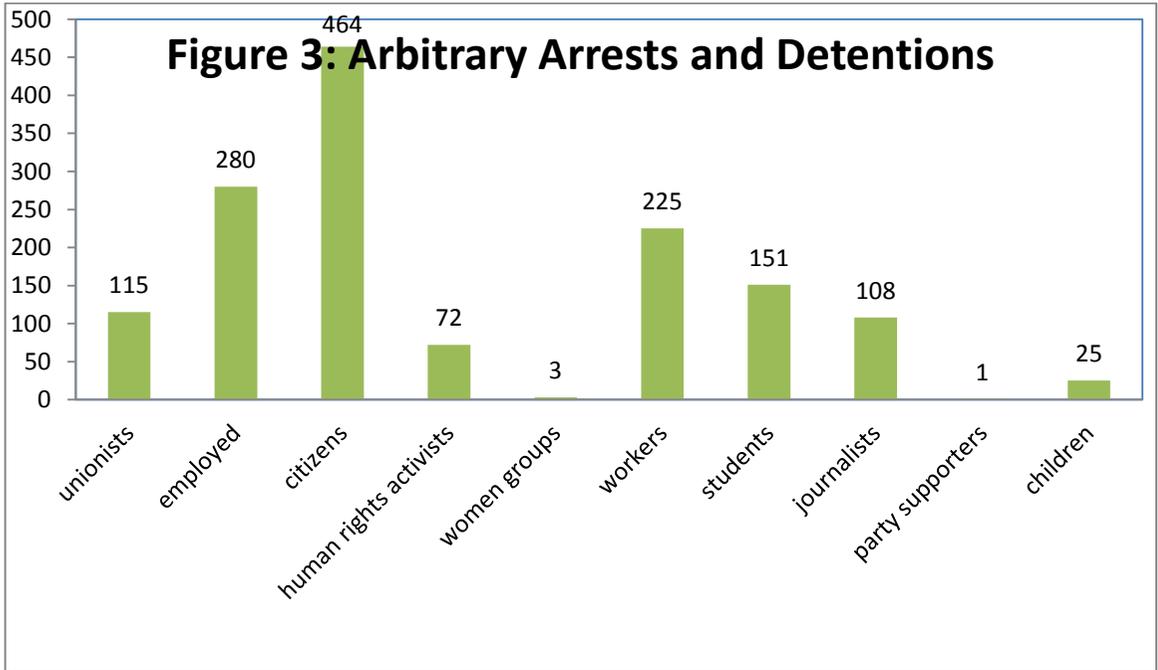


Figure 8-4: Arbitrary Arrests and Detentions

Figure 4: Arbitrary arrests and detentions

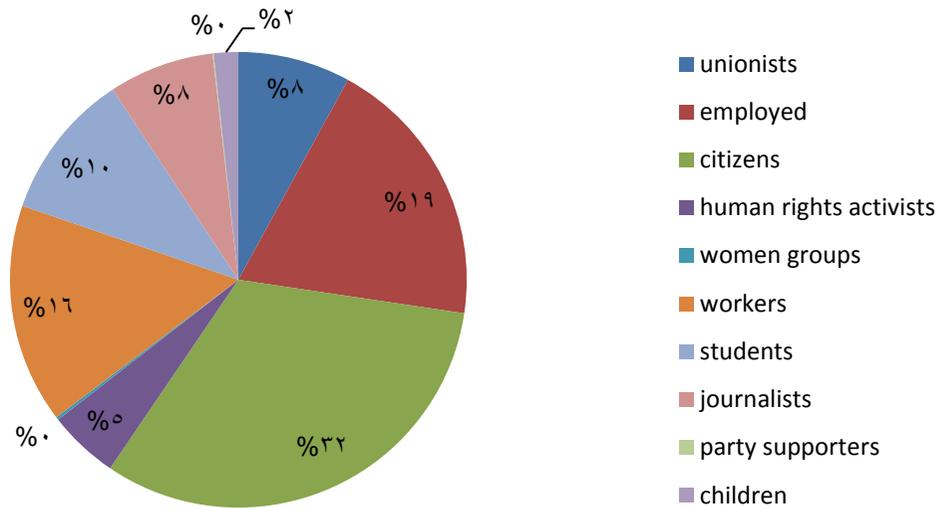


Figure 8-5: Right to assembly

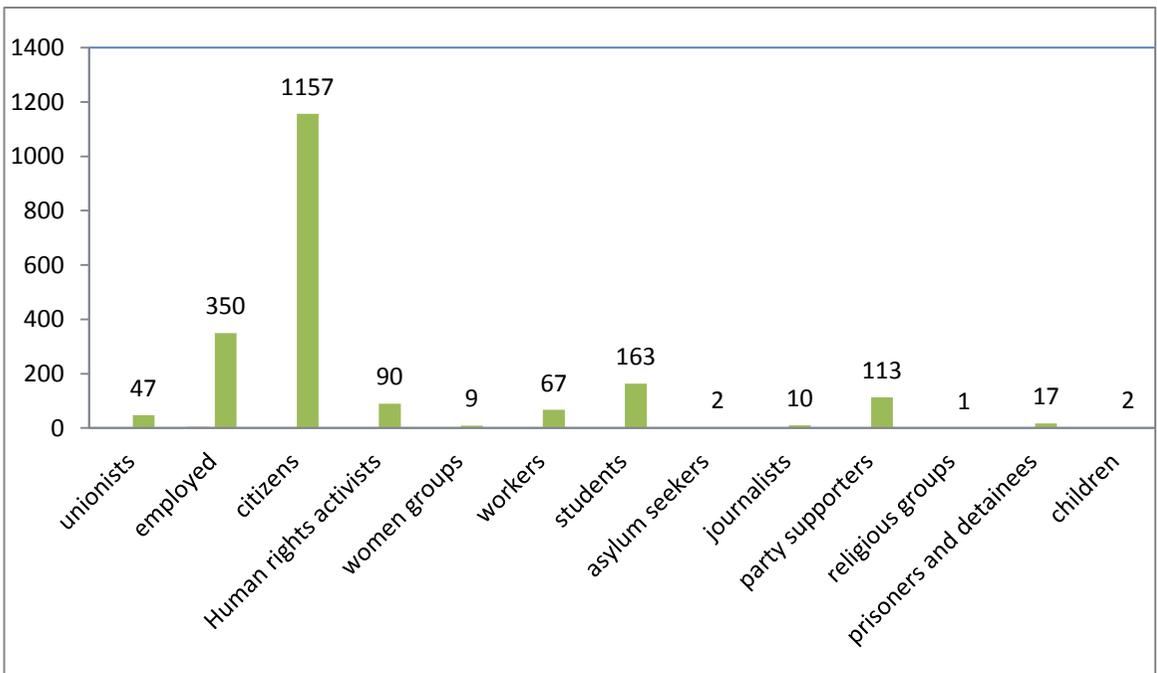


Figure 8-6: Right to assembly

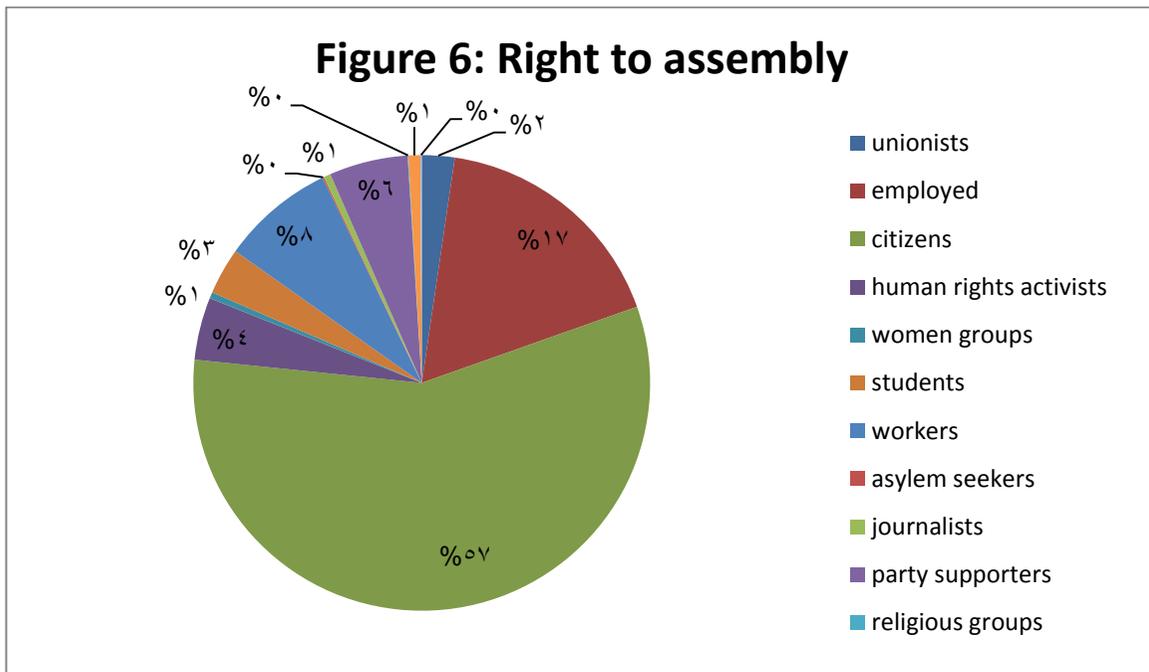


Figure 8-7: Right to liberty and security

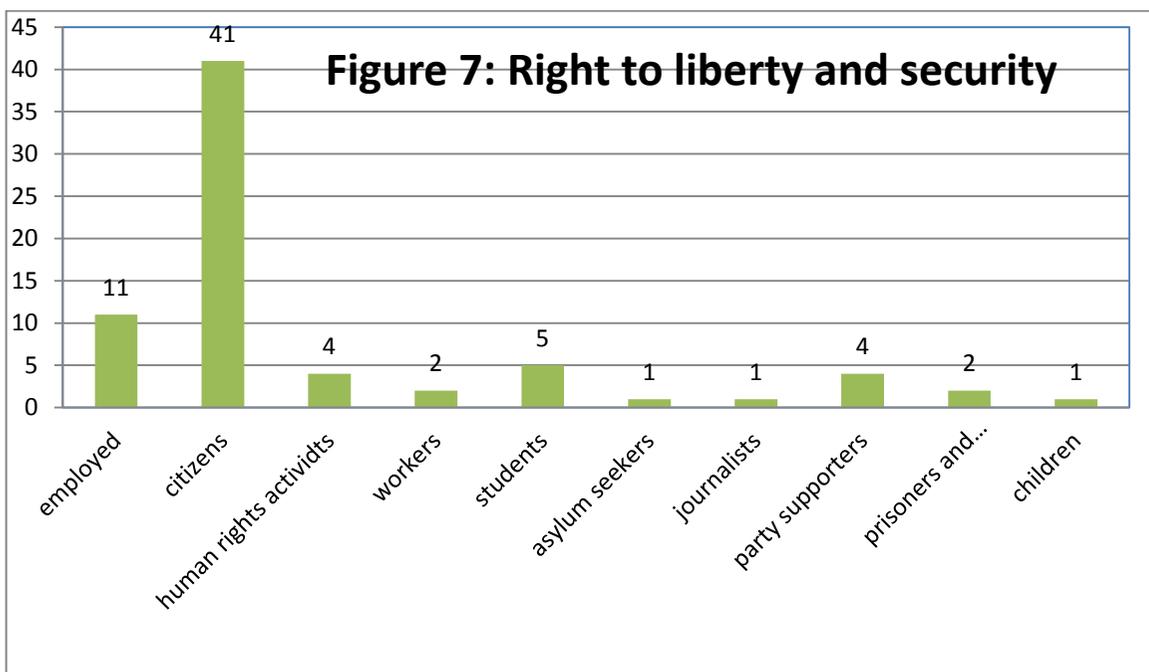


Figure 8-8: Right to liberty and security (by percent)

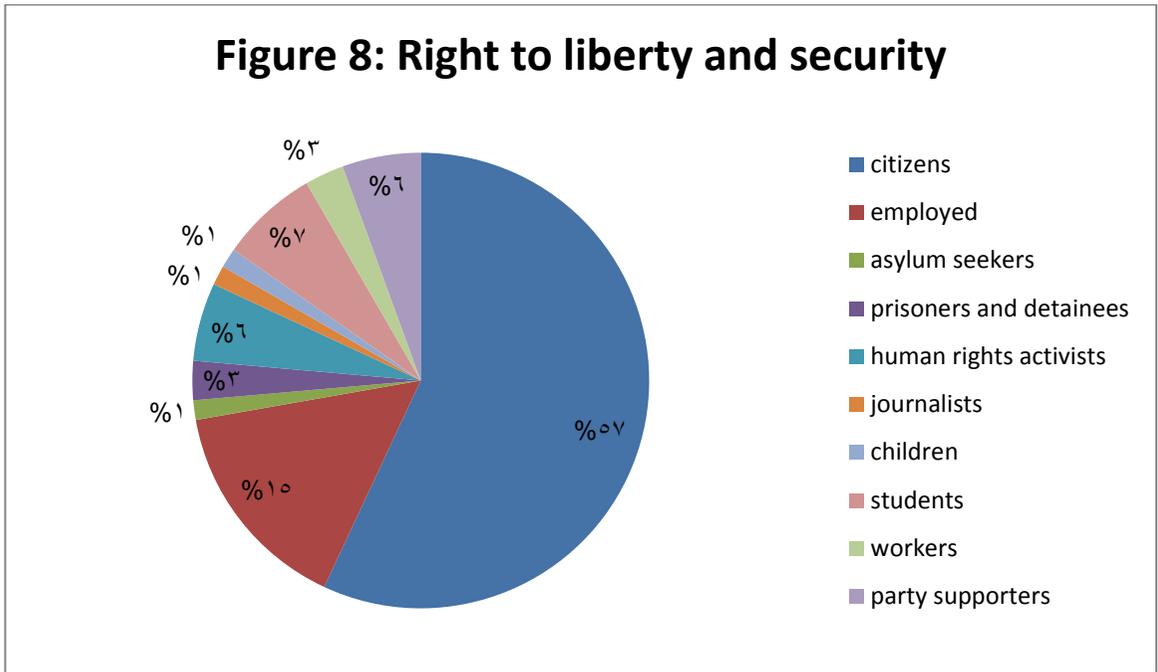


Figure 8-9: Right to Life

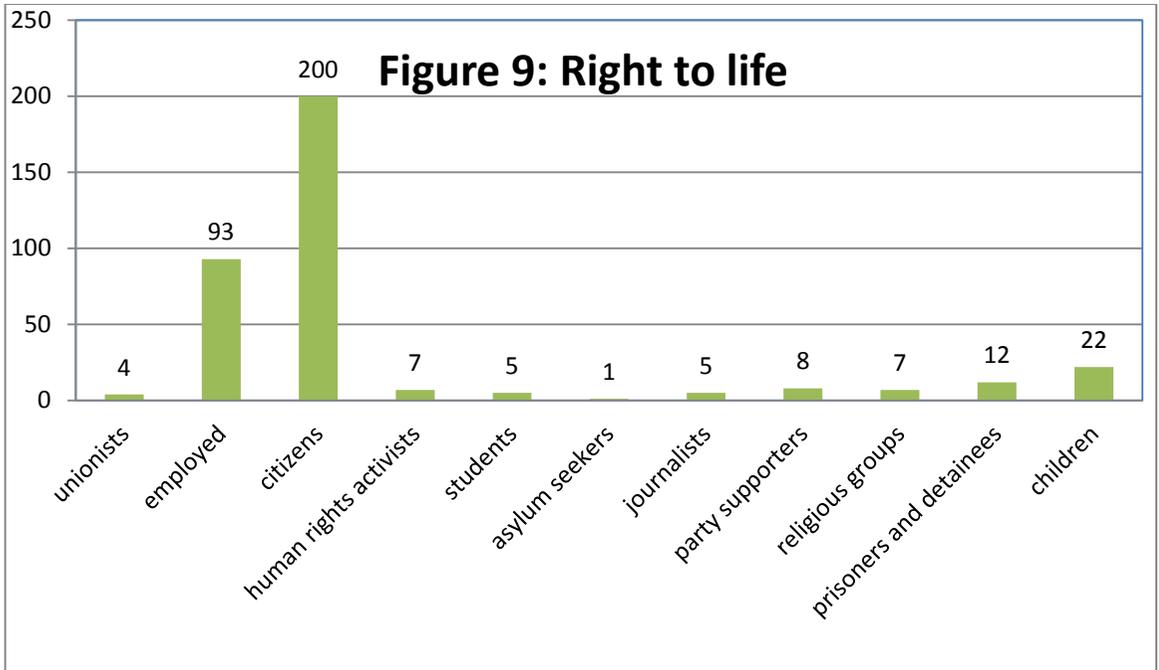


Figure 8-10: Right to Life

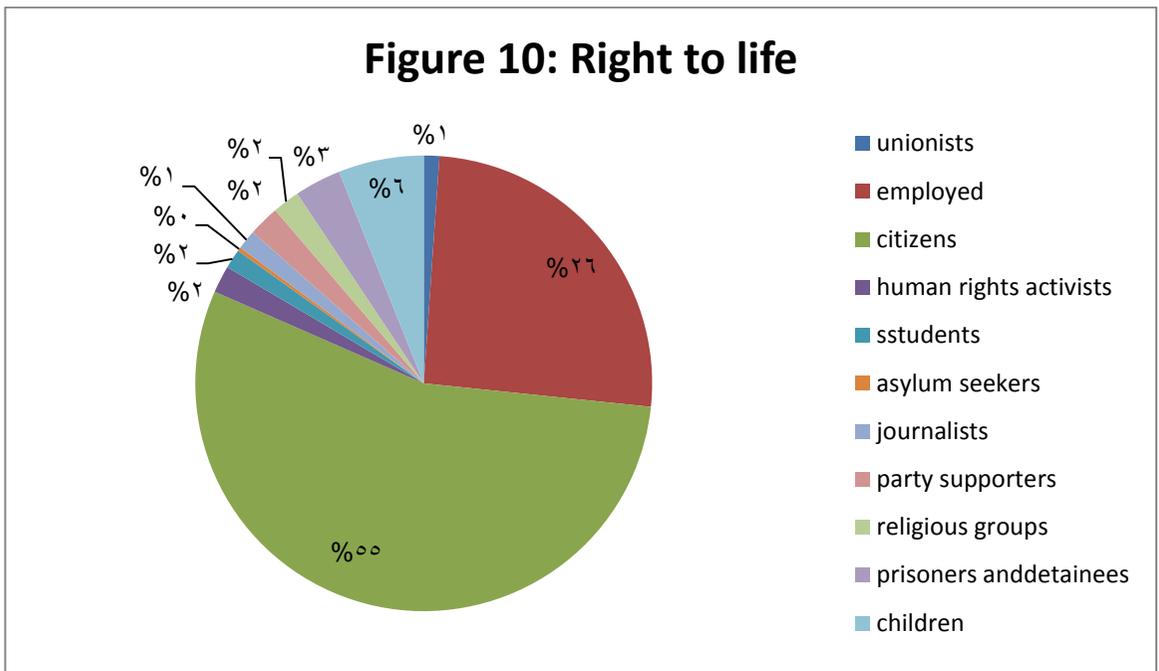


Figure 8-11: Right to Corporal Safety

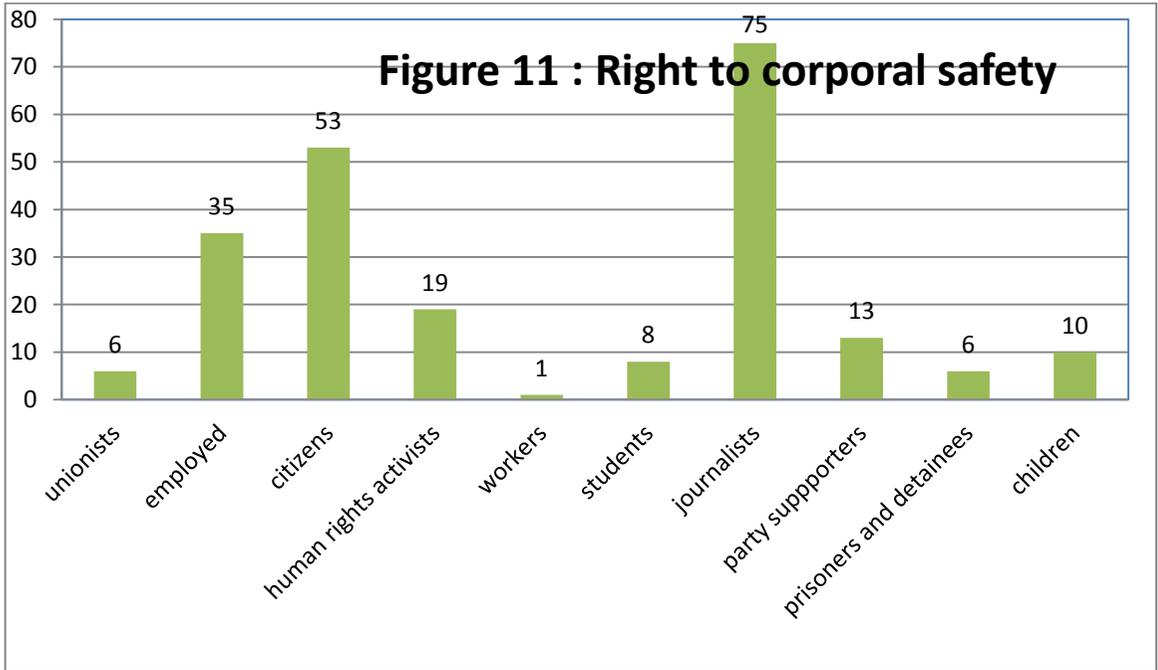


Figure 8-12: Right to Corporal Safety

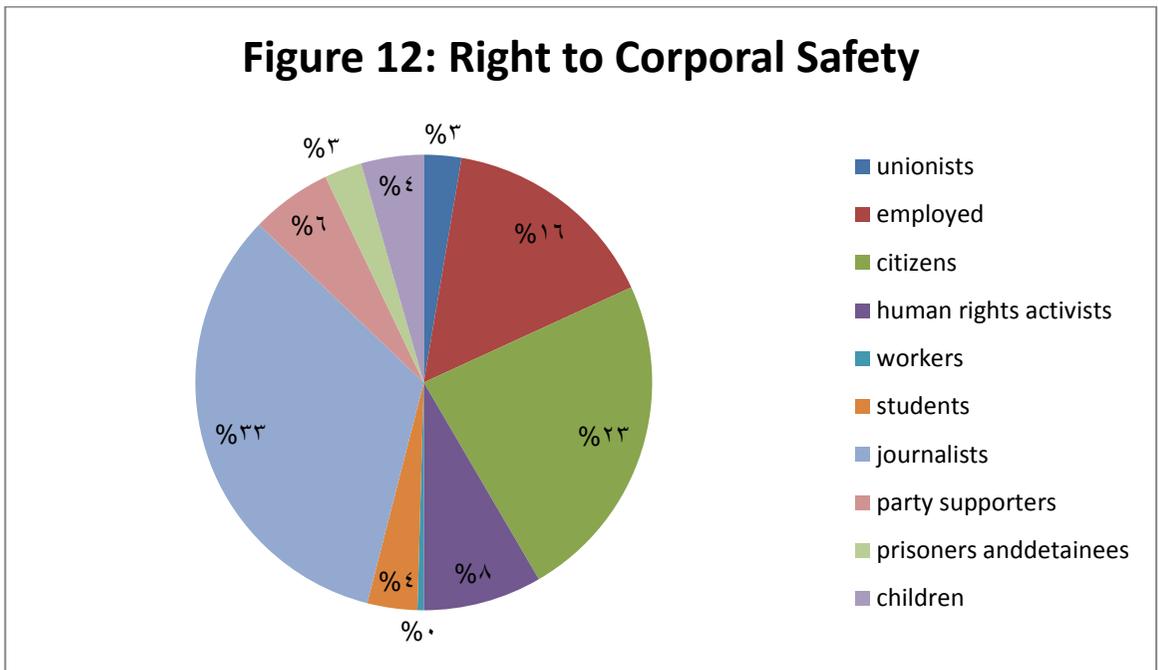


Figure 8- 13: Right to Health

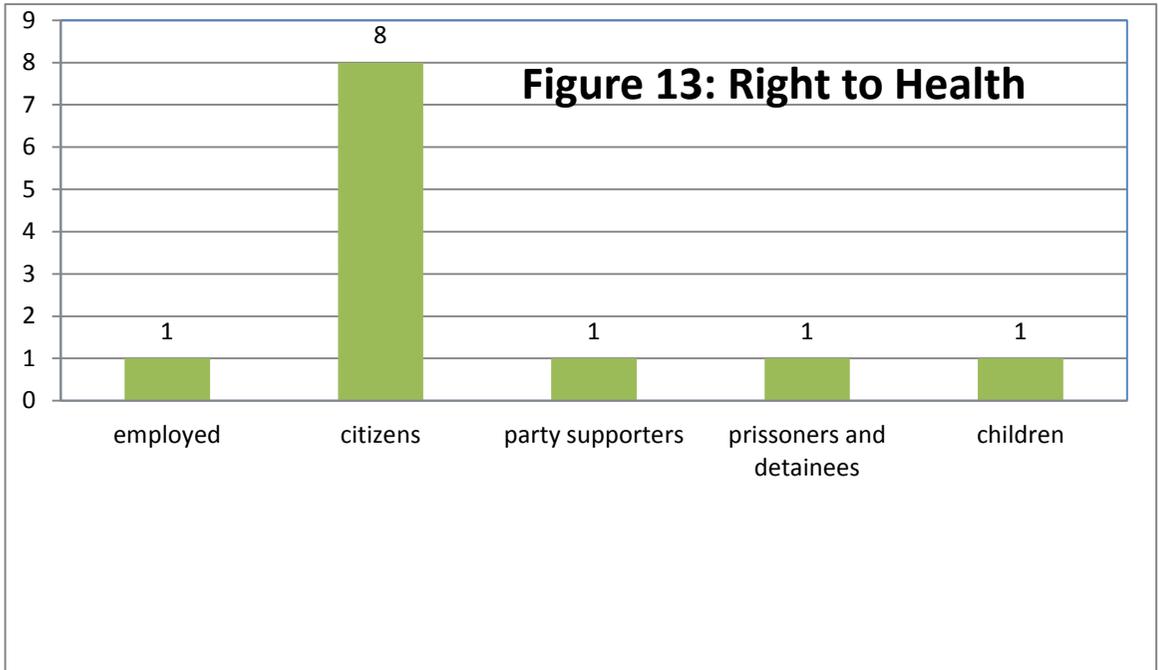


Figure 8- 14: Right to Health

Figure 14: Right to Health

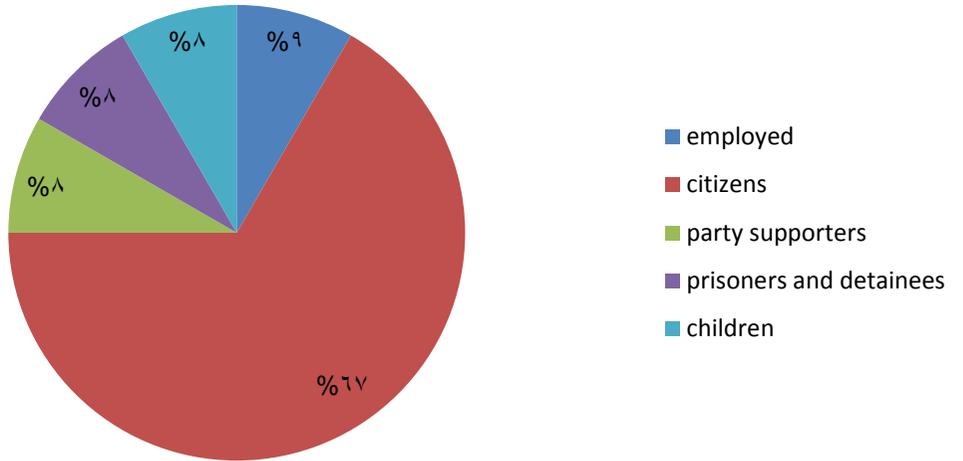


Figure 8-15: Right to A Fair Trial

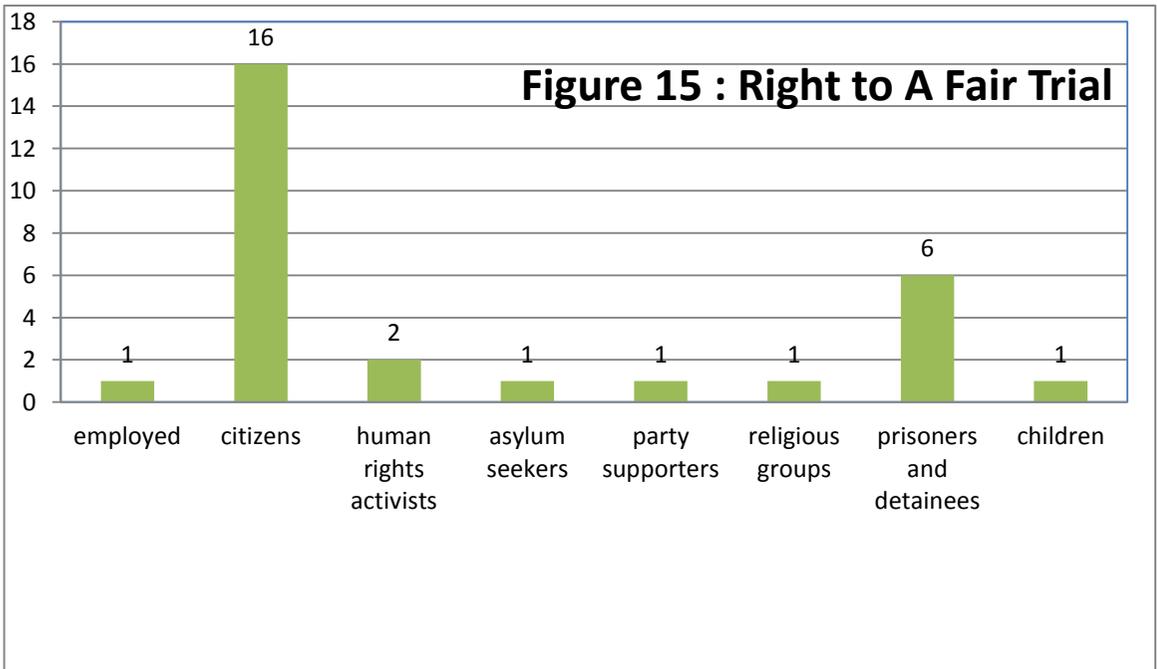


Figure 8-16 : Right to A Fair Trial

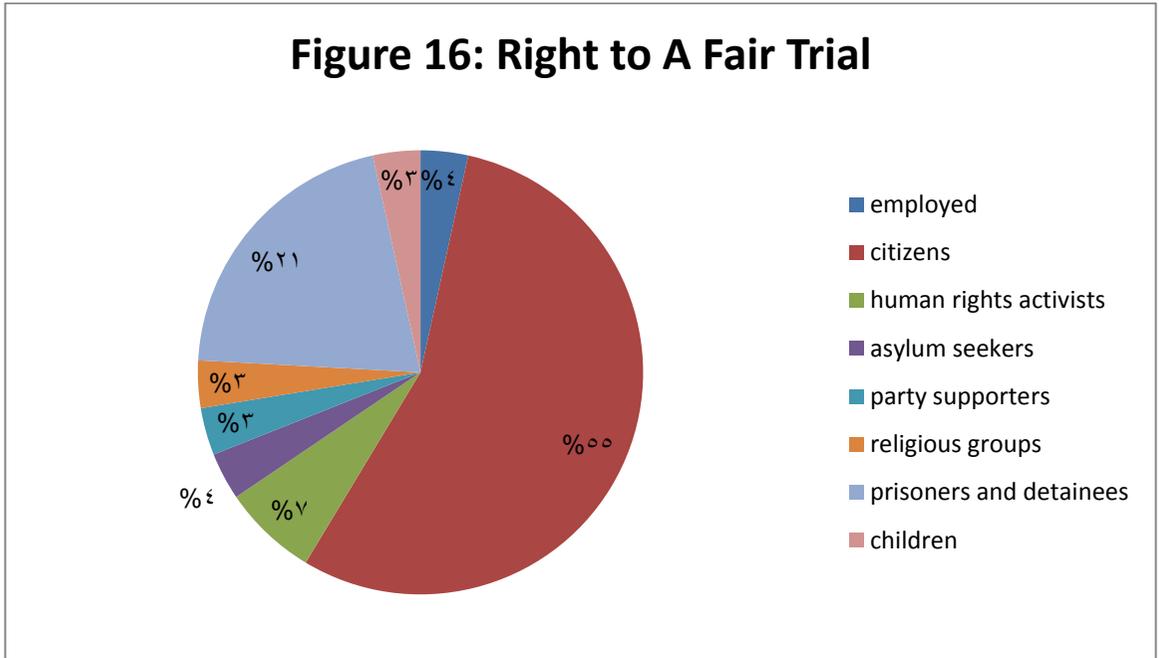


Figure 8-17: Right to participation in public affairs

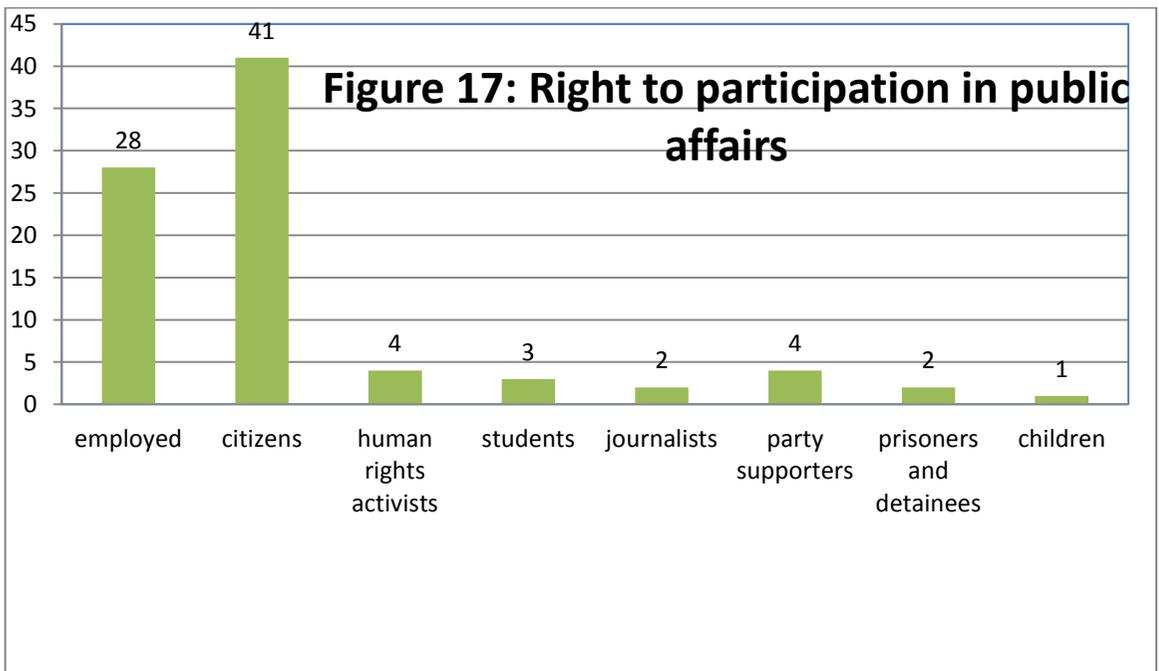


Figure 8-18: Right to participation in public affairs

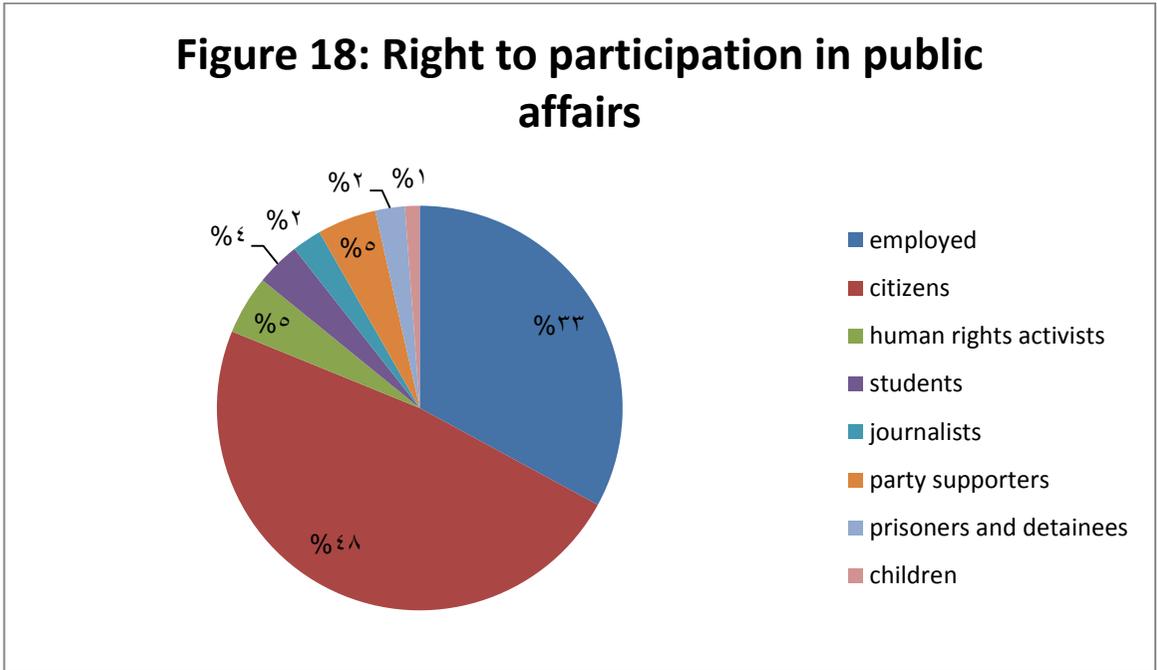


Figure 8-19 : Right to public jobs

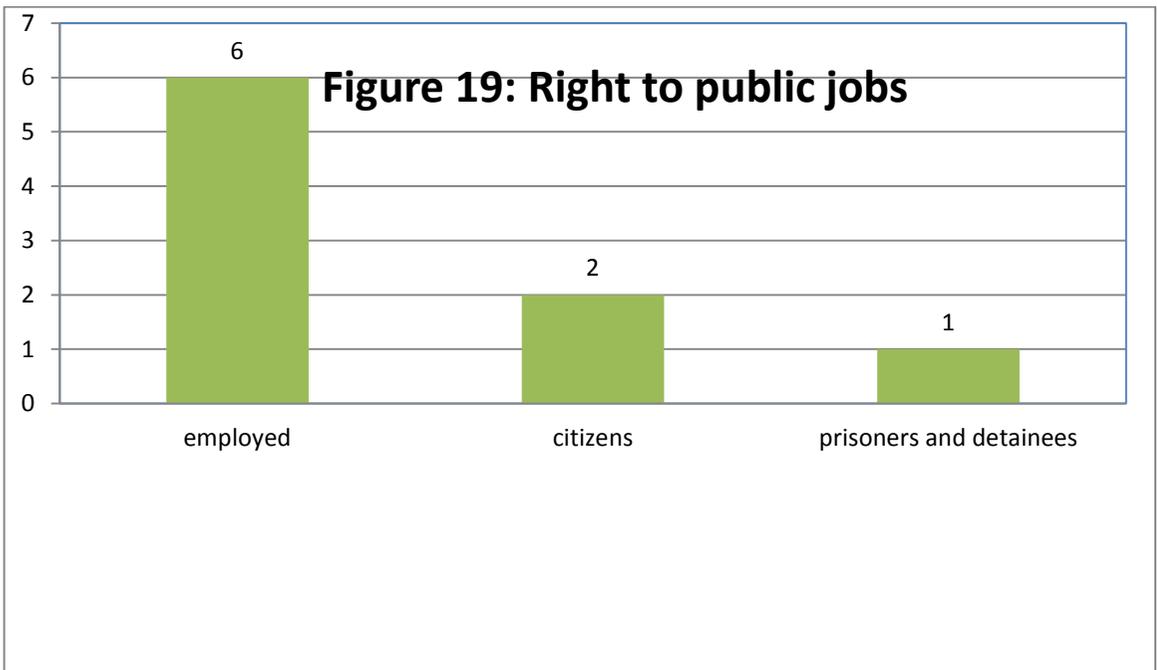


Figure 8-20 : Right to public jobs

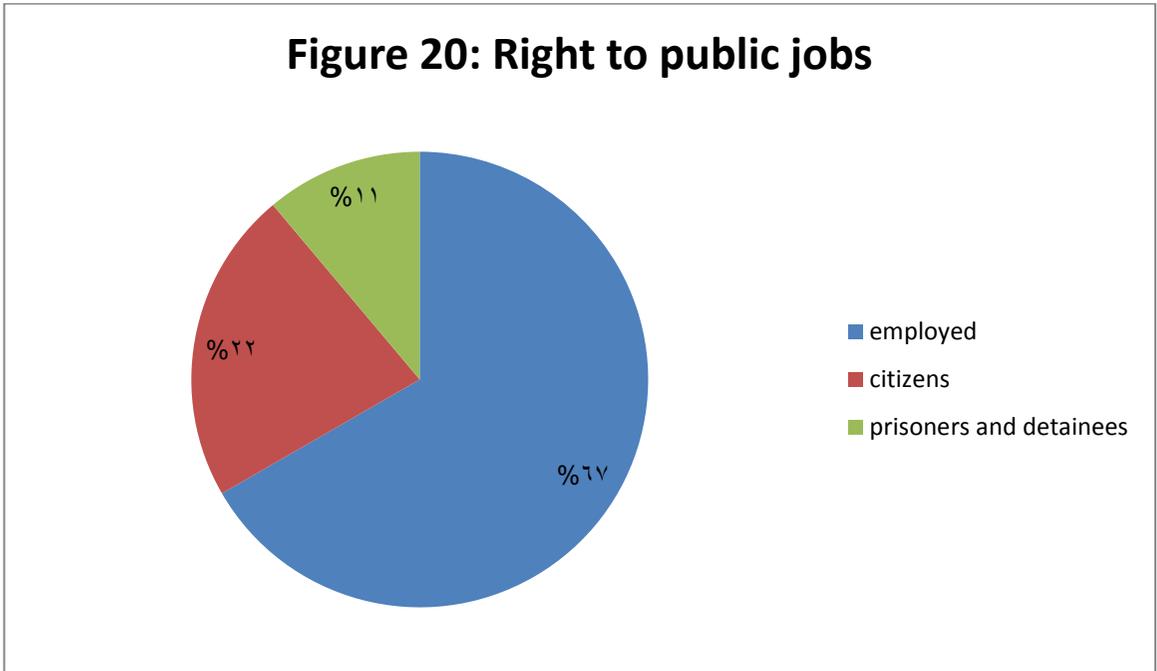


Figure 8-21: Right to freedom of expression and thought

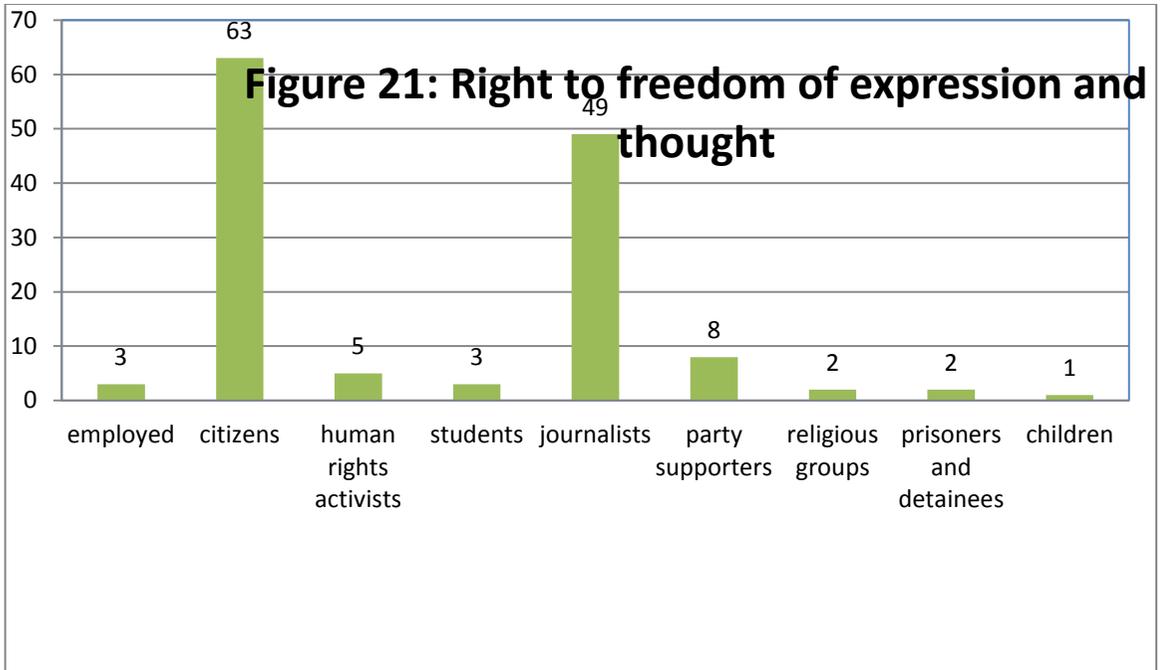


Figure 8- 22: Right to freedom of expression and thought

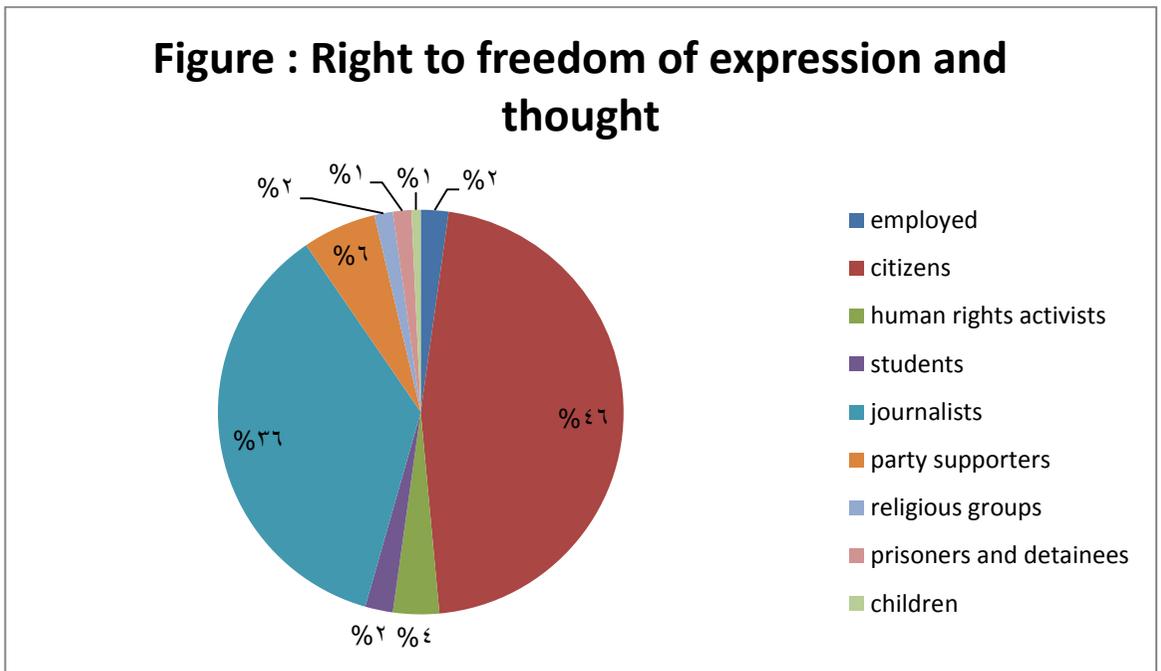


Figure 8-23 : Right to well-being

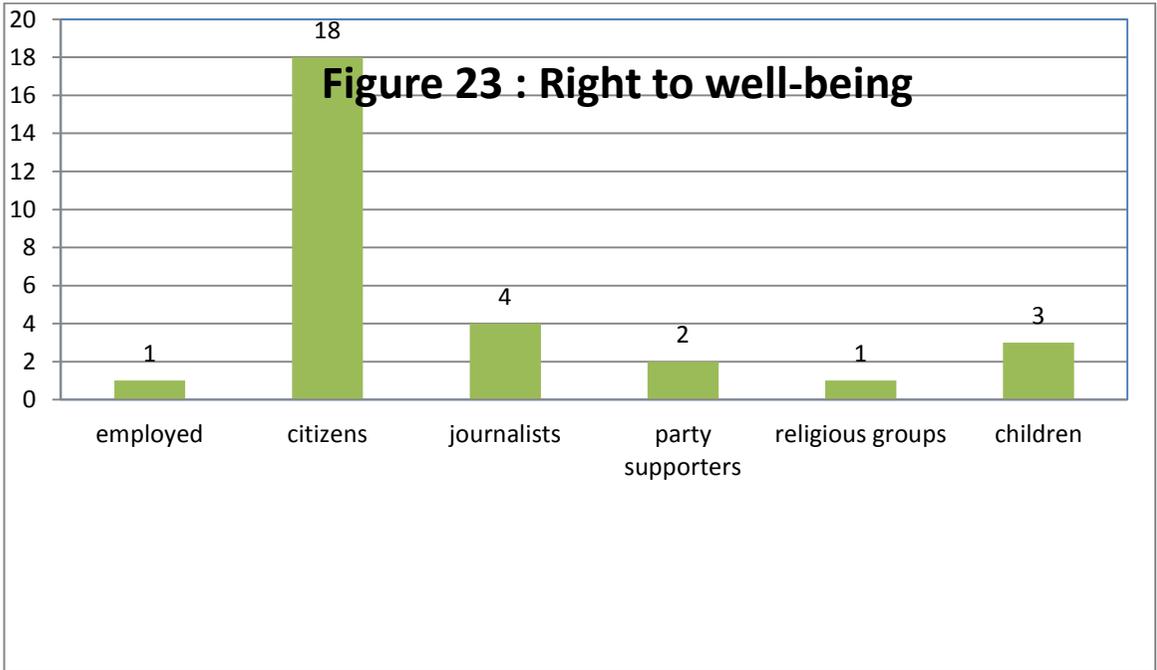


Figure 8-24 : Right to well-being

Figure 24: Right to well-being

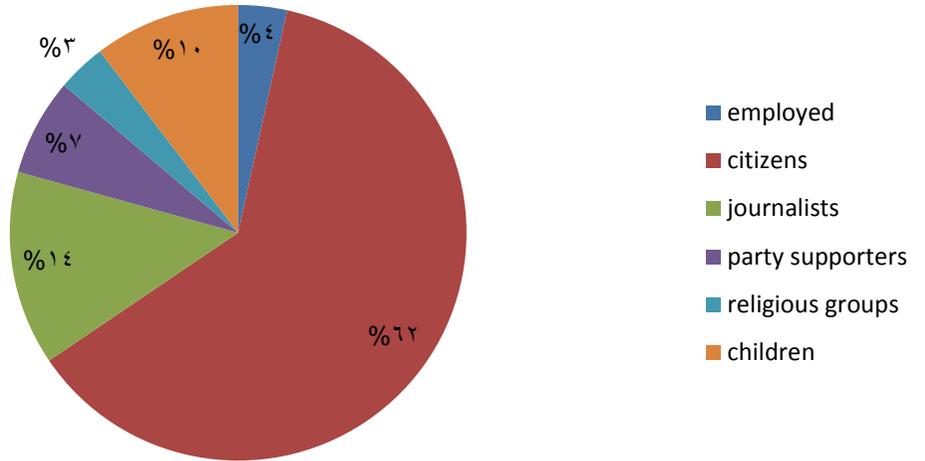


Figure 8-25 : Financial and administrative corruption

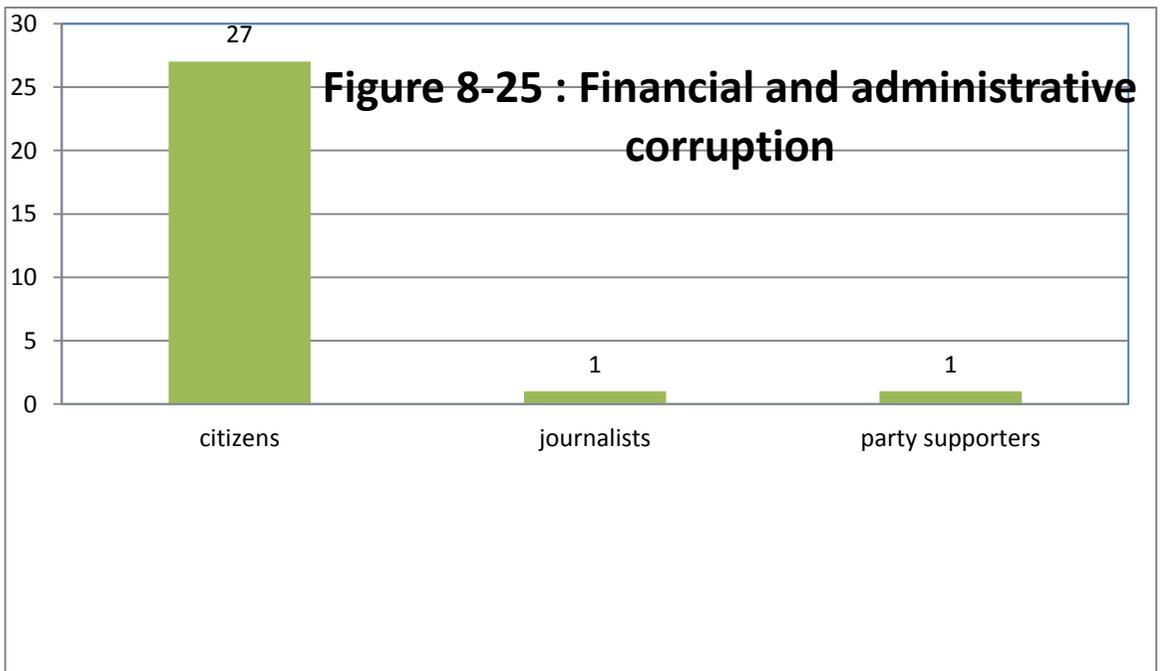


Figure 8-26 : Financial and administrative corruption

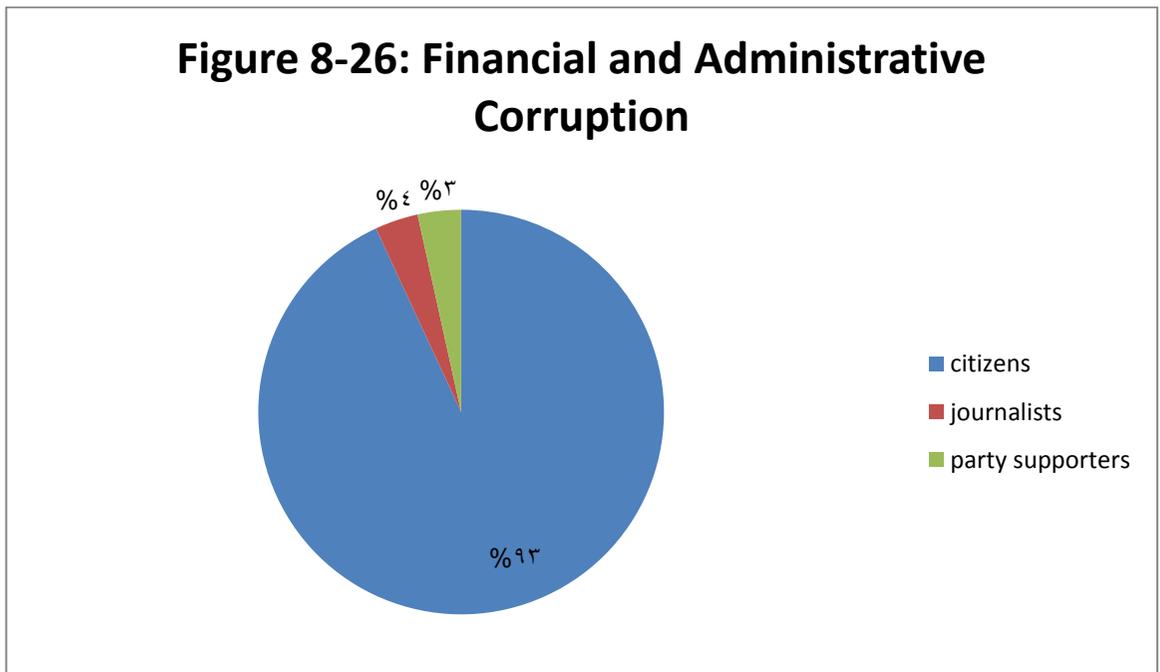


Figure 8-27 : Seizure of Property

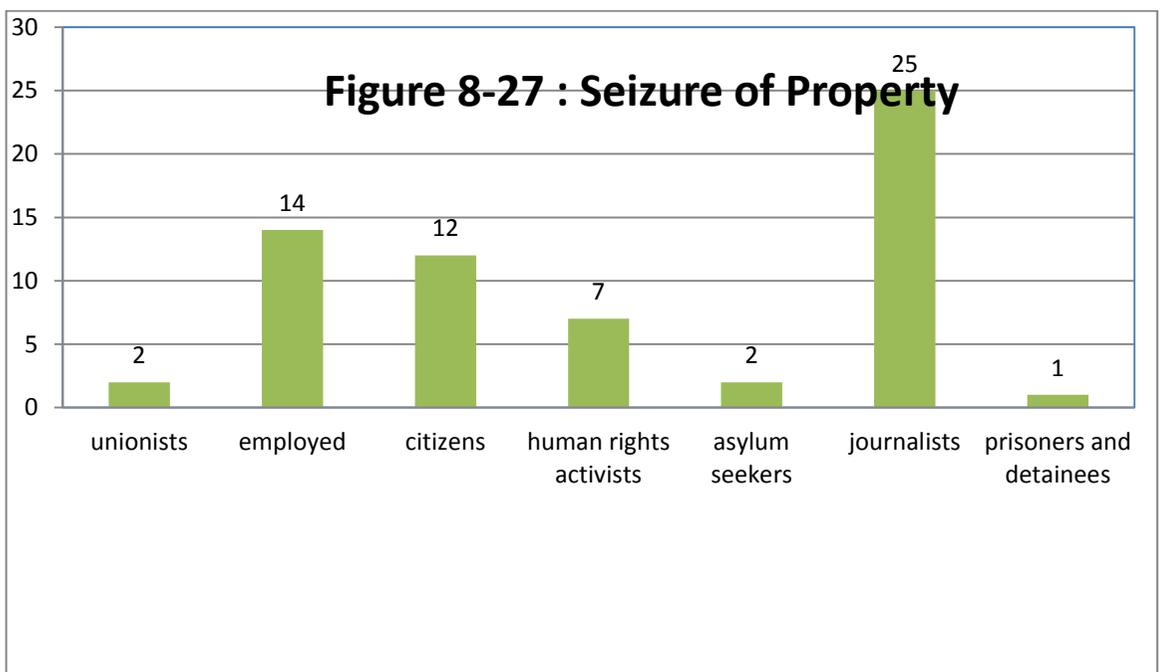
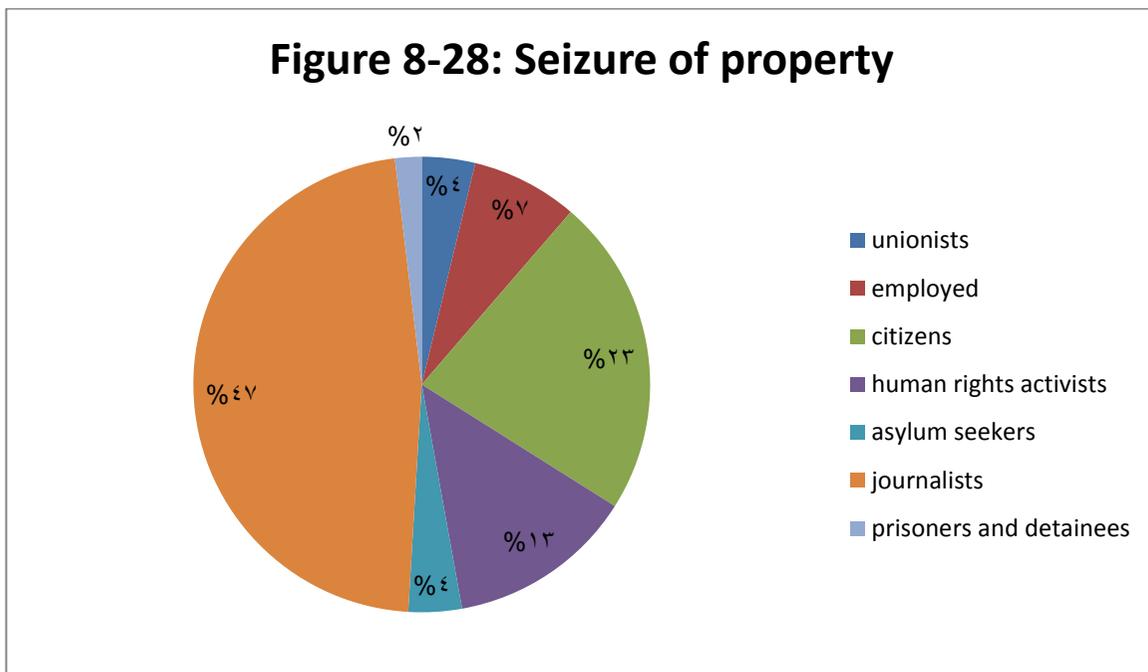


Figure 8-28 : Seizure of Property



TABLES

Table 8-1: Violated Rights by victim category

Victim category	The violated rights											Total		
	Arbit. arrest & detention	Right to assembly	Right to liberty and security	Right to life	Right to safety from torture	Right to health	Right to a fair trial	Right to take part in public affairs	Right to public jobs	Right to freedom of expression and thought	Right to well-being		Financial and admin. corruption	Seizure of property
children	25	2	1	2	10	1	1	1		1	3			67
Prisoners and detainees		17	2	1	6	1	6	2	1	2			1	50
Religious groups		1		7			1			2	1			12
Members of political	1	11	4	8	13	1	1	4		8	2	1		156

parties														
journalists	108	10	1	5	75			2		49	4	1	25	280
Asylum seekers		2	1	1			1						2	7
students	101	173	0	0	8			3		3				338
workers	220	77	2		1									290
Women groups	3	9												12
Human rights activists	72	90	4	9	17		2	4		0			7	210
citizens	464	1107	41	20	03	8	17	41	2	63	18	27	12	2102
employed	280	300	11	93	30	1	1	28	6	3	1		4	813
unionists	110	47		4	6								2	174
Total	1444	2028	72	374	226	12	29	80	9	136	29	03		4016

Table 2: The Role of the authorities in violations

The violating authority	Role								Total
	Arrested the perpetrators	A positive role	Silent	Carried out the violation	Investigated the violation	Did not pursue the	Plays no role at all	condoning	
Terrorism fighting units	1	1	1	3	4		6		16
other		1	1	204	5		29		240
intelligence			1	39	4	1	47	3	95

Political security	1	4	1	98	1		7		112
Public security	2	72		1082	4		77		1237
National security	2			95			5		102
Central security	2	11		731			146	5	895
Criminal investigation	1			328			1		330
Republican guard				438			19		457
Military police		1		98			6		105
1 st armored division				141	1		4		146
Religious groups		5			1		5		11
Foreign interference				43			6		49
A government/civil/judicial agency	20	2	1	129	2	4	62		220
Influential elite/power centers	9	7	1	153	13	6	30.4	8	50.1
Total	38	104	6	2582	30	11	724	16	4516

Table 3: Perpetrating authorities by Governorate

Perpetrating authorities	Governorate																	Total						
	Ibb	Abyan	Albaida	Allawf	Alhodaida	Aldale	Almahwait	Almahrah	Sana'a city	Taiz	Halah	Hadramawt	Dhamar	Raymah	Shabwah	Sadah	Sana'a		Aden	Amran	Lahj	Mareb	Yafea	
Terror fighting units	1	1	3				1		1	1	1	1	1		1	1		3						18
other	1	1	2			1		1		3	3	7	3	8	2	2	2	2	3	18	3	2		240
intelligence	9	2	4	1	3	1	1		2	6	2	3	6	1		5	6	2	1	3				90
Political security	1		2	2	4	2			2	1	2	1	1	1		3	1	5	6	1				112
Public security	5	1	2	4	4	2	8	1	3	1	2	3	1	1	60	1	5	1	3	23	2	1		123

	2	1	9		0	6			0	5	7	4	8	2		6	3	4	2		6		7
national security	7	1			4	1			3	1	2	1	1	1	3		8	1	4	1	1		102
Central Security	1	6	1	1	2	2	1		2	1	1	2	1	1	10	1	4	4	3	7	2		895
	1		3		6	5	2		2	6	2	8	0	0		4	5	4	9				
	2								2	7			0										
Criminal invstig.	2	2	6	1	4	2	1		6	3	2	1	3	1	22		9	2	5	26			330
	3				1	7			5	6		1	1				1						
Republican guard	3	6	3	1	2	2	4	1	9	6	7	9	6	4	9	2	1	3	5	15	1		457
	1		2		8	1			9	6		6	6			7	4						
Military police.	9	4	1		1	1	2		2	9	1	3	6		4	3		7		11			105
					0	0			5														
1 st armored division	2	1	1		1	3	3		2	1	8		3	2	2		2	2	5	3	1		146
	7	1	2		9				5	8													
religious groups	1	5	1						2						1			1					11
Foreign interference			3	1						1			1			1	4	1					49
			1																				
gov/civil/judicial agency	1	7	1	2	1	1	2	1	9	2	8	2	6		4	5		1	1	1	6		220
	9				0	0			6	4							5						
power centres/ influential elites	3	3	1	2	3	2	2	1	1	5	2	2	1	3	4	2	2	3	6	10	1		501
	1	0	7		9	3			4	3	9	0	3		9		0			0	0		
									7														
Total	3	8	1	1	2	1	3	4	1	6	1	1	5	3	12	9	1	3	1	10	4	1	451
	4	7	5	5	3	6	7		0	0	0	1	3	7	2	4	7	0	2	4	9		6
	5	4	4		6	2			9	4	9	6	8				4	9	0				

Table 4: Victim categories and perpetrating agency

Perpetrating agency	Victim category											Total		
	children	Prisoners and	Religious	Political parties	journalists	Asylum seekers	students	workers	Women groups	Human rights	citizens		employed	unionists
Terrorism fighting units	2	2		2	3		3				4			16
other	6			3	13		2	1		10	130	26	31	230
intelligence	2	1	1	3			2	1		1	30	27	3	90
Political security	2	6	1	3	2		0	13	1	2	32	21	2	112
Public security	2	13	2	22	79	1	139	68	1	27	207	37	0	1227
National security	2	0		2	8		6	11	1	7	23	19		102
Central security	12	0		11	29		39	126		18	023	89	22	890
Criminal investigation		1		27	10		18	6		0	131	22	7	330
Republican guard	6	2		13	20		7	02	9	92	212	22	16	207
Military police	1	7	2	9	0	2	17	7		2	22	10	1	100
1 st armored division	2			11	11		6	2		10	79	17	6	126

Religious groups											٤
Foreign interference											٤٩
A government/civil/judicial agency	٥	٣		٩	٢٩		١٣	٦	١٣	٦٠	٧١
Influential elite/power centers	٢١	٥	٦	١٩	٦٣	٤	١٦	٢		٢٣	٢٦٥
Total	٦٧	٥٠	١٢	١٥٦	٢٨٠	٧	٣٣٨	٢٩٥	١٢	٢١٠	٢١٠٢

Table 5: Responses of the authorities to violations of rights

Right	Arrested the perpetrators	A positive role	Silent	Carried out the violation	Investigated the violation	Did not pursue the perpetrators	Plays no role at all	condoning	Total
Arbitrary arrest and detention				٣٣٣١					٣٣٣١
Right to assembly	١٧	٦٩		١٧٢١	١	٢	٢٠٧	٤	٢٠٢٨
Right to liberty and security		١		٢٠	٢		٤٦		٧٢
Right to life	١٣	٢١	١	٤٧	٢٥	٥	٢٤٩	٣	٣٦٤
Right to corporal safety	٢	١١	٣	١٢٠	٣	١	٧٦	٧	٢٢٦

Right to health	1			3		1	7		12
Right to fair trial	3	2		18			6		29
Right to take part in public affairs	1			52	2		30		85
Right to public jobs				3			6		9
Right to freedom of expression and thought			2	69		2	63		136
Right to well-being	1			14	1		12	1	29
Financial and administrative corruption				27			2		29
Seizure of property				38	1		13	1	53
total	38	1.3	6	3082	30	11	124	16	4016

Table 6: Rights and the role of the authorities

Role of the authorities	Arbitrary arrest and detention	Right to assembly	Right to liberty and	Right to life	Right to corporal	Right to health	Right to fair trial	Right to take part in	Right to public jobs	Right to freedom of	Right to well-being	Financial and	Seizure of property	total
Arrested the perpetrators		11		21	2	1	2	1			1			28
Positive role		69	1	21	11		2							103
Silent				1	2					2				6
Carried out the violation	3331	1121	20	83	22	3	18	20	3	66	31	28	38	3082

Investigated violation		1	2	20	3			2			1		1	30
Didn't pursue the perpetrators		2		0	1	1				2				11
Plays no role at all		208	49	249	79	7	7	30	7	73	12	2	13	224
Condoned the violation		4		3	7						1		1	16
Total	1444	2028	72	374	227	12	29	80	9	137	29	29	53	4017

Table 7: Violated Rights by Governorates

Governorate	Arbitrary arrest	Right to assembly	Right to life	Right to personal freedom	Right to	Financial	Seizure of	Total						
Ibb	87	198	3	30	8	1	3	6		5	4			345
Abyan	6	29	2	31	4		1	7		5	1		1	87
Albaida	8	104	1	17	6		2	2		2	1	1	1	154
Aljawf	1	4		3		1	1	1	1	2		1		15
Alhodaidah	47	148	4	13	7	2	2	1		4	1	2	5	236
Aldhalea	6	108	5	11	6		1	7		16	1		1	162
Almahweet	12	12	1	5	2		2	2		1				37
Almhrah	1	2								1				4
Sana'a city	311	407	26	70	139	4	8	22	6	52	10	3	41	1099

Taiz	207	314	3	47	13	1	3	5		8	1	1	1	604
Hajah	33	37	2	17	3	2		5		8			2	109
Hadhramaw t	1	78	2	23	5	1		1		3	2			116
Dhamar	392	108	2	10	2		2	4		6	4	8		538
Raymah	34	2									1			37
Shabwah	4	106	3	5	1					3				122
Saadah	10	30	5	16	7			1 0	1	10	1	3	1	94
Sana'a	163	1		6	2		1	1						174
Aden	9	224	8	37	18		2	4		6	1			309
Amran	102	10	1	5	1			1						120
Lahj	6	84	2	10	1								1	104
Mareb	3	22	2	8	1		1	6	1	4	1			49
Yafe'a	1													1
Total	144 4	202 8	7 2	36 4	22 6	1 2	2 9	8 5	9	13 6	2 9	2 9	5 3	451 6

Table 8: The Role of the Authorities by victim categories

Role of the authorities	Victim category												Total	
	children	Prisoners and detainees	Religious groups	Political parties supporters	journalists	Asylum seekers	students	workers	Women groups	Human rights activists	citizens	employed		unionists
Arrested the perpetrator s		3		2							8	21	4	38
Positive role	5	4	1								69	25		104
Silent		3	1							1	1			6
Carried out the violation	27	25	2	127	261	1	310	293	12	189	154 1	63 0	16 4	3582
Investigate d violation	2	2		1			2			1	19	8		35

Didn't pursue the perpetrators				5						1	5			11
Plays no role at all	33	10	8	21	19	6	23	2		17	455	124	6	724
Condoned the violation		3					3			1	4	5		16
Total	67	50	12	156	280	7	338	295	12	210	2102	813	174	4516

Table 9: Violated rights by violating Agency

Violating agency	Violated Right												Total	
	Arbitrary arrest and detention	Right to assembly	Right to liberty and security	Right to life	Right to corporal safety	Right to health	Right to fair trial	Right to take part in public affairs	Right to public jobs	Right to freedom of expression and thought	Right to well-being	Financial and administrative		Seizure of property
Terror fighting units		2		0	2	1	2			2				16
other	191		2	21	2		1			1		12		240
intelligence	23	17	2	17	6	1		2	2	21	1		2	90
Political security	49	40	3	6	2		2	1		2				112
Public security	429	081	16	27	30	4	14	07		40	11		23	1237
national security	71	17		0			2	2		4				102

Central Security	٣٤٣	٤٥١	٧	٣٩	٤٢	١		٢		٣	٤		٣	٨٩٥
Criminal invstig.	٦٤	٢٦٣						٢			١			٣٣٠
Republican guard	١٦٢	٢٥٩	١	٢٠	٩					٢			٤	٤٥٧
Military police.	٨	٧٩	٢	٤	٣		٢	١	١	١		١	٣	١٠٥
1 st armored division	٣٩	٩٥		٣	٢					٧				١٤٦
religious groups				١١										١١
Foreign interference		٢٤		٤				١		٦		١٤		٤٩
gov/civil/judicial agency	٥	١٠١	١٤	٢١	٢٠	٥	٦	١٠	٣	٢٧	١		٧	٢٢٠
power centrs/influential elites	٥٩	٩٤	٢٥	١٧١	١٠١			٦	٣	١٨	١١	٢	١١	٥٠١
Total	1444	2028	72	364	226	12	29	85	9	136	29	29	53	4516

Role of the authorities	Governorates																	Total						
	Ibb	Abyan	Albaida	Aljawf	Alhodaida	Aldale	Almahwait	Almahrah	Sana'a city	Taiz	Hajah	Hadramawt	Dhamar	Raymah	Shabwah	Sadah	Sana'a		Aden	Amranl	Lahj	Mareb	Yatea	
Arrested the perpetrators	٤	٥	١		3	1	1		10	3	2		5				2			1				38
Positive role	4	7	2	2	4	2		13	1		1		8		6	2	1	32		9	10			104
Silent				2			1	1		1						1								6
Carried out the violation	273	36	120	7	190	110	28	300	504	71	66	50	37	103	403	168	217	108	75	17		1		3582

Investigated violation	3		4	1	4	1			1	2		1					5			1		35
Didn't pursue the perpetrators	1	2	1	1					2	3									1			11
Plays no role at all	59	37	26	2	35	46	7	1	153	90	35	47	25		13	42	55	122	17	20		724
Condoned the violation	1					2			7	1		1				1		1		1	1	16
Total	345	87	154	15	236	162	37	4	1099	604	109	538	37		122	94	309	120	104	49	1	4516



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