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Yemen: Government should announce commitment to tackle 'widespread' torture

Amnesty International today urged the Yemeni government to publicly announce its commitment to implementing the recommendations issued last week by the UN Committee against Torture, following its regrettable failure earlier this month to show up to the Committee's examination of what was described as the "widespread practice of torture and ill-treatment" in Yemen.

The Committee published on 20 November its provisional conclusions and recommendations on Yemen's second periodic report concerning the implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It had examined the report on 3 November, but, in an unusual development, the Yemeni government did not attend the session.

The Yemeni authorities have an opportunity to respond to the conclusions and recommendations before the Committee next meets in April and May 2010. Amnesty International calls on them to do so, but also to implement without delay and as a first step a key recommendation of the Committee that they "announce a policy of eradication of torture and ill-treatment". Such action would help to signal the authorities' will – currently being called into question – to deal with one of the major areas of human rights concern in the country.

Torture and other ill-treatment are widespread practices in Yemen and are committed, generally with impunity, against both detainees held in connection with politically motivated acts or protests and ordinary criminal suspects. Methods of torture and other ill-treatment are reported to include beatings all over the body with sticks, rifle butts, punching, kicking, prolonged suspension by the wrists or ankles, burning with cigarettes, being stripped naked, denial of food and prompt access to medical help, as well as threats of sexual abuse.

Torture and other ill-treatment are often carried out as a means of obtaining "confessions" during interrogation. Such "confessions" are generally accepted by the court without being investigated adequately, if at all. This is despite constitutional guarantees and provisions of the Code of Criminal Procedure which prohibit the admissibility of such evidence. Most torture and other ill-treatment take place during the initial period of detention by security forces, when detainees are generally not provided access to a lawyer or to their families.

Criminal sanctions which violate the absolute prohibition against torture and other cruel, inhuman and or degrading treatment or punishment, "such as floggings, beatings and even amputation of limbs, are still prescribed by law and practiced" in Yemen, as the Committee noted with concern. In addition, Amnesty International receives reports of prison authorities resorting to torture and other ill-treatment as a form of non-judicial punishment against political prisoners.

Dozens of detainees arrested in May 2009 following a peaceful protest calling for the release of political prisoners held in connection with the Southern Movement, a coalition of political groups seen by the Yemeni government as calling for the independence of the southern part of

the country, have reportedly since been subjected to torture or other ill-treatment in the al-Mukalla Central Prison, in the south-east of Yemen. Seven men who were suspected of having led the protest, including one named Salim 'Ali Bashawayh, had their wrists and ankles handcuffed to fixed bars and were suspended from them for several hours. Others were reportedly tear-gassed, subjected to beatings with sticks, punched and kicked in order to stop them from chanting demands for the independence of the south of the country and for their release from prison.

Torture and other ill-treatment are facilitated by what the Committee described as “a widespread practice of mass arrests without a warrant and arbitrary and prolonged detention without charges and judicial process”. In Amnesty International’s experience, detainees are generally not allowed to notify a relative or lawyer of their place of detention, despite the Code of Criminal Procedure stipulating that they should be afforded this right “immediately”.

In some cases the authorities deny for weeks that they are holding a detainee in their custody in response to requests from their family for information on their whereabouts. Such cases constitute enforced disappearances. Amnesty International has recorded dozens of such cases over recent years; many have involved individuals arrested in connection with the conflict between the army and followers of Zaidi Shi’a cleric Hussein al-Houthi in Yemen’s northerly Sa’da region, which has been raging intermittently since 2004, or with recent anti-government demonstrations in the south of the country protesting at the perceived discrimination by the authorities against the people of that region.

One person who remains disappeared is Muhammad al-Maqalih, a Yemeni journalist and member of the Yemeni Socialist Party who was abducted from a street in the capital Sana’a on 17 September by a group of men who arrived in an unmarked white minibus. There has been no news of Muhammad al-Maqalih since. He is suspected to have been arrested because of his public criticism of the army’s killing of civilians in Sa’da.

At first Muhammad al-Maqalih was believed to be detained by the Central Organ of Political Security in Sana’a. However, in October the Attorney General told Muhammad al-Maqalih’s family that the Central Organ of Political Security had denied that he was in their custody. It is now believed that Muhammad al-Maqalih is being detained in the al-Qal’a Prison in Sana’a. Amnesty International wrote to Yemen’s Minister of Defence on 21 October to ask about his place of detention and to raise concerns that he is at risk of torture or other ill-treatment, but has received no response to date.

To combat such practices, the Yemeni government should follow the announcement of “a policy of eradication of torture and ill-treatment” by implementing without delay a key recommendation of the Committee against Torture to “take immediate steps to prevent acts of torture and ill-treatment throughout the country”.

As recommended by the Committee, they should, in particular, “ensure that all detainees are afforded, in practice, all fundamental legal safeguards from the very outset of their detention. These include, in particular, the right to have prompt access to a lawyer and an independent medical examination, to notify a relative, and to be informed of their rights at the time of detention, including about the charges laid against them, as well as to appear before a judge within a time limit in accordance with international standards.” They should also “establish a national system to monitor and inspect all places of detention and follow up on the outcome on such systematic monitoring”.

Background

The UN Committee against Torture is the expert body established by the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to monitor countries’ compliance with that treaty. It is composed of 10 independent, impartial members who are elected by the states parties to the treaty. Governments must submit periodic reports

to the Committee which in turn make recommendations to further the State party's implementation of the treaty.