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U.S. Department of State

Yemen Report on Human Rights Practices for 1997

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YEMEN

The Republic of Yemen, comprising the former (northern) Yemen Arab Republic and (southern) People's Democratic Republic of Yemen, was proclaimed in 1990. The first democratically elected parliament was convened in 1993. Following a brief but bloody civil war in mid-1994, the country was reunified under the rule of the Sana'a-based government. Later in 1994, a new postwar governing coalition was formed, composed of the General People's Congress (GPC) and the Yemeni Grouping for Reform (Islaah). Field Marshal Ali Abdullah Saleh is the President and leader of the GPC. He was elected by the legislature in 1994 to a 5-year term. A constitutional amendment provides that henceforth the president is to be elected by popular vote from at least two candidates selected by the legislature. Parliamentary elections were held in April, with the Yemeni Socialist Party (YSP), formerly the main party of the south and a previous coalition partner, leading an opposition boycott. The GPC won an absolute majority of the new parliament. International observers judged the April parliamentary elections, which, like the 1993 voting, were held on the basis of universal adult suffrage, as reasonably free and fair. However, the Parliament is not yet an effective counterweight to executive authority. Real political power rests with a few leaders, particularly the President. The judiciary, nominally independent, is weak and severely hampered by corruption, executive branch interference, and the frequent failure of the authorities to carry out sentences.

The primary state security apparatus is the Political Security Organization (PSO), which reports directly to the President. It is independent of the Ministry of Interior. The Criminal Investigative Department (CID) of the police conducts most criminal investigations and makes most arrests. The Central Security Organization (CSO), a part of the Ministry of Interior, maintains a paramilitary force. The civilian

authorities did not maintain effective control of the security forces. Some members of the security forces, particularly the PSO, committed numerous, serious human rights abuses.

Yemen is a very poor country. Its embryonic market-based economy, despite a major economic reform program, remains impeded by excessive government interference and endemic corruption. Its annual per capita gross national product (GNP) is estimated at \$325. Agriculture accounts for approximately 18 percent of GNP and industry for approximately 8 percent. Oil is the primary source of foreign exchange. Other exports include fish, agricultural products, cotton, and building materials. Remittances from citizens working abroad (primarily in Saudi Arabia) are also important. Remittances were sharply reduced after Saudi Arabia and other Gulf states expelled up to 850,000 Yemeni workers during the Gulf War because of the Government's lack of support for the U.N. coalition. The Gulf states also suspended most assistance programs, and much other western aid was reduced. Foreign aid is beginning to reemerge as an importance source of income.

The Government's human rights record continued to be poor, although late in the year the Government took initiatives to combat some human rights problems. There are significant limitations on citizens' right to change their government. There were unconfirmed reports of extrajudicial killing by some members of the security forces. Some members of the security forces tortured and otherwise abused persons. Prison conditions are poor. Some members of the security forces continued to arbitrarily arrest and detain citizens, especially persons still regarded as "separatists." PSO officers have broad discretion over perceived national security issues, and, despite constitutional constraints, routinely detain citizens for questioning, mistreat detainees, monitor citizens' activities, and search their homes. The Government rarely held members of the security forces accountable for human rights abuses. Indeed, the security forces sometimes countermanded orders from the President and the Interior Ministry. After a series of bombings incidents which began in Aden in August, security forces rounded up more than 120 suspects, most of whom were held in incommunicado detention for several weeks without formally being charged. Eventually most of the detainees were released, two groups of 27 and 31 persons, respectively, were brought to trial in connection with the bombings, amid charges of violations of the rights of the accused. Security forces made additional arrest after a series of bombings in October. Prolonged pretrial detention is a serious problem, and judicial corruption, inefficiency, and executive interference undermine due process. The Constitution limits freedom of speech and the press, and the Government harassed, intimidated, and detained journalists. Journalists practice self-censorship. The Government imposes some restrictions on freedom of religion. Discrimination based on sex, race, disability, social status, and to a lesser extent, religion, exists. Violence against women is a problem. Female genital mutilation is practiced by some families, especially along the coastal areas on the Red Sea; although publicly discouraged, the authorities do not prohibit it.

In reaction to a March report by Amnesty International (AI), the Government announced that it would investigate some of the issues raised, including cases of disappearance, arbitrary arrest, and torture, in addition to the situation of women. However, it rejected some of AI's allegations.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Some members of the security forces have committed extrajudicial killings. In April Abdullah Ahmed Barkani, a soldier on night duty, opened fire at a polling station and killed five soldiers and three civilians.

There were unconfirmed reports that two soldiers were killed by their military superiors, apparently as a result of excessive use of corporal punishment. Awadh Mubarak, a soldier based in Hadramaut Governorate, reportedly died in May from injuries sustained during a beating by his military superiors. During the same week, another soldier died at al-Thawra military camp. He reportedly had been beaten with metal skewers.

There were reports that two persons who were arrested after the July bombings in Aden died as a result of torture inflicted by the security forces. The Government stated that only one man died, and that he committed suicide.

The 1996 case of a YSP activist who died in police custody remains unresolved. The youth had been arrested following his participation in a peaceful demonstration in Mukallah. No member of the security forces has been charged in connection with his death.

Several persons died during the election registration process and on election day during violent incidents at polling places. Most of these deaths were attributed to underlying tribal disputes connected to the elections.

b. Disappearance

Members of the security forces continue to arrest and detain citizens for varying periods of time without charge or notification to the families concerned. Many detainees, especially in southern governorates, are associated with the YSP or other opposition parties and accused of being "separatists." Most such disappearances are temporary, and detainees are released within months. Such was the case of persons arrested in connection with the July 28 bombings (see Section 1.d.)

Amnesty International presented a "sample" list of 28 persons who reportedly "disappeared" while in government custody in the years 1994 to 1996. The Government promised to look into these cases. AI also alleged that there were hundreds of unresolved disappearances dating from the pre-union period, and particularly from the year 1986. In late 1997, the Foreign Ministry created a special office for human rights. The office has set up a computer data base for tracking persons alleged to have "disappeared" in the past, particularly in the former People's Democratic Republic of Yemen during the 1986 southern civil war. This office was created specifically to respond to Amnesty International's continuing assertion that the Government refuses to account for "disappeared" persons.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution, which asserts that Shari'a (Islamic law) "is the source of all legislation," is ambiguous on its prohibition of cruel or inhuman punishment. However, there were reports that members of the security forces tortured and otherwise abused persons. Although there is no evidence of the systematic use of torture in detention facilities, arresting authorities are known to use force during interrogations, especially of those arrested for violent crimes. The Government in late 1997 banned the use of heavy leg-irons and shackles.

According to a local human rights organization, many instances of torture have taken place at Amran prison. The organization reported that it had received first-hand evidence of the torture of one prisoner in Amran. Another credible source confirmed the torture of a non-Yemeni citizen in a Sanaa detention facility. Amnesty International reported numerous cases of torture from previous years for which no security officials have been held accountable. The Government acknowledged to Amnesty International that torture takes place, but said that the use of torture is not government policy. A high-level prosecutor

reported to a Yemeni newspaper in late 1996 that six cases of torture by security officials had been referred to the courts that year. The prosecutor cited illiteracy and lack of training among police and security officials as one of the reasons for the persistence of undue force in the prisons.

There were reports that security forces tortured two men arrested after the July bombings in Aden, causing their deaths. The Government stated that only one man died, and that he committed suicide (see Section 1.a.).

The Constitution states that the Government may not impose "illegal" punishments--a formulation that could be interpreted as permitting amputations according to Shari'a. There were no reports of amputations since 1991. The Shari'a-based law permits physical punishments such as flogging for minor crimes (e.g., the penalty for the consumption of alcohol is 80 lashes). It also provides for the ritual display in public of the bodies of executed criminals. In August, a judge in Seiyun sentenced two tribesmen to death by firing squad and ordered their bodies to be displayed in public. The judgment was in reaction to the pair's brutal slaying of a family of three persons. The sentence was upheld by President Saleh and carried out on August 4 with thousands of onlookers watching. The culprits were first shot by a military firing squad, which hung the bodies on the city wall for a 24-hour period. The purpose of this practice is to demonstrate to the families of victims that justice has been done and to avoid blood feuds between tribes.

Prison conditions are poor and do not meet internationally recognized minimum standards. Prisons are overcrowded, sanitary conditions are poor, and food and health care are inadequate. Inmates must depend on relatives for food and medicine. Many inmates lack mattresses or bedding. Prison authorities often exact money from prisoners and refuse to release prisoners until family members pay a bribe. Tribal leaders misuse the prison system by placing "problem" tribesmen in jail, either to punish them for non-criminal indiscretions or to protect them from angry mobs.

Conditions are equally poor in women's prisons, where children are likely to be incarcerated along with their mothers. Female prisoners are regularly held in jail past the expiration of their sentences, and are not released until a male relative arranges their release. Female prisoners are sometimes subjected to sexual harassment, rape, and violent interrogation by male police and prison officials. At the urging of AI, the Attorney General agreed to investigate the conditions of women in prison.

The Government tightly controls access to detention facilities. It allows local and international human rights monitors access to persons accused of crimes. However, it allows no access to political prisoners. For example, it did not permit access to any of the detainees arrested in the wake of the July 28 bombings in Aden.

In December the Human Rights Committee of the Consultative Council (an advisory board to the President) conducted a tour of the major prisons and reported that many prisoners were in jail without "proper legal basis." The visits prompted the immediate release of 112 persons, including several women and children. The Committee fired (with the backing of President Saleh) six prison officials found to be corrupt and incompetent. The Consultative Council is calling for a restructuring of responsibilities among the three bureaucracies responsible for the prisons--the Ministry of Interior, the offices of the district attorneys, and the court system.

d. Arbitrary Arrest, Detention, or Exile

The law provides for due process, however, security forces arbitrarily arrest and detain persons. Enforcement is irregular and in some cases nonexistent, particularly in cases involving security offenses.

According to the law, detainees must be arraigned within 24 hours of arrest or released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. In no case may a detainee be held longer than 7 days without a court order. Despite these constitutional and other legal provisions, arbitrary arrest and prolonged detention without charge are common practices.

Following a series of explosions that took place in Aden in July, October, and November, security forces rounded up several groups of suspects and the Government announced that it had unearthed a terrorist "ring" with links to foreign powers. The Government said that the terrorists were planning a large conspiracy to destabilize the Government, to include the killing of Yemeni and foreign officials. The final total of those arrested is estimated at more than 200 persons. Eventually most of those arrested were released without ever being charged with any crime. However, two separate groups of 31 and 27 individuals, respectively, were formally charged and brought to trial in late November. The cases were still under way at year's end.

The law provides detainees with the right to inform their families of their arrests and to decline to answer questions without an attorney present. There are provisions for bail. In practice, many authorities respect these rights only if bribed. The majority of persons detained in connection with the Aden bombings were not permitted contact with their families or lawyers and were denied bail.

In cases where a criminal suspect is at large, security forces sometimes detain a relative while the suspect is being sought. The detention may continue while the concerned families negotiate compensation for the alleged wrongdoing. Arbitration, rather than the court system, is commonly used to settle cases.

The Government has failed to ensure that detainees and prisoners are incarcerated only in authorized detention facilities. The Ministry of Interior and the PSO operate extrajudicial detention facilities. A large percentage of the total prison population consists of pretrial detainees. Thousands of people have been imprisoned for years without documentation concerning charges against them, their trials, or their sentences. It is believed that at least some of these persons are political detainees. Most of the persons arrested after the Aden bombings apparently had nothing to do with the crime and were detained merely because of their affiliation with the political opposition.

While a few cases of those being held without charge have been redressed through the efforts of local human rights groups (and a few illegally detained prisoners have been released), the authorities have done nothing to investigate or resolve these cases. However, the Government acknowledged to AI that security officials must be held more accountable to the judicial system.

Unauthorized, private prisons also exist in tribal areas, where the central government exercises very little authority. People detained in these prisons are often held for strictly personal reasons and without trial or sentencing.

Some tribes seek to bring their political and economic concerns to the attention of the Government by kidnaping and holding hostages. Victims include foreign businessmen, diplomats, and tourists, as well as Yemenis. According to a 1997 study by the newspaper al-Wadah, for example, there were 105 kidnaping cases in 1995 alone. Foreign victims are rarely injured, and the authorities generally have been successful in obtaining the quick release of foreign hostages. However, it is widely believed that kidnapings continue because the judiciary fails to implement sentences against accused kidnapers. Indeed, in most cases the kidnapings are settled out of court, and no suspects go to trial.

The Government does not use forced exile. At the end of the 1994 civil war, the President pardoned nearly all persons who had fought against the central Government, including military personnel and most leaders of the unrecognized, secessionist Democratic Republic of Yemen (DRY). The Government denied this amnesty only to the 16 most senior leaders of the DRY, who fled abroad, and one of whom now presumed dead. Although they were technically not forced into exile, they are subject to arrest if they return. The so-called "trial of the 16," which began in late 1996, is in progress. The accused are being tried in absentia on various charges, including forming a secessionist government, conspiracy, and forming a separate military. Defense lawyers claim that the prosecution's case is illegal because it depends on the application of pre-union laws that had been superseded by post-unification laws prior to the commission of the alleged offenses.

e. Denial of Fair Public Trial

The judiciary is not fully independent, even though the Constitution provides for an "autonomous" judiciary and "independent judges." Judges are appointed by the executive branch, and some have been reassigned or removed from office following rulings against the Government. Many litigants maintain, and the Government acknowledges, that a judge's social ties and susceptibility to bribery sometimes have greater influence on the verdict than the law or the facts of the case. Some judges appointed since mid-1994 are poorly trained, and some of those closely associated with the Government often render decisions favorable to it. The judiciary is further hampered by the frequent reluctance of the authorities to implement sentences.

There are five types of courts: criminal, civil (i.e., divorce and inheritance), administrative, commercial, and military.

All courts are governed by Shari'a law. There are no jury trials under Shari'a. Criminal cases are adjudicated by a judge who plays an active role in questioning witnesses and the accused. By law, defense attorneys are allowed to counsel their clients, to address the court and to examine witnesses. Defendants, including those in commercial courts, have the right to appeal their sentences. Trials are public. However, all courts may conduct closed sessions "for reasons of public security or morals." Foreign litigants in commercial disputes have complained of biased rulings. However, some foreign companies have reported winning cases against Yemeni defendants and seeing the decisions enforced.

The law permits, in addition to regular courts, a system of tribal adjudication. The results of such mediation carry the same weight as court judgments. This provision of law explains in part why so many persons who spend time in jail are never actually charged with any crime.

Prior to unification, approximately half of the judges working in southern Yemen were women. In the last few years, however, many female judges have been reassigned to administrative or clerical duties. There are no female judges in the north.

A total of 58 suspects were charged with conspiracy, espionage, and related crimes after a series of bombings in Aden in the latter half of the year. Their trials, which were under way at year's end, do not appear to meet minimum international standards for due process. There are reports that confessions were coerced, and that defendants were denied the opportunity to consult with their lawyers.

The Government claims that it holds no political prisoners, and releases no data on such cases. However, this claim is disputed by many local and international human rights groups, who report that various political prisoners were convicted after unfair trials.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Despite constitutional provisions against government interference with privacy, security forces routinely search homes and private offices, monitor telephones, read personal mail, and otherwise intrude into personal matters for alleged security reasons. Such activities are conducted without legally issued warrants or judicial supervision. Security forces regularly monitor telephone conversations and have interfered with the telephone service of government critics and opponents. Security forces sometimes detain relatives of suspects (see Section 1.d.).

In April security personnel broke into the Aden headquarters of the League of the Sons of Yemen (RAI), an opposition party affiliated with the exiled, foreign-financed Mawj opposition. According to the RAI, the security forces rummaged through files and desks, confiscated office supplies and equipment, and sealed the offices. Also in April, the secretary general of the Yemeni Socialist Party (YSP) was stopped while being driven through Aden. His bodyguards were disarmed, interrogated, and physically abused.

The law prevents arrests between the hours of sundown and dawn. However, most of those detained in connection with the Aden bombings were taken from their homes in the middle of the night, without search warrants.

Some of those detained in connecti