

YEMEN

REPUBLIC OF YEMEN

Head of state:

**Abd Rabbu Mansour Hadi (replaced
Ali Abdullah Saleh in February)**

Head of government:

Mohammed Salim Basindwa

The human rights situation improved during the transition that followed the 2011 uprising which ousted former President Saleh from power. However, there was an ongoing lack of information about the fate of those arrested or disappeared during 2011. Impunity for human rights violations committed during President Saleh's government was entrenched by a new immunity law, and most killings of protesters and other human rights violations committed in 2011 and 2012 were not investigated. Justice was also denied to victims of violations of human rights and international humanitarian law during armed conflicts in parts of the country. Over 20 people arbitrarily arrested during the 2011 uprising and subsequent protests remained in prison or were victims of enforced disappearance. Torture and other ill-treatment continued to be reported. In response to unrest in the South, security forces and groups linked to them used excessive force, killing at least a dozen people, and arbitrarily detained scores of people involved in protests or who supported secession of the South. Ansar al-Shari'a (Partisans of al-Shari'a), an armed group linked to al-Qa'ida in the Arabian Peninsula (AQAP) that controlled parts of Abyan governorate until June, committed human rights abuses, including summary killings and amputations. A government military offensive to drive Ansar al-Shari'a out of cities under its control was marked by violations of human rights and international humanitarian law on both sides, resulting in civilian deaths. Women and girls continued to face discrimination in law and practice, and domestic violence. Reports emerged of slavery in some parts of the country. The humanitarian situation reached crisis point. At least seven people were sentenced to death and at least 28 people were executed, including at least two juvenile offenders.

Background

On 25 February, former Vice-President Abd Rabbu Mansour Hadi was inaugurated as President following presidential elections in which he was the only candidate. The election was required by the power-transfer agreement brokered by the Gulf Cooperation Council and signed by former President Saleh on 23 November 2011. The new President, along with the "government of national reconciliation" formed in December 2011, were mandated to implement a two-year transition, during which they were to organize a national dialogue, hold a referendum on a new Constitution, reform the electoral system, restructure the military and security services, and take steps towards transitional justice. General elections in line with the new Constitution were to follow.

An outreach committee set up in May contacted different parties to join the national dialogue. On 14 July, a preparatory committee for the dialogue was formed and subsequently gave President Hadi a list of 20 recommendations to make the dialogue successful. These included an apology to people in the South and the northern Sa'dah province for past violations, and the release of all prisoners detained in connection with the Southern Movement, the Sa'dah conflict and events linked to the 2011 uprising. The recommendations were not implemented by the end of the year. In December, as part of the restructuring of the military, President Hadi announced that the head of the Republican Guards (a son of the former president), the Central Security's Chief of Staff (nephew of the former president), and the commander of the army's First Armoured Division would be removed from their posts.

Despite the stabilizing effects of the transition, there was continuing insecurity, including kidnappings. The killing of lawyer Hassan al-Dawlah in December prompted concerns that he may have been targeted for his work.

There was a deepening humanitarian crisis marked by acute shortages of food, water and other necessities, burgeoning unemployment and living costs, and cuts to power and oil supplies. International donors pledged over US\$7 billion to help Yemen during its transition but international and Yemeni aid agencies called for more targeted emergency funding to avert the hunger crisis.

At least 28 people were charged in connection with an attack on the presidential palace on 3 June 2011,

which wounded then President Saleh and killed and wounded others, but they had not been brought to trial by the end of the year. Several were reported to have been tortured or otherwise ill-treated.

Impunity

On 21 January, the government enacted an immunity law, Law No.1 of 2012, in accordance with the power-transfer agreement. The law granted former President Saleh and all those who were employed by his government immunity from criminal prosecution for “politically motivated acts” carried out in the course of their duties. Consequently, it prevented many victims of arbitrary detention, torture, extrajudicial execution, enforced disappearance and other violations carried out under President Saleh’s long rule from obtaining justice, truth and reparation. As such, the immunity law breached Yemen’s international legal obligations to investigate and prosecute crimes under international law and other human rights violations.

A draft Transitional Justice and National Reconciliation Law was under discussion. If enacted, it would provide some form of reparation to victims and survivors. However, the draft emphasized forgiveness as an element of reconciliation and did not provide justice for victims of past human rights violations.

It appeared that no judicial investigations were carried out into dozens of incidents in which protesters were killed or human rights were violated in the context of the 2011 unrest. Nor were there investigations into alleged violations of human rights and international humanitarian law committed during the internal armed conflicts in Ta’izz and other areas, such as the apparently indiscriminate and disproportionate attacks that killed civilians during fighting between government forces and armed supporters of Sadeq al-Ahmar, a tribal sheikh in Sana’a’s al-Hasaba area in the second half of 2011.

However, a presidential decree issued on 22 September established a commission of inquiry into violations of human rights and international humanitarian law during the 2011 uprising, but it had not commenced at the end of the year.

Arbitrary arrests and detentions

Most of those held in connection with anti-government protests in 2011 were released in early 2012. Many had been held arbitrarily by different

security forces, often in unregistered detention centres, for weeks or months without charge or trial. Some were reported to have been tortured or otherwise ill-treated. At least 20 people were believed to still be arbitrarily detained or to have disappeared in connection with the 2011 protests or after arrest in 2012.

■ Al-Nahari Mohammed Ali al-Nahari, aged around 13, was released without charge in July 2012. He disappeared in May 2011 after participating in protests in Sana’a and was believed to have been held secretly by National Security. He lost his hearing in one ear after being hit repeatedly in detention.

Protest camps remained in both Ta’izz and Sana’a, where the tent city in Change Square continued to be guarded by the army’s First Armoured Division, which had supported the protests but also reportedly continued to carry out arrests and hold detainees without charge or trial.

Women’s and girls’ rights

Women and girls continued to face discrimination in both law and practice, notably in relation to marriage, divorce, child custody and inheritance, as well as high levels of domestic and other gender-specific violence.

Women became less visible in the protest camps after some were intimidated or beaten in 2011 by women apparently associated with the Islah party, a main opposition party, who objected to their joining in marches with men and protesting against the commander of the First Armoured Division.

Excessive use of force

The security forces continued to use excessive force against protesters, particularly in Aden and other southern cities, with impunity. Only two judicial investigations into killings of protesters during the 2011 uprising resulted in prosecutions.

■ In June, three men apparently connected with local authorities were sentenced to death in their absence in connection with a grenade attack on 17 February 2011 that killed one protester and wounded 15 others in Freedom Square, Ta’izz.

■ Charges were brought against 79 men in connection with the killing of dozens of protesters on 18 March 2011 in Sana’a. In June, the Attorney General said only 14 of the accused were in custody; others had been released on bail or were still at large. The trial before the Specialized Criminal Court was suspended while

the judge sought clarification from the Supreme Court regarding the immunity law and amid questions over whether the real perpetrators were among those charged.

■ An official investigation which opened in 2011 into the killing of protesters in Freedom Square in Ta'izz on 29 May 2011 appeared to make no progress in 2012.

An administrative court ruled in November that the authorities were obliged to provide medical treatment to people injured in the 2011 protests or send them for treatment abroad, in line with a presidential decree issued in late 2011.

Repression of dissent – protests in southern Yemen

Security forces and pro-government supporters continued to use excessive, including lethal, force against protesters in Aden and other southern cities, killing at least a dozen people and wounding many others. They also arrested and briefly detained scores of people, mostly supporters of the Southern Movement, which advocates the secession of the South.

■ On 7 July, Central Security forces in armoured vehicles supported by snipers fired on a peaceful demonstration in Aden, killing four people and injuring 18. Security forces in three armoured vehicles opened fire as protesters reached a roundabout. Snipers then shot at fleeing protesters.

■ Student Abdul Raouf Hassan Zain al-Saqqaf, a Southern Movement activist, was detained with four others by security forces in Aden on 10 August. They were taken to a police station and beaten with rifle butts and a stick. The four others were released, but Abdul Raouf al-Saqqaf was transferred to the Central Prison in al-Mansura, where he was again beaten and held in solitary confinement in a tiny cockroach-infested cell without light or fresh air. He was released on 13 August, but was threatened with re-arrest. In November he was severely beaten by unidentified men apparently connected to the Islah party and later shot and wounded when masked gunmen attempted to abduct him.

Security forces raided hospitals to arrest injured protesters. Médecins Sans Frontières closed their hospital in Aden in October following repeated raids during which their staff were threatened by security forces.

■ On 27 September, two security guards employed by Médecins Sans Frontières were reported to have been beaten and threatened at gunpoint by unidentified men in Aden.

Armed conflict in Abyan

Ansar al-Shari'a continued to commit gross human rights abuses in the city of Ja'ar, Abyan governorate, which it took control of in February 2011, as well as in other cities in Shabwa governorate which it subsequently controlled. The armed group summarily executed and imposed cruel, inhuman and degrading punishments, including hand amputations, on those they accused of "crimes", and attempted to enforce discriminatory and repressive social and religious requirements using violence and threats of violence. They also abducted and harassed community activists.

The year saw continued fighting between government forces and Ansar al-Shari'a in which both sides violated international humanitarian law. Ansar al-Shari'a recklessly exposed civilians to harm by storing ammunition and explosives in crowded residential areas, launched attacks from the immediate vicinity of civilian homes, detained and ill-treated civilians, restricted access to medical care, and made extensive use of anti-personnel mines and booby traps. Government forces used air strikes, tanks, artillery and mortars, often in an indiscriminate or disproportionate manner, causing deaths and injuries among civilians, until they succeeded in driving Ansar al-Shari'a out of Abyan and the surrounding areas in late June. Government forces also obstructed access to medical treatment for the wounded and subjected suspected Ansar al-Shari'a fighters to enforced disappearance.

At the end of the year, Ansar al-Shari'a was continuing to carry out bomb and other attacks targeting government and security forces installations and officials.

Drone attacks

US forces used unmanned drones to attack suspected supporters of al-Qa'ida in Abyan province and elsewhere, apparently with the consent of the Yemeni government. Some civilians were reported to have been killed but it was unclear whether they died in US drone strikes or attacks by Yemeni forces, and no investigations were held.

Internally displaced people

Many of those forcibly displaced due to the armed conflict in Abyan and surrounding areas were able to return to their homes by the end of the year, despite the threat posed by anti-personnel mines and other

ordnance left by Ansar al-Shari'a. However, tens of thousands of other people remained internally displaced, mostly in Aden.

Slavery

Reports emerged that generations of families had been held as slaves and continued to be enslaved in parts of the country. It appeared that the practice was able to continue due to a lack of state scrutiny.

Death penalty

At least seven people were sentenced to death and at least 28 people were executed. The real number was believed to be much higher. At least two juvenile offenders were executed for crimes allegedly committed when they were under 18. Hundreds of people were believed to be under sentence of death, including at least 25 alleged juvenile offenders.

- Fuad Ahmed Ali Abdulla was executed in Ta'izz prison on 18 January; he was convicted of a murder committed in 2004 when he was under 18.
- Hind al-Barati was executed in Sana'a Central Prison on 3 December; she was convicted of a murder committed when she was believed to have been 15.

Amnesty International visits/reports

🚗 Amnesty International delegates visited Yemen in June/July and December. They had not previously been allowed access to Yemen since January 2011.

- 📄 Yemen's immunity law: Breach of international obligations (MDE 31/007/2012)
- 📄 Conflict in Yemen: Abyan's darkest hour (MDE 31/010/2012)
- 📄 Yemen: Human rights agenda for change (MDE 31/012/2012)

ZIMBABWE

REPUBLIC OF ZIMBABWE

Head of state and government:

Robert Mugabe

Mistrust between members of the Government of National Unity (GNU) continued to delay crucial reforms agreed under the 2008 Global Political Agreement between President Mugabe's ZANU-PF party and the two Movement for Democratic Change parties (MDC-T and MDC-N). Talk of an election in the second half of the year caused panic in rural areas affected by the 2008 election-related, state-sponsored violence. Police continued to suppress free expression, association and assembly throughout the year, through arbitrary arrest, unlawful detentions and politically motivated prosecutions.

Background

The GNU failed to finalize a new Constitution, which is crucial if the country is to hold violence-free elections in 2013. The second All Stakeholders Conference to review a draft was held in October, when ZANU-PF tried to reverse new elements that would restrict executive powers and strengthen the declaration of rights agreed during the inter-party negotiation process. The Southern Africa Development Community (SADC), represented by President Jacob Zuma of South Africa, achieved no meaningful reforms to guarantee non-violent elections, despite several visits to Zimbabwe by his facilitation team.

Remarks by senior leaders of the army, police and intelligence services stating their preferred election outcome fuelled fears that the security forces – which had been implicated in the 2008 election violence – would again try to influence the next election in favour of ZANU-PF. President Mugabe and Prime Minister Morgan Tsvangirai publicly spoke out against political violence; however, no concrete measures were taken to end partisan activities of the security forces.

Although incidents of mass political violence remained low, mainly because there were no major political events in the year, at least 300 people were injured as a result of politically motivated acts of torture or other violence.