



## Yemen

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### **International Religious Freedom Report 2009**

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The Constitution does not protect or inhibit freedom of religion. Government policies contributed to the generally free practice of religion; however, there were some restrictions. The Constitution declares that Islam is the state religion and that Shari'a (Islamic law) is the source of all legislation. Muslims and followers of religious groups other than Islam are free to worship according to their beliefs; however, the Government prohibits conversion from Islam and the proselytizing of Muslims.

There was a decrease in the status of respect for religious freedom by the Government during the reporting period, particularly with regard to the Baha'i and Jewish communities. Jewish residents of Amran Governorate experienced increased harassment and numerous threats from a small group of their Muslim neighbors; and following the killing of a Jewish community leader, many community members began making plans to leave the country. The Government appeared unwilling or unable to increase security for the remaining Jewish population, and generally perpetrators of violence against the community were not punished. For the first time, based on fears for the community's safety in the country, the U.S. Government initiated a special process to refer Yemeni Jews for refugee resettlement in the United States. During the reporting period, the Government detained members of the Baha'i community because of their religious beliefs and they faced deportation, and there were reports of arrests of Christian converts. Some Zaydi Muslims reported that they continued to feel targeted by government entities for their religious affiliation.

Relations among religious groups generally were amicable; however, reports of societal abuses and discrimination based on religious affiliation, belief, or practice increased, particularly as related to the Jewish community in Amran Governorate. The ongoing, unresolved situation in Saada Governorate and increasing violence between government forces and al-Houthi rebels, who adhere to the Zaydi school of Shi'a Islam, caused political, tribal, and religious tensions to grow during the reporting period.

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. During the reporting period, the U.S. Government was particularly involved in protecting the rights of the Jewish community in Amran Governorate, as well as several Baha'is of Iraqi and Iranian descent at risk of being deported from the country.

#### Section I. Religious Demography

The country has an area of 328,100 square miles and a population of 23 million.

Virtually all citizens are Muslims, predominantly belonging to either the Zaydi order of Shi'a Islam or the Shafa'i order of Sunni Islam. While there are no available statistics, Zaydis make up an estimated 45 percent and Shafa'is 55 percent of the population. There are a few thousand Ismaili Muslims who reside mainly in the north. There are reportedly 150 Baha'is.

Jews are the only indigenous non-Muslim religious minority. Nearly all of the once-sizable Jewish population has

emigrated. Fewer than 250 Jews remain in Amran Governorate in the north of the country. The Government's inability to adequately protect this community from increased threats has led to the desire of much of the community to emigrate. Since January 2007 the historic Saada Governorate community of 60 Jews has lived in Sana'a, under the protection and care of the Government, after abandoning their homes in the face of threats from al-Houthi rebels. The community has abandoned its synagogues in Saada. Until the increase in violence against the Jewish community in December 2008 and January 2009 forced their closure, there were at least two functioning synagogues in Amran Governorate.

There are an estimated 3,000 Christians throughout the country, most of whom are refugees or temporary foreign residents. There are four churches in Aden, three Roman Catholic and one Anglican. There are approximately 40 Hindus living in Aden who trace their origins to India. Aden has one Hindu temple.

Among religious minorities, approximately 1,000 Christians and most Jews actively participated in some form of formal religious service or ritual, although not always in a public place of worship.

## Section II. Status of Government Respect for Religious Freedom

### *Legal/Policy Framework*

Neither the Constitution nor other laws protect or inhibit freedom of religion; however, government policies contributed to the generally free practice of religion. The Constitution declares that Islam is the state religion and that Shari'a is the source of all legislation. In practice, this means that the local interpretation of Shari'a is used as a basis for law. Followers of religious groups other than Islam are free to worship according to their beliefs and to wear religiously distinctive ornaments or dress. Shari'a forbids conversion and prohibits non-Muslims from proselytizing, however, and the Government enforces this prohibition. The Government requires permission for the construction of new places of worship and prohibits non-Muslims from holding elected office.

The Muslim holy days of Mouloud, Eid al-Fitr, Eid al-Adha, and Muharram are public holidays.

The Government issues residence visas to priests so that they may provide for their community's religious needs. Christian clergy who minister to the foreign community were employed in teaching, social services, and health care.

The country maintains diplomatic relations with the Vatican.

The Government does not maintain records of an individual's religious identity, and there is no law that requires religious groups to register with the state; however, the General Election Committee has adopted a policy barring all non-Muslims from running for Parliament, and Jews are not eligible to serve in the military or federal government. Chapter 2, Article 106 of the Constitution notes that the President of the Republic must "practice his Islamic duties."

Public schools provide instruction in Islam but not in other religions; however, Muslim citizens can attend private schools that do not teach Islam. Almost all non-Muslim students are foreigners and attend private schools.

### *Restrictions on Religious Freedom*

During the reporting period, the fragile ceasefire between the Government and al-Houthi rebels in Saada Governorate began to break apart. The Government maintains that the al-Houthis are adherents of Twelver Shi'ism, a variant of Shi'ism that differs from that of the country's predominant Zaydi-Shi'a. The al-Houthis follow the late rebel cleric Hussein Badr Eddine al-Houthi, who was killed during a 10-week rebellion that he led in 2004 against

the Government in Saada. Some Zaydis continued to report harassment and discrimination by the Government because they were suspected of sympathizing with the al-Houthis. Human rights groups reported that hundreds of Zaydis remained in jail because of their religious affiliation and without any connection to the fighting. However, it appeared the Government's actions against the group were politically, not religiously, motivated.

Government actions to counter an increase in political violence in Saada restricted some practice of religion. For the first time in 5 years, the Government allowed residents of Saada Governorate to celebrate Ghadeer Day (a Shi'a holiday). In Dhamar, however, Ghadeer Day celebrations in late December sparked violent clashes that left four dead and six injured. During the reporting period, the Government also reportedly continued its efforts to stop the growth of the al-Houthis' popularity by limiting the hours that mosques were permitted to be open to the public. The Government maintained that it was only enforcing existing tradition that mosques should be used primarily for prayer and not for political activities. The Government continued to close down what it claimed to be extremist Shi'a religious institutes, reassigning imams who were thought to espouse radical doctrine and continuing monitoring of mosque sermons.

The Government prohibits the proselytizing of Muslims. Under Shari'a, as applied in the country, the conversion of a Muslim to another religion is considered apostasy, which the Government interprets as a crime punishable by death.

The Government does not allow the building of new public places of worship without previous authorization. Roman Catholic officials at the end of this reporting period, as in previous periods, were still waiting for a decision from the Government on whether it would allow an officially recognized Roman Catholic establishment to be built in Sana'a. Church officials did not, however, attribute government inaction to discrimination.

Weekly services for Roman Catholic, Protestant, and Ethiopian Orthodox Christians were held throughout Sana'a, Aden, and other cities without government interference. Throughout the country, Christians and Jews held services regularly in private homes or facilities such as schools without harassment, and such facilities appeared adequate to accommodate the small numbers involved.

The ruling General People's Congress (GPC) and the Islah opposition party both drew on Islam as a basis for law in their platforms. The ruling GPC did not exclude members of any religion from its membership. Islah required that a member must be "committed" to Islamic teachings. There were other minor political parties that were said to be Islamic in nature, although it was not clear if they restricted their membership to Muslims.

During the reporting period, the Government continued its efforts to prevent the politicization of mosques and schools, as well as to curb extremism and increase tolerance. The Government's efforts concentrated on monitoring mosques for sermons that incite violence or other political statements that it considered harmful to public security. Private Islamic organizations could maintain ties to international Islamic organizations; however, the Government sporadically monitored their activities through the police and intelligence authorities.

The Government also continued efforts to close unlicensed schools and religious centers. By the end of the reporting period, a total of more than 4,500 unlicensed religious schools and institutions had been closed over several years. The Government expressed concern that these schools deviated from formal educational requirements and promoted militant ideology. The Government also deported some foreign students found studying in unlicensed religious schools. The Government prohibited private and national schools from teaching courses outside of the officially approved curriculum. The purpose of these actions was ostensibly to curb ideological and religious extremism and intolerance in schools.

Unlike in previous reporting periods, there were no specific reports that the Ministry of Culture and the Political

Security Organization (PSO) monitored and sometimes removed from stores books that espoused Zaydi-Shi'a doctrine. Human rights groups, however, believed that such practices continued. There were also credible reports from Zaydi scholars and politicians that authorities continued to ban the publishing of some materials that promoted Zaydi-Shi'a Islam. The Government denied that the media was subject to censorship by any security apparatus.

Government policy generally does not prohibit or provide punishment for the possession of non-Islamic religious literature. In previous reporting periods, there were credible reports that the PSO, which reports directly to the President's Office, and police harassed people for possessing such literature. In previous reporting periods, there were also reports that some members of the PSO monitored, harassed, and occasionally censored the mail of missionary groups and those associated with them, ostensibly to prevent proselytizing. While there were no specific reports of these actions during the reporting period, human rights groups believed that such actions persisted.

Following the unification of North and South Yemen in 1990, owners of property expropriated by the communist government of the former People's Democratic Republic of Yemen were invited to seek restitution; however, implementation has been extremely limited, and very few properties have been returned to previous owners. In exchange for its confiscated property, the Catholic Church requested from the Government a small plot of land in Sana'a on which to build a Catholic establishment. The Church was still awaiting action on the request at the end of the reporting period.

Some local customs, believed to be part of Shari'a as practiced in the country, are codified in various laws and policies. Some of these laws discriminate against women and persons of other religious groups.

According to the Government's interpretation of Shari'a, Muslim women are not permitted to marry outside of Islam. Under 1992 Personal Status Law No. 20, men are permitted to marry as many as four wives. The law forbids men from marrying non-Muslims (except for Jews and Christians) or apostates (those who have renounced Islam).

#### *Abuses of Religious Freedom*

During the reporting period, there were credible reports that several converts from Islam to Christianity continued to be detained by authorities.

On June 20, 2008, according to independent reports, seven Baha'is (two Yemenis, four Iranians, and one Iraqi) were arrested in their homes during raids by police and detained without charges filed against them. The two Yemenis were subsequently released. The Government released the five foreign detainees in October 2008 on the condition that they leave the country within 2 months or face deportation to their native countries. At the end of the reporting period, the issue had not been fully resolved.

In June 2008 a convert to Christianity and two of his associates were reportedly arrested in Hodeida for "promoting Christianity and distributing the Bible." They were reportedly transferred by the authorities to a jail in Sana'a. Four other associates, who evaded capture, were sought by the authorities. No further information was available at the end of the reporting period.

In May 2008 Imam Mohammed Ahmed Miftah disappeared after his car was attacked by gunmen from two other vehicles. Previously, Miftah was sentenced to 8 years of imprisonment, and later pardoned, for allegedly establishing contacts with Iran for the purpose of harming the country. Prominent Zaydis blamed the Government for this incident. Miftah was believed to be in PSO custody at the end of the reporting period. In May 2006 President Saleh had pardoned Imam Miftah, along with Imam Yahia Hussein al-Dailami, who had been sentenced to death. The two men publicly opposed the Government's action in Saada and formed the Sana'a Youth Organization, a

Zaydi religious-based group that supported the al-Houthis. Both men maintained that they advocated only peaceful dissent against government action in Saada.

In 2007 there was a credible newspaper report that claimed security officials harassed and detained a Muslim carrying Christian missionary publications in Taiz.

#### *Forced Religious Conversion*

There was one report of an attempted forced religious conversion. On December 22, 2008, a prominent Jewish community leader was killed in Reyda allegedly because of his refusal to convert to Islam.

There were no reports of forced religious conversion of minor U.S. citizens who had been abducted or illegally removed from the United States or who had not been allowed to be returned to the United States.

#### Abuses by Rebel or Foreign Forces or Terrorist Organizations

On June 14, 2009, nine foreigners working at a hospital in Saada were kidnapped by armed men. Three of the hostages were killed immediately. The other six hostages remained missing at the end of the reporting period. An investigation was ongoing, but religious extremists reportedly targeted the foreigners because of rumors that they were Christian missionaries proselytizing in Saada.

#### Section III. Status of Societal Respect for Religious Freedom

Relations among religious groups generally were amicable; however, reports of societal abuses and discrimination based on religious affiliation, belief, or practice increased, particularly as related to the Jewish community in Amran Governorate.

Jewish residents of Reyda and Bait Harrash in Amran Governorate experienced increased harassment by a small group of their Muslim neighbors. Government officials appeared unable or unwilling to resolve these conflicts.

Following numerous incidents and threats, Jewish children reportedly stopped attending school. The community also closed its two synagogues, reportedly for fear of violence. As a result of the unprecedented level of violence, some Jewish residents of Amran Governorate left the country in 2009, and some others wished to leave as well. For the first time, based on fears for the community's safety in the country, the U.S. Government initiated a special process to refer the Yemeni Jews for refugee resettlement in the United States.

On April 15, 2009, a group of private citizens burned down a man's home and two cars after he allegedly desecrated a Qur'an; the citizens were reportedly incited by several imams at local mosques. Parliament announced the formation of a committee to investigate the Government's handling of cases involving religious desecration; its results were pending at the end of the reporting period.

On January 4, 2009, a Jewish resident was hospitalized for injuries sustained in an altercation reportedly instigated by Muslim neighbors.

On December 27, 2008, an explosive device was thrown at a Jewish home in Rayda but did not cause any injuries or property damage.

On December 22, 2008, a prominent Jewish community leader was killed in Reyda because of his alleged refusal to convert to Islam. A man was tried for murder and convicted but received a light sentence without incarceration.

The remainder of the displaced Saada Jewish community continued to reside in Sana'a, under government protection and care, after being threatened by al-Houthi rebels in 2007.

There were no reported incidents of violence or discrimination between the adherents of Zaydi and Shafa'i Islam, the two main orders of Islam present in the country.

Religiously motivated violence was neither incited nor tolerated by the Muslim clergy, except for a small, politically motivated clerical minority, often with ties to foreign extremist elements.

#### Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. The U.S. Embassy maintains an active dialogue on human rights concerns with the Government, nongovernmental organizations, religious groups, journalists, human rights activists, and women's rights activists. Embassy officers periodically meet with representatives of the Christian, Jewish, and Baha'i communities.