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Freedom Of The Press - Yemen (2011)

Status: Free

Legal Environment: 27

Political Environment: 33

Economic Environment: 23

Total Score: 83

Threatened by sectarian rebels in the north, a political protest movement in the south (the Southern Movement), and increased activity by the terrorist network Al-Qaeda within its borders, the embattled Yemeni government has engaged in a massive crackdown on the media since early 2009. As a result, journalists in 2010 faced the worst legal and administrative restrictions in decades.

While the rights to freedom of expression and a free press are guaranteed under Article 41 of the constitution, the government continued to use the restrictive 1990 Press and Publications Law to prosecute journalists and violate the rights of the media in 2010. Article 103 of the 1990 law prohibits journalists from criticizing the head of state or publishing material that undermines public morality, prejudices the dignity of individuals by smears and defamation, or distorts the image of Yemeni, Arab, or Islamic heritage. Under Article 104, anyone violating the media law may be punished with fines or up to one year in prison. In a positive step, in November 2010, the cabinet approved additions to the media law that would eliminate imprisonment as a punishment for libel, allow the establishment of media outlets without a license, and legalize and grant funding to the journalists' union. The amendments had not been adopted by the parliament at year's end.

Two specialized courts exist for the prosecution of media offenses, despite a constitutional prohibition against creating "exceptional courts...under any conditions." In 2004, the Specialized Criminal Court—established in 1999 to hear cases related to crimes such as terrorism and piracy—widened its jurisdiction to include "crimes against state security and serious economic and social crimes," which allowed for the prosecution of journalists. More recently, the Specialized Press and Publications Court was created in May 2009. Its judges may choose to enforce the press law, the penal code, and any other laws as it sees fit. The prosecutor general, appointed by the executive branch, refers cases to this court at his discretion. The press court has handled more than 100 cases since its creation. Together, the specialized courts are used to silence Yemen's few remaining independent media outlets while legitimizing the actions of those who harass and attack journalists. Journalists who report on politically sensitive topics such as the Southern Movement, corruption, Al-Qaeda cells in Yemen, and the ongoing civil conflict in the northern Saada area are especially vulnerable to harassment.

The number of journalists prosecuted under terrorism charges rather than the press law has also increased in recent years. Muhammad al-Maqaleh, editor of an opposition party website, was abducted by security forces in September

2009. He was held incommunicado and subjected to torture and mock executions until January 2010, at which time he was able to contact his family. He faced charges in both the Specialized Criminal Court and the Press and Publications Court, likely related to his website's reporting on 87 civilian deaths caused by military strikes in Saada. However, his case, like many others, was "discontinued" in May when the president inexplicably issued a pardon of all journalists. The pardon apparently applied even to those who had not yet been convicted, but it was unclear whether the charges were truly dropped, and al-Maqaleh and others remained unsure of their legal status. In the most prominent case of 2010, journalist Abdul Ilah Haider Shaea was abducted and interrogated by government agents in July and arrested by security forces in his home in August. He was held incommunicado and subjected to torture while in custody. As a reporter for the Saba news agency, he regularly covered Al-Qaeda and terrorism, achieving international notoriety for his 2009 interview with Al-Qaeda ideologue Anwar al-Awlaki. At his first hearing before the Specialized Criminal Court in September, he was charged with planning to carry out terrorist acts, providing media support to Al-Qaeda, and conspiring to overthrow the government. Prosecutors accused him of being al-Awlaki's media adviser. His lawyers boycotted the trial on the grounds that it was unconstitutional, and Shaea remained in custody at year's end.

Under the media law, licensing is required both to establish a print media outlet and to practice journalism. The government tightly controls licensing for newspapers and magazines. Outlets must apply annually for license renewals, which requires proof of 700,000 riyals (\$3,200) in operating capital, an editor in chief with at least eight years of experience, and the names of three future employees. Preferential treatment is given to progovernment publications, with opposition-oriented media facing undue bureaucratic obstacles in their licensing efforts. Newspaper licenses may be revoked at any time. According to the Yemeni Observatory for Human Rights, the government closed or pressured at least 20 newspapers in 2009, including both progovernment and opposition-aligned publications. In May of that year, the government suspended production of eight independent newspapers—*Al-Nida*, *Al-Shari'*, *Al-Masdar*, *Al-Watani*, *Al-Diyar*, *Al-Ayyam*, *Al-Ahali*, and *Al-Mustaqilla*. One of these, *Al-Ayyam*, is among Yemen's oldest and most influential publications, and has faced sustained pressure from the authorities. In January 2010, when sympathetic journalists from other publications organized a sit-in at *Al-Ayyam*'s headquarters, the government turned machine guns and grenades on the protesters. Editor in chief Hisham Bashraheel and his two sons were arrested and held for several months before being released. Charges of "forming an armed gang," stemming from the January siege, were pending before the Specialized Criminal Court against 24 of *Al-Ayyam*'s employees, including Bashraheel and his sons, at year's end. Bashraheel and others also faced charges before the Specialized Press and Publications Court.

Despite the government's denials, official censorship does occur. Self-censorship among journalists and media owners, perpetuated by a climate of fear and intimidation, is also pervasive and extreme. The government seems to support a general environment of impunity for crimes against the press, failing to conduct serious investigations or ever

denounce attacks in many cases. In February 2010, journalist Muhammad al-Rabou'e, a reporter for the monthly publication *Al-Qahira*, was murdered in his Bani Qais home. The suspects, five members of the same family who had been arrested in December 2009 for assaulting the same journalist, allegedly shot him in retaliation for articles he wrote on their criminal activities. They were arrested, but a conviction in the case had not been reported by year's end.

Foreign media outlets and journalists are also subject to scrutiny for covering politically sensitive topics. At least three U.S. journalists were deported in 2010, while representatives of more than 50 international outlets were prohibited from entering the country.

Government control over print and broadcast media is strong. The local press freedom organization Women Journalists Without Chains (WJWC) reported in early 2010 that the government controlled 30 newspapers; another 162 were independent, 59 were linked to political parties, and 50 were associated with civil society organizations. WJWC further reported that the government controlled 22 magazines, while only 6 were independent, 4 were affiliated with political parties, and 33 were run by civil society organizations. The government maintained its complete monopoly on broadcast media in 2010 through the Yemen General Corporation for Radio and Television, with 4 television channels and 2 national and 10 regional radio channels. The government exerts editorial influence over broadcast media by selecting items that are to be covered during newscasts. Yemenis remain heavily reliant on state-run television and radio programs for news. For those who can afford it, satellite television provides access to international news and entertainment programs. The government's far-reaching regulation of the creation, maintenance, publication, and distribution of print media, combined with the violent crackdown on individual journalists, has reduced the number of functioning independent media outlets that meet professional journalistic standards. Most publications are very poorly funded due to heavy restrictions on advertising revenue and a lack of independent financing. The Ministry of Information exerts influence over the print media in part by controlling nearly all printing presses and manipulating advertising subsidies. In December 2009, Prime Minister Ali Muhammad Mujur issued a ban on publishing state advertisements in independent media outlets, and private entities fear being branded as traitorous if they advertise in such outlets. Sales- and subscription-based revenue is minimal given the country's economic situation; 47 percent of Yemenis live on less than \$2 per day, and 70 percent of the population lived in rural areas as recently as 2007. Low salaries leave many journalists susceptible to bribes.

While only 11 percent of the population used the internet in 2010, given the economic obstacles (rolling blackouts, lack of access to computers, lack of access to internet connectivity), this amounted to a roughly 2,700 percent growth in the number of users since 2000. The state owns the country's two internet-service providers, TeleYemen and YemenNet, and the government carries out extensive blocking and filtering of the internet within the country. Websites with religious, "immoral," or opposition political content are blocked most frequently. This online censorship is not as widespread or as sophisticated as in some

neighboring Arab countries. However, a draft law currently under consideration would require "media services provided by mobile phones and internet" to obtain a license for a fee of 9.6 to 40.2 million riyals (\$40,000 to \$167,000), which would deter private media in practice while giving the impression that it was liberalizing the media ownership structure.