
Parallel Report on the Republic of Yemen's Implementation of the
International Covenant on Civil and Political Rights

Submitted to the 101st Session of the United Nations Human Rights
Committee on occasion of the pre-sessional review of Yemen

30 December 2010

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and coordination of the Sisters' Arab Forum for Human Rights (SAF),
Sanaa, Yemen

Facilitated by: The Cairo Institute for Human Rights Studies (CIHRS)

Introduction

The Republic of Yemen was established on 22 May 1990 through the unification of the Northern and Southern regions. The unified Yemeni Constitution stipulated respect of human rights and enhancement of peaceful circulation of power on the basis of democracy. It also allowed for the formation of political parties, giving them the right to practice their activities publicly. These parties were previously prohibited as per the provisions of the Law in both regions, which used to have single parties only prior to unification. Yemen proceeded to enjoy a democratic thrust, where a good number of political parties emerged, civil society organizations were established, organizations defending human rights appeared for the first time, and it was announced that more than 100 party and independent newspapers would be established. However, one year following the unification, shadows of a political crisis among its partners began to emerge and kept on despite the holding of the first legislative elections in 1993 with wide public participation. In 1994, armed conflicts erupted between forces of both regions, which had not yet been integrated after unification, and were resolved to the interest of the Northern region, changing the balance of power at the political level.

Four consecutive legislative elections were held in the Republic of Yemen in 1993, 1997, and 2003 respectively; presidential elections were held in 1999 and 2006; the first municipal council elections were held in 2001, and the second in 2006.

Yemen is considered one of the poorest countries in the region. It has a population of 23 million, 70% of whom live in villages. Although the Yemeni community is agriculture-based, the contribution of the agricultural sector is minimal. Yemen depends mainly on the production of oil, which covers 80% of the state's general budget. In addition, Yemen depends on subsidies, aids, and external loans. Transparency International reports point out that Yemen ranks first among the most corrupt countries. Other reports categorize Yemen as a country subject to imminent failure.

The illiteracy rate is more than 50% among males, and exceeds 70% among females. The percentage is higher in villages. Furthermore, infrastructure is weak, and educational and health services are poor. Many governorates in the Republic suffer from severe drought, and Sanaa is considered to be the first capital worldwide facing threats of water depletion. World Bank reports point out that oil will deplete within the upcoming five years. Moreover, Yemen recently became a center for Al-Qaeda in the Arabian Peninsula. Al-Qaeda has since committed numerous terrorist acts, a fact that is attributed to increased religious extremism, the existence of tribal and social incubators, as well as the official silence about the problem that reigned in the past. This has led the international community to consider Yemen at present as posing more risk than Pakistan and Afghanistan, due to its threat to international peace and security in the long term.

The Yemeni community is suffering from loose security; mismanagement; and corruption and inefficiency of the judicial system, wherein authorities interfere, destroying its independence.

The percentage of Yemenis living below the poverty line amounts to more than 50%. Furthermore, unemployment and disguised unemployment are widespread, particularly among the youth, hence threatening social security and peace, and increasing the phenomena of violence and crime.

Article 2

Discrimination and local equality mechanisms

In practice, and counter to existing legislation, discrimination is widespread in the Republic of Yemen. Such discrimination is based on race, color, sex, religion, political and non-political opinion, national and social origin, wealth, descent, and region. The state did not adapt national legislation in a manner that guarantees that citizens are given the rights stipulated in the Article without discrimination. An example of this is the large social segment of marginalized persons (servants), whom are still suffering from official and social discrimination based on color and race, resulting in a situation where members of this group are denied any public jobs, education, health and other services, in addition to their poor social status, and thus subjecting them to isolation and marginalization.

Similarly, Hashemites are subject to discrimination and security harassment following the war waged in Sa'dah (Northern Yemen) between government forces and the Houthis (a religious group that belongs to Zaydiyyah, a branch of Shia'a) since 2004 to date.

On the level of race-based discrimination, Somali refugees are subjected to discrimination, and the state does not assume the responsibility of their protection, nor provides them with human living conditions.

Gender-based discrimination exists in legislation and in practice.

On the level of religious discrimination, the Jewish minority is suffering from widespread discrimination that deprives them from their right to practice religious rituals or build special places of worship. Furthermore, their schools are not accredited and the Constitution denies them the right to be nominated for elections for the Legislative Council as per a constitutional stipulation that restricts this right to Muslim citizens, according to Article (64) of the Constitution.

In addition, some local languages are subject to extinction, such as Alsagatrip and Almehrip. The state does not exert any efforts to preserve them.

Although there are complaint mechanisms on the national level, they are not effective and do not guarantee justice to the claimant. Competent authorities also do not enforce legal provisions that justify claimants. Despite efforts, pressures, and international assistance for the establishment of an independent national authority for human rights, and in spite of official declarations on approving its establishment and preparations made for this purpose, procrastination dominates such a process.

Article 3

Gender inequality and discrimination

Discrimination between men and women is still visible on various levels, such as legislation, policies, and practices. At the civil level, there are no places of confinement for women facing charges, and they are sent to prisons with female convicts. Also, in numerous prisons for women, there are no policewomen. Politically, women are still poorly empowered as to getting their political rights, as the current election

system based on the individual circle prevents women from being enabled to access parliament. Currently, there is one woman in parliament out of 301 members, two women in the Consultative Council out of 111 members, two female ministers out of 33 ministers, and in municipal councils, women are represented by 37 members out of a total of 7037. In the diplomatic corps, there are two female ambassadors versus 104 male. In all diplomatic positions, the number of women does not exceed 40, in comparison to 477 men.

Article 4

State of Emergency

The Yemeni Community is experiencing an undeclared state of emergency, where citizens in a number of northern and southern governorates are subject to repression, arbitrary detention, and attacks. In addition, peaceful gatherings and protests are prohibited and faced with violence. Authorities, for example, detain citizens who belong to the Peaceful Southern Movement that is demanding independence and self-determination in the South and further repress its activities. The movement was also prohibited from marching in memory of the unity day on 22 May, Independence Day on 30 November, and on the memory day of 14 October. In a number of Northern governorates (Dhamar, Amran, Hajjah and Sa'dah), authorities detained citizens and prohibited them from participating in annual religious gatherings to celebrate Al-Gahdeer Day (a day that is sacred to the Zaidis).

Article 6

Extrajudicial Killings

Citizens are subject to extrajudicial killings with no trials, as well as death sentences in the aftermath of Sa'dah war, for being part of the Peaceful Southern Movement, and for being suspected of belonging to Al-Qaeda. For example, in the end of 2009, Al Ma'agala village (Abeen Governorate, Southern Yemen) was subject to air bombardment, resulting in the death of 52 citizens of the village population, half of whom were women and children.

The air forces also bombarded Al-Talh market (Sa'dah governorate) during the first half of 2009, resulting in a death toll of 34 civilians.

Furthermore, "Al-Adi" camp was bombarded by air forces, killing 89 civilian citizens, of whom 40 were children, 45 were women, and four were men.

When Saudi forces intervened in the ongoing war between government forces and Houthis in 2009, the Saudi Arabian air forces bombarded Razez region (Sa'dah governorate), killing 51 persons, mostly women and children who belong to one family (Abu Taleb).

Saudi Arabia's border guard forces attempted to kill 18 Yemeni citizens, mostly children, who tried to infiltrate the Saudi Kingdom, seeking jobs on the Yemeni-Saudi borders. The border guards knew where the Yemenis were hiding and put the hideout on fire, which resulted in burns, deformations, and disabilities.

In all of the above-mentioned cases, the authorities did not undertake the necessary investigations, neither did they hold seniors responsible or present them to military or civil trials. Also, victims were not compensated and did not even receive official apologies.

Execution is still a punishment stipulated by more than 315 legal articles. There were death sentences issued by the specialized penalty court (State Security Court) during the four previous years in the aftermath of Sa'dah war, in trials that lacked the minimum conditions for fair trial, on the basis of political lawsuits and accusations of collaborating, treachery, and terrorism. The number of sentences issued by this court during one month in 2009 reached 34 death sentences against persons accused of participating in armed conflicts in Bani Hashish (North Western Sanaa region). In the same year, 10 death sentences were issued against persons accused of belonging to Al-Qaeda.

Death sentences were also issued against Bassam Al-Hidari (accused of collaborating with Israel) and Abdel Karim Lalgı (accused of collaborating with Iran) who belongs to the minority Twelvers. Rights Activists Moamar Al-Abdali, Sadek Al-Sharafi, Waleed Sharaf Al-Din, and Abdullāh Al-Delmi are facing the risk of death penalty based on the same accusation by the same court.

Article 7

Torture

Torture is widely exercised in confinement and interrogation centers, security departments, investigation centers, central prisons, and places of detention affiliated to intelligence bodies. Torture is practiced systematically in a method that usually results in disability, and sometimes in death. In cases where the victims resort to the law, authorities do not take any legal procedures against persons linked to practicing torture. In many cases, victims are subject to threats and forced compromise to prevent them from exposing how they were maltreated.

An example of this is the physical and psychological torture faced by detainees at political and national security agencies from 2006 to 2009 as a result of the Sa'dah war. Among the detainees were Gaafar Al-Marhabi, Bassam Al-Khaled, Ibrahim Sharaf Al-Din, Ali Al-Sakaf, Mohammad Zaid Al-Mansour (child), Abdel Karim Al-Shami, Louai Al-Moaed, Mona Al-Khaled, Entesar Al-Siani, and other detainees. Torture inflicted on Hashim Al-Hagar, and his deprivation from treatment, resulted in his death inside the central prison in Sanaa during 2008.

Following the Peaceful Movement in Southern governorates, detainees were subject to torture and solitary confinement. Amongst the victims were Dr. Hussein Al-Akel, Hassan Zaid Ben Yehia, Hassan Ba'oom, Bama'lam, Qassem Askar, Ahmed Omar Ben Farid, and dozens of others.

A number of citizens also faced torture during detention on the basis of criminal lawsuits at criminal investigation agencies and police stations, including Moaen Al-Zanebi; Ahsan Al-Maleki; Hussein Al-Tunisi, known as Abu Hurairah; and Anisa Al-Shoebi, who was subject to torture and rape during her confinement at the center.

Article 8

Slavery

Servitude still exists in Hajjah and Al-Mahweet governorates. Yemeni authorities have not taken any action to combat this phenomenon. In 2009, a citizen called "Siar" was sold, and the sales procedure was documented at a court in Hajjah governorate. In recent years, the trafficking of female and male children to the Kingdom of Saudi Arabia was widespread, with the aim of exploiting them in prostitution, begging, and hard labor that is incompatible with their age. International reports point out that almost 5 million Yemeni children are working in tasks that are more similar to servitude and slavery, 10% of these are subjected to exploitation and sexual abuse.

Article 9

Liberty, security and freedom from arbitrary arrest and denotation

During the four previous years, in blatant violation of the constitution and the law, security authorities practiced arbitrary confinement; abduction; forced disappearance; and the long-term imprisonment of thousands of political rivals, human rights activists, media professionals, and sectarian minorities. The Sa'da war, the Peaceful Southern Movement, and the war against terrorism, stood as justifications for committing such illegal practices. Furthermore, legal procedures were not respected as the accused and his family are not informed of accusations against him, in many cases not allowed to contact an attorney, and visits are prohibited with exception of a few minutes once a week after announcing places of detention.

Detainees remain in prisons for months and sometimes years without judicial sentences and without being summoned to court. In some cases, the accused are submitted to court in response to pressures imposed by public opinion and actions taken by rights and political civil community institutions. Trial procedures are slow and lack the necessary conditions for justice. In numerous cases, the media is prevented from covering the trials, and activists and rights organization representatives are prevented from attending to follow up legal proceedings. Moreover, persons who have been subject to detention or illegal confinement and consequently found innocent, did not receive compensation. Examples of this is the abduction and arbitrary detention of journalist and writer "Abdel Karim Al-Khiwani"; journalist and politician "Mohammad Al-Makaleh"; Activist Ali Al-Delmi; and, politicians Hassan Ba'oom, Hussein Zeid Ben Yehia, Dr. Hussein Al-Akel, and Scholar Mohammad Muftah. In addition, the above violations were repeated against some of these persons.

Article 10

Conditions of Prisons

The many Yemeni prisons lack the minimum conditions for protecting inherent human dignity. Treatment in prisons is harsh and humiliating, not to mention their overcrowding and lack of health care, orientation, rehabilitation, and recreational services. Many prisons also lack adequate healthy food, warming systems, and have inadequate provision of nightwear, quilts, and sheets. The lack of these items has its toll on prisoners, especially in extremely cold areas. Prisons in extremely hot areas lack ventilation and air conditioning devices as well. In many cases, the release of prisoners is delayed for months after the completion of their sentence, which is usually due to negligence of the Public Prosecution.

Prisoners convicted of serious crimes or repeatedly imprisoned are not segregated from other prisoners. In addition, in many prisons delinquent juveniles are not segregated from adult prisoners. Juvenile delinquents over 15 years old are usually transferred from detention centers to adult prisons. There are no detention centers for delinquent juveniles in most provinces. There are also no detention centers for delinquent girls, who are usually detained with adults. Prisons are also used as lockups for individuals pending trial.

In addition, there are no provisional detention centers for female defendants, save in Aden province. Female defendants whose guilt is not yet proven are detained in prisons for women. These prisons lack sanitary pads and hygiene supplies, which has caused the spread of diseases, especially skin diseases. The prison administration does not supply women who have children with their children's needs, such as food, milk, diapers, or health care. Prisons in general suffer from a lack of hygiene and poor services, and the absence of segregation and classification.

Article 11

Imprisonment for insolvency

Thousands of Yemeni citizens are imprisoned for failing to repay their debts or fulfill their contractual obligations. In a flagrant breach of the law, they stay in prison for years after serving their sentence. Despite the Supreme Judicial Council ruling that they are extrajudicial prisoners and undertaking to release them, the Council has so far not adopted any practical mechanism for this purpose. There is currently an old mechanism for releasing them by the prisoners' committee, which provides annual assistance to repay debts of insolvents provided that they get an insolvency ruling. However, the assistance is only extended to male prisoners. A prisoner called Fatema Assambili in a women's prison located in Hajja' province is a case in point. She has been a prisoner for 5 years although her determinate sentence for being in default is only two and half years.

Article 12

Liberty of movement

Yemeni authorities launched a crackdown on mass media and human rights activists to prevent them from covering events in disputed areas north and south of Yemen. Officers at security checkpoints located on main roads prevent citizens from traveling between provinces to participate in peaceful demonstrations and protests, and there have been many arrests, especially in the south. Foreigners lawfully residing in the country are not allowed to move between provinces without an official permission from the Ministry of Interior. Many were prevented from traveling to attend events, conferences, or to receive medical treatment abroad because they did not have a court ruling. This happened to Dr. Mohamed Ali Assaqaf, Abdel Karim Alkhiwani, Hisham Bashraheel, and Ali Adilmy.

Recently, Women were denied the right to liberty of movement on the local level without being accompanied by a Mihrim (male relative). In case of traveling abroad, women find it difficult to obtain a passport without the approval of their guardian.

Article 13

Illegal expulsion of aliens

Yemeni authorities arbitrarily expelled some aliens who lawfully resided in Yemen. For instance, the authorities arbitrarily expelled "Laurin", a French researcher at International Crisis Group, without any justification. Liberties and movement are restricted under the pretext of protecting national security and public order.

Article 14

Trials

People are not equal before courts of law as some litigants are sometimes powerful or have strong connections with powerful entities. As a result, some are deprived of their rights, especially the right to fair trial, and they become subject to prolonged litigation processes.

For instance, examining magistrate Alezi Omar was accused of murder while he was defending himself against a group that tried to raid his house by force and shot him. He was denied a fair trial. He could not defend himself during any phases of litigation due to the influence of the group and its tribe. He was sentenced to death and is currently waiting for his execution.

Ahmed Al Abbadi Al Marqishi, janitor of Al Ayam newspaper, was charged with murder for being engaged in a confrontation with an armed group that tried to raid the newspaper headquarters in Sanaa. Al Marqishi could not defend himself, nor could his lawyer. He was sentenced to death because of the influence of his

opponents. Many courts refuse to give lawyers a copy of their defendant's case files, thus undermining the lawyer's ability to give their defendants fair trials.

Article 16

Recognition as a legal entity

In some cases, an individual is denied the right to recognition as a legal entity. For instance, "ben Maeili" was stripped of his Yemeni nationality and denied his right to recognition as a legal entity for political and security reasons, after serving a 10-year sentence.

Article 17

Privacy

The privacy of some think tanks, opposition politicians, rights activists, and media figures, was violated by different means such as phone call taping and email monitoring by intelligence agencies. They were also slandered in state-run newspapers and tabloids. For instance, the transcription of a phone call made by Al Jazeera correspondent Ahmed Ashalfi, and an SMS by journalist Abdel Karim Alkhiwani, were published. A transcription of taped phone calls made by Mohamed Almokaleh, a journalist and politician, were also published. Amal Al Basha, a human rights activist and chairman of the Sisters' Arab Forum for Human Rights (SAF) was a victim of slander and incitement campaigns, in addition to accusations of treason.

The reputation of the products of Hayel Saeed Anam Group (HSA Group), one of the leading financial institutions in Yemen, was also distorted. Calls to boycott its products were reiterated as a punishment for giving Amal Al Basha the "Al Saeed Foundation for Science and Culture Award" in 2007. Dr. Muhammad Abd al-Malik al-Mutawakkilo, opposition politician and assistant secretary general of Federation of popular forces party, underwent slander and incitement campaign in state-run newspapers. Some fanatics also accused him of treason due to his political stances. Slander campaigns were launched against many journalists, activists and parliamentarians like Yassin Said Noman, Nae'f Hassa'an, Ahmed Saif Hashed, Nabil Sabe' , Khaled Salman, Salah Adakak, Samia AlAghbari, Rahma Hogaira, Hafez Al Bakkari, Tawakol Karman, Hisham Bashrahee'l , 'fraa' Al Hariai, Mohamed Qahta'n, Sultan Al'itwani, Hussein Zaid, Anis Mansour, Abdel Karim Alkhiwani, Mohamed Al Maqaleh, and many others. These slander campaigns are launched by state-run newspapers, or sometimes by independent newspapers with ties to powerful entities.

Article 18

Religious Freedom

Yemeni laws restrict people's right to convert from a religion and embrace another. Article 295 of Crime and Penalty law stipulates that apostasy is a crime and its penalty is capital punishment. Yemenis of the Jewish minority are forced or coerced into not manifesting their beliefs, observing their rituals, or teaching

or preaching them in public. Yemeni Jews attending public or private schools are not exempt from studying compulsory school topics about Islam. The writer Moa'z Al Ashabi was put on trial in 2009 for writing an article critical of the way of reciting Quran. A Probate Case was brought against him by some MPs and mosque preachers affiliated to the Committee for Promotion of Virtue and Prevention of Vice. He was accused of apostasy and was subject to an intensive slander campaign in mosques. He was also imprisoned by a preliminary ruling (not final) although he did not go through the three litigations degrees.

Article 19

Freedom of opinion and expression

There are several methods used for suppressing freedom of press and expression in Yemen. Yemeni authorities target the press through shutting down newspapers, banning websites, and arresting and kidnapping journalists. For instance, copies of Al-Shoura newspaper were confiscated in 2005 while the independent newspaper Al Ayyam was shut down in 2009.

After banning the issuance of eight independent newspapers in 2009, pre-publication censorship was applied to newspapers. All of the newspapers were allowed to resume publishing, save for Al Ayyam whose ban continues to date. In addition, online news websites are blocked. Many news websites were repeatedly blocked in recent years, including independent online news sites like Mostakela.net, Al-Ishteraki net, Yemenat.net, Al-shoura net, newommah.net, Almasdaronline, Al Mukallah press, and Aden press, to mention a few.

The existing Press law is linked to other laws that contain articles restrictive to freedom of expression. They include severe punitive measures like flogging and execution. Many extrajudicial and extra constitutional repression methods are also used, such as kidnapping, beating, murder threats, harsh torture, and fabricating charges. Many journalists were subject to such measures, including Abdel Karim Al Khiwani, Hisham Bashrahil, Mohamed Al Moqalekh, Abd Elilah Hidar Shaei, Salah Assaqaldi, Fouad Rashid, Hassan Zaid Ben Yehia, Ahmad Arrabizi, Aref Alkiwani, Hussein Alliswas, Ahmed Alkame', Abbas Al Assal, Sabri bin Mokhasen, Kamal Sharaf. Some of these journalists were tried before courts known for fabricating terrorism charges. Dozens of journalists are also tried before a specialized press court that is only present in Sana'a, while being deprived of trial before ordinary courts. For instance, Mohamed Sadek Al Adini is tried for publishing an account of the maltreatment and persecution faced by journalists by the Department of Moral Guidance of the Army.

Article 20

Incitement

During recent years, many state-run and independent newspapers, covertly supported by official security and military agencies, published content inciting to continue the war in the northern province of Sa'dah. They also published features characterized by discriminatory, racial, violence and hate-inciting language against

Yemeni citizens who are Hashemites or adherents of the Zaydia sect, against the background of the Sa'dah war. The ethnic origin of many activists engaged in peaceful social mobility south of Yemen was racially slandered. One of the conspicuous examples is the politician Hassan Baoum who has been referred to as of Somali origin, not Yemeni, by many state-run newspapers.

Article 21

Peaceful Assembly

Authorities place restrictions to prevent peaceful assembly that aims at expressing opinion and claiming constitutional and legal rights. Violence and repression is practiced against peaceful assemblies. Protestors are harassed and provoked to disperse their sit ins. peaceful protests and assemblies in the north and south have been faced violently by the Security since 2007. Participants to an assembly are subject to extrajudicial detention, investigation, and murder.

Article 22

Freedom of association

Despite the fact that the Yemeni constitution grants the right to form unions and associations, this right is violated in practice. Law pertaining to associations is currently being amended with the aim of tightly restricting the work of all associations, especially human rights associations. Associations cannot receive any fund for their activities without the official consent of the competent authorities. The Ministry of Social affairs and Labour denies associations, especially human rights associations, with the necessary licenses. Issuing a license is conditional upon depositing hefty sums, an impossible condition to deprive them of a license.

Whilst pro-regime associations are easily granted licenses, independent human rights associations such as Al Tagheer Organisation for Defending Rights and Freedom, Hewar Foundation for Democratic Development, Yemen Center for Human rights, and Hood (the National Organisation for Defending rights and Freedoms), were denied a license - the latter organization recently obtaining a license after years of rejection. Restrictions are also placed during the annual renewal of licenses. For instance, the authorities refused to renew the annual license of SAF for the year 2006-2007. Yemeni authorities also shut down the headquarters of Shiite Ithna Ashria association in Aden, which was established by a decree issued by the minister of Awqa'f (religious endowments).

Article 23

Family and Marriage

Personal Status law does not grant women the right to marry and establish a family on their own without their guardian's consent, even if they are over 50 years old. The law grants their guardian or son the right to

conclude their marriage contract if they is widowed or divorced. A judge is authorized, by proxy, to conclude the contract in the event that a women's guardian refuses to sign it. The marriage contract is annulled by the sole will of the husband without the need for justifications. The husband may take back his revocably-divorced wife during the Iddah (a waiting period observed by a divorcee, during which she may not marry) against her will.

The wife has the right to Khulu' (right of women to divorce by redemption), provided that she provides justification and returns the Mahr (prescribed amount, cash or in kind, given by the bridegroom to the bride in consideration of marriage) to the husband, even if they have been married for decades.

As a result of arbitrary divorce, divorced women are thrown to the streets. Moreover, a women does not have any right to share her husbands fortune, which was acquired while she was taking care of their children, her husband, and household affairs, a fact that deprived her of work and its benefits like economic independence, promotion, experience gaining, skills acquisition, and fortune making. The divorcee loses custody over her children upon getting married or once her daughter turns nine or her son turns 12.

The law entitles the guardian of a girl under 18 to marry her off. Thus, child marriages and the death of young mothers are prevalent, not to mention the spread of diseases related to marriage and premature delivery amid poor or absent health services, especially in rural areas where 70% of the population live. Law stipulates that the wife shall obey her husband and refrain from leaving the house without his consent, except for in specified cases.

Article 24

Birth registration

Registration of new children is not obligatory, thus many of them are subsequently denied protection and rights, as their age is hard to define. Consequently, they are deprived of suffrage or are exploited in the rigging election results. They might also receive harsh penalties up to capital punishment for being treated as adults.

Article 25

Public office

Discrimination denies many Yemeni citizens their right to hold public offices, especially senior posts. Political, partisan, and regional discrimination is present in many forms. The most notable case is the forcing of 75,000 citizens, both from the military and civilians from Southern provinces, to take early retirement in the wake of the 1994 Summer war. As a result, many protest movements were rallied in the south to call for separation from the north, a fact that undermines territorial integrity and people's unity.

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