

Yemen

The human rights situation in Yemen has deteriorated markedly over the past several years. Yemen had previously made advances in the rule of law, setting out rights in the constitution, the penal code, and criminal procedure code. However, these have been eroded by hundreds of arbitrary arrests and several dozen enforced disappearances, mainly in the context of armed clashes in the north, but also relating to the government's domestic counterterrorism efforts and crackdown on social and political unrest in the south of the country.

Yemen is one of only five countries known since January 2005 to have executed persons for crimes committed while under age 18.

Arbitrary Arrests and Enforced Disappearances

Conflict in Sa'da governorate between government forces, abetted by tribal allies, and a rebel group known as the Huthis, first erupted in 2004. A fifth round of fighting that broke out in May 2008 ended on July 17. In the context of this recurring armed conflict, Yemen's security forces carried out hundreds of arbitrary arrests and enforced disappearances of civilians. Since 2007, and especially in the first half of 2008, the extent of arbitrary arrests and "disappearances" expanded, with the authorities broadening the targets of such arrests and detentions to include persons reporting on the war's impact on civilians.

On August 17, a month after the fifth round of fighting ended, President Ali Abdullah Saleh announced some prisoner releases, but dozens, and possibly hundreds, of persons remain arbitrarily detained, and new arrests have taken place. Estimates of the numbers of persons "disappeared" vary. Yemeni rights organizations have documented dozens of cases of persons who have "disappeared," most of whom eventually reappeared at the facilities of the Political Security Organization, the security and intelligence agency directly linked to the office of President Saleh. In

August 2008 officials stated that there were approximately 1,200 political prisoners still detained, with plans to release 130 of these. The government has taken no steps to investigate or hold accountable those responsible for enforced disappearances.

Denial of Humanitarian Access to Conflict Areas

Since June 2004 the armed conflict in northern Yemen has displaced up to 130,000 people, a great many of whom remained out of the reach of humanitarian agencies as of November 2008. Particularly since 2007, when international aid agencies sought access to all parts of Sa'da governorate, Yemeni authorities have severely restricted these agencies from reaching tens of thousands of civilians in need. After fighting erupted again in May 2008, the government blocked the movement of commercial goods in Sa'da, including basic foods and fuel, an act that appears to constitute collective punishment.

When President Saleh declared an end to the fighting in July, 60,000 displaced persons had found refuge in Sa'da town, where they received limited assistance. However, tens of thousands of others—possibly as many as 70,000 persons—had been displaced in remote areas or other urban areas, where government restrictions on movement largely prevented aid agencies from providing them with the assistance they needed. Since August the government has told international humanitarian agencies that they have unrestricted access to the whole of Sa'da governorate, but the reality is different. Many agencies are told they must apply for and be granted a separate Interior Ministry permission for each and every trip, an almost impossible operational requirement. At this writing the access of humanitarian agencies was insufficient to reach many of those who have long been without assistance and remain at risk.

Freedom of Information

Also distinguishing the conflict in 2008 was the extent of government control over information. Officials prevented journalists and humanitarian workers from going to the conflict zone, threatened journalists with reprisal if they reported on the conflict, and prosecuted at least one journalist, opposition website editor Abd al-Karim al-Khaiwani, before a State Security Court. In June 2008 the court sentenced him to a

six-year prison term. President Saleh pardoned him on September 25. The authorities also had disconnected all but a select number of mobile telephone numbers in the conflict area.

Terrorism and Counterterrorism

Terrorism resurged in Yemen in 2008. Al Qaeda in Yemen also launched an online magazine, *Sada al-Malahim* (Echoes of Battles), urging jihadists to kidnap Western tourists to secure the release of jailed members. In response, the United States has been pressuring the government to enact sweeping counterterrorism measures that local human rights groups fear would repress dissent and increase arbitrary arrests and detentions.

In September 2008 a sophisticated attack involving coordinated car bombs directed at the gates of the US Embassy in the Yemeni capital, San'a, killed six Yemeni security personnel, four civilians, and the six attackers. In March 2008 unknown perpetrators fired mortars toward the embassy, hitting a nearby school. In January 2008 gunmen killed two Belgian tourists and their two Yemeni drivers. Yemeni officials blamed insurgents linked to al Qaeda for all three attacks.

Yemeni authorities have released some arrested security suspects, including Jamal al-Badawi, a Yemeni convicted of organizing the October 2000 attack on the USS Cole, in return for their pledges to cooperate with security forces.

Of approximately 255 prisoners still in US military detention at Guantanamo Bay, more than 100 are Yemenis, the largest group by nationality. Two of the three Guantanamo detainees convicted by controversial US military commissions are Yemenis; both were convicted in 2008.

Criminal Justice and the Juvenile Death Penalty

Yemen retains the death penalty for a wide variety of offenses, among them murder of a Muslim, arson or explosion, endangering transport and communications, apostasy, robbery, prostitution, adultery, and homosexuality.

In 1994 Yemen amended its Penal Code to require reduced sentences for crimes committed by persons under 18, including a maximum penalty of 10 years' imprisonment for those who commit capital offenses. However, implementation of this provision and a similar provision in the Juvenile Act has been hampered by Yemen's very low birth registration rate and weak juvenile justice system, which make it difficult for many juvenile offenders to prove their age at the time of the offense. While Yemeni law provides for age determinations conducted by an "expert," it does not clarify how the determinations should be conducted, nor require that defendants receive the benefit of the doubt if the expert finds that the defendant could have been younger than 18. According to NGOs working on juvenile justice in Yemen, the country lacks adequate forensic facilities with staff trained in conducting age determinations, and judges do not routinely question young defendants about their age at the time of the alleged offense to help ensure that juvenile offenders are not mistakenly tried as adults.

In February 2007 Yemen executed Adil Muhammad Saif al-Ma'amari for a crime allegedly committed when he was 16. According to Penal Reform International, at least 18 other juvenile offenders are believed to be on death row.

Early and Forced Marriage

Yemen's Personal Status Law sets no minimum age for marriage of girls, stating instead that a girl "is not to be wed until she is ready for sex, even if she exceeds 15 years." In addition, the Penal Code does not criminalize marital rape and girls and women in forced marriages have little recourse against abuse. Early marriage is widespread in Yemen and linked to elevated rates of maternal mortality, domestic violence, and school dropout. A 2005 survey in al-Hodeidah and Hadhramaut governorates by Sana'a University's Gender Development Research and Studies Center found 52 percent of girls were married by age 18, with some girls marrying as young as eight. In April 2008 parliamentary committees rejected provisions in a proposed Safe Motherhood Law, introduced in 2005, that would have raised the minimum age of marriage to 18 and banned female genital mutilation.

The governmental Women's National Committee had called for the amendments following public outcry over the case of a nine-year-old girl who sought divorce after her forced marriage to a much older man who raped her. The Ministry of Health said

it planned to reintroduce the draft law with a provision setting the minimum marriage age at 15.

Key International Actors

Saudi Arabia, Qatar, and other Persian Gulf states provide substantial amounts of assistance to Yemen, but for the most part do not make figures public. Many Yemenis believe that this, along with substantial amounts of aid to private actors, including tribal leaders and religious institutions, make Saudi Arabia Yemen's largest donor.

Nine European Union states also provide aid to Yemen. The United Kingdom is the largest Western donor; the UK Department for International Development states that it will have provided £117 million (US\$189 million) between 2007 and 2011.

Because of the presence of many Yemeni and other Arab veterans of wars in Afghanistan, counterterrorism has been the key issue in Yemen's relations with the United States. For the fiscal year 2008 the Bush administration estimates it spent US\$17.5 million in military and other assistance to Yemen, including US\$2 million specifically for counterterrorism measures. However, the US suspended a planned additional grant of US\$20.6 million to the Yemeni government to protest the release of Jamal al-Badawi.

All donor states were reluctant in 2008 to press the government on its conduct in the Sa'da conflict, apparently out of concern about the government's political stability.

Numerous United Nations agencies have a presence in Yemen, including the World Food Program, UN Children's Fund, the UN Development Programme, and UN High Commissioner for Refugees, although the Office of the High Commissioner for Human Rights has no staff there. Security concerns have placed all UN staff in the country on heightened alert and agencies have operated in only two towns in Sa'da governorate.

Yemen is due to be reviewed under the Universal Periodic Review mechanism of the UN Human Rights Council in May 2009.