



# Universal Periodic Review

## Yemen

2023

Yemen | 4<sup>th</sup> Cycle



Journalist Support Committee



**This report was prepared by Nawar Al Haj and Mohammed Arnaout, fellows within the Youth for Rights Fellowship program organized by Euro-Med Human Rights Monitor. The report is the outcome of a two-month practical training period at the Journalists' Support Committee as part of the second phase of the fellowship program. Prior to this practical training, the researcher underwent another two-month training on international law and human rights during the first phase of the fellowship program.**

## **Universal Periodic Review: Yemen 4<sup>th</sup> cycle**

The Journalist Support Committee (JSC) is a non-profit organization, registered in London in 2018 (registration number 11472736). The JSC represents journalists, writers, broadcasters, reporters, editors, photographers, media workers, and online journalists. from Bahrain, Lebanon, Palestine, Yemen, Iraq, and Syria. The core mission is to promote media freedom, freedom of speech, and freedom of opinion under the fundamental right of the Universal Declaration of Human Rights (UDHR), defend freedom of press, radio, television, and social media and promote the safety of journalists, and to take a stand against all forms of violence on media professionals.

The values of the Journalists Support Committee (JSC) are to establish and maintain a high standard of ethical standards and professionalism within the media industry, and advance the education, skills, and competence of people engaged in all forms of journalistic work at all levels of media and across all platforms of media.

### **FOLLOW-UP TO THE PREVIOUS REVIEW:**

During the third Universal Periodic Review in 2019, Yemen received 252 recommendations, of which only 201 recommendations were supported, with the remaining recommendations having been noted. This demonstrates a 21% increase in recommendations accepted by Yemen as compared to the results of the second Universal Periodic Review<sup>1</sup>.

With regard to freedom of opinion, expression, and the press, Yemen accepted most of the recommendations, with the exception being the recommendation that stipulates countries must "Safeguard the ability of human rights defenders, both domestic and international, including journalists, to enter the country, have unhindered access and operate without reprisal".

The supported recommendations:

- Consider ratification of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

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<sup>1</sup> [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session32/YE/Infographic\\_Yemen.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session32/YE/Infographic_Yemen.pdf)

- Fulfil previously accepted recommendations to protect freedom of expression, including through amendment and enforcement of the Press and Publications Act.
- Adopt appropriate measures to ensure that human rights defenders and journalists are protected from acts of aggression or intimidation.
- Takes all necessary measures to ensure that journalists, demonstrators and human rights defenders have the necessary freedom to conduct their activities.
- Take measures to prevent, investigate and prosecute attacks and other forms of abuse against journalists and human rights defenders.
- Take steps to immediately protect journalists, human rights defenders, civil society and minorities such as the Baha'i, including from arbitrary detention, enforced disappearance and torture.

Despite Yemen's acceptance of these recommendations, challenges persist in their implementation due to the ongoing conflict in the country. Journalists continue to face a lack of legal and personal security, making Yemen one of the worst places for press freedoms. Many journalists have lost their lives or jobs as a result.

## GENERAL CONTEXT AND BACKGROUND

The protracted armed conflict in Yemen has led to the absence of an independent press in the country. Journalists and media organizations often align with the conflicting parties out of fear for their safety and livelihood. Media outlets controlled by the parties to the conflict exacerbate political and ideological divisions, spreading hate speech and incitement to violence, thereby undermining Yemeni civil society.

Journalists in Yemen face significant professional and psychological challenges. Their objectivity, political affiliations, religious beliefs, and geographical origins make them targets for all parties involved in the conflict. Threats against journalists and their families have resulted in self-censorship and hindered the free circulation of news and information.

The field follow-ups of the Euro-Mediterranean Human Rights Monitor have shown that all journalists in Yemen, without exception, were subjected to at least one form of violation by the conflicting parties. At least 43 journalists were killed, at a rate of more than 5 journalists per year<sup>2</sup>. While the report of the Yemeni Journalists Syndicate, issued in June 2022, indicates that instances of targeting journalists, enforced disappearances, arbitrary arrest and detention, and torture have exceeded 1,465 cases. Radio stations also faced crackdowns, the illegal storming of their offices by security forces, confiscation, and destruction of equipment. Many of them were closed under the pretext of not completing licensing procedures, resulting in the closure and suspension of 150 media outlets, external media offices, and media companies, while other outlets were monitored<sup>3</sup>.

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<sup>2</sup> <https://2u.pw/Fa3YK4>

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[https://jusoormapost.com/ar/posts/20954/%D8%A8%D9%8A%D9%88%D9%85%D9%87%D8%A7\\_%D8%A7%D9%84%D8%B9%D8%A7%D9%84%D9%85%D9%8A\\_%D8%B5%D8%AD%D8%A7%D9%81%D8%A9\\_%D8%A7%D9%84%D9%8](https://jusoormapost.com/ar/posts/20954/%D8%A8%D9%8A%D9%88%D9%85%D9%87%D8%A7_%D8%A7%D9%84%D8%B9%D8%A7%D9%84%D9%85%D9%8A_%D8%B5%D8%AD%D8%A7%D9%81%D8%A9_%D8%A7%D9%84%D9%8)

These conditions have also caused economic hardships for journalists, with interrupted salaries and job losses. Some journalists have been forced to flee to safer regions within Yemen or abroad to continue their work freely. Others have resorted to alternative employment to sustain their livelihoods and avoid the dangers associated with journalism. Economically, the general conditions contributed to the deterioration of the living conditions of journalists and the interruption of their monthly salaries, which led to the deterioration of their humanitarian conditions, while some of them resorted to fleeing either to relatively stable Yemeni governorates that are able to provide protection and stability for them and their families, or to travel abroad to practice their work more freely. And it came to some journalists to search for alternative work to earn a living and avoid the dangers of working as journalists<sup>4</sup>.

## **THE LEGAL FRAMEWORK:**

Although freedom of opinion and expression is guaranteed in the Yemeni constitution, it has been restricted through law. The difficulties facing the media were exacerbated by the establishment of a specialized court to look into press and publications cases in May 2009. It is an exceptional court specialized in looking into media and publishing crimes, bearing in mind that the Yemeni constitution prohibits exceptional courts and affirms that the courts must apply constitutional provisions related to the basic rights and freedoms of citizens based on the constitution directly.

The aim of establishing this exceptional court was to consider press crimes, but it created financial obstacles for audiovisual and electronic news media, and expanded the concept of criminal defamation to include virtually any form of criticism directed at the President of the Republic, and increased the term of imprisonment up to 10 years<sup>5</sup>. On July 5, 2010, the Supreme Judicial Council amended Decision No. 130 of 2009 to limit the spatial jurisdiction of the Press and Publication Court to cases issued from the capital Sana'a governorate. However, the courts of general jurisdiction in other governorates have been granted jurisdiction to hear press and publishing cases in accordance with the rules of the Press and Publications Court<sup>6</sup>.

On August 14, 2022, the Supreme Judicial Council in Aden established the Press and Electronic Publishing Prosecution Department in Aden as an attempt to use the judiciary to put pressure on journalists, prosecute them, and silence them with the aim of abandoning their duty to defend citizen's issues and freedoms. The work of that prosecution undermined freedom of opinion, expression, and journalistic work, and allowed the judiciary to treat journalists as suspects or perpetrators of a crime simply for their criticism of government institutions and public officials. This is what happened with journalist Mishaal Al-Khubaji who was arrested in Aden, and subjected to illegal detention under the direction of a judge of the Sirah Court of First Instance in

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<sup>4</sup> <https://fanack.com/ar/yemen/human-rights-in-yemen/journalists-adversity-in-yemen/>

<sup>5</sup> <https://cpj.org/ar/2010/09/post-111/>

<sup>6</sup> <https://www.ohchr.org/sites/default/files/2023-03/2023-03-27-Freedom-of-Expression-in-Yemen-AR.pdf>

Aden, his phone being confiscated on the grounds of a publication case filed by the Ministry of Transport, and his release being permitted only after posting bail<sup>7</sup>.

The lack of a Yemeni law to protect digital data is one of the reasons for the spread of cybercrime in Yemen. The government's monopoly over the Internet service provider sector has led to a lack of transparency and accountability when it comes to data transmitted through or stored on local servers. The general rules for dealing with cybercrime remain the criminal law and other relevant laws.

It can be said that Yemeni law, whether it is the Crimes and Penalties Law or any provision of criminalization and punishment in various laws, including the Press and Publications Law, lacks clear provisions on cybercrime. In some cases, courts have applied general rulings when dealing with cases related to freedom of expression<sup>8</sup>.

With regard to the applications of Law No. (13) of 2012 regarding the right to access information and other media laws, it is difficult to find clear applications, especially in light of the state of security instability in the State of Yemen and the continuing state of impunity for all perpetrators of crimes against journalists and the various authorities' abandonment of their responsibility. Legal and ethical attitudes toward these crimes, while they exploited the judicial authorities to harass journalists and prosecute them under criminal law and state security laws with the aim of intimidating them.

As for the role of the Journalists Syndicate in confronting this reality, it is limited to issuing reports and statements after each violation, as it monitored 20 cases of media freedom violations during the first quarter of 2023.

## **VIOLATIONS AGAINST YEMENI JOURNALISTS:**

Arbitrary detention is common, with hundreds of cases documented in recent years. Many amounted to enforced disappearance, with no information available on the status or location of the victims. Detainees are often held in unofficial places of detention. And in the areas that fall within the UAE's sphere of influence in southern Yemen, the Emirati special forces have run a network of secret prisons and detention centers where detainees are subjected to all kinds of torture. Human rights defenders and journalists have faced increased detention and intimidation by parties to the conflict.

The following are some violations against Yemeni journalists:

### **Arbitrary detention:**

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<sup>7</sup> <https://yemenshabab.net/reports/78436>

<sup>8</sup> <https://en.arij.net/wp-content/uploads/sites/3/2019/12/Cyber-Crime-Laws-in-the-Arab-world-Policy-paper-by-ARIJ.pdf>

On August 6, 2022, security forces affiliated with the Southern Transitional Council arrested Yemeni journalist Ahmed Maher from his home in the southern port city of Aden. On September 4, the Southern Transitional Council released a video of Maher showing signs of torture and ill-treatment, during which he was forced to confess to committing assassinations and other serious crimes<sup>9</sup>.

### **Extrajudicial killings:**

- Photojournalist Fawaz Al-Wafi<sup>10</sup> was stabbed to death, and his lifeless body was found inside his car in the Wadi Al-Qadi area in the north of the city of Taiz on March 23, 2022.
- The reporter Saber Al-Haidari<sup>11</sup> was killed by an explosive device that was planted in his car in the city of Aden on June 15, 2022.

### **Torture:**

Yemeni journalist Younes Abdel Salam, on his way to a medical trip in the Egyptian capital, Cairo, in mid-August of the year 2020 via Aden International Airport, was subjected to imprisonment and torture, after his arrival from Sana'a to Aden, where forces affiliated with the Southern Transitional Council arrested him and tortured him until he experienced an unspecified psychological crisis, and was later released<sup>12</sup>.

### **Targeting of media institutions:**

- Breaking into and stopping the broadcasting of radio stations in Sana'a on January 17, 2022, namely: Voice of Yemen Radio, Grand FM Radio, Al-Oula FM Radio, Community Childhood Radio, and Al-Diwan Radio, on the pretext of not having paid fees to renew the radios stations' licenses.
- Attacks on three radio stations in Ibb Governorate on April 2, 2022: Samara FM Radio, Al-Lawn FM Radio, and Yemen Music FM Radio.

### **Threats:**

On February 11, 2022, journalist Ali Awida, a correspondent for Anadolu Agency, was threatened with physical liquidation after he published information about corruption in oil derivatives in Marib<sup>13</sup>.

### **Unfair judgments:**

- On February 28, 2021, and March 29, 2021, the Specialized Criminal Court of Appeal in Sana'a, which is controlled by the Ansar Allah group "Houthis", held hearings in the case of the four

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<sup>9</sup> <https://www.journalistsupport.net/article.php?id=378863>

<sup>10</sup> <https://www.journalistsupport.net/article.php?id=378096>

<sup>11</sup> <https://journalistsupport.net/article.php?id=378830>

<sup>12</sup> <https://iranwire.com/ar/reports/100967/>

<sup>13</sup> <https://marsadak.org/%D8%AA%D8%B9%D8%B1%D8%B6-%D8%A7%D9%84%D8%B5%D8%AD%D9%81%D9%8A-%D9%85%D8%B9%D9%88%D8%B6%D8%A9-%D9%84%D9%84%D8%AA%D9%87%D8%AF%D9%8A%D8%AF/>

journalists, (Abdul Khaleq Omran, Akram Al-Walidi, Harith Hamid and Tawfiq Al-Mansouri), who were sentenced to death by the Specialized Criminal Court of First Instance in Sana'a on April 11, 2020, on charges of "broadcasting false and malicious news, data and rumors, intentionally spreading propaganda, and establishing and managing several websites and social networks to spread news and rumors in support of the crimes of the Saudi-led coalition in Yemen." The court based its decision on Articles 16, 21, 126.2, and 136 of the Penal Code (Law No. 12 of 1994 regarding crimes and penalties)<sup>14</sup>.

- Journalist Jamil Al-Samit was sentenced to one year in prison and fined 270,000 Yemeni riyals on May 17, 2022, in connection with posts written on social media.

- Journalist Awad Kashim, head of the Committee on Rights and Freedoms at the Syndicate branch in Hadramout, was sentenced by the Criminal Court to one year in prison, with a suspended sentence, on the background of writings and opinion cases.

#### **Detention:**

- Journalist Obaid Saeed was arbitrarily detained for posting on social media in Hadramout on May 30, 2022.

- Journalist Rabie Al-Junaid was detained on January 8, 2022, at the Press and Publications Prosecution in Aden, on the background of publishing information about medical errors that led to the death of patients.

#### **RECOMMENDATIONS:**

The Journalist Support Committee (JSC) recommends the following actions to improve the human rights situation in Yemen:

- All parties to the conflict must stop exploiting the judiciary to harass journalists, drag them into the courts, and try them in criminal law and state security laws with the aim of silencing them and deterring other journalists from carrying out their journalistic duties freely and safely.

- Opening an investigation into all crimes against journalists and media institutions, and obliging the parties to the conflict to deal properly and legally with journalists in order to reduce the violations they are exposed to in all Yemeni regions.

- Building the capacities of media cadres working in the independent media, especially women, in order to keep abreast of professional and technical developments in media work at the local and regional levels.

- Ensure the safety of journalists in accordance with international standards and stop the policy of intimidation to prevent them from carrying out their professional duties.

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<sup>14</sup> <https://iranwire.com/ar/reports/100967/>

- Immediately and unconditionally release all journalists who have been detained or convicted solely for exercising their profession and their rights to freedom of expression and access to information.
- Abolition of prison sentences and heavy fines imposed for press crimes, and the abolition of mechanisms and legal methods that allow monitoring and suppression of journalists.
- Working on issuing a law to combat information technology crimes.
- Implementation of the law on the right to obtain information and accountability of parties that refrain from disclosing information and practice deliberate withholding from the public.
- Amending all local laws, especially those related to freedoms, to comply with Yemen's international obligations.

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