



## Yemen

### **Follow up submission in view of the provisional Concluding Observations of the Committee Against Torture for Yemen's 2<sup>nd</sup> periodic review.**

**Alkarama, 9 April 2010**

1. Violent events in the Saada region
2. The fight against terrorism
3. Events shaking southern Yemen
4. Laws regulating money laundering and the financing of terrorism
5. The current state of the prison system
6. The unchanged status of detained Cameroonians after 15 years
7. Impunity throughout : the treachery of a tribal chief.
8. Several cases of violations presented in special proceedings

Alkarama recalls that it concentrates its work on four priority areas: arbitrary detention, enforced and involuntary disappearances, torture, and extrajudicial executions. We base our work primarily on the documented individual cases we submit to UN Special Procedures and Treaty Bodies, as well as our contacts with local actors including victims, their families, lawyers and human rights defenders.

The Committee Against Torture examined the second periodic report of Yemen (CAT/C/YEM/2) on 3 November 2009, and adopted provisional Concluding Observations (CAT/C/YEM/CO/2) on account of the absence of the Yemeni delegation at the review. Their absence was also the reason behind a request by the Committee to Yemeni authorities to react and comment on the Observations, to allow for a re-examination of the situation and an adoption of final Concluding Observations at the next session scheduled from 26 April to 14 May 2010. The Yemeni government has provided its response to the Committee (CAT/C/YEM/CO/2/Add.1).

In the context of this follow-up response, Alkarama would like to draw the attention of the Committee's experts to several recent developments that have occurred since the presentation of our report to the Committee entitled, *Yemen, Human Rights in Danger: Caught between Internal Conflict and External Forces*, 16 October 2009.

### **1. Violent events in the Saada region**

Serious events that have taken place in Yemen over the past few months are related to the conflict shaking the northern part of the country. The government launched a military offensive against the Houthi opposition movement on 11 August 2009 which resulted in new civil population displacements. The displaced found themselves in a precarious state, particularly due to lack of food and access to sanitary facilities when government troops denied access to the regions to which they had fled. News from the field remain very difficult to come by, permitting the military forces to wage war behind closed doors.

Yemeni authorities did not hold back on measures taken to bring an end to the rebellion, never hesitating to contravene domestic and international law: since the beginning of the conflict in 2004 close to 10 000 people have been killed, most of them civilians, and more than 250 000 people have fled their homes (150 000 during this last offensive). Entire villages were bombed, and there has been no distinction made between civilians and combatants killed during the fighting. Soldiers arrest suspected combatants, mistreat them, and then hold them in secret detention facilities.

Under the pretext that the opposition movement is supported by Iran and therefore constitutes a threat to its southern borders, Saudi Arabia also bombarded the region and stationed troops on Yemeni territory near the Saudi-Yemen border. On 25 January 2010 the Houthi movement proposed a cease-fire to Saudi authorities. On 12 February, a cease-fire was reached with the Yemeni military forces. Despite this, the refugee issue has yet to be resolved.

### **2. The fight against terrorism**

Intrusion into the internal Yemeni conflict is not limited to Saudi Arabia alone: the United States, which for several years has maintained that important Al-Qaida members are present in Yemen, intervened directly by assisting Yemeni forces during the bombardment of the village of Al-Maajala (in the Abyan province, located in the southern part of the country) on 17 December 2009, resulting in 60 to 120 deaths according to locals sources, most of whom were civilians. Raids were also conducted in Sanaa (the capital) and Arhab province. Yemeni government authorities present these operations as an act executed exclusively by their armed forces, obscuring the involvement of the United States. In reaction to the extreme anger manifested within Yemeni civil and political society as a result of these operations, Parliament mandated the creation of a parliamentary commission that, in early 2010, went to the places where the bombings took place in the south, later reporting their findings before Parliament.

According to the Government, there is a high build-up of Al-Qaida forces in the region, led by Mohamed Saleh Al-Kazimi, who would appear to have set up a terrorist training camp and who is said to move freely amongst the civilian population. Air strikes were therefore necessary in the fight against terrorism, but these strikes unfortunately resulted in collateral damage against civilian populations on account of Al-Kazimi's methods. The Parliamentary Commission did not mention the involvement of the United States in this set of operations. It did note, however, that Mohamed Saleh Al-Kazimi was a target of the highest priority, and that he was moving around normally, and that he could have been neutralized by other means than the air strikes on 17 December 2009 that, according to the Commission, killed 51 civilians in addition to the 14 Al-Qaida members identified by

Yemeni authorities. If this wasn't enough, the unexploded ordinance dropped in the region continued to threaten the civilian population: two days after the raid three people were killed and nine others injured.

The Parliamentary Commission formed a series of recommendations, among them the opening of an investigation that will shed light on those responsible for the raids and allow for their prosecution, compensation for families affected, and for the government to offer public apologies to the victims and their families; the last recommendation was the only one acted on by the Government when they sent a member of the administration to speak before Parliament.<sup>1</sup>

The American presence in the country is strongly criticized by many of Yemen's citizens, mostly because of the convoluted mixing of different opposition movements to the central Government (which exist in both the North and South of the country) and the fight against Al-Qaida. This mixing serves the aims of the Government in that it allows it to quash all forms of internal opposition, in addition to obtaining financial support from the United States, which has doubled this year. The increasing of Al-Qaida activity in Yemen also serves the purposes of the United States, which justifies their presence and their intervention in a region where stakes in geopolitical and energy issues are high.

### **3. Events shaking southern Yemen**

The conflict involving the central Government and the opposition movement in the southern part of the country has reached new levels of violence in the past few months. The opposition movement from the South, who mainly seek recognition of their social rights, feel that they are not receiving sufficient aid from the Government and are thus increasingly radicalising their demands. In the wake of demonstrations demanding the secession of Southern Yemen, military forces raided the home of protest movement organizer 'Ali Saleh al-Yafiy in Zingibar on 1 March 2010, killing his wife, son, and daughter. Multiple protesters were arrested and arbitrarily detained. In order to justify their brutal aggression, Yemeni authorities alleged a link between the opposition movement in the South and Al-Qaida.

Mr Ahmed Bamuallim, a retired former officer, is a well-known figure in the ranks of the opposition's political body, the Southern Movement (Al Harak al Janoubiy). He was elected as a member of Parliament between 1997 and 2003 as part of the "Yemen Congregation for Reform" (Atajamou' al Yamani lil Islah); he was also a member of the Parliamentary Defence and Security Commission. On 15 April 2009, Mr Bamuallim, in the company of his son, delivered himself to the regional military headquarters following a formal summons from the Director of Military Intelligence regarding his retirement, which he received by telephone. He was arrested and detained for 24 hours before being transferred to the Military Intelligence prison in Sana'a where he was secretly detained incommunicado in an underground prison cell for over a month. He was eventually transferred to the regular Military prison where he was detained between June 2009 and 19 July 2009, when he was finally transferred to Sana's central prison where he remains unto this day. On 17 October 2009, he appeared in front of the State Security Court during which he refused to speak unless a lawyer was present<sup>2</sup>. During the initial hearing he was mainly criticized for his involvement in the "Southern Movement", of having violated national integrity and for promoting dissension. The State Security Court, which is mandated with a special jurisdiction, convicted him on 23 March 2010 to ten years in prison<sup>3</sup>. Alkarama submitted a letter in his regard to the Working Group on Arbitrary Detention.

### **4. Laws regulating money laundering and the financing of terrorism**

The Committee Against Torture has expressed its concern in its sixth Observation regarding "the content of the draft anti-terrorism and the money laundering and terrorism funding laws, including

---

1 Special Parliamentary Commission mandated to investigate the events in Abyan province, Yemeni Parliament, تقرير اللجنة المكلفة بتقصي الحقائق حول الأحداث الأمنية بمحافظة أبين ولحج ( Report of the Commission mandated to gather information regarding the events in Abyan Province), 2010, p. 16. The Commission went to Abyan Province in early January 2010.

2 Alkarama press release, *Yemen: Ahmed Bamuallim illegally imprisoned for nearly one year*, 5 March 2010, [http://en.alkarama.org/index.php?option=com\\_content&view=article&id=439](http://en.alkarama.org/index.php?option=com_content&view=article&id=439) (last accessed on 6 April 2010)

3 Alkarama press release, *Yemen: Ahmed Bamuallim illegally imprisoned for nearly one year*, 5 March 2010, [http://en.alkarama.org/index.php?option=com\\_content&view=article&id=439](http://en.alkarama.org/index.php?option=com_content&view=article&id=439) (last accessed on 6 April 2010)

the reportedly broad definition of terrorism and the absence of legal/judicial procedures pertaining to the delivery, arrest or detention of individuals (arts. 2 and 16)."

On 17 January 2010 the Government of Yemen passed a law to combat the financing of terrorism and money laundering, *Law N° 1/2010*.<sup>4</sup> This law, in preparation since 2007, has created a great deal of controversy notably because of the fact that the definition of terrorism as defined within the body of the legislation was so broad that it permits for the criminalization of peaceful political opponents. The new law opens a variety of crimes to prosecution that cannot be considered as relevant to the jurisdiction for which it is intended. It also allows for unjust conflation between support of a purely humanitarian nature and that of terrorist activity. Article 37 provides for the extradition of foreign nationals convicted for financing terrorist activities or money laundering, which may be contrary to article 3 of the Convention Against Torture:

*Article (37) : The extradition of foreign nationals (non-Yemeni citizens) convicted of a crime under current law, the laws being in effect and the international conventions having been ratified by the Republic and in conformity with the principle of reciprocity, is possible after obtaining the endorsement of the Attorney General.*

This measure does not conform with the Convention Against Torture as it does not specifically prohibit extradition of to countries that practice torture.

Articles 38 and 40 of *Law N° 1/2010* confer particularly broad jurisdictional powers to the General Prosecutor in matters pertaining to investigations and the referral of cases to courts.

*Law N° 1/2010* also requires lawyers to divulge privileged client-attorney information, violating the principle of confidentiality. In a letter addressed to President Al-Saleh the Arab Lawyers Union denounced the adoption of this law that "represents a serious obstacle to the independence of the justice system and the professional capacity of an attorney"<sup>5</sup>.

## 5. The current state of the prison system

The current state of the prison system is especially concerning; it is characterized by a lack of sufficient food, absence of adequate medical care, overcrowding, violent actions by correction officers, etc. These conditions constitute a form of torture, cruel inhuman and degrading treatment in themselves. Released detainees regularly testify to these violations. Inmates arrested during protests of the final three months of 2009 testified about the mistreatment they suffered in the prison of Aden after their release: "they treated us worse than animals, detainees were forced into overcrowded holes without bedding and suffered abuse by jailers" adding that "even the food, the clothes, and the money sent to them during their detention at the Al Mansourah prison by their relatives no longer reached them when guards from Central Security (Al Amn Al Markazi) replaced the prison officers and began to confiscate items sent to detainees", adding finally "the confiscated food wasn't replaced, causing the detainees to starve for the remainder of their internment, but that in addition complaints were published by Yemenite newspapers and websites, reporting that certain prisoners in government detention facilities were subjected to savage physical torture using electricity during their detention".<sup>6</sup>

Qasem Zin Abdelkarim Tammah, a 30-year old working in Saudi Arabia, died 1 February 2010 inside the Al-Mu'alla Police detention centre in Aden. He had been arrested a week earlier on traffic violation charges. It appears that authorities then proceeded to torture him over a period of five days. The circumstances surrounding his death remain obscure, and his family has asked that an investigation into his death be opened. Security services maintain that he committed suicide after having stolen a gun from one of his guards.<sup>7</sup>

4 *Law N° 1/2010* (available on the website of Yemeni President, Mr Ali Abdullah Saleh)

<http://www.presidentsaleh.gov.ye/showlaws.php?lwbkno=2&lwptno=3&lwmid=377> (last consulted on 6 April 2010)

5 Union of Arab Lawyers' press release, *Law pertaining to money laundering and terrorism affects lawyers* (only available in Arabic), 8 March 2010, <http://www.alwatanye.net/61028.htm> (last accessed on 6 April 2010)

6 Ali Naji Said, *Detainees released from Aden prison speak about their mistreatment* (only available in Arabic), Al-Tagheer [The Change], 12 December 2009, <http://www.al-tagheer.com/news.php?id=12561> (last accessed on 6 April 2010)

7 [www.aleshteraki.net](http://www.aleshteraki.net) (website of the Yemeni Socialist party), *The family of the victim requests the creation of a commission of inquiry*, 1 February 2010, [http://www.aleshteraki.net/news\\_details.php?lng=arabic&sid=7489](http://www.aleshteraki.net/news_details.php?lng=arabic&sid=7489) (last accessed on 6 April 2010)

## **6. The unchanged status of detained Cameroonians after 15 years**

In our report presented to the Committee Against Torture we brought to the attention of the experts the situation of five Cameroonian nationals who have been detained in secret and outside the auspices of the judicial system in the Political Security Centre (Al Amn Assiyassi) in Sana'a since March 1995, four of whom have been identified with certainty: **Ludo Mouafo, Pierre Pengou, Baudelaire Mechoup and Zacharie Ouafo**. These detainees were able to reach out to alert the public of their existence for the first time in 2004, after which the Minister of the Interior described them in 2005 as belonging to an international network of sabotage, implicated in drug trafficking, money laundering, and counterfeit money production. He did however promise that they would be brought before a court; to this day they continue to be detained in the same conditions, without any legal proceedings having been brought against them.

Alkarama sent an emergency appeal in support of these detainees on 1 April 2009 to the Working Group on Arbitrary Detention and to the UN Special Rapporteur on Torture.<sup>8</sup>

On 10 December 2009 a letter handwritten in English by the four identified detainees was sent to the human rights organization Hood, who later informed us of the contents of the letter. They wrote about the mistreatment they suffered after their arrest (torture, sleep deprivation, racist treatment, etc.). They are still isolated in an underground cell measuring 4m<sup>2</sup>, situated in the Political Security detention centre. The poor water quality causes regular bouts of diarrhoea and hepatitis. Ludo suffers from a serious heart condition, and has suffered several mild attacks. Their physical and psychiatric state is seriously eroded. The Director of the prison has refused a visit requested by the Red Cross, in addition to denying them any form of medical treatment.

When Chief of Political Police General Ghaib Oamish learned in 2004 of letters that the men had managed to smuggle out of the prison while being held in secret, the men suffered severe punishments over a period of several months. Perpetually chained, they were forced to endure beatings and verbal insults from their jailers. They would appear to again be suffering from threats and intimidation for confessing to crimes that they did not commit.

This case has provoked strong protests from within the ranks of the media and within Parliament. Nonetheless, 15 years after their arrest, these four men have never had their day in court.

## **7. Impunity throughout: the treachery of a tribal chief.**

In its report to the Committee Against Torture, Alkarama had addressed the problem of abuses committed by tribal leaders such as Sheikh Mohammed Ahmed Mansour, tribal noble and head of an important tribe in Ibb province. His militias attacked the neighbouring populations in the al-Ja'ashin region, among them dozens of families who had no choice after the raids but to flee for the capital. Since their displacement they have protested and attempted in vain to bring these attacks to the attention of public authorities in the hopes that they will end, allowing them to return home. A parliamentary commission mandated to investigate the situation in 2007 uncovered numerous violations and formed a series of recommendations for action, but thus far nothing has been done by government authorities.

The issue has remained unchanged ever since, all because of the protection accorded this tribal chieftain within the power structure in the government, permitting him to act with total impunity. The victims addressed a letter to Yemen's Parliament on 6 February 2010 which contained the exploits of Mansour's militias: 400 men possessing heavy weaponry arrived during the night of 3-4 January 2010 in the Al-Ja'ashin region, which they locked down. They then proceeded to raid homes over a period of eight hours. Families attacked recounted in their complaint how the fighters moved from house to house in military vehicles, which would, if confirmed, demonstrate that they were acting with the complicity of the army. They wrote:

---

<sup>8</sup> Alkarama press release, *Yemen: Secret detention for more than 14 years of five Cameroonians*, 2 April 2009, [http://en.alkarama.org/index.php?option=com\\_content&view=article&id=212](http://en.alkarama.org/index.php?option=com_content&view=article&id=212) (last accessed on 6 April 2010)

“On 4 January 2010 at 3 o'clock in the afternoon, five military trucks, mounted with 12.7 and 14.5 calibre machine guns carrying militia fighters loyal to Sheikh Mansour entered our village accompanied by militia fighters on foot, armed with rocket launchers, bazookas, and multiple forms of weaponry.”

The families were then chased from their village, robbed (personal effects, jewellery, etc, including their livestock), then watched as their homes were partially or fully destroyed. Since then, entire families live in tents in Sana'a, but not always with guaranteed security. Each time they organize protests to alert the government of their situation. They are victims of harassment.

The Press has echoed the protests and overtures of the families in this tragic situation. Despite this, Sheikh Mansour did not hesitate to kidnap and imprison a journalist and four local inhabitants and a child accompanying him on 15 February 2010. Omar Al-'Umqi had obtained the permission of Sheikh Mansour to cover a story for the magazine *Hadith Al Madina* (City Talk). Militia fighters captured him upon arrival in the region under the pretext that he hadn't obtained the express authorization from the Shekh to take photographs. He was then forcibly taken and imprisoned.

Acts characterized by such a degree of impunity encourage more and more tribal chiefs to violate laws and to commit violations in populated areas of their region, inaugurating an era of absolute lawlessness in certain regions of the country.

## **8. Several cases of violations presented in special proceedings**

Our organization recently received information concerning the case of Azam Hassan. Detained since the end of October 2007, Hassan has been on an open-ended hunger strike since 25 January 2010 in protest of the complete absence of medical attention given to him, his state of health having started to seriously deteriorate in detention.

Arrested in Al-Mansoura on 20 October 2007 by agents of the Political Security force, Azam Hassan was then directly transferred to the Political Security department in Al-Tawahi. He had been arrested twice before in 2005 and 2006. Following his first release from prison he was ordered to check-in each month at the headquarters of the Political Security department in Al-Mansoura. It was during one of these check-ins that he was taken into custody in October 2007.

Following the example of thousands of other detainees in Yemen, Azam Hassan has never been presented before a judge, nor been the subject of any legal proceedings.<sup>9</sup>

Nearly 50 detainees inside Mukalla Political Security detention centre in Hadramawt province, southern Yemen, have entered into a hunger strike in protest of their conditions of detention and lack of legal proceedings. There are men among these detainees who have remained in jail for close to three years without being charged or appearing before a judicial authority.<sup>10</sup>

On 26 January 2009 the Specialized State Security Court of Sana'a sentenced **Mohamed Qasim Ali Al-Ghouli and Amine Al-Naggar** to ten and seven years in prison, respectively. Alkarama had already submitted their cases to the United Nations Special Procedures at the time of their sentencing. Both Mohamed Al-Ghouli and Amin Al-Naggar were among a group of seven individuals put on trial and accused by the Yemeni authorities of belonging to Al-Qaeda - they have always denied these charges. The arrest and detention of these men was carried out without any sort of legal process and outside the scope of the justice system. Human rights defenders consider the trial they have been subjected to as being “unfair” and continue to criticize the tribunal for its lack of independence and its inability to meet the criteria of a fair trial.<sup>11</sup>

9 Alkarama press release, *Yemen: URGENT - Azam Hassan enters an open-ended hunger strike*, 16 February 2010, [http://en.alkarama.org/index.php?option=com\\_content&view=article&id=425](http://en.alkarama.org/index.php?option=com_content&view=article&id=425) (last accessed on 6 April 2010)

10 Alkarama press release, *Yemen: Scores of arbitrarily detained prisoners go on hunger strike inside Mukalla Political Security Prison*, 16 March 2010, [http://en.alkarama.org/index.php?option=com\\_content&view=article&id=449](http://en.alkarama.org/index.php?option=com_content&view=article&id=449), (last accessed on 6 April 2010)

11 Alkarama press release, *Yemen: Al-Ghouli and Al-Naggar sentenced after unfair trial at Sanaa's Specialised State Security Court*, 27 January 2010, [http://en.alkarama.org/index.php?option=com\\_content&view=article&id=420](http://en.alkarama.org/index.php?option=com_content&view=article&id=420) (last accessed on 6 April 2010)

After having served six months over and beyond his prison sentence, **Abdul Rahman Al-Hossami** was finally released on 7 December 2009. Because of the arbitrary nature of his arrest Alkarama submitted his case to the Working Group on Arbitrary Detention on 29 October 2009.<sup>12</sup>

Alkarama sent an urgent appeal the Special Rapporteur on the situation of human rights defenders, regarding the case of **Maamar Al-Abdelli**, who was arrested and abducted for the second time on 13 July 2009 at a hotel in Aden by agents of Yemeni Intelligence Services. Al-Abdelli was then disappeared for four months and his family was neither able to obtain any information as to his whereabouts nor were they ever told the reason for his arrest. It was only on 13 November 2009 that his family was finally able to visit him for the first time at the Political Security prison in Sana'a, to where he had been transferred on the same day and remains unto this day. His relatives were able to learn that after his arrest he was held in secret by the National Security services. Mr Al-Abdelli appeared to be very thin and showed signs of torture, and was suffering from a severe chest infection. He was in a worrisome state of poor mental and physical health. Our organisation had already sent his case to the UN Special Procedures as in June 2007; between the months of May and August 2007 he was detained in secret for 75 days and accused of sympathizing with the Al-Houthi movement.<sup>13</sup>

---

12 Alkarama press release, *Yemen: Abdul Rahman Al-Hossami released after three years imprisonment - arbitrary detention and an unfair trial*, 7 January 2010, [http://en.alkarama.org/index.php?option=com\\_content&view=article&id=395](http://en.alkarama.org/index.php?option=com_content&view=article&id=395) (last accessed on 6 April 2010)

13 Alkarama press release, *Yemen: Human rights defender, Maamar Al-Abdelli, risks unfair trial*, 4 February 2010, [http://en.alkarama.org/index.php?option=com\\_content&view=article&id=429](http://en.alkarama.org/index.php?option=com_content&view=article&id=429) (last accessed on 6 April 2010)