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WATCH

## “A Life-Threatening Career”

Attacks on Journalists under Yemen’s New Government



## **“A Life-Threatening Career”**

**Attacks on Journalists under Yemen’s New Government**

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# "A Life-Threatening Career"

## Attacks on Journalists under Yemen's New Government

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## Summary

Since February 25, 2012, when President Abdu Rabu Mansour Hadi took office in Yemen, his government has sought to demonstrate greater respect for the rights of the country's citizens than its predecessor. And Yemenis have been able to enjoy greater freedom of expression as controls have been eased on free speech and the media, representing perhaps the most significant break thus far with the past.

Yet, this newfound freedom has been tempered by a rising incidence of attacks on journalists, bloggers, and others. In the past, journalists who suffered harassment, threats, and abuse knew to attribute it to the government. But since Ali Abdullah Saleh stepped down as president after 33 years under domestic and international pressure, members of the media say they have come under threat from many quarters. Instead of responding to attacks on journalists with strong words and action, President Hadi's government has largely failed to carry out serious investigations, let alone bring those responsible to trial. This failure not only deprives justice to the victims of abuses, but renders the entire media fearful of further and more serious attacks.

In February 2013, the Freedom Foundation, a Yemeni nongovernmental organization (NGO) that monitors media freedom, reported that it had documented 260 separate incidents in 2012 involving acts against journalists and the media ranging from threats and harassment to enforced disappearance and attempted murder. Journalists also continued to be subject to criminal defamation prosecutions, in which their writings could land them in prison.

This report focuses on 20 cases that Human Rights Watch researched and documented, primarily during field visits to Yemen from February to April 2013. One case concerns the murder of a journalist in February 2013 for which the authorities have yet to make any arrests. Others concern physical assaults on journalists by alleged members of the government's security forces, by a member of parliament, and by various non-state actors. The latter include people linked to the government of former president Saleh, supporters of the Huthi rebels, advocates for the secession of the south, and religious conservatives.

Those targeted in each of the cases that Human Rights Watch investigated brought complaints to the relevant Yemeni authorities either directly or through the Journalists'

Syndicate seeking an investigation and demanding justice and redress. Yet the authorities either failed to conduct a serious investigation or, at best, responded slowly and ineffectually. No one has been successfully prosecuted for committing any of these offenses.

International law protects the right to freedom of expression, including for the media. Not only does the Yemeni government need to protect those rights from infringement by government officials, but it has an obligation to investigate threats and attacks on journalists and other media workers by non-state actors.

In meetings with Human Rights Watch in February 2013 in Sanaa, Yemen's capital, officials said that Yemen's political insecurity and instability remained the greatest challenge for the new administration of President Hadi, which hampered their efforts to investigate these attacks, whether against journalists, or their own security officers and ministers.

Some officials went as far as to justify attacks on media workers, saying they lacked professionalism and played a detrimental role in Yemen's political transition. Minister of Information Ali Ahmed al-Amrani emphasized that the newfound openness for the media had created chaos, which was compounded by the tensions being caused by different political players including Al Qaeda in the Arabian Peninsula (AQAP) and the Huthis. He accused the armed groups and political parties of hiring journalists to carry out defamation campaigns against prominent people, saying this was not real journalism.

Statistics compiled by the Yemen Journalists' Syndicate and the Freedom Foundation indicate how conditions for journalists and the media have been deteriorating under President Hadi despite the relaxation in controls on freedom of expression that he has overseen. In the first half of 2013, the Freedom Foundation recorded 144 attacks and other hostile acts against journalists, newspapers and other media outlets, directly affecting 205 individuals. During the same period, there were 55 separate cases involving a total of 74 journalists accused of breaching the Press and Publications Law or other provisions. In 2011, during the height of the uprising that eventually brought President Saleh's removal from office, the Yemen Journalists' Syndicate recorded a total of 333 attacks and other hostile actions against journalists and the media.

One clear red line for journalists is reporting on corruption: both cases of criminal prosecution against journalists documented by Human Rights Watch were linked to the

journalists' reporting on corrupt practices, as were other cases where journalists were harassed for their reporting. Corruption is rampant in Yemen; Transparency International ranks the country 156 out of 174 countries for 2012, with a score of 23 out of 100.

Yemeni journalists told Human Rights Watch that they are greatly concerned about the regular threats that they now face from both government officials and non-state actors, and that this is having a chilling effect on the media as a whole.

If the advances in free speech are to have a real and lasting impact on Yemeni society, the government should take immediate measures to condemn all attacks on journalists as well as combat impunity of attackers. In this regard, the office of the attorney general should systematically carry out effective, impartial, and transparent investigations into all attacks on journalists and the media. In parallel, the parliament should amend or revoke existing laws that curtail the right to freedom of expression and the media, and immediately disband the Specialized Press and Publications Court, which has been used to pursue criminal charges against journalists for doing their job.



## **Recommendations**

### **To the President of Yemen**

- Issue a statement condemning all attacks on journalists and the media.
- Advise the office of the attorney general to order prompt, impartial, and thorough investigations into all attacks on journalists and the media with a view to ensuring that those responsible are held accountable.
- Urge Parliament to enact legislation to disband the Specialized Press and Publications Court.

### **To the Constitutional Drafting Committee**

- Enshrine free speech and freedom of the press in the draft constitution through explicit provisions that accord with Yemen's obligations as a state party to the International Covenant on Civil and Political Rights.
- Enshrine access to information as a constitutional right.

### **To the Parliament**

- Amend or revoke existing laws, including provisions on criminal defamation, that curtail the right to freedom of expression and the media in violation of international law.
- Pass the draft Audio and Visual Broadcasting Law that is pending before Parliament.
- Amend the relevant laws establishing the Specialized Press and Publications Court to disband it. Dismiss existing cases or transfer them to the regular criminal courts.

### **To the Minister of Information**

- Publicly and consistently condemn all attacks on journalists and the media.

### **To the Office of the Attorney General**

- Carry out effective, impartial, and transparent investigations into all attacks on journalists and the media. Appropriately prosecute those responsible, including members of the security forces, regardless of position or rank.

## **To the European Union and the United Kingdom**

- As part of their separate programs to assist the reform process of the Ministry of Interior, the EU and the UK diplomatic missions in Yemen should ensure that respect for freedom of expression and the media is included in police manuals and relevant instruction courses. They should also encourage the Minister of Interior to take a public stand against attacks against journalists and the media.

## **To the United States, the European Union and Member States, and Other Donor Countries**

- Press the Yemeni president and Parliament to take action and enact legislation to protect journalists and the media in Yemen.

## Methodology

This report is based on field research that Human Rights Watch conducted in Yemen between February and May 2013. Human Rights Watch interviewed more than 35 people, including journalists, victims of attacks and their relatives, human rights activists, members of the Yemeni Journalists' Syndicate, and others. Interviews were conducted in Arabic or in English using Yemeni interpreters. Researchers carried out follow-up interviews by telephone and email. Human Rights Watch informed interviewees of the purposes of its research and offered no payment or other inducements to those who provided information for this report. Most interviewees were alone when researchers interviewed them; several were accompanied by friends who did not participate in the interview.

Human Rights Watch also reviewed a range of public materials, including media and other reports and statements, postings on Facebook and other Internet sites, and video clips relating to specific attacks on journalists.

Human Rights Watch met Information Minister Ali al-Amrani, Foreign Minister Abu Bakr al-Qirbi, Interior Minister Abdul-Qader Qahtan, Human Rights Minister Hooria Mashhour, Legal Affairs Minister Mohammed Ahmed al-Mikhlaifi, Justice Minister Murshed Ali al-Arashani, Attorney General Ali al-Awash and other government officials in Sanaa in February 2013 to discuss our concerns. Subsequently, Human Rights Watch wrote to the Ministers of information, foreign affairs and interior, as well as the attorney general on June 28, 2013 to inform the government of our findings and request its comments. Despite several follow-up requests, however, Human Rights Watch had not received a reply from the Yemeni government by the time that this report went to print. Future responses may be posted on the Yemen page of the Human Rights Watch website: [www.hrw.org](http://www.hrw.org).

# I. Background

Yemen is one of the poorest countries in the world. In 2011, the United Nations (UN) reported that 55 percent of Yemen's population of 25 million people were living in poverty.<sup>1</sup> The country's oil reserves, one of its few sources of foreign exchange and state revenue, are close to exhausted and its water supplies are rapidly diminishing.<sup>2</sup> Adding to this economic insecurity, Yemen remains beset by political divisions. Several tribal areas serve as bases for the armed group AQAP and clashes between AQAP and Yemeni troops continue, as well as US drone and other airstrikes targeting suspected al Qaeda militants in certain regions of the country.<sup>3</sup>

The Republic of Yemen was created in 1990 by the unification of the former Yemen Arab Republic (YAR), or North Yemen, and the People's Democratic Republic of Yemen (PDRY), or South Yemen. North Yemen had been established in 1962 when an army coup ended centuries of rule by a Zaidi imamate, while South Yemen was formed in 1967 when the former British protectorate of Aden, known as the Federation of South Arabia, achieved independence.

The leaders of North and South Yemen declared unity on May 22, 1990. Ali Abdullah Saleh, president of North Yemen since 1978, assumed the presidency of the newly created Republic of Yemen.<sup>4</sup> Political tensions led to a two-month civil war in 1994 that Saleh's forces won.<sup>5</sup>

In 2007, southerners began to campaign actively for autonomy or separation, alleging discrimination by the government in Sanaa and saying that their economic and political

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<sup>1</sup> World Bank, "Yemen Country Page," <http://www.worldbank.org/en/country/yemen> (accessed March 29, 2013); United Nations Development Program, "Yemen Country Profile," <http://www.undp.org/ye/y-profile.php> (accessed March 29, 2013).

<sup>2</sup> World Bank, "Yemen Country Brief," <http://www.worldbank.org/en/country/yemen/overview> (accessed March 29, 2013).

<sup>3</sup> "President to send 1,000 troops to Rada' to maintain security," Al-Masdar Online, March 2, 2013, <http://almasdaronline.com/article/42267> (accessed March 29, 2013).

<sup>4</sup> President Ali Abdullah Saleh's official website, Government of Yemen, [http://www.president-saleh.gov.ye/shownews.php?lng=en&\\_newsctgry=2](http://www.president-saleh.gov.ye/shownews.php?lng=en&_newsctgry=2) (accessed March 29, 2013).

<sup>5</sup> International Crisis Group, "Breaking Point? Yemen's Southern Question," October 20, 2011, [http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Yemen/114%20Breaking%20Point%20--%20Yemens%20Southern%20Question](http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iran%20Gulf/Yemen/114%20Breaking%20Point%20--%20Yemens%20Southern%20Question) (accessed March 29, 2013), chapter 2(b).

grievances remained unaddressed.<sup>6</sup> The government faced opposition in the far north too: from 2004 to 2010 government forces engaged in repeated armed conflicts in the governorate of Sa'da with rebels known as Huthis, who accused the government of political and religious discrimination.<sup>7</sup>

Popular discontent, already rising in response to widespread unemployment and rampant government corruption, soared in late 2010 after President Saleh proposed to amend electoral laws and the constitution so that he could stand for re-election and perpetuate his rule when his seventh presidential term expired in 2013.<sup>8</sup> In January 2011, inspired by mass protests in Tunisia and Egypt, thousands of Yemenis took to the streets seeking to end Saleh's 33-year rule.

In response, state security forces repeatedly used force against peaceful protesters, causing deaths and injuries. By May 2011 armed clashes had broken out between government forces and opposition fighters that grew in intensity as the year progressed. On November 23, amid mounting domestic and international pressure to leave office, Saleh signed an accord brokered by the Gulf Cooperation Council (GCC) and backed in most aspects by the UN Security Council, the United States, and the European Union, in which he agreed to transfer power to his vice president, Abdu Rabu Mansour Hadi, over a three-month period.<sup>9</sup>

In exchange, the accord granted full immunity against prosecution to Saleh and immunity from prosecution for any "political" crimes, with the exception of terrorist acts, to "those who worked" with him during his 33 years in office- a sweepingly broad provision. The immunity law violates Yemen's international legal obligations to prosecute those responsible for serious human rights violations.<sup>10</sup>

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<sup>6</sup> Human Rights Watch, *In the Name of Unity: The Yemeni Government's Brutal Response to Southern Movement Protests*, December 2009, <http://www.hrw.org/en/reports/2009/12/15/name-unity-o>.

<sup>7</sup> Human Rights Watch, *All Quiet on the Northern Front? Uninvestigated Laws of War Violations in Yemen's War with Huthi Rebels*, April 2010, [www.hrw.org/node/89290](http://www.hrw.org/node/89290).

<sup>8</sup> International Crisis Group, "Popular Protest in North Africa and the Middle East (II): Yemen between Reform and Revolution," *Middle East/North Africa Report N°102*, March 10, 2011, <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/yemen/102-popular-protest-in-north-africa-and-the-middle-east-ii-yemen-between-reform-and-revolution.aspx> (accessed March 29, 2013).

<sup>9</sup> The Gulf Cooperation Council consists of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates.

<sup>10</sup> "Yemen: Amnesty for Saleh and Aides Unlawful," Human Rights Watch news release, January 23, 2012, <http://www.hrw.org/news/2012/01/23/yemen-amnesty-saleh-and-aides-unlawful>. Copy of the law on file with Human Rights Watch.

On February 21, 2012, Yemenis voted to appoint Hadi, the sole candidate, as a two-year interim president.<sup>11</sup> Under a UN-facilitated “Implementing Mechanism” that serves as a transition blueprint, Hadi’s government is to bring security forces—including those run by Saleh’s relatives—under civilian command, pass a transitional justice law, draft a new constitution, reform the electoral and judicial systems, and hold general elections in 2014.<sup>12</sup> The mechanism also obligated the government to convene a national dialogue conference to address grievances by groups including the northern Huthi rebels and southern advocates of secession, which it launched on March 18, 2013.

Loyalists of Saleh, who remains in Yemen as head of the General People’s Congress political party, have resisted transition measures, sometimes with violence.<sup>13</sup> In the south, demonstrations by advocates of greater autonomy or secession continued; many involved violence by some of the protesters as well as state security forces, and resulted in deaths.<sup>14</sup>

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<sup>11</sup> Laura Kasinof, “Yemen Gets New Leader as Struggle Ends Calmly,” *The New York Times*, February 24, 2012, <http://www.nytimes.com/2012/02/25/world/middleeast/yemen-to-get-a-new-president-abed-rabu-mansour-hadi.html? r=0> (accessed April 4, 2013).

<sup>12</sup> Implementation Mechanism for the Transition in Yemen Pursuant to the GCC Initiative, November 23, 2011, copy on file with Human Rights Watch.

<sup>13</sup> The General People’s Congress is the political party led by former president Saleh that holds the majority in Parliament.

<sup>14</sup> “Yemen: Justice Deficit Marks Transition Anniversary,” Human Rights Watch news release, February 23, 2013, <http://www.hrw.org/news/2013/02/23/yemen-justice-deficit-marks-transition-anniversary>.

## II. Legal and Regulatory Framework

Yemen's constitution, adopted in 1994, guarantees the right to freedom of expression in article 41: "The state shall guarantee freedom of thought and expression of opinion in speech, writing and photography within the limits of the law." However, over many years the authorities have exploited the qualification "within the limits of the law" to impose excessive restrictions on free speech and the expression of dissent using both the criminal law and a range of repressive practices.<sup>15</sup>

This contributes to a continuing lack of legal and institutional safeguards for the media that is feeding anxiety and self-censorship among journalists. Journalist Khaled al-Hammadi, founder of the Freedom Foundation, summed up the media's needs, as well as the concerns of many other Yemeni journalists interviewed by Human Rights Watch:

Maybe freedom of media in Yemen improved a little after the revolution, but the government still doesn't have laws guaranteeing press freedoms and journalists' rights. ... We want an improving judicial system, laws, and a constitution to guarantee real freedom for journalists and broadcasting.<sup>16</sup>

Such guarantees are essential if the recent blossoming of free speech in Yemen is to endure and if journalists are to be free to report events without fearing that this may put their lives at risk. As long as such fears remain, there journalists and editors will tend towards self-censorship, to the detriment of public discourse and the public interest.

### Criminal Law and the Media

On paper, Yemen's Press and Publications Law of 1990 appears to be a liberal press law, especially by comparison with other such laws in the Middle East and Gulf regions. In practice, however, it operates as a serious obstacle to press freedom. The law, which

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<sup>15</sup> "Report on Human Rights in Yemen" submitted by Human Rights Watch to the UN Human Rights Committee on the Occasion of its Review of Yemen in March 2012, February 1, 2012, [http://www2.ohchr.org/english/bodies/hrc/docs/ngos/HRW\\_Yemen\\_HRC104.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/HRW_Yemen_HRC104.pdf)

<sup>16</sup> Human Rights Watch interview with Khaled al-Hammadi, journalist and founder of the Freedom Foundation, Sanaa, May 8, 2013.

purports to set out a broad range of freedoms for journalists, and the rights of citizens to an independent press, states in its preamble:

Freedom of knowledge, thought, the press, expression, communication and access to information are rights of the citizen which enable them to express their thoughts....The press shall be independent and shall have full freedom to practice its vocation....The press shall be free to print what it pleases and to gather news and information from their sources....The law assures the protection of journalists and authors, and it provides the legal guarantees necessary for them to practice their profession, to enjoy freedom of expression and immunity from interference as long as they do not contravene the provisions of this law.<sup>17</sup>

While asserting that the “press shall be independent,” however, the preamble also requires the media to “serve society, form public opinion and express its different outlooks within the context of the Islamic creed, within the basic principles of the Constitution, and the goals of the Yemeni Revolution and the aim of solidifying national unity.”<sup>18</sup> This imposes a burden on the media that undermines free expression rights.

The law places vaguely drawn prohibitions on the types of news that can be published and the authorities have used its article 103 to censor the independent press. The article lists 12 categories of information or comment that are prohibited for publication, including criticism of the head of state and expression that in the view of the authorities “might spread a spirit of dissent and division among the people” or lead “to the spread of ideas contrary to the principles of the Yemeni revolution, [or is] prejudicial to national unity or the image of the Yemeni, Arab, or Islamic heritage.”

Those who violate these prohibitions may be fined and sentenced to a maximum of one year in prison, in addition to any penalties they may incur under other laws.<sup>19</sup> A publication’s editor-in-

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<sup>17</sup> Press and Publications Law, No. 25 of 1990, arts. 3-6.

<sup>18</sup> Ibid., art. 4.

<sup>19</sup> Ibid., art. 104.



chief is responsible for any breach of the law by that publication, unless the editor-in-chief can prove that the breach occurred without his or her knowledge.<sup>20</sup>

The law empowers the Minister of Information to order the seizure of any newspaper “issued or circulated in violation” of the Press and Publications Law, leaving it to the courts to determine “whether the material seized should be confiscated,” and allowing the newspaper “the right to appeal to the courts against the decision of seizure and to claim compensation.”<sup>21</sup>

Yemen’s Penal Code also curtails free speech using broad and vaguely worded provisions that criminalize various forms of expression. Expression deemed to ridicule religion or instigate or empower a particular group of people to disturb the public peace is punishable by up to three years of imprisonment.<sup>22</sup> The penalty for “ridiculing” Islam is imprisonment for up to five years, while publicly insulting Yemen’s president, foreign heads of state or diplomatic representatives, or institutions such as the army, courts, or public services of Yemen is penalized by up to four years in prison.<sup>23</sup> The Penal Code also penalizes the publication of “false news,” prescribing a one-year prison sentence for “anyone who publicly broadcasts or disseminates with bad intentions, false, forged or fabricated news or papers, or those that are said to be of other sources, if they lead to disrupting general peace or cause damage to public interest.” The code further stipulates: “If the broadcast and dissemination as such did lead to the disruption of public peace or damage to the public interest, the punishment shall be doubled.”<sup>24</sup>

The Penal Code also permits the imposition of the death penalty for anyone convicted of renouncing the religion of Islam and who does not subsequently repent.<sup>25</sup>

The restrictions contained in both the Press and Publications Law and the Penal Code contravene Yemen’s treaty obligations under international human rights law, notably the

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<sup>20</sup> Ibid., art. 108.

<sup>21</sup> Ibid., arts. 103 (b)-(d), 107.

<sup>22</sup> Law Concerning Crimes and Penalties (Penal Code), No. 12 of 1994, art. 194.

<sup>23</sup> Ibid., art. 195; Ibid., art. 197.

<sup>24</sup> Ibid., art. 198(l).

<sup>25</sup> Law Concerning Crimes and Penalties, art. 259.

International Covenant on Civil and Political Rights (ICCPR). Article 19 of the ICCPR, which Yemen ratified in 1987, guarantees the right to freedom of expression, allowing for its limitation only where provided by law and necessary for “respect of the rights or reputations of others” or “for the protection of national security or of public order (*ordre public*), or public health or morals.”<sup>26</sup>

The Human Rights Committee, the body of independent experts that provides authoritative interpretations of the ICCPR, has expanded on this in its General Comment on article 19, by making clear that laws limiting freedom of expression must be sufficiently precise and not overbroad in their reach: “laws must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not.”<sup>27</sup> Furthermore, restrictions must be “necessary” to serve one or more of the legitimate purposes listed in article 19.<sup>28</sup> State authorities who invoke a legitimate ground to restrict freedom of expression must be able to demonstrate in a specific and individualized fashion the precise nature of the threat that requires expression to be constrained, and the necessity and proportionality of the specific action taken to constrain such expression, in particular by establishing a direct and immediate connection between the expression and the threat.<sup>29</sup>

The Human Rights Committee has also made clear that states party to the ICCPR may not prohibit expression related to religious beliefs and institutions except in certain limited and prescribed circumstances: “Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant,” except advocacy of religious or other hatred that amounts to incitement.<sup>30</sup> Such prohibitions must be strictly necessary and proportionate in accordance with article 19, and be non-discriminatory. The committee noted that, “for instance, it would be impermissible for any

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<sup>26</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), entered into force Mar. 23, 1976, art. 19.

<sup>27</sup> UN Human Rights Committee, General Comment No. 34, Article 19: Freedoms of opinion and expression, U.N. Doc. CCPR/C/GC/34 (2011), para. 25.

<sup>28</sup> *Ibid.*, para. 33.

<sup>29</sup> *Ibid.*, para. 35. There was a Human Rights Watch report that the tent, but were prevented by others present. It should be long members of the committee been adequately.

<sup>30</sup> ICCPR, art. 20(2): “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

such laws to discriminate in favor of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers.”<sup>31</sup>

There have been several legal reform initiatives in Yemen in recent years, including an initiative to amend the Press and Publications Law, but no amendments have been enacted. The parliament currently has an Audio and Visual Broadcasting bill under consideration which, if adopted in its present form, would significantly strengthen the independence of the body responsible for monitoring and approving licenses for audio and visual broadcasting media outlets.

In July 2012, President Hadi decreed a new Law of the Right of Access to Information, making Yemen the third country in the Middle East and North Africa to enact such a law.<sup>32</sup> The law recognizes access to information as a basic right for all, and has been seen as one of the better such laws globally.<sup>33</sup> In its commentary on the new law, the Centre for Law and Democracy ranked it 21 among such laws in the world.<sup>34</sup>

The law is broad in scope and applicability. However, it also broadly allows government officials to reject information requests whenever they can be seen to involve information relating to the military. The law makes no provision for the application of a “harm test” when the authorities reject an information request on these grounds to determine whether disclosure would actually harm national defense.

The law also allows officials to reject an information request if it concerns information that the authorities have exchanged with other countries under agreement that it remain confidential—a legitimate exception so long as a harm test were applied, but the law includes no such provision.

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<sup>31</sup> UN Human Rights Committee, General Comment No. 34, art. 48.

<sup>32</sup> The others are Jordan (2007) and Tunisia (2011).

<sup>33</sup> Law Regarding the Right of Access to Information, No. 13 of 2012, art. 4.

<sup>34</sup> It rated the law based on the RTI Legislation Rating Methodology, prepared by CLD and Access Info Europe. This set of criteria, published in September 2010, reflects a comprehensive analysis of international standards adopted both by global human rights mechanisms, such as the UN Human Rights Committee and Special Rapporteur on Freedom of Opinion and Expression, and by regional courts and other mechanisms in Europe, Africa and Latin America. It is available at: <http://www.RTI-rating.org>. Center for Law and Democracy, “Yemen: Comments on the Law on the Right of Access to Information,” May 2012, [http://www.law-democracy.org/wp-content/uploads/2012/05/Yemen.FOI\\_May121.pdf](http://www.law-democracy.org/wp-content/uploads/2012/05/Yemen.FOI_May121.pdf) (accessed May 23, 2013) p. 2.

The first commissioner-general of information was appointed in May 2013 and he promptly observed that there is insufficient funding available to allow the proper implementation of the new law.<sup>35</sup>

## Licensing of the Media and Censorship

The Press and Publications Law requires all newspapers and magazines to obtain official licenses to operate and to apply annually to the government to renew these licenses and to show that they have at least 700,000 YER (US\$3,248) in operating capital. These requirements have enabled the authorities either to prevent or delay those opposed to the government and opposition organizations from obtaining publishing licenses, using bureaucratic means, while pro-government or tribal-based newspapers have tended to receive licenses virtually immediately.<sup>36</sup> The international NGO Article 19 reported in 2008 that the Ministry of Information had rejected over 60 new licensing applications since 2006, and that the Yemeni authorities frequently withdrew newspapers' licenses.<sup>37</sup>

Under President Saleh, the government maintained a total national monopoly over radio and TV broadcasting, with private ownership prohibited, although Yemenis increasingly were able to access information from foreign-based satellite TV stations such as Al Jazeera. Likewise, *Saba News*, the state news agency, was the only permitted news agency.<sup>38</sup> It was only in the area of print media that the government allowed private ownership and a degree of diversity, while sometimes seeking to undermine privately owned newspaper outlets and mislead their readership by bringing out government-funded newspapers with almost identical names and logos.<sup>39</sup>

Since the change in government, there have been no changes in relation to the laws covering radio and TV broadcasting, however there has been a proliferation of TV stations

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<sup>35</sup> Sadeq Al-Wesabi, "Information Commissioner Chosen, Journalists Celebrate Move," Yemen Times, May 9, 2013, <http://www.yementimes.com/en/1675/news/2317/Information-commissioner-chosen-journalists-celebrate-move.htm> (accessed May 12, 2013).

<sup>36</sup> US Department of State, "Yemen Country Page," March 11, 2008, <http://www.state.gov/j/drl/rls/hrrpt/2007/100610.htm> (accessed April 4, 2013).

<sup>37</sup> Article 19, "Yemen: Freedom of Expression in Peril," January 2008, <http://www.article19.org/data/files/pdfs/publications/yemen-foe-report.pdf> (accessed April 4, 2013), p. 11.

<sup>38</sup> Ibid., p. 10.

<sup>39</sup> Ibid., p. 11.

operating from outside of Yemen for a Yemeni audience. In addition, there are a number of new private stations that are operating now within Yemen, operating under the guise of media production company permits. The government has chosen to allow these stations to broadcast, albeit illegally.

The Ministry of Information also exercises control over the media and their output by controlling access to most printing presses and its use of subsidies to newspapers, including, in the past, through the placement of government advertising. A new development since the 2011 uprising has been the choice of ministries that are controlled by particular political parties to now advertise on the stations of the media outlets representing their political party.

Since 2011, according to local journalists, the government has ceased to censor media content prior to publication. However, the Ministry of Information continues to wield significant influence over the print media through its control of the printing presses and use of subsidies, creating a climate of media self-censorship.<sup>40</sup> Media blackouts, imposed by the government for example by temporarily blocking access to news websites in order to prevent the release of a story and a tactic of the previous government, have not been imposed under the new administration.

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<sup>40</sup> See also, US Department of State, "Country Reports on Human Rights Practices for 2011: Yemen," <http://www.state.gov/j/drl/rls/hrrpt/2011humanrightsreport/index.htm?dlid=186455#wrapper> (accessed May 9, 2013).

### III. Arrests, Prosecutions, and Muzzling of Journalists: 2001-2011

In a quote that captures the general restrictions on what journalists could and could not report on under the previous government, President Saleh stated in a speech to parliament in May 2009, “If there is room to talk in the press then you have to publish kindness, love, and brotherhood. If there were mistakes in development or security or the judiciary, criticize those mistakes and there would be no objection, there is room for that. But the unity, freedom, democracy, revolution, the republic, and the constitution are national invariants that cannot be crossed.”<sup>41</sup>

In particular, following the September 11, 2001 attacks on the United States, reporting on counter terrorism operations in Yemen became risky. The attacks led to increased cooperation between Yemen and the US on counterterrorism. US and Yemeni security forces arrested many Yemenis, both inside Yemen and in other countries, suspected of links with al-Qaeda. This was accompanied by a serious clampdown on media, with Yemeni security forces, notably the Political Security Organization, harassing journalists for their reporting on counterterrorism operations.

The authorities also prosecuted journalists who reported on official corruption or criticized the judiciary, the *hajj* agency industry, the widespread public consumption of the stimulant qat, or Yemen’s powerful northern neighbor, Saudi Arabia.<sup>42</sup> In addition, in 2009 and 2010, courts sentenced at least 16 journalists and peaceful activists to pay fines or serve prison sentences of up to 10 years for reporting or commenting on grievances expressed by advocates of secession in southern Yemen.<sup>43</sup> In 2009, the authorities established a Specialized Press and Publications Court in Sanaa to try journalists accused of breaches of media law; by 2011 this court had considered more than 100 cases.<sup>44</sup>

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<sup>41</sup> Committee to Protect Journalists, “Attacks on the Press 2009: Yemen,” September 29, 2010, <http://cpj.org/2010/02/attacks-on-the-press-2009-yemen.php> (accessed May 9, 2013).

<sup>42</sup> Article 19, “Yemen: Freedom of Expression in Peril,” p. 16-17. The *hajj* agencies, that organize pilgrimages to Mecca, have been the subject of allegations of price fixing.

<sup>43</sup> Human Rights Watch, World Report 2011: Yemen, January 24, 2011, <http://www.hrw.org/world-report-2011/yemen>.

<sup>44</sup> Mohamed Abdel Dayem, “In Yemen, brutal repression cloaked in law,” Committee to Protect Journalists, September 29, 2010, <http://cpj.org/reports/2010/09/in-yemen-brutal-repression-cloaked-in-law.php> (accessed May 9, 2013).

Cases before the Specialized Press and Publications Court have violated defendants' basic rights to due process.<sup>45</sup> In addition, structural shortcomings of the court render it unfair: for example, the attorney general selectively picks cases to send to the press court, unlike other specialized courts that handle all cases of a certain type. In May 2010, the court imposed suspended three-year prison terms on Sami Ghalib, chief editor of the weekly *Al-Nida'*, and four of his colleagues after convicting them of "undermining the unity" of Yemen.<sup>46</sup>

Human rights activists have strongly criticized the Specialized Press and Publications Court. According to Abdul Rahman Barman, the executive director of National Organization for Defending Rights and Freedoms (HOOD), the authorities established the court because they believed some regional court judges were treating journalists too leniently and a specialist court that sat only in Sanaa would provide better state control and induce media self-censorship. In addition, Barman said, the court prolonged cases, requiring the repeated presence in the capital of accused journalists and editors at their own cost. Barman described the impact of this on journalists to Human Rights Watch: "Each time you wrote, you had to study your bank account to see if you could afford to publish the story."<sup>47</sup>

Information Minister al-Amrani told Human Rights Watch that the specialized court system represented the remnants of the old government's censorship scheme, and should be suspended until a new constitution is passed that prohibits such courts.<sup>48</sup>

In addition to the Specialized Press and Publications Court, journalists also were among those who faced prosecution before the Specialized Criminal Court. Established in 1999 to try cases involving terrorism and piracy, the authorities extended the court's jurisdiction in 2004 to include "crimes against state security and serious economic and social crimes," opening the way for prosecutions of journalists among others.<sup>49</sup> One victim of the court was Husain al-'Aqil, a university professor who publicly expressed concerns related to

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<sup>45</sup> "Yemen: Transition Needs Accountability, Security Reform," Human Rights Watch news release, April 6, 2012, <http://www.hrw.org/news/2012/04/06/yemen-transition-needs-accountability-security-reform>.

<sup>46</sup> Human Rights Watch, *World Report 2011: Yemen*. Shortly after their conviction, President Saleh declared an amnesty that resulted in the release of many detainees and prisoners held for peacefully exercising their right to freedom of expression. *Al-Nida'* is a privately run weekly newspaper, and its editor-in-chief is a member of the Nasserist party.

<sup>47</sup> Human Rights Watch interview with Abdul Rahman Barman, journalist and executive director of HOOD, Sanaa, April 16, 2013.

<sup>48</sup> Human Rights Watch interview with Ali Ahmed al-Amrani, Minister of Information, Sanaa, February 9, 2013.

<sup>49</sup> Freedom House, "Freedom of the Press 2011: Yemen," September 1, 2011, <http://www.freedomhouse.org/report/freedom-press/2011/yemen> (accessed May 9, 2013).

control of Yemen's oil wealth. The court sentenced him to three years in prison in March 2010; the authorities released him two months later but he remained suspended from his academic post at Aden University.<sup>50</sup>

In August 2010, security forces seized Abd al-Ilah Haidar al-Shayi', who reported extensively on terrorism for outlets including the official Saba News Agency, and accused him of belonging to AQAP on the basis of his media interviews with AQAP members. In his reporting, al-Shayi' had criticized government approaches to fighting AQAP.<sup>51</sup> The intelligence forces held al-Shayi' for 47 days without charge, 34 of which he spent in incommunicado detention without access to his lawyer. At his first court appearance, al-Shayi' appeared bruised, according to his lawyers, indicating ill-treatment in detention. His trial by the Specialized Criminal Court was fraught with irregularities and concluded in January 2011 when the court convicted him and imposed a five-year prison sentence.<sup>52</sup>

According to al-Shayi's lawyer, soon after his conviction there were rumors that President Saleh would be pardoning al-Shayi'. However, in a February 2, 2011 phone call to Saleh, US President Barack Obama "expressed concern over the release of [al-Shayi']", who had been sentenced to five years in prison for his association with AQAP."<sup>53</sup> This ended all rumors that Saleh might clear him for release. However, on July 23, 2013 Hadi issued a presidential pardon and released al-Shayi', who reported that under the terms of his release he is not allowed to leave Yemen for the next two years.<sup>54</sup>

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<sup>50</sup> Human Rights Watch, World Report 2011: Yemen.

<sup>51</sup> Ibid.

<sup>52</sup> Human Rights Watch, World Report 2012: Yemen, January 22, 2012, <http://www.hrw.org/world-report-2012/world-report-2012-yemen>. See also Adam Baron, "Yemeni journalist Abdullelah Haider Shaye blames Obama for his continued imprisonment," McClatchy, May 31, 2013, <http://www.mcclatchydc.com/2013/05/31/192753/yemeni-journalist-abdullelah-haider.html#.UbsiV-e1Fl4#storylink=cpy> (accessed June 14, 2013).

In 2012 and 2013, Human Rights Watch repeatedly requested permission to visit al-Shayi' in prison. The Political Security Organization authorities denied the requests. In February 2013, the authorities gave Human Rights Watch a written notice stating that al-Shayi' had no wish to be interviewed by Human Rights Watch. Two months later, Yemen's Human Rights Minister, Hooria Mashhour, visited al-Shayi' and asked him about why he did not wish to meet with Human Rights Watch. Al-Shayi' replied that he never received a request to see him and had never said anything of that nature.

<sup>53</sup> The White House, "Readout of President's Call with President Saleh of Yemen," February 03, 2011, <http://www.whitehouse.gov/the-press-office/2011/02/03/readout-presidents-call-president-saleh-yemen> (accessed June 14, 2013).

<sup>54</sup> J. Dana Stuster, "Yemen signals it may release journalist accused of AQAP ties," Foreign Policy, May 8, 2013, [http://blog.foreignpolicy.com/posts/2013/05/08/yemen\\_signals\\_it\\_may\\_release\\_journalist\\_accused\\_of\\_aqap\\_ties](http://blog.foreignpolicy.com/posts/2013/05/08/yemen_signals_it_may_release_journalist_accused_of_aqap_ties) (accessed June 14, 2013)



## The Sa'da Conflict

Fighting between government troops and an armed group known as Huthis broke out in the Sa'da area of northern Yemen in 2004 and continued intermittently, despite several short lived agreements and ceasefires, until 2010. For much of the period, the government maintained a media blackout on the fighting and denied access to the conflict area to independent journalists and human rights monitors amid reports of serious human rights abuses. In 2008, Human Rights Watch reported that government restrictions on free expression had hampered investigations into alleged rights abuses. These restrictions included complete denial of access to areas affected by fighting and arbitrary arrests of those leaving such areas, threats against journalists, and the disconnection of many mobile telephone numbers.<sup>55</sup>

The authorities also harassed journalists who sought to report on the displacement of civilians and the other humanitarian impacts of the conflict, going as far as to prosecute some on charges of endangering “national security.”<sup>56</sup> In June 2008, for example, the Specialized Criminal Court sentenced journalist Abd al-Karim al-Khaiwani to six years in prison for writing articles criticizing the conflict with the Huthis, although President Saleh pardoned and released him three months later.<sup>57</sup>

## Secessionist Movement in the South

In 2009, amid growing calls for secession in Aden and other parts of the south, the authorities sought to muzzle independent and anti-government reporting, intensifying action they had already taken against a number of journalists. In May 2009, the Ministry of Information suspended the publishing licenses of eight daily and weekly newspapers after they published photographs, interviews, and other reports showing the security forces committing violence against pro-secession protesters. The Minister of Information accused the newspapers of breaking the law by publishing articles “against national unity and the country’s highest interests,” and “inciting violations of law and order, spreading hatred

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<sup>55</sup> Human Rights Watch, *Disappearances and Arbitrary Arrests in the Armed Conflict with Huthi Rebels in Yemen*, October 24, 2008, <http://www.hrw.org/sites/default/files/reports/yemen1008web.pdf>, p. 38-45.

<sup>56</sup> Article 19, “Yemen: Freedom of Expression in Peril,” p. 5.

<sup>57</sup> Human Rights Watch, *Report on Human Rights in Yemen*, February 1, 2012, [http://www2.ohchr.org/english/bodies/hrc/docs/ngos/HRW\\_Yemen\\_HRC104.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/HRW_Yemen_HRC104.pdf), p. 12.

and enmity among the united people of Yemen.”<sup>58</sup> The authorities lifted the suspensions on the weekly newspapers the following month, allowing them to resume publication.

The authorities particularly targeted Yemen's oldest and largest independent newspaper, *Al-Ayyam*, based in Aden.<sup>59</sup> In May 2009, the newspaper lost 16,500 copies when gunmen stopped its delivery van in the Milah area of Lahj governorate and burned its contents. The paper lost a further 50,000 copies when soldiers seized them at two military checkpoints outside Aden on May 2, issuing a receipt on behalf of the police, the intelligence service, and the Ministry of Information. On May 4, security forces blocked off *Al-Ayyam's* offices in Aden, forcing it to suspend publication. Eight days later one bystander died and another sustained serious injuries in an exchange of fire between the security forces and guards at the *Al-Ayyam* compound.<sup>60</sup>

Since that time, the newspaper has been effectively shut down. The family that owns *Al-Ayyam* is currently in negotiations for at least US\$3 million in compensation and for the dropping of all charges against the staff of *Al-Ayyam*. Charges had been brought against some staff members for “forming armed gangs.” One *Al-Ayyam* guard remains in prison, charged with the death of a security officer during a gunfight that broke out between Yemeni police and security forces who had attacked *Al-Ayyam's* offices and the newspaper's guards in January 2010.

Security officials harassed, assaulted, and arbitrarily detained scores of journalists and bloggers because of their coverage of events in the south.<sup>61</sup> For example, journalist Gha'id Nasr Ali described being beaten, threatened, and detained by security forces on several occasions in 2008. Ali is a correspondent in southern Rafdan (northeast of Aden) for *Al-Thawry* newspaper.<sup>62</sup> He told Human Rights Watch that Central Security Forces, a

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<sup>58</sup> “Yemen: Halt Crackdowns on Newspapers,” Human Rights Watch news release, May 15, 2009, <http://www.hrw.org/en/news/2009/05/15/yemen-halt-crackdowns-newspapers>.

<sup>59</sup> *Al-Ayyam* was the most widely read newspaper in southern Yemen, and its coverage including southern grievances. According to the government, it espoused pro-autonomy beliefs.

<sup>60</sup> Human Rights Watch, *In the Name of Unity: The Yemeni Government's Brutal Response to Southern Movement Protests*, December 15, 2009, <http://www.hrw.org/node/87085>, pp. 54-56.

<sup>61</sup> “Yemen: End Harsh Repression in South,” Human Rights Watch news release, December 15, 2009, <http://www.hrw.org/news/2009/12/14/yemen-end-harsh-repression-south>

<sup>62</sup> Mouthpiece of the Yemeni Socialist Party.

paramilitary unit commanded at the time by then-President Saleh's nephew, Yahya Saleh, arrested him in April when he was covering a protest at a college in Rafdan, and then detained him for seven days until he signed a commitment not to report on the protests again. Central Security Forces beat him severely and detained him again the following month after he photographed a protest. They held him for nine days and charged him with "infringing the unity of the Yemeni republic" before releasing him on bail. On July 18, 2008, a court convicted him and 22 others, and imposed suspended six-month prison sentences on condition that they took no part in future protests.<sup>63</sup>

## The 2011 Uprising

The authorities responded to the popular protests that broke out in early 2011 by further tightening controls on the media, with newspaper confiscations, and the banning of online media outlets.<sup>64</sup> The security forces and pro-government armed gangs physically attacked journalists who reported on attacks on protesters.<sup>65</sup> The Yemeni Journalists' Syndicate recorded 333 separate attacks on journalists by state and non-state actors in 2011.<sup>66</sup>

One journalist was killed and another was fatally wounded while covering the protests in Sanaa. Jamal al-Sharabi, a photojournalist for the independent weekly *Al-Masdar* was shot dead on March 18, 2011 during an attack by pro-government gunmen on protesters, which came to be known as the "Friday of Dignity Massacre."<sup>67</sup> Hassan al-Wadhaf of the Arabic Media Agency died five days after being wounded in the face by sniper fire on September 19; he filmed his own shooting.<sup>68</sup>

In February 2011, men wielding sticks assaulted the international network *Al-Arabiya's* bureau chief, Hamoud Munasser, and his cameraman in plain view of the director of

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<sup>63</sup> Human Rights Watch, *In the Name of Unity: The Yemeni Government's Brutal Response to Southern Movement Protests*, December 15, 2009, <http://www.hrw.org/node/87085>, pp. 58-59.

<sup>64</sup> Several newspapers ceased publication apparently due to financial difficulties stemming from the authorities' repeated confiscation of their editions, including *Al-Masdar*, *Al-Dyar*, and *Al-Nida'*. On May 19, authorities at a checkpoint confiscated 12,000 copies of *Al-Oula* newspaper. (US Department of State, "Country Reports on Human Rights Practices for 2011: Yemen").

<sup>65</sup> Human Rights Watch, *Report on Human Rights in Yemen*, p. 14.

<sup>66</sup> Human Rights Watch interview with Ashraf al-Rifi, journalist and member of the Freedom Committee at the Yemen Journalists Syndicate, Sanaa, February 5, 2013

<sup>67</sup> The *Al-Masdar* newspaper and website is very influential and well-respected as an independent news source.

<sup>68</sup> Human Rights Watch, *World Report 2012: Yemen*.

Yemen's Counterterrorism Unit and an official of the police Central Investigation Department, neither of whom intervened. Authorities expelled several foreign journalists and confiscated print runs of newspapers such as *Al-Yaqeen*, which contained reports of security force attacks on President Saleh's opponents. In May 2011, pro-Saleh forces fired machine guns and mortar rounds at the offices of *Suhail TV*, a satellite station owned by the opposition al-Ahmar clan.<sup>69</sup> The authorities and pro-government assailants also targeted scores of human rights defenders and lawyers, attacking them in their homes or offices and beating or harassing them. Some received anonymous death threats.<sup>70</sup>

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<sup>69</sup> Human Rights Watch, World Report 2012: Yemen; Suhail TV is owned by Sheikh Hamdan Abdallah al-Ahmar of the al-Ahmar clan, and it has close links to the opposition Islah party.

<sup>70</sup> Ibid.

## IV. Attacks on Journalists Since February 2012

Since President Hadi took office in February 2012, security for journalists has continued to deteriorate, despite and in some respects because of the overall improvement in freedom of expression. There has been no significant relaxation of state pressure on journalists and they have become exposed to attack from new quarters, including Huthi supporters and religious extremists, not just the government and its security forces.

In 2011, during the height of the uprising that eventually brought President Saleh's removal from office, the Yemen Journalists' Syndicate recorded a total of 333 attacks and other hostile actions against journalists and the media.<sup>71</sup> In February 2013, the Freedom Foundation reported that it had documented 260 separate incidents in 2012 involving acts against journalists and the media ranging from threats and harassment to enforced disappearance and attempted murder.<sup>72</sup> In the first half of 2013, the Freedom Foundation recorded 144 attacks and other hostile acts against journalists, newspapers and other media outlets, directly affecting 205 individuals.<sup>73</sup>

The response of the authorities to these abuses has been completely inadequate. Few cases against journalists have been seriously investigated let alone fully prosecuted. Khaled al-Hammadi summed up the views of many Yemeni journalists when he told Human Rights Watch in February 2013:

It was not good in Saleh's time. There were limitations against journalists and TV channels. No one at that time could publish anything about Saleh, the regime, or the Saleh family. There were many strong people who were close to the Saleh family.... Under Saleh, journalists were worried about attacks from the intelligence authority, the Information Ministry and the

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<sup>71</sup> Human Rights Watch interview with Ashraf al-Rifi, journalist and member of the Freedom Committee at the Yemen Journalists Syndicate, Sanaa, February 5, 2013

<sup>72</sup> Freedom Foundation, "Media Freedom in Yemen: 2012," February 23, 2013, [http://freedomfoundation-yemen.org/en/images/stories/Books/freedomfoundation\\_%20book\\_en.pdf](http://freedomfoundation-yemen.org/en/images/stories/Books/freedomfoundation_%20book_en.pdf) (accessed July 30, 2013).

<sup>73</sup> Freedom Foundation, "Biannual report: Cases and Victims of Violations against Media Freedom in Yemen 2013," July 1, 2013, [http://www.freedomfoundation-yemen.org/en/index.php?option=com\\_content&view=article&id=525:199-cases-of-media-violations-reported-during-the-first-half-of-2013-and-14-violators-standing-behind&catid=12:news&Itemid=30](http://www.freedomfoundation-yemen.org/en/index.php?option=com_content&view=article&id=525:199-cases-of-media-violations-reported-during-the-first-half-of-2013-and-14-violators-standing-behind&catid=12:news&Itemid=30) (accessed July 1, 2013).

presidency. Now, threats come from different sources: the former regime and the people loyal to it, the intelligence authority, the Defense Ministry, the Information Ministry, the presidency, people loyal to the president, tribal leaders, thugs of former regime or the new regime.<sup>74</sup>

In meetings with Human Rights Watch in February 2013 in Sanaa officials said that Yemen's political insecurity and instability remained the greatest challenge for the new administration of President Hadi. This hampered their efforts to investigate these attacks, whether against journalists or their own security officers and ministers, they said.

Some officials went as far as to justify attacks on media workers, saying they lacked professionalism and played a detrimental role in Yemen's political transition. Minister of Information Ali Ahmed al-Amrani emphasized that the newfound openness for the media had created chaos, which was compounded by the tensions being caused by different political players including Al Qaeda in the Arabian Peninsula (AQAP) and the Huthis. He accused the armed groups and political parties of hiring journalists to carry out defamation campaigns against prominent people, saying this was not real journalism.<sup>75</sup>

## Unlawful Killing

Human Rights Watch is only aware of one journalist's death since February 2012. At about 12.30 a.m. on February 22, 2013, two unidentified men shot dead journalist **Wagdy al-Shabi**, 28, at his home in Aden. Al-Shabi had worked for *Al-Ayyam* newspaper until the government shut it down in 2009 and then worked as a freelance writer for *Al-Omana* and *Aden al-Ghad*.<sup>76</sup> Killed at the same time was his close friend, Wadoud Ali Saleh al-Somati, a former police officer.

Al-Shabi's wife, Najla al-Mansoob, told Human Rights Watch that she was in her bedroom while her husband was in an adjacent room with al-Somati shortly after midnight on February 22 when she heard gunshots. She immediately hid the couple's

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<sup>74</sup> Human Rights Watch interview with Khaled al-Hammadi, May 8, 2013.

<sup>75</sup> Human Rights Watch interview with Ali Ahmed al-Amrani, Minister of Information, Sanaa, February 9, 2013.

<sup>76</sup> Aden al-Ghad is an independent daily newspaper based in Aden, known for its critical reporting of the federal government based in the north. The Al-Omana news website is considered independent, but is funded by a group of southern movement leaders.

two children behind a cabinet before looking into the hallway.

“I saw two men wearing civilian dress and military vests with guns,” she said. “They saw me and started shooting in my direction, but I was able to escape to the bedroom and hid with my children for the next 30 minutes while the men patrolled the house and garden.”<sup>77</sup>

She said that she heard sounds from outside that made her suppose that the two gunmen were accompanied by others. She waited in hiding for around an hour and then, when she could hear nothing more, she crept from her hiding place and found her husband lying dead with five bullet wounds in his back. Al-Somati also had been fatally shot.

Later that morning, the *September 26* website, which acts as a mouthpiece for the Ministry of Defense and whose reports are cleared by the ministry’s media office before they are posted online, alleged that al-Shabi’s death had occurred during an AQAP attack on a military checkpoint in Aden. It accused the dead journalist of having acted as a media representative of AQAP.<sup>78</sup>

While al-Shabi had frequently written articles about AQAP that appeared sympathetic to the group, several Aden activists and journalists told Human Rights Watch there was no information suggesting he was involved in AQAP violence at the time of his death.<sup>79</sup>

Several hours later, the website took down the report and replaced it with another that referred to an attack at a military checkpoint. The statement also said that the bodies of the two men, whom it named, had been found at one of their homes but this time drew no direct link between the two events.<sup>80</sup>

In a telephone conversation with Human Rights Watch in March 2013, the Defense Ministry spokesperson and editor-in-chief of *September 26*, Brig. Gen. Yahya Abdullah, said that

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<sup>77</sup> Human Rights Watch telephone interview with Najla al-Mansoor, wife of Wagdy al-Shabi, Aden, March 2, 2013.

<sup>78</sup> The post was reviewed by a Human Rights Watch employee before it was taken down and the link was deactivated.

<sup>79</sup> Human Rights Watch interviews with seven human rights activists and journalists in Aden, May 3-6, 2013, and with a Yemeni government official in the US, June 2013.

<sup>80</sup> “مصدر مسؤول يكشف مشاركة عناصر من القاعدة في أعمال القتل بعدن” (An official source reveals the participation of Al-Qaeda elements in the Aden killings), *September 26*, February 22, 2013. [http://26sep.net/news\\_details.php?lng=arabic&sid=89198](http://26sep.net/news_details.php?lng=arabic&sid=89198) (accessed April 2, 2013).

the Defense Ministry had instructed the online publication to take down the initial statement within a few hours once it became clear that it was incorrect and that al-Shabi had no links to AQAP. Abdullah said an intern had drafted the initial report and was under investigation as a result, though a journalist who works for *September 26* later told Human Rights Watch that in fact a long-term staffer at the publication had written the report.

In April, Human Rights Watch wrote to Yemen's Defense Minister to inquire further about the case.<sup>81</sup> The Defense Ministry did not respond directly but a few days later Human Rights Watch received a fax message from *September 26's* editor-in-chief in which he said the online publication's first report concerning the killings of al-Shabi and al-Somati had been "an editorial mistake," although he gave no details as to who was responsible and why.<sup>82</sup>

The Ministry of Interior informed Human Rights Watch that it had created a committee to investigate all of the violence that had occurred in Aden from January to March 2013, including the killings of al-Shabi and al-Somati, but provided no details of the committee's composition or its progress.

Relatives of al-Shabi told Human Rights Watch that the police arrived an hour or so after al-Mansoob found her husband's body but since then had not contacted the victims' families. There have been no other indications that a serious investigation has been conducted into the case. The authorities have neither charged nor arrested anyone for the killings, which has added to the unease felt by local journalists in Aden.

## Assaults and Other Abuses

While Human Rights Watch was unable to document the full number of physical attacks on journalists, from January 1 to June 31, 2013 the Freedom Foundation reported documenting 76 separate incidents, including six murder attempts, four abductions, and 65 other physical attacks, totaling 117 victims.<sup>83</sup> This represents 38% of all attacks and harassment incidents against journalists so far this year.

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<sup>81</sup> Letter from Human Rights Watch to Maj. Gen. Mohammed Nasser Ahmed, Defense Minister, April 3, 2013, <http://www.hrw.org/news/2013/04/03/letter-yemeni-minister-defense-death-journalist-wagdy-al-shabi>.

<sup>82</sup> Fax from Brig. Gen. Yahya Abdallah, Defense Ministry spokesperson and editor in chief, September 26, to Human Rights Watch, April 10, 2013.

<sup>83</sup> Freedom Foundation, "Biannual report: Cases and Victims of Violations against Media Freedom in Yemen 2013."



One of the most overt attacks on the media occurred after managers at the state-owned *Thawra* newspaper removed Saleh's picture from its masthead on February 1, 2012 and omitted a list of the goals of the 1962 revolution.<sup>84</sup> The next day, journalist Mohammad Saif al-Qurari told Human Rights Watch, a large and angry mob of people acting under the banner of "martyrs of the '62 goals" surrounded the paper's office at around 4 a.m., threatening the printing staff.<sup>85</sup> Some of the mob carried sticks and at least two were armed with Kalashnikovs. Al-Qurari and others asked the Minister of Information to intervene and then the Prime Minister, but without result. Al-Qurari said the Prime Minister told him that he could do nothing until after the elections, almost three weeks away. The mob action against the office continued until March 4, 2012: journalists faced harassment and intimidation whenever they entered or left the building, and at least one of the newspaper's security guards suffered a beating by a member of the crowd armed with a baton.

Most of the journalists at *Thawra* supported the changes made by the paper and decided to discontinue publication during the siege. However several journalists told Human Rights Watch that some members of the newspaper's staff, who remained loyal to the previous government, restored former president Saleh's picture and the list of goals of the 1962 revolution and kept producing the paper.

One week after the end of the siege, as internal disputes escalated between the pro-Saleh staff who had continued to print the paper and those who had left, the former called a group of militiamen to return, and for eight hours around 200 armed men occupied the building until the Journalists' Syndicate negotiated their withdrawal.

**Mohammed al-Rubaa**, 27, the host of a popular political satire TV show called "Aakis Khat" (Reflective Line), which airs on the al-Ahmar clan's *Suhail TV*, told Human Rights Watch that because of security concerns, over the last two years he only left his house for specific events. He has been fearful of his personal safety because of anonymous phone messages he received threatening his life. For instance, he received one on August 5, 2012

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<sup>84</sup> Human Rights Watch interview with Abdallah Mohammad al-Khawlani, journalist, Sanaa, February 24, 2013. In September 1962 the Imamate of Yemen ended with an army coup overthrowing the newly appointed Imam, Mouhammed al-Badr. The coup was led by a left-wing nationalist, and within days the new YAR was established. The revolutionaries laid out six objectives for the revolution, which since then have been printed in government newspapers as a daily reminder.

<sup>85</sup> Human Rights Watch interview with Mohammad Saif al-Qurari, Sanaa, March 3, 2013.

in which the caller told him he would not be alive at the end of the month. "I did not actually react to it," he told Human Rights Watch, "because in a way I get so many threatening calls and if not directly, then they send SMS messages to my family phone numbers telling them 'If you're not going to stop your son, he will be killed.'"<sup>86</sup> Al-Rubaa moved out of his family home to try and reduce any risk to his relatives, and reported these threats to the Journalists' Syndicate.

In May 2012, al-Rubaa found four masked men waiting outside the place he was staying and only escaped, he said, by running past them and entering a protest tent in nearby Change Square. He said that during a wedding celebration in November 2012, a man pulled out his jambiya, a dagger worn by Yemeni men as part of traditional dress, and held it to his neck, saying, "If I could kill you I would."

Al-Rubaa told Human Rights Watch that he continues to receive text messages and phone calls from individuals who do not identify themselves or say where they obtained his number, but who make vague threats such as "you will pay the price" and "you have to shut up or else" or threatening to harm his brothers. He continues to report the threats to the Journalists' Syndicate, which has sought action from the Ministry of Interior, but without receiving any response. "I entered a profession that could be a reason for me to live a short life," he told Human Rights Watch.

**Fa'id Ali Abdullah Dahan**, 28, a journalist working for *Yemen Shabab TV*, told Human Rights Watch that government forces had threatened or assaulted him eight times in 2012.<sup>87</sup> The most severe attack occurred on July 1 when soldiers at a checkpoint in Sanhan province, a suburb of Sanaa, stopped his car as he returned from Khawlan (to the southeast of the capital), where he had been investigating reports of a tribal war involving members of the Republican Guard. Dahan was travelling in a car together with a driver and another passenger, a local villager. As they approached the checkpoint, he saw a group of around 50 men in civilian clothes. He recognized one of them as a son of Murad al-Aubali, formerly the commander of the Republican Guard in Taizz, Yemen's second largest city, 250 kilometers south of Sanaa. The men carried Kalashnikov assault rifles and sticks, and

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<sup>86</sup> Human Rights Watch interview with Mohammed al-Rubaa, journalist, Sanaa, March 2, 2013.

<sup>87</sup> *Yemen Shabab* is a TV station that was launched in Change Square during the uprising by members of the youth change movement and represents the voice of the revolutionary movement.

there were several military vehicles present. When Dahan's car stopped at the checkpoint, several armed men dragged him and his driver from the car and began beating Dahan with their gun butts. He did not see what happened to the car's other passenger, the local villager. Gunshots were fired but no one was hit.

Dahan said that the gunmen then forced him back into the car, which one man drove while another held a gun to his head, insulting him and his TV station, saying "*Yemen Shabab* are dogs."<sup>88</sup> They drove him to a village about 30 minutes away, took his identification card, wallet, phone, and camera, and locked him inside a room in what appeared to be an abandoned building.

At one point, Dahan said, a Republican Guard officer came to ask for the memory card from his camera, and he saw that there was an armed guard outside the door. His captors brought in the driver and the other passenger from the car. Their captors kept them another three to four hours. The men then drove him to the outskirts of Sanaa, where they dropped him, gave him back some of the money they had taken from his wallet and told him to get a taxi to take him home. When Dahan was released they warned him: "If you speak out you will be killed."

Dahan reported his ordeal to the Journalists' Syndicate which lodged a formal complaint with the minister of interior and the attorney general. The authorities opened a case, but it was transferred to three different judicial authorities before going to the prosecutor in Mathbah, Sanaa. The prosecutor has focused his investigation on one suspect, al-Aubali's son, who struck Dahan and gave orders to others during the attack. This suspect is currently on trial for killing a policeman in a different incident that took place in September 2012, and is being detained in a prison in Mathbah. However, no further arrests have been made, and Dahan's case has not yet proceeded to trial. Since his interview with Human Rights Watch, in June Dahan reported to the Journalists Syndicate that he was attacked and robbed by a group of gunmen in a car that was following him in central Sanaa. He alleges that this attack is linked to his case against al-Aubali.

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<sup>88</sup> Human Rights Watch interview with Fa'id Ali Abdullah Dahan, journalist, Sanaa March 2, 2013.

**Hamdi Radman**, 33, a journalist for *Al-Oula* newspaper who also edits the *Yemenat* news website, told Human Rights Watch that soldiers from the First Armored Division's 4<sup>th</sup> brigade assaulted him on December 23, 2012 as he photographed troops using batons to disperse protesters outside the Prime Minister's office in Sanaa.<sup>89</sup> He said three soldiers approached and began hitting him on the legs with batons, although he shouted that he was a journalist and had recently had an operation on his spine. "But they kept hitting me," he told Human Rights Watch. A soldier then "cocked his gun and fired in the air in my direction" before others beat him with their rifle butts. One soldier told him, "I swear, I'm going to kill your father," but left him when his brother and a female activist came to his assistance.<sup>90</sup>

After the assault, the Journalists' Syndicate wrote to Yemen's attorney general and interior minister. "I asked for those behind the attack to be detained," Radman said. "Unfortunately, with any attack we go through, we don't get cooperation. The attorney general and the Ministry of Interior did nothing regarding condemning my attack."

On December 31, 2012, in Amran, a town 52 kilometers northwest of Sanaa, unknown assailants bombed the home of **Khaled Hussain al-Qarni**, 47, a journalist who works for the *26 September* website. Al-Qarni was absent but his father, wife, sister and children were asleep in the house when an explosion shattered windows and damaged a wall. No one was injured. Those responsible escaped unseen. Al-Qarni told Human Rights Watch: "It is difficult to say who was behind the attack, but obviously it was someone or a group of people who are not happy with what I write and what I say."<sup>91</sup> After al-Qarni called the police, police officers came to photograph the damage and said they would investigate, but he is unaware of any outcome.

**Jabr Sabr**, 30, a journalist working for the opposition *Mareb Press*, told Human Rights Watch that three uniformed members of the Central Security Forces severely assaulted him on January 5, 2013 with batons and kicked him in the back while he was on the ground.<sup>92</sup>

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<sup>89</sup> Al-Oula is a private newspaper financed by a senior member of General People's Congress; Yemenat is considered to be a mouthpiece of the General People's Congress, and is run by several members of the party, but has a reputation for some independent coverage of the news.

<sup>90</sup> Human Rights Watch interview with Hamdi Radman, journalist, Sanaa, March 1, 2013.

<sup>91</sup> Human Rights Watch interview with Khaled al-Qarni, journalist, Sanaa, March 2, 2013.

<sup>92</sup> Mareb Press is an independent and privately owned press corporation, with a website and newspaper. During the revolution it supported the opposition movement against President Saleh.

He had gone to cover a public protest in southern Sanaa by relatives of murder victim Lutf al-Imad, a local business man, and others. The protesters alleged that police had assisted al-Imad's killer to escape. Intending to spend only a few minutes at the protest, he had taken his 5-year-old son and left him in his car when he went to report on the protest. He was walking towards some demonstrators who were blocking the road as the police tried to make them move away. "I saw police beating protesters before I had even gotten my camera out," Sabr told Human Rights Watch. "The Central Security Forces were the most violent with the protesters." He said he saw the security forces accuse a teacher whom he knew of being a journalist and assaulted him. Sabr rushed to intervene, at which point three members of the Central Security Forces turned on him and beat him with batons and gun butts.<sup>93</sup> They took his camera, phone, wallet, and money. As he called for help, an officer whose name he knows told those assaulting him to take him to a nearby police station. At the station, another officer accused Sabr, and journalists more generally, of causing chaos in the country. After 30 minutes at the station, officers then took him to collect his son but returned them both to the police station, releasing them without charge only several hours later when a relative intervened.

The National Organization for Defending Rights and Freedoms (HOOD) sent a written complaint about his mistreatment to the attorney general. Sabr and *Mareb Press* filed complaints with the Ministry of Interior, the head of the Central Security Forces, the governor of Jawf province, and the head of General Security in Sanaa.

On January 31, 2013, the attorney general announced an investigation into the case in conjunction with the director of Central Security. Sabr told Human Rights Watch in May that he had been questioned before a judge and that four witnesses had been called in to give testimony, but no other action has been taken on his complaint and his property—phone, camera, and money—has not been returned to him.

**Murad al-Saeedi**, 23, a journalist who writes for the weekly *Akhbar al-Yom* newspaper, told Human Rights Watch that he began receiving threatening phone calls after he published an article alleging that Huthi rebels bombed the home of a family in Sa'dah in

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<sup>93</sup> Human Rights Watch interview with Jabr Sabr, journalist, Sanaa, February 1, 2013.

2012, killing 14 and injuring 8.<sup>94</sup> Huthi-affiliated armed men prevented the survivors of the bombing from leaving the site for eight hours. The article ran in several papers, including *Mareb Press* and the weekly *Al-Ahali*, in November 2011.<sup>95</sup>

He said that in November 2012 he participated in a protest on Sanaa's university campus, following which several people who had been chanting Huthi slogans attacked and beat him and a friend who was accompanying him, before running away.

On January 15, 2013, al-Saeedi gave a speech at a public protest in Sanaa demanding that families who have been displaced in northern Yemen by Huthi rebels receive compensation. Afterwards, he received about 40 phone calls from individuals who did not identify themselves but accused him of being "an agent of the US" and of attacking "our leader" and "Ansar Allah," as the Huthi movement is now known.<sup>96</sup> Al-Saeedi's mother also received a call in which an anonymous caller warned her "we will give your son as a gift to Abdul Malik al-Huthi if he does not stop."<sup>97</sup>

Two days after his speech, al-Saeedi told Human Rights Watch that two young men who emerged from a tent displaying Huthi slogans assaulted him in central Sanaa and knocked him down while a third told him before he lost consciousness: "This is a warning. Next time we will cut out your tongue if you don't end your campaign."<sup>98</sup> He awoke at a clinic in Change Square with a broken left hand. After leaving the clinic, al-Saeedi approached members of the security forces standing duty in Change Square and asked them to apprehend his attackers. He said they declined to do so, telling him that this would only increase violence. Subsequently, HOOD asked the leadership of Ansar Allah to disclose the names of those who had been present at the organization's tent in order to bring a case against those responsible for the attack; in response, Ansar Allah asked HOOD to name the culprits so that it could discipline them.

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<sup>94</sup> *Akhbar al-Yom* is privately owned and part of the *Shomo`* press corporation. It has strong ties to Gen. Ali Mohsen al-Ahmar, military advisor to President Hadi and former commander of the First Armored Division, as well as a supporter of the revolution following the March 18, 2011, killing of protesters.

<sup>95</sup> *Al-Ahali* is a privately run weekly newspaper, owned by a member of the Islah party but not viewed as a mouthpiece for the party.

<sup>96</sup> Ansar Allah is the new official name that the Huthis have adopted since the period of the six Sa'dah wars.

<sup>97</sup> Abdul Malik al-Huthi is the current leader of the Huthi movement following the death of his brother Badr al-Din al-Houthi in 2004.

<sup>98</sup> Human Rights Watch interview with Murad al-Saeedi, journalist, Sanaa, January 31, 2013.

**Mohammed al-Qadhi**, 33, a journalist from Ibb, a city 154 kilometers south of Sanaa, who heads *Al Jazeera Live TV*, told Human Rights Watch that he and his film crew went from Sanaa to Aden in January 2013 intending to broadcast live from the streets, but found such an angry atmosphere that they decided to remain at their hotel. They returned by way of Dhamar where, on January 21, they set up position near the central mosque, intending to carry out street interviews about local living conditions. However, a crowd gathered and began to insult them. The rear window of their van, which contained their satellite broadcasting equipment, was smashed. At this point, al-Qadhi told Human Rights Watch, a man emerged from the crowd and told al-Qadhi that he was a plainclothes security official, adding: "I advise you to leave this area because this will escalate, the attack will be worse if you don't leave now." People in the crowd were threatening that they would go and get Kalashnikov rifles to drive the journalists away, but before leaving al-Qadhi and his team did a live broadcast about the risks now faced by journalists in Yemen.

Al-Qadhi complained to both the minister of interior's press secretary and the head of Central Security in Dhamar, Brig. Gen. Abdul Karim al-Odaini, who told him to file a complaint at the local police station but resisted al-Qadhi's request that he send officers to guarantee his and his crew's safety. Al-Qadhi told Human Rights Watch: "The tone of the head of security was very clear: he did not want to cooperate with us and did not want to listen. This shows what we journalists go through regularly. We are living in fear because we can be attacked at any time, and for no reason besides that we are journalists."<sup>99</sup>

On April 6, 2013, **Nasser Ali**, 32, a journalist for *Al-Ahali* newspaper, told Human Rights Watch that a man fired a shot at him after first trying to seize his camera as he covered a protest in Rada', a district of al-Bayda', 212 kilometers southeast of Sanaa, by members of the disbanded Republican Guard who were demanding payment of their salaries. The gunman, as best he could tell, was not one of the protesters. The shot missed Ali but broke a shop window, from which Ali sustained cuts. He filed a complaint with the police, who said that two separate committees had been appointed to investigate the clashes in Rada', one under the Defense Ministry and the other headed by area's vice governor. He did not know their outcome.<sup>100</sup>

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<sup>99</sup> Human Rights Watch interview with Mohammed al-Qadhi, journalist, Sanaa, February 2, 2013

<sup>100</sup> Human Rights Watch interview with Nasser Ali, journalist, Sanaa, May 14, 2013.

**Mansour Noor**, 50, a journalist working for the *September 26* news website, told Human Rights Watch that on the evening of April 17, 2013, three men called out to him by name and offered him a lift as he was walking home in Aden through an area affected by an electricity power cut. He got into the car and they drove him a short distance, before they stopped and one man told him to get out and pointed a gun at him while the car driver assaulted him. The gunman then shot him three times in the leg before the men got back into the car and drove away. Doctors subsequently amputated part of Noor's right leg.

Noor does not know the identity of the men who attacked him or their motive, but assumes that it was due to his reporting as they clearly knew his identity when they offered him a lift, and he had no personal conflicts that he could attribute this to. He subsequently reported the attack to the police and Central Security forces in the Daar Saad area of Aden in which it occurred, but he knew of no ongoing investigation at the time that he spoke to Human Rights Watch.<sup>101</sup>

**Mohammed al-Hudhaifi**, 39, a journalist for the *Mareb Press* website, told Human Rights Watch that a man had apparently attempted to abduct his son, Waheeb, 12, at about 8 p.m. on April 21, 2013 near their home in Taizz after first asking his father's name. The man had asked Waheeb to get into his car. When Waleed refused, the man drove the car at him, knocked him down and sped away, but not before a witness took note of the license plate, showing that the car was registered to an Aden resident.

Waheeb suffered injuries to his head, back, and an arm. Al-Hudhaifi told Human Rights Watch that he suspects that the perpetrator was a supporter of former president Saleh because he knew Saleh's supporters were angry at his reporting about clashes that occurred in Taizz. He had written that Saleh supporters had attacked families of uprising victims who had mounted a protest outside the city's governor office earlier that month to demand compensation for their medical costs. "I wrote all about that incident in detail, apparently Saleh's followers were not happy with my work, though I tried to be objective when I covered the incident," he told Human Rights Watch.<sup>102</sup>

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<sup>101</sup> Human Rights Watch interview with Mansour Noor, journalist, Sanaa, May 14, 2013.

<sup>102</sup> Human Rights Watch interview with Mohammed al-Hotheefee, journalist, Sanaa, May 14, 2013.



He reported the assault on his son to the Taizz police, but he said they showed no interest. Instead, they told him to contact the authorities in Aden, where the attacker's car was registered. He told Human Rights Watch that he has been trying to contact the police in Aden, but so far has not spoken to anyone who has been cooperative.

## Threats and Harassment

The Freedom Foundation reported documenting 43 incidents of journalists being harassed or threatened, targeting 50 individuals in the first half of 2013.<sup>103</sup> Every journalist interviewed by Human Rights Watch stated at some point in the interview that threats had become so frequent there was no way of reporting each incident. Several of the journalists did not understand why they were being asked about threats as a serious matter, saying that death threats were so commonplace that they did not take them seriously anymore.

**Rashad al-Sharabi**, 37, a journalist for both the official *Al-Jomhuryah* and *Al-Masdar* newspapers, told Human Rights Watch that a member of parliament threatened him, after he wrote a story in *Al-Jomhuryah* about harassment of female teachers in a school in Marib governorate, a province 172 kilometers east of Sanaa, in central Yemen.<sup>104</sup> The member of parliament, whose daughter is the school's principal, phoned al-Sharabi and said, "Either you apologize or I will send you my guards." The parliamentarian had demanded that al-Sharabi go to his house and show proof of his allegations or publish an apology. Al-Sharabi refused but offered to allow him a right of reply. Al-Sharabi said that over the next 10 days he received a succession of daily threatening phone calls, until his family resolved the issue through tribal mediation.

Al-Sharabi said he received further threats after he wrote another article about harassment of female school teachers citing the Marib case among others. He reported the threats to the Ministry of Interior and the office of the attorney general but had received no response by the time that he spoke to Human Rights Watch.<sup>105</sup>

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<sup>103</sup> Freedom Foundation, "Biannual report: Cases and Victims of Violations against Media Freedom in Yemen 2013."

<sup>104</sup> Al-Jomhuryah is a state-run daily newspaper in Taizz.

<sup>105</sup> Human Rights Watch interview with Rashad al-Sharabi, journalist, Sanaa, February 25, 2013.

**Ahmed Said Nasser**, 35, the editor of *Wahdawi Journal*, mouthpiece of the opposition Nasserist Unionist People's Organization, told Human Rights Watch that he has received numerous anonymous death threats to his personal and office phones.<sup>106</sup> He said his newspaper is under constant pressure from the authorities, having faced prosecution in 18 separate cases before the Specialized Press and Publications Court as of March 2013.

Nasser said he received many threats after the *Wahdawi Journal* published reports in January 2012 implicating Saleh and his supporters in the 1977 assassination of then-North Yemen President Ibrahim al-Hamdi, a member of the al-Wahdawi party. Typically of others, one caller told him, "If you do not stop investigating this file, you will be assassinated."<sup>107</sup> The Nasserist party reported the threats to the Ministry of Interior but Nasser knew of no response from the ministry.

On December 21, 2012, unknown persons raided the *Wahdawi Journal* office when no staff were present and removed electronic equipment and archive material, even though the building is located next to President Hadi's home in a well-guarded part of Sanaa. The police conducted a forensic examination of the premises but they have not made any arrests.

**Samia al-Aghbry**, 30, who writes for *Al-Thawry* and other publications, has faced threats directed at her because she is a woman. Women journalists as well as women who take an active role in politics or pressing for social reform endure particular challenges in Yemen, which remains a heavily male-dominated society. In the past year they have increasingly been subjected to pressure and harassment from religious conservatives who take exception to their growing prominence and have targeted them with "*takfir*" (apostasy) campaigns. Those faced with such accusations have included Nobel Peace Prize laureate Tawakkol Karman, human rights activist Amal al-Basha, Bushra al-Maqtari and Arwa Othman, both writers and activists, and al-Aghbry.

On December 30, 2012, al-Aghbry spoke at an event marking the 10<sup>th</sup> anniversary of the assassination of Jarallah Omar, the deceased deputy leader of the Yemeni Socialist Party. After the event, a former member of the Islamist Islah Party launched an immediate

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<sup>106</sup> The Nasserist Unionist People's Organization is an opposition party with its roots in democratic socialism and Nasserism, the Arab Socialist ideology espoused by former Egyptian president Gamal Abd Al-Nasser.

<sup>107</sup> Human Rights Watch interview with Ahmed Said Nasser, journalist, Sanaa, February 27, 2013.

campaign against her on Facebook.<sup>108</sup> The campaign included posting her photograph and uploading a letter to the attorney general of Damt, where she had delivered her speech, accusing her of ridiculing Islam. Al-Aghbry told Human Rights Watch that the circumstances of the campaign strongly suggest that the Islah Party was involved.

The campaign resulted in a flurry of threatening comments directed at al-Aghbry, including some suggesting that she should be killed. The man who began the campaign later posted a link to a video showing the al-Qaeda flag together with images of al-Aghbry's face surrounded by flames and a running list of what it said were her "religious crimes."<sup>109</sup> In the current environment in Yemen, such accusations could amount to incitement to violence. "I was too scared to leave my house for three days," al-Aghbry told Human Rights Watch, before she determined "to get back to normal life."<sup>110</sup>

The man also filed a lawsuit accusing her of blasphemy, which has yet to come to court. Despite requests by al-Aghbry and others that the Islah Party publicly condemn the action by its former member, it has failed to do so. Likewise, the attorney general has not taken any action in response to the threats made against al-Aghbry. The case against her before the court in Damt is still pending.

**Khaled al-Hammadi**, 45, a prominent correspondent for the London-based, pan-Arab newspaper *Al-Quds Al-Arabi* and *Al-Jazeera International*, reported on January 6, 2013 that President Hadi had appointed 182 officials from among members of his family or from his home area in southern Yemen since he became president in 2012, comparing this with Saleh's track record of such appointments.<sup>111</sup> The report sparked an immediate angry protest from the president's office, al-Hammadi told Human Rights Watch, and next day *Al-Quds Al-Arabi* published a letter from the presidency denying that Hadi was pursuing policies similar to his predecessor.

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<sup>108</sup> Islah is the country's largest and best organized opposition party, with strong Islamist leanings. It was founded by Yemeni members of the Muslim Brotherhood, and includes Salafi members, as well as key individuals in the al-Ahmar clan.

<sup>109</sup> Video attacking Samia al-Aghbry, January 24, 2013 <http://www.youtube.com/watch?v=q5cpl1O38Mo> (accessed June 21, 2013).

<sup>110</sup> Human Rights Watch interview with Samia al-Aghbry, journalist, Sanaa, January 31, 2013.

<sup>111</sup> "اليمن: مخاوف سياسية من إعادة هادي لسيناريو 'الحكم العائلي' بعد تعيينه لنحو 182 قائدًا عسكريًا من المقربين منه خلال 10 أشهر" (Yemen: political fears that Hadi is repeating the scenario of "ruling family" after nominating 182 military commanders close to him in 10 months), *Al-Quds Al-Arabi*, January 6, 2013, <http://www.alqudsalarabi.info/index.asp?fname=data\2013\01\01-06\06qpt398.htm> (accessed June 25, 2013)

On January 8, the Ministry of Defense denounced al-Hammadi on its *September 26* website, citing an unnamed military source who accused al-Hammadi of spreading “the poison of suspicion and distortion around the patriotic steps and decisions” taken by President Hadi and trying to prevent him undertaking the “patriot steps” and “huge tasks” before him.<sup>112</sup>

According to al-Hammadi, a presidential aide later privately assured him that the president was not responsible for this *September 26* denunciation and did not take the same view, but al-Hammadi’s request for a public apology elicited no response.

The incident prompted wide concern among journalists that someone of al-Hammadi’s stature could be so publicly targeted. “They feel that since the government [verbally] assaulted me, a well-known journalist in Yemen and in the international community, maybe they will be too. Especially young journalists who are not wealthy or well-connected – now they avoid sensitive cases,” Al-Hammadi told Human Rights Watch. “Maybe they are trying to keep me silent as a journalist working on freedom and running this organization, to make it easier for them to attack others.” He sent a letter to the general prosecutor demanding that an investigation be opened into the role of officials in the Ministry of Defense, but he is unaware of any developments since then.<sup>113</sup>

**Abdullah Mohammed Ghorab**, 36, a journalist with *BBC Arabic*, told Human Rights Watch in February 2013 that he had been beaten, shot at, or threatened 10 times in the previous 12 months, mostly by supporters of former president Saleh. In one incident, on April 9, 2012, he and others who were travelling in the same car through Sanaa narrowly escaped injury when a bullet struck the vehicle. He filed a complaint with the prosecutor’s office that led to a finding that the bullet had been fired from a weapon with a silencer, but the authorities did not identify who fired the shot.

When Ghorab spoke to Human Rights Watch, he had just received telephone death threats, apparently in response to a statement posted on Saleh’s *almotamar.net* website, which accused him of being a secret agent and of using his reports to spread “lies.”<sup>114</sup> A former

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<sup>112</sup> “مصدر عسكري مسؤول يفتد إدعاءات الحمادي في صحيفة القدس العربي” (An official military source refutes al-Hammadi’s claims in the Al-Quds Al-Arabi Newspaper), September 26, January 8, 2013, [http://26sep.net/news\\_details.php?sid=87899](http://26sep.net/news_details.php?sid=87899) (accessed April 2, 2013).

<sup>113</sup> Human Rights Watch interview with Khaled al-Hammadi, May 8, 2013.

<sup>114</sup> Almotamar.net is the mouthpiece of the General People’s Congress.

media advisor to Saleh posted the statement, which also urged that people “should not stay silent” against Ghorab.

Ghorab told Human Rights Watch that he had changed homes in Sanaa three times during the previous two years due to his fears for his and his family’s safety: “I have been targeted because of my courageous reporting. I am not the only one who suffers from this —my family, my wife, my children.”<sup>115</sup>

**Ahmad al-Sharafi**, 35, a Sanaa-based correspondent for *Al Jazeera TV*, told Human Rights Watch that President Hadi’s brother, Nasser Mansour Hadi, who is the deputy head of Political Security in the southern coastal provinces of Aden, Abyan, and Lahj, demanded that he hand over film footage that his crew had recorded of a speech that the president delivered on February 25, 2013 in Aden. Al-Sharafi had travelled to Aden at the invitation of the president’s media secretary to cover Hadi’s first visit to the city since taking office, as had a film crew from Sky News.

The problem occurred, al-Sharafi said, when the president spoke about several politically sensitive issues which he had not previously addressed publicly, including the possible referral of former president Saleh and others for investigation by the International Criminal Court and reports of a suspected Iranian arms shipment to Yemen. After speaking for over an hour, the president said he had learned that Sky News and Al Jazeera were present and asked their journalists to identify themselves, which they did by raising their hands. He then said, “Please don’t cause problems between anyone,” before continuing with his speech, using what al-Sharafi considered a more careful and circumspect tone.

At the end of the event, the president’s brother made al-Sharafi and his crew hand over their recording of the president’s speech without explanation while Faisal al-Bahr, the head of Political Security in Aden, seized the footage taken by Sky News. Both TV broadcasters lodged formal protests and demanded the return of their film but without success. Commenting on the seizure, al-Sharafi told Human Rights Watch: “I know this is a small case, but it is worrying because it shows that people in charge do not understand

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<sup>115</sup> Human Rights Watch interview with Abdullah Mohammed Ghorab, journalist, Sanaa, February 14, 2013.

what the media's role is and how to deal with us.... I do not think we will get our film back and I expect this will happen again and again.”<sup>116</sup>

## Criminal Defamation

The Freedom Foundation reported documenting 55 criminal and civil court proceedings against 74 journalists from January to June 2013.<sup>117</sup> The UN Human Rights Committee has stated, “The application of the criminal law should only be countenanced in the most serious of [defamation] cases and imprisonment is never an appropriate penalty,” because it will always be disproportionate.<sup>118</sup> Human Rights Watch opposes all use of criminal defamation laws.

One clear red line for journalists is reporting on corruption: both of the criminal cases against journalists documented by Human Rights Watch were linked to their reporting on corrupt practices, as were other incidents Human Rights Watch documented where journalists were harassed for their reporting. Corruption is rampant in Yemen; Transparency International ranks the country 156 out of 174 countries for 2012, with a score of 23 out of 100.<sup>119</sup> Preventing media coverage of the scale of the problem, as well as uncovering where corrupt practices lie, means stifling the role that the media should play in bolstering democracy and human rights.

**Majid Karout**, 29, a journalist for *Al-Masdar Online* website, received a one-year prison sentence and a fine of 200,000 YER (US\$928) after a court in al-Bayda’ convicted him on defamation charges on June 4, 2012 after a trial at which he was not present. Specifically, the court convicted him of posting on Facebook “lies” about a local official. In fact the local official was merely cited in the posting that had been done in the name a “Faris al-Baidani” and which implied that another official, Mohamed Moussa al-Qarfoushi, the head of the al-Bayda’ branch of the state communications agency, was corrupt. The posting comprised a photograph of al-Qarfoushi and documents showing alleged irregularities that

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<sup>116</sup> Human Rights Watch interview with Ahmed al-Sharafi, journalist, Sanaa, March 3, 2013.

<sup>117</sup> Freedom Foundation, “Biannual report: Cases and Victims of Violations against Media Freedom in Yemen 2013.”

<sup>118</sup> UN Human Rights Committee, General Comment No. 34, para. 47.

<sup>119</sup> Yemen placed 156 out of 174 on Transparency International’s Corruption Perceptions Index for 2012, <http://www.transparency.org/cpi2012/results> (accessed March 29, 2013). Scores range from 0 (highly corrupt) to 100 (very clean).

he had committed, including for financial gain for himself and the branch's financial director. Karout denies the court's finding that "Faris al-Baidani" was his pseudonym.<sup>120</sup>

According to Karout, al-Qarfoushi made a complaint to the local prosecutor, who drew up an indictment against Karout without notifying him and which the al-Bayda' provincial court initially considered in February 2012 without summoning him. Karout said he learned of his prosecution only when he saw a notice of summons published in the official newspaper, *Al-Jomhuryah*. The court again failed to notify him in advance of its hearing on June 4, when it convicted him and imposed the jail sentence and fine. Karout told Human Rights Watch that he believes he was targeted by al-Qarfoushi because of his work as a journalist, having previously faced threats from al-Qarfoushi and from the governor of al-Bayda' province for accusing them of corruption in his articles.<sup>121</sup>

Karout went into hiding to avoid arrest when he learned of the court's verdict and then spent a day in custody when filing an appeal and posting bail. With the appeal yet to be heard, Karout remains restricted to al-Bayda' under the conditions of his bail, hindering his work as a journalist. "This travel ban has created difficulties for me," he told Human Rights Watch. "I feel I am confined, I can't move anywhere. The greatest difficulty is that it hinders my ability to write. As a journalist I want to go out and cover events and I can't."

Because of an ongoing strike in the courts in southern Yemen, Karout's case was frozen, as was his ability to travel.

**Husam Ashour**, a journalist in Hadramout province, on the southern coast of Yemen, east of Abyan, with the independent local news website *newsyemen.net* and *Al-Nida'* weekly newspaper, was given a three-month suspended sentence on April 2 and ordered to pay a fine of 300,000 YER (US\$1,392) for criminal defamation because of an anti-corruption article he wrote on May 3, 2011.<sup>122</sup> Ashour's story accused the manager of a local

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<sup>120</sup> Human Rights Watch telephone interview with Majid Karot, journalist, Rada', February 3, 2013.

<sup>121</sup> Karout previously faced problems on account of his media reporting, having been imprisoned for three days in 2009 and threatened by provincial officials after he wrote about official corruption in 2010.

<sup>122</sup> *Newsyemen.net* is a website owned by Nabil al-Sufi, a journalist who resigned from the Islah Party in January 2009; *Al-Nida'* is a privately run weekly newspaper, and its editor-in-chief is a member of the Nasserite party.

branch of the Reconstruction Fund for Hadramout and Mahra Provinces, to the far west of Yemen bordering Oman, of financial and administrative corruption.

As noted, in all of the cases cited in this report the authorities have failed to take effective action in response to journalists' complaints. They have neither conducted prompt and effective investigations nor shown any determination to hold to account those who commit abuses against journalists and the media in general, for example by prosecuting them before the courts. In this respect, the Yemeni authorities under President Hadi are failing to observe their obligations under international law. Officials have even shied away from issuing statements of condemnation when attacks occur.

As a state party to the International Covenant on Civil and Political Rights, Yemen is bound to uphold its article 19 enshrining the right to freedom of expression. In its General Comment No. 34 concerning article 19, the UN Human Rights Committee reiterated the requirement that the treaty imposes on states to protect journalists and investigate all instances of attacks against them. The committee stated:

Nor, under any circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19. Journalists are frequently subjected to such threats, intimidation and attacks because of their activities. So too are persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers. All such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress.<sup>123</sup>

According to all the Yemeni journalists who spoke to Human Rights Watch, this lack of accountability is having a chilling effect on the media as a whole, leading to anxiety and

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<sup>123</sup> UN Human Rights Committee, General Comment No. 34, para. 23.



self-censorship. Khaled al-Hammadi whose experience is documented above reflected the concerns of many when he told Human Rights Watch:

Since my case, we have seen the government starting to criticize other journalists on websites for their reporting. ... It gives a very bad indication that the future of media freedom might not be as good as we were hoping during the uprising. After the incident, a lot of journalists have started thinking 100 times before they write something.

Since the government denounced him, al-Hammadi acknowledged that he had toned down his reporting:

At first, I was worried about the presidential family because it is very easy for people in the government and in power to send someone from the street to assault me. Now there are times where I do not write about the Hadi family or corruption of rulers. ... I am trying to collect information and after a while, I will try to publish in the same way. But I try to calm down my strong writings nowadays.... I was scared after the Defense Ministry published the statement on its website, on a majority of government sites and newspapers, because I was worried about government people.... I was also scared of anyone in the street—anyone could attack me.... There is a clear indication that media freedom will not be good in this regime. This incident did not just happen to me. ... It is against media freedom in Yemen.

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# “A Life-Threatening Career”

## Attacks on Journalists under Yemen’s New Government

Yemenis have enjoyed greater freedom of expression since President Abdu Rabu Mansour Hadi took office in February 2012. His government has eased censorship and allowed more public debate.

Yet, this newfound freedom has been tempered by a rising incidence of attacks on journalists, bloggers, and others seeking to exercise their right to free speech. In the past, journalists were targeted by state authorities, but now they face attack from other quarters, including non-state groups and powerful politicians. The attacks range from threats and harassment to physical assault and, in one case, murder.

In “*A Life-Threatening Career*,” Human Rights Watch details 20 attacks on journalists throughout Yemen that occurred between February 2012 and May 2013.

Instead of responding to attacks on journalists with strong words and serious investigations, Hadi’s government has largely failed even to condemn them. And some journalists have been prosecuted for criminal defamation before special courts.

Human Rights Watch calls on the Yemeni government to condemn all attacks on the media, carry out prompt, thorough, and impartial investigations of such attacks, and bring those responsible to justice. Without such measures, the gains in free speech seen since Hadi took office will be cut short, as journalists are driven to self-censorship out of fear of further and more serious attacks.



*Members of the Yemen Journalists’ Syndicate march in Sanaa on May 15, 2012, calling for freedom of the press, including an end to the closing of newspapers and government threats and arrests against journalists.*

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