

PRESS IN
YEMEN
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EXTINCTION

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JOURNALISTS
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SUPPORT



Mwatana for Human Rights



GULF CENTER
FOR HUMAN RIGHTS

A report by Mwatana Organisation for Human Rights and the Gulf Centre for Human Rights (GCHR)

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INTRODUCTION

Yemeni journalists are isolated and desperately need the support of the international community. After more than two years of conflict causing approximately 8,000 deaths, 42,000 injuries in addition to a humanitarian disaster, the press in Yemen remains committed against all the odds to reporting the truth.

Journalists have been subject to systematic patterns of arbitrary arrest, enforced disappearance, media center closures, unfair prosecutions and trials - one of which resulted in a death sentence.

Since the armed group, Ansar Allah (Houthis), backed by the forces of the former Yemeni President Ali Abdullah Saleh, took power, they have attempted to control the public narrative and have been responsible for the majority of violations against journalists. In Taiz Governorate, Ansar Al-Sharea, an extremist group, has also taken a particularly repressive and hostile attitude towards the press. All parties to the conflict however and their various affiliates are committing violations against journalists.

In addition, since the Saudi-led coalition airstrikes began in 2015 in Yemen to defeat the Houthis and restore Yemen's government, bombing and other human rights violations committed by the coalition have had a serious impact on the safety of human rights defenders, including journalists, who are working hard to report on and document the situation in Yemen.

In this report, Mwatana Organisation for Human Rights documents the violations against journalists and the Gulf Centre for Human Rights (GCHR) provides the legal framework in Yemen.

VIOLATIONS LEADING TO DEATH

The last two years have been the bloodiest and most deadly for journalists in Yemen, not just as a result of bombing, but due to direct targeting. Mwatana Organisation for Human Rights has investigated five incidents in which journalists and media staff were targeted while covering the news and performing their work in the field.

On 17 January 2016, **Al-Muqdad Majali**, 34, a reporter for IRIN, was killed in an air strike by the Saudi-led Arab coalition forces in the Jaref area, south of the capital Sana'a. The journalist was wounded by missile splinters during his field work in the Jaref area, which was hit by coalition airstrikes. He died of his wounds before arriving at hospital. Two of his colleagues were also injured during this incident: the driver **Abdulbari Al-Sama'i**, 24, and one of the residents of the area, **Omar Sarub**, 25, while TV cameraman **Baher Al-Sharabi**, 23, survived without injury.

Al-Sharabi reported to Mwatana: "As we stood on the rubble left by the bombing, and after we had interviewed witnesses from the area, I moved away from Al-Muqdad to take some photos for the place, while he was writing some notes, and the driver, Abdulbari Al-Sama'i next to him, I heard the sounds of flying warplanes in the area. I was sure that this place could not be bombed again, because it was totally destroyed, but a huge explosion threw me about three metres away, and then I was amazed to find Al-Muqdad and the driver, Abdalbari, both trying to help the other to stand up. Dust and splinters filled the place. We went to the car, which was away from us, and Al-Muqdad requested to be seated on the ground next to the car. He was seated, and I started to check his body, to find out the injury. He asked me to wrap his left arm which was semi-amputated from the shoulder joint, leaving only one vein linking it to the body."

The driver, Abdalbari Al-Sama'i, told Mwatana *"We heard the explosion about 5 or 6 metres away from me and Al-Muqdad, while the cameraman was in a high place far away from us. We ran towards the car and I noticed a bleeding wound in my left thigh. I wrapped it while running. Al-Muqdad was also running behind me, while bleeding from a small incision in his mouth, and his clothes were all stained with blood, and I noticed that his left hand was badly injured, and the splinters covering all of his body, and this is the reason why he died in the car on the way to the hospital."*

At 11 a.m. on 16 April 2016, in the Al-Haseb area in the city of Taiz, the journalist **Ahmed Abdul-Latif Al-Shaibani** was fatally shot in the back of his head while he was working amid clashes between Houthis and Saleh forces on one hand and a group of popular resistances on the other hand. Al-Shaibani, 30, was working for *14 October* newspaper and was a reporter for Aden TV channel, and Arab 24 news website. *"When I and my colleagues Na'ayem Khalid and Nabil Al-Khadairi reached the Al-Haseb area, we met Ahmed Al-Shaibani and he was accompanied by Abdulaziz Al-Dubhani,"* said **Afaq Al-Haj**, a media reporter for Orient News Channel.

She added: *"We were on a mission to cover news on the fire that broke out in the plastic products plant there. We could not capture photos of the fire or cover the story because of the heavy shelling and direct and constant sniping at everything that moves in the region. We had only one way to return from there through an open street in front of the eyes of the snipers stationed at Al-Araneb hill, controlled by Houthis and overlooking Al-Haseb area. Ahmed Al-Shaibani kept encouraging us to move quickly, so we crossed the street to the other side, and Ahmed was the last one of us. When I looked back, I saw him lying on the ground, covered with blood. Two of the resistance fighters asked us to hide in a building there, and they went to drag Ahmed, and they brought him with them. I could not look at him, while Na'ayem was calling him and begging him not to die. Ahmed was moved to the Al-Rawdah hospital in the city, where he died immediately upon arrival."*

On the afternoon of 18 November 2016, journalist **Awab Al-Zubairi**, 21, and his brother Aazem, 23, and their colleagues **Hossam Al-Kulaia** and **Dawood Al-Wahbani**, were documenting the damage to Al-Askari and the Al-Jahmaliah neighbourhoods in Taiz caused by clashes that took place there. When Al-Zubairi, a journalist with Taiz News Network, entered a building in the Al-Askari neighbourhood, he trampled over a landmine laid in the building, which exploded and killed him.

Mwatana interviewed his brother, Aazem, who stated: *"We were trying to document the damage in the middle of the Al-Askari area. We had to walk a narrow alley between Al-Razi Laboratories Building and Al-Munir Pharmacy Building. Awab moved first and he did not stop at the end of the alley, but ran to cross the main street as well, and when we, I, Hussam and Dawood, decided to cross the street, there was a huge explosion that left a huge smoky cloud that obscured the vision. I could not believe that the explosion led to the collapse of an entire building. I was looking for Awab, and when I did not find him, I started to scream: Awab! Awab! My brother! ... People started to gather, and after searching under the rubble, they pulled his body out, while his blood was mixed with dirt."*

He paused a little; and then resumed talking: *"The pain of losing Awab is still hovering over us, particularly my mother. She is experiencing a very bad psychological condition."* According to eyewitnesses interviewed by Mwatana, this incident occurred as a result of the explosion of a landmine network that was laid in the building that Awab entered, which led to the collapse of the entire building.

In the same context, investigative journalist **Mohammed Al-Absi** died on Tuesday 20 December 2016, in mysterious circumstances. On 02 February 2017, the Forensic Pathologist report revealed that death was "caused by the presence of Carboxyhemoglobin substance in the blood with a percentage of 65%, caused by the inhalation of carbon monoxide gas at a lethal amount". Mwatana, together with the Al-Absi family, had previously issued a statement calling on the concerned authorities to conduct a transparent and independent investigation into the circumstances of his death, in order to reveal all the reasons and circumstances surrounding the incident.

Two journalists, **Abdullah Kabel**, 25, and **Yosuf Alaizari**, 26, were killed on 21 May 2015 in an airstrike by the coalition warplanes targeted the hotel building where the Houthis had detained the two journalists. They were arrested at a checkpoint of the Republican Guard on Wednesday morning, 20 May 2015 in the downtown of the city of Dhamar, north of Yemen, while they were returning from covering a tribal event opposing to Houthis in Zarajh area, district of Al-Hada, governorate of Dhamar. Kabel worked as a reporter for Suhail TV Channel, while Alaizari was working as a reporter for Yemen Youth Channel. Both of them are local channels opposed to the Houthis.

One of the detainees who survived the coalition bombardment told Mwatana that he was with Alaizari and Kabel at 9 am on Wednesday, 20 May 2015 to cover an event, and upon their return, they were stopped at a checkpoint controlled by forces loyal to Saleh and Houthis, located opposite to Dhamar University.

He added: *"We were forced to step out of the car in a humiliating manner, and they blindfolded our eyes and took us to underground rooms in a building located at Harran mountain, it was around 12 noon. The doors were closed. After half an hour, two persons stepped in the room and said that we are informers. At 4 pm one of them stepped in the room with a notebook in his hands, and started to record our personal data (name, address, work, codes of our mobile phones), and after that, we saw no one and we were not called for investigation."*

The detainee continued: *"The next day, Thursday, 21 May 2015, at the afternoon, we were knocking on the doors and screaming, but no one replied to us. At 4:30 pm, we heard the sound of warplanes and we were in a terrifying state. I and Kabel lifted Alaizari to take a look through the small window of the basement and he told us that there is no one. After the first airstrike, which targeted an adjacent building, we moved to the door of the room we were in, and moments later, we were hit by the second airstrike. I was under the rubble unable to move, calling on the others but no answer. I was kept stuck under the rubble for more than an hour until I heard the voices of persons who later I knew were working at the Red Crescent. They told me that the others had died in the attack."*

Kabel's brother reported to Mwatana the following: *"One of the persons who was with Kabel and Alaizari in the same car (whom Houthis allowed to leave with two others) has called me and he said that he tracked the Houthis military vehicle that took Kabel, Alaizari and another third person until we reached Harran mountain. At the same day, around 2:30 pm, we tried to visit the place of detention in Harran mountain, but the Houthis did not allow us to enter the area as they said it is a military zone."*

He continued: *"The Huthis denied the presence of detainees in that area and swore to us that Abdullah Kabel is in a safe place and that he is not detained in this place. There were increasing rumours that the place might be targeted with bombardment, perhaps because it is used for weapons storage, according to news prevailed among the people at that time. I and relatives of Alaizari visited all police stations and prisons in the city and did not find them."*

He added: *“The day after the bombardment, we went to Dhamar Hospital to find out the victims, and we found one of the survivors, who was in a difficult condition. He told us that he was being detained with my brother Abdullah Kabel and Yusuf Alaizari in an underground room in Harran mountain. Consequently, I, with Alaizari’s family, again went to the place with heavy machinery to remove the rubble and drag the remaining bodies, but the Houthis guarding the place prevented us from entering the place, where from the day of the airstrike on Friday until Monday, they did not allow the heavy machinery access into the place to remove the rubble, and only allowed the medical crews to reach the place.”*

He continued: *“On Monday, 25 May 2015, after the communication and pressure on the Houthis leaders, and after communication with the governor, heavy machinery was permitted to access into the place to lift the rubble. After searching for hours, I received a call at around 5:30 pm to inform me that they found the body of my brother Abdullah, and that I must go to Dhamar Hospital to identify the body. In the evening, we identified the body there and took it with us. On Tuesday, 26 May 2015, at 7 pm, the body of journalist Yusuf Alaizari was identified. Both were buried at the afternoon of Wednesday, 27 May 2015.”*

Marwan Damaj, Secretary General of the Yemeni Journalists Syndicate, has confirmed to Mwatana that they requested that Houthi authorities should not use that place of detention for the journalists and that they hold them responsible for the deaths. Mwatana has also obtained witness statements claiming that the Houthis used the detention facility as a military barracks. Mwatana calls for an independent enquiry into this incident forthwith.

ARBITRARY DETENTION AND ENFORCED DISAPPEARANCE

The number of journalists detained arbitrarily in Houthis prisons now stands at 16, as documented and verified by Mwatana.

The detained journalists are : Abdulkhaliq Imran (32 years old), Hisham Saleh Tarmoum (28 years old), Harith Hameed (28 years old), Akram Al-Walidi (32 years old), Issam Balghith (27 years old), Hisham Abdulmalik Saeed Al-Youssefi (26 years old)), Haitham Al-Shehab (26 years old), Hassan Abdullah Anab (38 years old), Tawfiq Mohammed Al-Mansouri (31 years old), Salah Al-Qaidi (30 years old), Wahid Al-Sufi (41 years old), Hussein Saad Al-Essi (40 years old), Abdullah Al-Munifi (39 years old), Yousef Hamoud Mohsen Ajlan (28 years old), Yahya Abdulraqueeb Al-Jubeihi (62 years old), and Mohammed Abdulmalik Al-Salwi (36 years old).

Mwatana has investigated the detention of **Jamil Al-Samet**, a journalist for *Al-Wahdawi* newspaper. On Saturday morning, 18 March 2017, in the city of Taiz, Al-Samet was arrested by the group Proponents of Sharia. As he was leaving his house, he was surprised by three masked gunmen in civilian clothes presenting a compulsory subpoena order to the office of Proponents of Sharia located in Al-Sameel market in the district of Al-Qahirah, one of the districts of the city of Taiz, concerning a press report published by him about the closure of the Republican Hospital. He said: *“They interrogated me for pointing to them in my report as responsible for the closure of Al-Jamhour Hospital, said that I have deliberately defamed their group and that I must disclose the sources of information contained in the report. I refused to do that, until social and political figures intervened, and I was released after thirty hours of detention.”*

Mwatana has documented two cases in which at least two journalists were abducted by militias and Jihadi groups affiliated with the so-called popular resistance in the city of Taiz. These two journalists are still at risk, either because they are still in prison or are working in areas under the control of those groups.

TORTURE

Mwatana has received credible information that some of the journalists detained in Houthi detention centres were assaulted, tortured and otherwise ill-treated, and that the patients were denied access to proper medical care. Mwatana has interviewed **Tawfik Al-Mansouri**, 29, and **Abdulkhaliq Imran**, 30, at Al-Thawra Remand Prison in Sana'a along with seven other journalists. Al-Mansouri and Imran appeared with very pale, thin and weak bodies, and with deep eyes and long beards, and their voices weak.

On being subjected to torture, they said: “Our hands were tied behind our backs, and then we were hung up to the roof for a whole day. The place here is cold and we see the sun only twice every six months.” Press reports confirmed the deterioration of the condition of Tawfik Al-Mansouri, who now needs urgent medical attention.

On 3 October 2015, **Mohammed Al-Washei**, 30, was abducted by Houthis from downtown Dhamar. He works as a reporter for newspapers and news websites and is active in the information department of the branch of the Nasserist Unionist People's Organisation in the governorate of Dhamar.

Al-Washei recounted the incident explaining: *“The time was approaching evening when I left the headquarters of the Nasserist Unionist People's Organisation branch in Dhamar to go to my home. As I was attempting to stop a motorcycle to take me home, I was surprised by a gunman putting his rifle in my back and asking the motorcycle driver to go silently to Al-Wahdah police station, which is under the control of Ansar Allah (Houthis) and the forces of former President Saleh, on the pretext of receiving a communication against me.”*

Al-Washei added: “The investigation began with accusing me of many unfair charges against me, such as betraying the country and working in favour of abroad, inciting the revolution, supporting the legitimacy of President Hadi, providing the coalition forces with the coordinates, recruiting fighters to Mareb, having relations with the resistance, and managing pages on social networks that oppose the Houthis and defaming the leaders of Ansar Allah.”

He added: “When I said that these charges are incorrect, the interrogator angrily stood up and closed the record. He then threatened me to move me to a location which could be targeted by the coalition bombardment. He reminded me of the fate of my colleagues Kabel and Alaizari (The press is living a black era under Houthis), Or of the fighting fronts, or putting me in a cell reserved for lunatic persons.”

Al-Washei was subjected to torture three times, where batons and metal bars were used to hit him. Al-Washei explained: *“My right leg has been crushed, my right elbow has been broken, and there are tumours and black spots after blood clotting in all parts of my body. They have made me bedridden to this day.”*

JUDICIAL ATTACKS

There is an increase in the incidences of defamation and espionage charges being wrongly used against journalists.

On Wednesday morning, 12 April 2017, the competent criminal court in Sana'a, which is under the control of the authorities of Houthis and former President Saleh, pronounced a death sentence against **Yahya Al-Jubeihi** for his espionage in favour of a foreign state following a hearing that lasted for only 15 minutes at the most, and in which his lawyer was denied access to the prosecution evidence and was not allowed to make submissions.

Al-Jubeihi, 61, was sentenced to death after spending seven months in prison, along with two of his sons: Hamzah, 34, and Thou Yazan, 25, by order of the Public Prosecution. They were arrested from their home on 06 September 2016, and held in the prison of the Political Security Service in Sana'a. Thou Yazan was released after around three months, while Hamzah is still in detention without prosecution.

The Prosecution Office for Public Funds in Sana'a summoned 14 journalists and staff members of the Al-Thawra Foundation for Press, Printing and Publishing to appear before it on 29 April 2017, on allegations of corruption-related charges. **Jamil Mufarah**, deputy editor of Al-Thawra, explained: *"The public prosecution has summoned us because we have organised protest sit-ins, in which we demanded the payment of our salaries and financial dues."* He added: *"In December 2015, I was dismissed, along with 13 journalists, by Ansar Allah (Houthis) from the main posts at Al-Thawra Foundation, where I was occupying at that time the position of deputy editor, and we were replaced with other staff recruited by Houthis from outside the foundation."*

He clarified their current capacities, saying *"They have no experience, either administrative or financial, and they have no press background. The financial dues we demanded for is only an incentive not exceeding YR 5,000 (around USD\$20) per employee, that is, we work for YR 130 (USD\$0.52) a day, as it is known that our salaries are suspended similar to salaries of other state employees."*

The leadership of Al-Thawra Foundation, appointed by Houthis, had called for military and security forces intervention to break up a sit-in organised by the journalists and employees to demand their rights. It also suspended more than 25 journalists from their work for the same reason. Houthis and their ally, Saleh, should cease using the judiciary as a means to intimidate journalists and opinion makers, and stop their exclusionary measures against journalists.

LEGAL FRAMEWORK

It is increasingly accepted that non-State actors that exercise government-like functions and *de facto* control over a territory must respect human rights standards when their conduct affects the human rights of the individuals under their control.

Yemen is a party to seven of the nine core international human rights treaties including the International Convention on Civil and Political Rights, which through Article 19, guarantees the right to hold opinions without interference and, to freedom of expression. As a party to those instruments, Yemen is legally bound to respect, protect and fulfil the human rights of those within its jurisdiction.

CONCLUSION

Journalists in Yemen have to contend with violence affecting all citizens, including bombing by the coalition forces, as well as targeted attacks on the media in an attempt to prevent them from carrying out their work. Dozens of journalists have been arrested and at least 16 remain in prisons of Ansar Allah armed group (Houthis) and forces loyal to former president Saleh. Others have been tortured or killed in the course of their work.

RECOMMENDATIONS

Mwatana Organisation for Human Rights and Gulf Centre for Human Rights (GCHR) call on all parties to the conflict including the state and non-state authorities and the international military coalition to:

- 1- Respect international law and maintain the minimum standards of human rights.
- 2- Immediately cease all repressive practices that threaten the work of journalists and limit their freedom.
- 3- Release detained journalists and reveal the fate of those who have been forcibly disappeared.
- 4- Further refrain from using the judiciary as a means to intimidate, detain and punish journalists who are bravely exercising their rights to freedom of expression in the most difficult and dangerous of circumstances.
- 5- Establish an independent international commission of enquiry to investigate the flagrant violations of international human rights law in Yemen, including the violations set out above against journalists.

We reiterate that isolated Yemeni journalists desperately need the support of the international community and in particular to help establish an independent commission of inquiry. Mwatana Organisation for Human Rights and the Gulf Centre for Human Rights (GCHR) express their solidarity with journalists in Yemen and will continue to stand with them in these dark times and work tirelessly to support them.