



Republic of Yemen

Joint Submission to the UN Universal Periodic Review

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Submission by CIVICUS: World Alliance for Citizen Participation, NGO in  
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And

Gulf Centre for Human Rights (GCHR)

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## 1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 170 countries.
- 1.2 The Gulf Centre for Human Rights (GCHR) is an independent, non-profit CSO founded in April 2011. GCHR provides support and protection to human rights defenders (HRDs) in the Gulf region and neighbouring countries in order to promote human rights, including the freedoms of association, peaceful assembly and expression.
- 1.3 Front Line Defenders is an international CSO based in Ireland. Formed in 2001, Frontline Defenders has particular expertise in the security and protection of HRDs and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on HRDs) adopted by General Assembly resolution 53/144 of 9 December 1998.
- 1.4 In this submission, CIVICUS, GCHR and Front Line Defenders examine the Government of Yemen's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Yemen's fulfilment of the rights to the freedoms of association, peaceful assembly and expression, and unwarranted restrictions on HRDs, since its previous UPR examination in January 2014. To this end, we assess Yemen's implementation of recommendations received during the 2<sup>nd</sup> UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations.
- 1.5 During the 2<sup>nd</sup> UPR cycle of the UPR of Yemen on 29 January 2014, the Government of Yemen received a total of 316 recommendations. The government accepted 39 recommendations related to civic space. However, an evaluation of a range of legal sources and human rights documentation set out in this submission demonstrates that the government has not fully implemented all recommendations relating to civil society space. Indeed, the government has not fully implemented any of the 316 recommendations it accepted.
- 1.6 Following a political crisis and a series of protests in 2011, Yemen was plunged into conflict in 2014 when Houthi fighters overran most regions of the country after capturing the capital Sana'a. The conflict intensified in 2015 as a coalition comprised of nine countries, led by Saudi Arabia and backed by the USA, launched attacks to push back the Houthi incursion. Local fighters also receive support from the United Arab Emirates (UAE). All parties to the conflict are guilty of violations of international human rights and humanitarian law. The country is now controlled by different armed groups, including Houthi fighters, Yemeni security forces and groups loyal to

President Abdu Rabbu Mansour Hadi.<sup>1</sup> The violence is exacerbated by regular indiscriminate attacks launched by the US-backed Saudi Arabia coalition and the UAE. Houthis also regularly fire artillery into Yemeni cities. A combination of these attacks has led to the deaths of thousands of people. Thousands more have been wounded and millions displaced.<sup>2</sup> As a consequence, the environment for civil society in Yemen is one of the most dangerous in the world.

**1.7** We are alarmed by the extreme violence against HRDs and journalists, and the ongoing restrictions on the freedoms of association, peaceful assembly and expression. HRDs and journalists are regularly abducted, kidnapped and detained in undisclosed locations. They are often subjected to smear campaigns, threats and judicial persecution, and the perpetrators typically enjoy absolute impunity. Many HRDs, journalists and representatives of civil society who are detained are tortured. The violence has created a political and security vacuum that has enabled different armed factions to threaten CSOs and the media to try to get them to release reports that support their cause. Several CSOs have been raided by these armed factions and had their staff detained and their family members threatened. The raids and attacks on CSOs have forced many to reduce their activities drastically and several have closed down entirely.

**1.1** As a result of these restrictions and the violence, civic space in Yemen is currently rated as 'closed' by the CIVICUS Monitor, indicating a widespread and systematic denial of fundamental freedoms.<sup>3</sup>

This submission contains the following sections:

- Section 1 introduces the submission and provides a summary background of Yemen.
- Section 2 of this submission examines Yemen's implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs and civil society activists.
- Section 3 examines Yemen's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and the protection of journalists.
- Section 4 examines Yemen's implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.

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<sup>1</sup> 'Yemen: All Parties to the Conflict Have Brought Tragedy to Civilians in the "Arabia Felix"', Mwatana for Human Rights, 15 May 2018, <http://mwatana.org/en/yemen-all-parties-to-the-conflict-have-brought-tragedy-to-civilians-in-the-arabia-felix>.

<sup>2</sup> 'Yemen - Overview', CIVICUS Monitor, 1 September 2016, <https://monitor.civicus.org/newsfeed/2016/09/01/yemen-overview>.

<sup>3</sup> 'CIVICUS Monitor: Yemen', <https://monitor.civicus.org/country/yemen>. Rating correct as of 10 July 2018.

- Section 5 of this submission examines Yemen’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 6 contains a number of recommendations to address the concerns raised under the 2<sup>nd</sup> cycle and to advance the implementation of its recommendations.
- An annex covers the implementation of 2<sup>nd</sup> cycle UPR recommendations related to civic space.

## **2. Harassment and intimidation of and attacks against human rights defenders and civil society activists**

- 2.1** Under the Republic of Yemen’s previous UPR examination, the government received 15 recommendations on the protection of HRDs and civil society representatives, and the establishment of structures and processes that will enable them to carry out their activities without fear, intimidation, or obstruction. The government committed to several relevant recommendations, including a decision to take appropriate measures to ensure that the lives of HRDs are protected. The government also committed to adopting appropriate measures to disseminate widely and ensure full observance of the UN Declaration on HRDs. All 15 recommendations were accepted by the government. However, as examined in this section, the government has not fully implemented any.
- 2.2** Article 12 of the UN Declaration on HRDs mandates states to take the necessary measures to ensure the protection of HRDs. The violence in Yemen and the presence of different armed groups makes Yemen a very dangerous place for HRDs and CSO representatives. HRDs are regularly arrested and detained in undisclosed locations by different armed factions. They are often subjected to smear campaigns and threats aimed at forcing them to take sides in the conflict or to stop their human rights activities. Several HRDs continue to face travel restrictions, especially when they are scheduled to participate in events focusing on human rights.
- 2.3** Human rights defenders continue to face travel restrictions especially when they are scheduled to participate in events focusing on human rights abroad. For example, on 18 June 2018, HRDs Radhya Al-Mutawakel and Abdulrasheed Al-Faqih were held by Saudi and UAE coalition forces at Seiyun Airport in Hadhramout governorate.<sup>4</sup> They were taken to an undisclosed destination and detained. They were held as they made plans to travel abroad to participate in an event at the Centre for Humanitarian Dialogue in Oslo, Norway.<sup>5</sup> While in detention, their personal possessions were confiscated. They were released after 12 hours. Al-Mutawakel is the President of

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<sup>4</sup> ‘Saudi-led Coalition Must Immediately and Unconditionally Release al-Mutawakel and al-Faqih’, Mwatana for Human Rights, 18 June 2018, <http://mwatana.org/en/saudi-must-release-al-mutawakel>.

<sup>5</sup> ‘Yemen: Mwatana’s leaders Radhya Al-Mutawakel & Abdulrasheed Al-Faqih detained at airport’, GCHR, 19 June 2018, <https://www.gc4hr.org/news/view/1887>.

Mwatana for Human Rights and Al-Faqih is its Executive Director. Days earlier, on 14 June 2018, Al-Faqih was held at the Bab al-Falaj checkpoint in Ma'rab in the northern part of Sana'a before being released. He was returning from Amman, Jordan, where he had participated in an international conference of journalists organised by the Yemen Journalists Syndicate and the International Federation of Journalists.<sup>6</sup> Before that, he was interrogated by the Houthi militia at Sana'a International Airport on 4 March 2016. He was asked questions related to his travels to Jordan. On 19 September 2015, Radhya and Abdulrasheed were detained for several hours following peaceful protests organised to call for the release of political prisoners and for those responsible for enforced disappearances to be brought to justice.<sup>7</sup>

- 2.4** On 25 January 2018, HRD Ali al-Dailami was assaulted and threatened by the authorities as he drove past the Ministry of Interior in Sana'a.<sup>8</sup> Before that, on 25 August 2014, unidentified men fired live ammunition at his car while it was parked in front of his house in Tabari. At the time of the incident, he was planning to travel to Jordan to attend a conference. He was previously detained at Sana'a Airport for several hours and prevented from travelling to Jordan, where he was scheduled to take part in a conference on gender, conflict and emergencies.<sup>9</sup> Ali heads the Yemen Organisation for Defending of Rights and Democratic Freedoms. His organisation monitors and documents human rights violations at local, national and regional levels. He has been a victim of human rights violations for several years, including being subjected to arbitrary arrests, detentions and travel bans.
- 2.5** On 15 January 2018, HRD and blogger Hisham al-Omeisy was released after five months of incommunicado detention.<sup>10</sup> On 14 August 2017, several security officers from the Houthi-controlled National Security Bureau (NSB) arrested Hisham in the neighbourhood of Jawlat Al-Misbahi in Sana'a. He was taken to an undisclosed location without access to family or lawyers. Hisham was arrested after exchanging emails in English with US-based organisations but he was not charged with any crime.

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<sup>6</sup> 'Forces Loyal to Hadi Must Immediately Release the Executive Director of Mwatana, Abdulrasheed al-Faqih', Mwatana for Human Rights, 14 June 2018, <http://mwatana.org/en/al-fakih-detained>.

<sup>7</sup> Submission to the Office of the High Commissioner for Human Rights made by David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association and Michel Forst, Special Rapporteur on the situation of human rights defenders, 10 May 2016, [https://spdb.ohchr.org/hrdb/33rd/Public - AL YEM 10.05.16 \(2.2016\).pdf](https://spdb.ohchr.org/hrdb/33rd/Public%20-%20AL%20YEM%2010.05.16%20(2.2016).pdf).

<sup>8</sup> 'Houthi-backed authorities assault and threaten Ali al-Dailami', Front Line Defenders, 26 January 2017, <https://www.frontlinedefenders.org/en/case/houthi-backed-authorities-assault-and-threaten-ali-al-dailami>.

<sup>9</sup> 'Yemen: Human rights defender Ali Al-Dailami banned from travelling to a human rights meeting', GCHR, 10 April 2014, <https://www.gc4hr.org/news/view/632>.

<sup>10</sup> 'Yemen: Rights activist and blogger Hisham Al-Omeisy released after five months held incommunicado', GCHR, 16 January 2018, <https://www.gc4hr.org/news/view/1771>.

He has provided regular updates on the conflict in Yemen and documented human rights violations and atrocities committed by all parties to the conflict.<sup>11</sup>

- 2.6** On 21 August 2017, human rights lawyer Huda Al-Sarari was threatened with death and was the subject of a defamation campaign after she spoke out against torture in secret detention centres in Yemen. The threats and verbal attacks against her started in June 2017 following the release of investigations undertaken by Human Rights Watch and the Associated Press on the use of torture in secret prisons in Yemen. Huda has documented testimonies of victims of torture in secret prisons, shared these with Human Rights Watch and the Associated Press (AP), and spoken to several media agencies about these human rights violations. Huda is a member of the Yemeni Coalition for Monitoring Human Rights Violations.
- 2.7** On 12 October 2015, activist Ameen Al-Shafaq was arrested when several armed Houthis interrupted a meeting he was participating in at the Garden Hotel in the city of Ibb. The focus of the meeting was to discuss plans to organise a humanitarian aid convoy to deliver water to areas that were not under the control of the Houthis in the city of Taiz in the south of Yemen.<sup>12</sup> Around 29 other activists and journalists who attended the meeting were also detained in undisclosed locations. Following their arrest, the armed Houthis confiscated the personal belongings of the participants, including phones, laptops and wallets. Al-Shafaq and the other detainees were tortured while in detention and some were denied access to medical care.<sup>13</sup> Almost all the detainees were released several months after their arrest, but Al-Shafaq was only released in February 2017, a year and four months after being detained. Ameen participated in the 2011 protests in Yemen and was head of the Media Committee that planned the demonstrations.<sup>14</sup>
- 2.8** On 5 August 2015, activist Abdeqader Al-Junaid was arrested at his home in Taiz by armed Houthis. He was critical of Houthi actions in the war in Yemen and prior to his arrest had been warned on social media to stop his activism and refrain from expressing critical views of the Houthis.
- 2.9** On 18 March 2015, HRD Abdul Kareem Al-Khaiwani was shot and killed by two unidentified armed men close to his home in Sana'a. He was previously the editor of

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<sup>11</sup> 'Yemen: Human rights defender Hisham Al-Omeisy arrested and held incommunicado', GCHR, 20 August 2017, <https://www.gc4hr.org/news/view/1670>.

<sup>12</sup> 'Yemen: victims behind bars. A human rights report about detention cases in Yemen', Rights Radar, April 2017, <http://rightsradar.org/wp-content/uploads/2017/04/VICTIMS-BEHIND-BARS-IN-YEMEN.pdf>.

<sup>13</sup> 'They Are Not Here: Incidents of Arbitrary Detention and Enforced Disappearance under the defacto authority of Houthi armed group in Yemen', Mwatana Organisation for Human Rights, May 2016, [http://mwatana.org/wp-content/uploads/2017/10/They-are-not-here-E\\_2.pdf](http://mwatana.org/wp-content/uploads/2017/10/They-are-not-here-E_2.pdf).

<sup>14</sup> 'Activist Amin al-Shafaq is free after 487 days of abduction', Women Journalists Without Chains, 10 February 2017, <https://womenpress.org/en/womenpress-news/activist-amin-al-shafaq-is-free-after-487-days-of-abduction.html>.

the online newspaper Al-Shoura and had advocated for the freedom of expression in Yemen. He had also been subjected to arbitrary detention and arrest, judicial persecution and harassment on several occasions.

### **3. Freedom of expression, independence of the media and attacks on journalists**

**3.1** Under the 2<sup>nd</sup> UPR cycle, the Government of the Republic of Yemen received 15 recommendations relating to the freedom of expression, independence of the media and the prevention of attacks on journalists. Among other recommendations, the government pledged to take measures to bolster the investigation of cases of violence against journalists and to amend the Press and Publications Act (see 3.4 below) by repealing provisions that curtail journalists' rights and prescribe excessive penalties. All 15 recommendations were accepted by the government. However, as discussed below, none of these recommendations have been fully implemented.

**3.2** Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Yemen is a state party, guarantees the right to the freedoms of expression and opinion. Article 42 of the Constitution of the Republic of Yemen guarantees the freedom of expression and of the press. It states that every citizen has the right to participate in all political, economic, social and cultural life of the country. It notes that the state shall guarantee the freedom of thought and expression of opinion in speech, writing and photography within the limits of the law.<sup>15</sup> However, in practice and law, the freedom of expression and media freedom are repressed in Yemen. The state often exerts control over the media and since the start of the conflict the different factions have targeted journalists on a regular basis. The Houthi militia is still holding 12 journalists arrested since 2015 and some media houses have been raided by Houthi fighters. More than 400 journalists have been displaced due to the violence and, according to the Yemeni Journalists' Syndicate, 27 journalists have been killed since the outbreak of the conflict in 2014.<sup>16</sup> The civil war makes Yemen one of the most dangerous countries in the world for journalists and several journalists have resorted to self-censorship.

**3.3** The Press and Publications Law restricts the freedom of expression by banning direct, personal criticism of the head of state and the publication of information that can elicit dissent among Yemenis. The law requires journalists to respect and uphold national unity and the constitution. It empowers the Minister of Information to seize newspapers that violate the Press and Publications Law. It also requires all

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<sup>15</sup> 'Yemen's Constitution of 1991 with Amendments through 2001', Constitute Project, [https://www.constituteproject.org/constitution/Yemen\\_2001.pdf?lang=en](https://www.constituteproject.org/constitution/Yemen_2001.pdf?lang=en).

<sup>16</sup> 'More than 400 journalists have been displaced because of the war', Middle East Monitor, 10 May 2018, <https://www.middleeastmonitor.com/20180510-more-than-400-yemeni-journalists-displaced-due-to-war>; '27 journalists killed in Yemen since 2014: NGO', Middle East Monitor, 10 June 2018, <https://www.middleeastmonitor.com/20180610-27-journalists-killed-in-yemen-since-2014-ngo>.

newspapers to obtain licences before they operate and to renew their licences every year. Article 104 of the Law prescribes a fine and a sentence of up to one year in prison for those who violate the law. In addition, two specialised courts - the Specialised Criminal Court, created in 1999 for cases related to terrorism and piracy, and the Specialised Press and Publications Court, set up in 2009 to enforce press laws - have been used to prosecute journalists and activists unjustly.

- 3.4** Journalists have been killed in missile attacks. On 13 April 2018, journalist Abdullah Al-Qadry was killed during a missile attack while reporting on fighting in Bayda Province. Three other journalists - Khalil al-Taweel, Thiab Shatir and Walid Al-Jaouri - were injured during the attack and taken to hospital. Abdullah had reported on the Yemeni conflict for Belqees TV for about three years before he was killed.<sup>17</sup>
- 3.5** Ahmed Abdul Latif-Al-Shaibani was killed on 16 April 2016 in Taiz as he reported on clashes between the Houthis and other armed groups.<sup>18</sup> Abdul worked for the 14 October newspaper, Aden TV Channel and Arab News 24 website. Before then, on 17 January 2016, Al-Muqdad Majali, a reporter for IRIN news, was killed during an airstrike by coalition forces in Jaref, south of Sana'a. He was killed as he documented evidence following an earlier attack by coalition forces that destroyed infrastructure, leaving the area in ruins.<sup>19</sup> Two of his colleagues were wounded during the air strike.
- 3.6** On 23 March 2018, armed gunmen broke into the offices of the Al Shomou Foundation in Aden and abducted seven people.<sup>20</sup> The Foundation houses the Akhbar-Al-Youm and al-Shomoui newspapers. The attackers stole media equipment. Before that, on 1 March 2018, armed men set fire to the offices of the Al Shomou Foundation, threatened staff at gunpoint and ordered them to stop the printing process.
- 3.7** On 10 February 2018, soldiers forcefully closed down the Al Jazeera bureau in Taiz. The station was closed down on the orders of the Taiz Governorate Security Committee.<sup>21</sup> The Committee accused Al Jazeera of attempting to create divisions between legitimate authorities. This was not the first time Al Jazeera had been targeted. In January 2018, one of the station's journalists, Hamdi Al-Bokari, and two members of his crew, Abdulaziz al-Sabri and Moneer Al-Sabai, were kidnapped as they reported on the conflict in Taiz.<sup>22</sup> After they were kidnapped, protests were held

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<sup>17</sup> 'Belqees TV mourns the death of its photographer, condemns Houthi group', Belqees TV, 14 April 2018, <http://belqeesrights.org/2018/04/13/belqees-tv-mourns-death-of-its-photographer-condemns-houthi-group>.

<sup>18</sup> 'Press in Yemen faces extinction, journalists need support', Mwatana for Human Rights and GCHR, June 2017, <http://mwatana.org/wp-content/uploads/2017/10/Press-report-En.pdf>.

<sup>19</sup> Ibid.

<sup>20</sup> 'Yemeni newspaper staff abducted by gunmen - watchdog', The Jordan Times, 27 March 2018, <http://jordantimes.com/news/region/yemeni-newspaper-staff-abducted-gunmen---watchdog>.

<sup>21</sup> 'Al Jazeera bureau in Yemen forcibly closed', Al Jazeera, 9 January 2018, <https://www.aljazeera.com/news/2018/01/al-jazeera-bureau-yemen-forcibly-closed-180109202009406.html>.

<sup>22</sup> 'Al Jazeera team in Yemen missing in Taiz', Al Jazeera, 22 January 2016, <https://www.aljazeera.com/news/2016/01/al-jazeera-journalist-missing-yemen-taiz-160121121029490.html>.



in Taiz calling for their release. The kidnapped journalists were freed 10 days after being captured but the identity of their kidnappers was not disclosed.<sup>23</sup>

- 3.8** On 21 February 2018, Awad Kashmeem, journalist and former governor of the board of directors for the November 30 newspaper, was arrested and detained in Mokalla, Hadhramaut Province on the orders of Faraj-Al-Bahasni, governor of the province. He was held in an undisclosed location by Yemen's elite security forces. A day before he was detained, Awad announced his resignation from the board of the Baktheer Foundation, which is responsible for printing November 30. He had also posted a message on social media criticising the UAE's military operations in Yemen and its killing of civilians.<sup>24</sup> He is a vocal critic of corrupt practices by government officials and the military operations of the UAE in Yemen. Awad previously worked for the Aden Al Ghad newspaper and is a member of the Yemeni Union of Journalists.
- 3.9** On 29 April 2017, the Prosecutions Office for Public Funds in Sana'a ordered 14 journalists and staff of the Al Thawra Foundation for Press Printing and Publications to appear before the Prosecutions Office and accused the journalists of engaging in corrupt practices.<sup>25</sup> The Houthi militia imposed people who had no knowledge of the press and media to head the Al Thawra Foundation. After the journalists participated in a peaceful protest to demand their salaries, the leaders of the Foundation ordered security forces to arrest the protesting journalists.
- 3.10** On 18 March 2017, journalist Jamil-al-Samet of the Al-Wahdawi newspaper was arrested at his home by masked men from the radical group Proponents of Sharia. He was presented with a summons from the Proponents of Sharia office, based in the Al-Qahirah district of Taiz.<sup>26</sup> The group accused him of implicating them in a report he released about corruption and the closure of the Republican Hospital.<sup>27</sup> He was released after he was detained for 30 hours.
- 3.11** On 20 December 2016, journalist Mohammed Al-Abbsi died in hospital, reportedly due to a heart attack. An autopsy was performed at the request of his family, and the results, released on 5 February 2017, confirmed that he had been killed by exposure to a toxic gas. Mohammed had been targeted previously as a result of his reporting. In the months prior to his death he had been investigating a story linked to oil companies owned by Houthi leaders in Yemen. He had worked for the pro-government

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<sup>23</sup> 'Al Jazeera crew in Yemen released by their kidnappers', Al Jazeera, 28 January 2016, <https://www.aljazeera.com/news/2016/01/al-jazeera-crew-yemen-released-kidnappers-160128045635695.html>.

<sup>24</sup> 'Yemen: Journalist Awad Kashmeem arbitrarily detained by elite security forces in Hadhramawt', GCHR, 3 March 2018, <https://www.gc4hr.org/news/view/1797>.

<sup>25</sup> Mwatana for Human Rights and GCHR, June 2017, op. cit.

<sup>26</sup> Ibid.

<sup>27</sup> 'We have to obey them': Al-Qaeda increases its power in Yemen's Taiz', Middle East Eye, 29 March 2017, <http://www.middleeasteye.net/news/yemen-war-al-qaeda-trying-take-control-taiz-city-730077656>.

newspaper Al-Thawra until it was shut down in September 2014 by Houthi forces. His reporting covered topics such as corruption, the black market and the war economy.

**3.12** On 6 September 2016, Yahya Al-Jubaihi and his sons, Hamzah and Dhi Yazan, were arrested in front of their house by uniformed Houthi security agents.<sup>28</sup> They were arrested after Yahya Al-Jubaihi published an article critical of Houthi military incursions. He had received several threats from anonymous sources prior to the arrests asking him to publish an article endorsing the presence of Houthi fighters in Sana'a, which he refused to do.<sup>29</sup> On 12 April 2017, a court in Sana'a sentenced Yahya Al-Jubaihi to death for "collaborating with a foreign country" following a 15-minute trial.<sup>30</sup> On 21 September 2017, the former head of the Political Supreme Council, Saleh Al-Sammad, overturned the sentence and ordered Yahya Al-Jubaihi's release. He was released on bail on 24 September 2017. His younger son, Dhi Yazan, was also released, while Hamzah remained in detention. Yahya has written for several newspapers in Yemen and in the Gulf Region, including for Okaz and Al-Madina, two Saudi-based newspapers.

**3.13** On 20 May 2015, journalists Abdullah Kabel and Yosuf Alaizari were arrested by armed Houthi fighters in the city of Dhamar in the north of Yemen. They were arrested as they returned from covering a meeting held by tribes that oppose the Houthi incursion in the district of Al-Hada in the Dhamar governorate.<sup>31</sup> They were blindfolded and taken to a hotel building in Harran Mountain that was used as a detention facility and military barracks by the Houthis. The following day, the two journalists were killed during an airstrike launched by coalition war planes on the building in which they were detained.<sup>32</sup> Abdullah worked for Suhail TV and Yosuf reported for the Yemen Youth Channel. No investigations have been carried out into the attacks that killed them both.

#### 4. Freedom of peaceful assembly

**4.1** During the Republic of Yemen's examination under the 2<sup>nd</sup> UPR cycle, the government received four recommendations on the right to the freedom of peaceful assembly. Of the four recommendations received, the government accepted three and noted one, as part of which the government committed to publishing clear instructions on the use of force during protests in compliance with international human rights standards and ensuring that the training of law enforcement personnel incorporates best human

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<sup>28</sup> 'Rights groups slam Yemen journalist's death sentence', Justice Info.net, 14 April 2017, <https://www.justiceinfo.net/en/live-feed/32971-rights-group-slams-yemen-journalist-s-death-sentence.html>.

<sup>29</sup> 'Yemen: prominent writer released after his death sentence is quashed', PEN America, 20 October 2017, <https://pen.org/rapid-action/yemen-prominent-writer-released-death-sentence-quashed>.

<sup>30</sup> 'Yemen; death sentence against prominent writer', PEN International, 10 May 2017, <https://pen-international.org/news/yemen-death-sentence-against-prominent-writer>.

<sup>31</sup> Mwatana for Human Rights and GCHR, June 2017, op. cit.

<sup>32</sup> Ibid.

rights practices. However, as evidenced below, the government has not implemented any recommendations fully.

- 4.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. Public assemblies in Yemen are regulated by Law 29 of 2003 on the organisation of marches and assemblies. The law states that citizens of Yemen, political parties, organisations and trade unions have the right to assemble peacefully in line with constitutional provisions. Article 16 of the Law forbids demonstrations that target the unity of Yemen's territories or the Republican system. It requires organisers of protests to provide the Ministry of Interior with advance notice at least 72 hours before protests are held.
- 4.3** In March 2015, Houthi forces used live bullets and teargas to disperse thousands of protesters who were demonstrating against the presence of the Houthis in the Southern Province. Six protesters were killed and many more wounded as similar protests were held in Taiz and Torba. Before that, in January 2015, Houthi forces violently dispersed peaceful protests in Sana'a as the protesters demonstrated against their presence. Several protesters were wounded and many were arrested. Journalists were attacked and their equipment seized. In February 2015, Houthi forces also forcefully dispersed protests in the cities of Ibb and Sana'a, and six protesters were injured. The protesters were again demonstrating against the presence of the Houthis and the war they were leading in major cities, expressing the view that the Houthis were not capable of building a state in Yemen. Some protesters were arrested and tortured in detention. Following the protests, the Houthis banned all demonstrations against them and stated that only protests approved by the Interior Ministry, controlled by them, would be allowed.
- 4.4** From 7 to 9 September 2014, six protesters were killed and more than 70 injured by government security forces in Sana'a. Soldiers and the Special Security Forces (SSF) used live ammunition as the protesters approached the Cabinet building in Sana'a. Some soldiers were stationed on rooftops and fired indiscriminately into protesting crowds.<sup>33</sup> After using live ammunition, security forces used water cannon and teargas on the protesters and chased down and arrested those fleeing the scene of the protests. Some protesters were assaulted with rifle butts and then detained. Several hospitals where the wounded were taken for treatment were raided by security forces, who then arrested those they suspected of participating in protests. The soldiers also prevented medical personnel from taking some injured protesters to the hospital in a timely manner.

## 5. Freedom of association

- 5.1** During the Republic of Yemen's examination under the 2<sup>nd</sup> UPR cycle, the government received five recommendations on the right to the freedom of association and creating

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<sup>33</sup> 'Mwatana Organization for Human Rights Demands a Serious Investigation, holding responsible the involved officials and Demanding the Authorities to stop Using Violence to Suppress Protests', Mwatana for Human Rights, 11 September 2014, <http://mwatana.org/en/stop-using-violence-to-suppress-protests>.

an enabling environment for CSOs. The government supported all five recommendations relating to the freedom of association. However, as evidenced below, the government has not fully implemented any of the recommendations.

- 5.2** Article 22 of the ICCPR guarantees the right to the freedom of association. Article 58 of the Constitution also guarantees this right. It states that citizens may organise themselves along political, professional and union lines, and that the state shall guarantee the freedom of political, trade, cultural, scientific and social organisations.<sup>34</sup>
- 5.3** However, the Law on Associations and Foundations (Law 1 of 2001) contains several restrictive provisions that inhibit the ability of CSOs to carry out their activities and receive funding without interference. According to the law, new associations need to have at least 21 persons as part of their structure at the time applications are made to register and associations should have at least 41 persons present for their first meeting. In addition, associations are required to deposit one million Yemeni Rials (approximately US\$4,000) in a bank before registration. The law empowers representatives of the Ministry of Labour and Social Affairs to question associations about their funding and activities. It also states that CSOs can only receive funding from foreign sources if the Ministry of Labour and Social Affairs is informed, while CSOs are required to provide the Ministry with comprehensive information on the activities that the funds will cover and the sources of the funding.
- 5.4** Since 2014, the Houthis have engaged in a campaign to intimidate and vilify CSOs to prevent them from reporting on human rights violations. The Houthis have forced several CSOs to close down their operations. The group routinely carries out raids on CSOs, threatening staff and members of their families. In March 2017, Houthi fighters detained seven staff members of the International Medical Corps after raiding a hotel that was being used by the group in the Ibb province. The International Medical Corps have provided humanitarian assistance in Yemen since 2012. Its workers were later released.

## **6. Recommendations to the Government of Yemen**

CIVICUS, GCHR and Front Line Defenders call on the Government of Yemen to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on HRDs and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the

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<sup>34</sup> Constitute Project, op. cit.

right to seek and secure funding, and the state's duty to protect. In light of this, the following specific recommendations are made:

#### **6.1 Regarding the protection of HRDs and civil society activists**

- Provide civil society members and HRDs with a safe and secure environment in which to carry out their work and ensure that HRDs and civil society personnel are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- Release all HRDs and representatives of civil society who are currently detained.
- Ensure that HRDs are protected and stop the practice of abducting and detaining them in undisclosed locations without access to their families and or lawyers.
- Stop the smear campaigns against HRDs and threats against them and members of their families that are aimed at forcing them to stop their human rights activities.
- Publicly condemn instances of harassment, attacks and intimidation of civil society activists and CSOs.
- Conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against HRDs and civil society members by the different armed groups and bring the perpetrators of offences to justice.
- In particular, carry out independent investigations into the killing of Abdul Kareem al-Khaiwani and ensure that the perpetrators are held accountable.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs and civil society members by adopting a specific law on the protection of human rights activists, in accordance with Human Rights Council resolution 27/31.

#### **6.2 Regarding the freedom of expression, independence of the media, access to information and attacks on journalists**

- Ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards.

- Repeal all restrictive provisions of the Press and Publications Law that impose unwarranted fines and penalties on journalists and media houses and that provide the authorities with powers to interfere in the work of journalists.
- Stop the use of violence against journalists and representatives of the media, in order to enable them to do their work without fear or intimidation.
- Completely review or close down the Specialised Criminal Court and the Specialised Press and Publications Court.
- Carry out independent investigations into all cases of killings of journalists since 2014 and ensure that the perpetrators are brought to justice.
- Immediately and unconditionally release all journalists currently detained by the different armed factions.
- Take adequate steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Carry out investigations into raids carried out on the premises of media agencies and ensure that all those that have been closed down are re-opened.
- End the banning of newspapers and other media outlets.
- Implement legislative measures regarding access to information and establish mechanisms to facilitate public access in line with best practices.
- Refrain from censoring social and conventional media and ensure that the freedom of expression is safeguarded in all forms, including in the arts.

#### **6.4 Regarding the freedom of peaceful assembly**

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 annual report, which calls for procedures in which there is simple notification of assemblies being held, rather than explicit permission being needed to assemble.
- Amend restrictive provisions in Law 29 of 2003 in the organisation of marches and assemblies.

- Carry out impartial investigations into instances of extrajudicial killings and excessive force committed by security forces while monitoring protests and demonstrations.
- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Publicly condemn the use of excessive and brutal force by security forces in the dispersal of protests, launch a formal investigation into such instances and bring the perpetrators of abuses to justice.
- Provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

### **6.3 Regarding the freedom of association**

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.
- Amend restrictive provisions in the Law on Associations and Foundations (Law 1 of 2001).
- Carry out independent investigations into all raids carried out on the premises of CSOs and threats against their staff and members of their families.
- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of HRDs, CSOs, journalists, activists and others.

### **6.5 Regarding access to UN Special Procedures mandate holders**

- Extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Special Rapporteur on the

Independence of Judges and Lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Special Rapporteur on the rights to privacy; and 7) Working Group on Arbitrary Detention.

## **6.6 Regarding state engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of the UPR, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.



## Annex: Assessment of implementation of civic space recommendations under the 2<sup>nd</sup> cycle

<b>Theme: Freedom of association</b>			
<p><b>115.43 Enhance cooperation with the United Nations treaty bodies system and special procedures, through implementation of the recommendations of the treaty bodies and the universal periodic review (Montenegro);</b></p> <p><b>Source of position:</b> A/HRC/26/8</p>	Supported	<p>Freedom of association</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- CSOs</li> <li>- trade unions</li> </ul>	<p>Status: Not implemented:</p> <p>Source: Paragraph: 5.3 and 5.4</p>
<p><b>115.44 Strengthen its cooperation with the special procedures of the Human Rights Council by responding positively to the pending visit requests and eventually consider extending a standing invitation to all the special procedure mandate holders (Latvia)</b></p> <p><b>Source of position:</b> A/HRC/26/8</p>	Supported	<p>Freedom of association</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- CSOs</li> <li>- trade unions</li> </ul>	<p>Status: Not implemented:</p> <p>Source: Paragraph: 5.3</p>
<b>Theme: H1 Human rights defenders</b>			
<p><b>115.116 Adopt appropriate measures to disseminate widely and ensure full observance of the Declaration on Human Rights Defenders (Norway)</b></p> <p><b>Source of position:</b> A/HRC/26/8</p>	Supported	<p>Human rights defenders</p> <p><b>Affected persons</b></p> <ul style="list-style-type: none"> <li>- Human rights defenders</li> </ul>	<p>Status: Not implemented:</p> <p>Source: Paragraph: 2.3-2.5</p>

<p>115.36 Take more proactive measures to further strengthen the human rights situation in the country and develop a mechanism to monitor and record human rights abuses (Afghanistan)</p> <p><b>Source of position:</b> A/HRC/26/8</p>	Supported	<p>Human Rights Defenders</p> <p><b>Affected persons</b></p> <ul style="list-style-type: none"> <li>- Human rights defenders</li> <li>- General</li> </ul>	<p>Status: Not implemented:</p> <p>Source: Paragraph: 2.3-2.5</p>
<p>115.40 Continue further improvement of the protection and promotion of human rights in the country (Azerbaijan)</p> <p><b>Source of position:</b> A/HRC/26/8</p>	Supported	<p>Human Rights Defenders</p> <p><b>Affected persons</b></p> <ul style="list-style-type: none"> <li>- Human rights defenders</li> <li>- General</li> </ul>	<p>Status: Not implemented:</p> <p>Source: Paragraph: 2.3-2.5</p>
<b>Theme: D43 Freedom of opinion and expression</b>			
<p><b>115.17 Amend the Press and Publication Act by repealing provisions that curtail journalists' rights and prescribe excessive penalties (Lithuania)</b></p> <p><b>Source of position:</b> A/HRC/26/8</p>	Supported	<p>Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- Journalists</li> <li>- media</li> </ul>	<p>Status: Not implemented:</p> <p>Source: 3.1, 3.2</p>
<p>115.110 Take all necessary measures to protect journalists, particularly by prosecuting perpetrators of violence or intimidations against them. (France)</p> <p><b>Source of position:</b> A/HRC/26/8</p>	Supported	<p>Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- Journalists</li> <li>- bloggers</li> <li>- media</li> </ul>	<p>Status: Not implemented</p> <p>Source: 3.2-3.13</p>

<p>115.111 Ensure fulfilment of recommendations accepted by Yemen during its previous UPR to cease threats against journalists, to take steps to guarantee and promote freedom of expression and to amend and enforce the Press and Publication Act (Canada)</p> <p><b>Source of position</b> A/HRC/26/8</p>	Supported	<p>Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- Journalists</li> <li>- bloggers</li> <li>- media</li> </ul>	<p>Status: Not implemented</p> <p>Source: 3.1 – 3.2</p>
<p>Take appropriate measures to ensure the lives and security of journalists and human rights defenders (Colombia)</p> <p><b>Source of position</b> A/HRC/26/8</p>	Supported	<p>Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- Journalists</li> <li>- Human rights defenders</li> <li>- bloggers</li> <li>- media</li> </ul>	<p>Status: Not implemented</p> <p>Source: 3.4 – 3.12</p>
<p>Ensure prompt and effective investigation of intimidation and threats against journalists (Lithuania)</p> <p><b>Source of position</b> A/HRC/26/8</p>	Supported	<p>Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- Journalists</li> <li>- bloggers</li> <li>- media</li> </ul>	<p>Status: Not implemented</p> <p>Source: 3.4 – 3.12</p>
<p>115.114 Continue to implement the Press and Publication Act in accordance with international standards (State of Palestine)</p> <p><b>Source of position</b> A/HRC/26/8</p>	Supported	<p>Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- Journalists</li> <li>- bloggers</li> <li>- media</li> </ul>	<p>Status: Not implemented</p> <p>Source: 3.4 – 3.12</p>
<p><b><i>Theme: Right to peaceful assembly</i></b></p>			

<p>Ensure full protection and realization of the right to freedom of expression as well as the right to peacefully assembly and association in accordance with international human rights standards (Czech Republic)</p> <p><b>Source of position</b> A/HRC/26/8</p>	<p>Supported</p>	<p>Right to peaceful assembly</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- HRDs</li> <li>- Journalists</li> </ul>	<p>Status: Not implemented</p> <p>Source: 4.3 – 4.4</p>
<p>115.115 Ensure full protection and realization of the right to freedom of expression as well as the right to peacefully assembly and association in accordance with international human rights standards (Czech Republic);</p> <p><b>Source of position</b> A/HRC/26/8</p>	<p>Supported</p>	<p>assembly</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- general</li> <li>- HRDs</li> <li>- Journalists</li> </ul>	<p>Status: Not implemented</p> <p>Source: 4.3 – 4.4</p>