



## **LET THEM SPEAK**

**Media and freedom of expression targeted in Yemen**

**A report by the Gulf Centre for Human Rights (GCHR)**

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Table of Contents

I. Introduction .....	3
II. Background .....	3
III. Impunity .....	6
IV. Journalists Killed in 2016 .....	7
V. Journalists Killed in 2015.....	8
VI. Attacks on the Media in 2014 .....	9
VII. Conclusion .....	10
VIII. Recommendations .....	11

## **I. Introduction**

Yemen is a country plagued by internal conflicts, poverty, humanitarian crises and a legacy of human rights violations. Serious violations and abuses of international law are rampant and have continued since the civil war began in 2014.

“Airstrikes, shelling, and street-by-street urban combat put journalists and civilians in Yemen at risk of death and injury,”<sup>1</sup> according to the Committee to Protect Journalists (CPJ), a media freedom NGO. Media outlets and journalists are targeted, abducted or killed, as they carry out their important and legitimate work, and the right to freedom of expression is curtailed.

The media’s role in the time of conflict should not be underestimated. It is very crucial in terms of conflict management and the peacebuilding processes. Often, the lack of information at any stage of a conflict, can result in manipulation, helplessness and despair. Whereas, reporting by free media can help people to make informed decisions and enhance the democratic structures of societies and might help in foreseeing a better future.<sup>2</sup>

In this report, the Gulf Centre for Human Rights (GCHR) aims to document and highlight some cases of those who have been subjected to human rights violations as they bravely report on and attempt to bring attention to the situation in Yemen.

## **II. Background**

The media in Yemen has long been facing a number of serious challenges. For instance, the constitution of Yemen guarantees “freedom of thought and expression of opinion in speech, writing and photography within the limits of the law.”<sup>3</sup> However, legislation such as the Press and Publications Law of 1990 has been used repeatedly against journalists who speak out or report on human right violations. In 2012, Yemen enacted a Freedom of Information Law, however the mechanisms to implement it are not yet in place.

Yemen is found at the bottom end of international press freedom rankings, and journalists working for independent outlets have been subjected to restrictions, detention, threats, and attacks.<sup>4</sup> The exercise of the right to freedom of expression, including on-line, is met with threats, violence, arrests and defamation.

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<sup>1</sup> <https://cpj.org/mideast/yemen>

<sup>2</sup> <http://www.e-ir.info/2010/08/28/the-role-of-media-in-peace-building-conflict-management-and-prevention>

<sup>3</sup> Article 42 <http://www.refworld.org/pdfid/3fc4c1e94.pdf>

<sup>4</sup> <https://www.mediasupport.org/areas/mena/yemen/>

The first half of 2016 alone saw more than 100 press freedom violations including murders, abductions, disappearances, detentions and assaults.<sup>5</sup> Figures from September 2016 reveal that eight journalists and two support staff have been killed since the Saudi-led campaign began in Yemen in March 2015.<sup>6</sup> According to the Freedom Foundation, a Yemeni group that monitors press freedom, at least 49 attacks on media were carried out in the month of January 2015 alone.<sup>7</sup> Freedom Foundation has not been able to work freely since the escalation of hostilities in late March 2015. By 2015, Houthi forces had blocked over 36 news websites and broken into more than 14 offices of media outlets.<sup>8</sup>

From the time the Saudi Arabia-led coalition entered the conflict on 26 March 2015, 3,799 civilians have been killed and more than 6,700 wounded. These include at least 1,444 more civilian deaths since the UN Human Rights Council (UNHRC) failed to create an international inquiry a year ago.<sup>9</sup> On 08 October 2016, Saudi coalition forces bombed a community hall in Sana'a, where thousands of mourners were taking part in a funeral ceremony. The United Nations reports that over 140 people were killed and more than 525 wounded in this single, deadly attack.<sup>10</sup>

The UNHRC has missed critical opportunities to address alleged violations of international human rights and humanitarian law in Yemen. On 2 October 2015, the UNHRC adopted HRC resolution 30/18,<sup>11</sup> drafted by Saudi Arabia. This deeply flawed resolution ignored earlier calls for an international inquiry and instead endorsed a Yemeni national commission. A year later, the UN High Commissioner for Human Rights concluded that this commission was "unable to implement its mandate in accordance with international standards."<sup>12</sup> The GCHR believes that it is imperative that an urgent international inquiry into civilian deaths and human rights violations in Yemen is established.

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<sup>5</sup> National Union of Journalists <https://www.nuj.org.uk/news/yemeni-journalists-syndicate-report-extensive-press-freedom/>

<sup>6</sup> IFEX- [https://www.ifex.org/yemen/2016/09/09/dangerous\\_environment/](https://www.ifex.org/yemen/2016/09/09/dangerous_environment/)

<sup>7</sup> [http://www.freedomfoundation-yemen.org/en/index.php?option=com\\_content&view=article&id=837:yemen-freedom-foundation-documented-25-attacks-on-journalists-on-sunday-a-monday-out-of-49-violation-cases-since-first-january&catid=12:news&Itemid=30](http://www.freedomfoundation-yemen.org/en/index.php?option=com_content&view=article&id=837:yemen-freedom-foundation-documented-25-attacks-on-journalists-on-sunday-a-monday-out-of-49-violation-cases-since-first-january&catid=12:news&Itemid=30)

<sup>8</sup> <http://www.mwatana.org/en/21102015438>

<sup>9</sup> See joint appeal issued by 11 human rights organisations <http://www.gc4hr.org/news/view/1375>

<sup>10</sup> See: MENA Rights Defenders Call for Urgent International Inquiry in Yemen, 10 October 2016

<https://rightscable.com/2016/10/10/mena-rights-defenders-call-for-urgent-international-inquiry-in-yemen/>

<sup>11</sup> [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/30/18](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/30/18)

<sup>12</sup> UN High Commissioner for Human Rights Press Release August 2016

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20411&LangID=E>



In September 2016, the Gulf Centre for Human Rights (GCHR) hosted a side event in co-operation with CIVICUS, FIDH, the World Organisation Against Torture (OMCT), Reporters Without Borders (RSF), the Committee to Protect Journalists (CPJ), International Media Support (IMS), the Cairo Institute for Human Rights Studies (CIHRS), Sisters Arab Forum (SAF) in Yemen and Alamal Association in Iraq at the 33<sup>rd</sup> session of the United Nations Human Rights Council on 20 September 2016 entitled “Journalists at risk in Syria, Iraq, Yemen and Bahrain: Challenges and the need to enhance their protection.”

**Amal Basha**, a prominent Yemeni human rights defender and Chairperson of Sisters' Arab Forum in Yemen, said that Yemen is not safe anymore and there is no place to run to. Journalists are targeted by all sides and there is no access to accurate and objective information but rather there is misleading information and false news, in addition to silence. Basha added that there should be an international investigation into the crimes committed in Yemen. “We need the war to stop and spread the peace making everybody safe,” she said.<sup>13</sup>

At many UNHRC sessions, GCHR has felt a pressing need to highlight the ongoing violations in Yemen, which are not receiving enough attention. In September 2015, at the 30<sup>th</sup> session of the UNHRC, Human Rights Watch, Amnesty International, the GCHR, the Cairo Institute for Human Rights Studies (CIHRS) and the International Federation for Human Rights (FIDH) organised a side event focused on Yemen entitled “Civilians & Rights Activists Under Fire - Addressing impunity that fuels the humanitarian crisis.”<sup>14</sup> Speakers called for an end to targeting of civilians in the ongoing war in Yemen and the imminent risks that HRDs, including media worker, bloggers and journalists, in the country face from all parties to the conflict, who enjoy impunity. GCHR again called for an immediate, impartial and thorough investigation into the murder of journalist **Abdulkarim Al-Khaiwani** in 2015 and all other crimes committed against human rights in Yemen with a view to bringing those responsible to justice in line with local laws and international standards.

In June 2015, at the 29<sup>th</sup> session of the UNHRC, the GCHR organised a side event co-sponsored by CIVICUS, Freedom House, the Arab Network for Human Rights Information (ANHRI), and Sisters Arab Forum (SAF), on the situation of HRDs and journalists during wartime in Yemen. At the event calls were made for an immediate cease-fire and accountability for all parties involved in war crimes against humanity.<sup>15</sup>

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<sup>13</sup> <http://www.gc4hr.org/news/view/1371>

<sup>14</sup> <http://www.gc4hr.org/news/view/1089>

<sup>15</sup> <http://www.gc4hr.org/news/view/1030>

On 2 May 2015, World Freedom Press Day, the GCHR launched its special human rights report entitled *Yemeni journalists and human rights defenders at risk during wartime*.<sup>16</sup> The report outlined the political context and the conflict in the country in the aftermath of the 18 March 2011 revolution and highlighted the deterioration of security conditions. In particular it discussed the situation of the freedom of media and the challenges facing journalist who are increasingly targeted. “Media freedom has been compromised during the conflict, with little media neutrality, and electricity outages mean online sources of independent news are not always available,” the report says. It concluded with recommendations to the Arab League member states and all conflicted parties in Yemen to take all necessary steps toward peace and negotiations in respect of human rights and safety for Yemeni human rights defenders (HRDs).

### **III. Impunity**

Both the Saudi-led coalition and the Houthi forces continue to commit violations of international human rights and humanitarian law with full impunity. The UN Security Council in its resolution 2222 (2015), recognised the level of impunity and “strongly condemns the prevailing impunity for violations and abuses committed against journalists, media professionals and associated personnel in situations of armed conflict, which in turn may contribute to the recurrence of these acts.”<sup>17</sup> However, those responsible for such violations and abuses continue to enjoy impunity. The on-going failure to reach a peace agreement and the suspension of UN peace talks means that the situation is continuing to deteriorate in Yemen and the environment for media and journalists to work becoming increasingly dangerous.

The latest bombing in October 2016 highlights the importance of having an independent media in Yemen to document and raise cases of human rights violations internationally, to seek more attention for the conflict in Yemen and to call for justice and peace with respect to human rights in the country. Media blackouts can only serve those who enforce it, and will only contribute to increase mass atrocities and human rights violations and to protect the perpetrators from being held accountable, including through an international inquiry.

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<sup>16</sup> For the full report see <http://www.gc4hr.org/report/view/36>

<sup>17</sup> UN Security Council S/RES/2222 (2015) page 4 available at [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2222\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2222(2015))

## IV. Journalists Killed in 2016

On 5 August 2016, reporter **Mubarak Al-Abadi** was killed while covering clashes in Al-Jawh province for Suhail TV.<sup>18</sup> He was president of the Nabaa Media Foundation and contributed to Al Jazeera television.

On 22 July 2016, photographer and reporter **Abdulkarim Al-Jerbani** was killed while reporting on the fighting in northern Yemen. The Director-General of UNESCO issued a press release stating: "I condemn the killing of Mubarak Al-Abadi and Abdulkarim Al-Jerbani.... Journalists must be allowed to carry out their vital work keeping the public informed. All have a legal duty to recognise the civilian status of media workers and ensure their safety, including in times of conflict, in keeping with the Geneva Conventions."<sup>19</sup>

On 9 May 2016, ten journalists, detained since 2015, by Houthi forces began a hunger strike in protest against their maltreatment which included beatings and denial of access to medical treatment, visits and access to adequate nutrition. On 23 May 2016, the journalists were transferred from Habra pre-trial detention facility to an unknown location and their whereabouts remain unknown.<sup>20</sup>

On 4 March 2016 **Abdulrasheed Al-Faqhi** was detained by Houthi forces in Sana'a International Airport as he was returning from an international conference on freedom of expression and journalism in Jordan. He is executive director and founding member of the human right organisation Mwatana. His belongings were inspected and he was interrogated as to the purpose of his trip and his relationship with international NGOs.

The conference was organised by the Yemen Journalists Syndicate, the International Federation of Journalists and the Arab Federation of Journalists to discuss the challenges faced by journalists in Yemen, and to develop strategies to protect and strengthen them and their work.

This is not the first time Al-Faqhi was targeted as a result of his human rights work. In September 2015, he was arrested and detained for ten hours along with his wife, human rights defender and chairperson of Mwatana **Radhya Almutawakel**, and other colleagues following their attendance at a peaceful demonstration calling for justice for victims of enforced disappearance and the release of political detainees.

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<sup>18</sup> <https://www.nuj.org.uk/news/mubarak-al-abadi-seventh-journalist-killed-in-yemen-this-year/>

<sup>19</sup> UNESCO Press release 19 August 2016 [http://www.unesco.org/new/en/communication-and-information/resources/news-and-in-focus-articles/all-news/news/director\\_general\\_condemns\\_killing\\_of\\_journalists\\_mubarak\\_al/#.V-1KDJMrKR](http://www.unesco.org/new/en/communication-and-information/resources/news-and-in-focus-articles/all-news/news/director_general_condemns_killing_of_journalists_mubarak_al/#.V-1KDJMrKR)

<sup>20</sup> <http://www.amnestyusa.org/get-involved/take-action-now/yemen-release-ten-journalists-ua-2716>

Mwatana monitors and documents human rights violations and has regularly been targeted by the Houthi group as a result of its human rights work.<sup>21</sup> Both the Houthi armed group and Al-Islah party have launched hate campaigns against them through social media.<sup>22</sup>

In February 2016, **Abdullah Al-Minefi**, editor of Al-Sahwa News, a website critical of Houthis, was abducted from his home in Dhamar by pro-Houthi forces and his whereabouts remain unknown.<sup>23</sup> In the very same month, February 2016, journalist **Ahmed Al-Shaibani** was also killed, allegedly by pro-Houthi forces, as he reported on the shelling of a factory in Taiz.<sup>24</sup>

In January 2016, while working as a cameraman for Al-Masirah TV station, **Hashim Al-Hamran** was killed by a Saudi-led coalition airstrike. In September 2015 journalist **Bilal Sharaf Al-Deen** who worked for Al-Masirah TV, was also killed in a Saudi-led coalition airstrike.

## V. Journalists Killed in 2015

On 20 May 2015, Houthi fighters abducted reporters **Youssef Al-Ayzari** and **Abdullah Qabil**, who had both been publicly critical of the Houthis. Their bodies were found several days later under rubble in Dhamar following a Saudi-led coalition airstrike.<sup>25 26</sup>

On 18 March 2015, **Abdulkarim Al-Khaiwani**, former editor in chief of the pro-democracy online newspaper *Al-Shura* was murdered in Sana'a by armed men on motorbikes, as he left his home. He had been involved with international human rights organisations and, during its mission to Yemen in April 2013, told the GCHR of how he had been targeted and imprisoned.<sup>27</sup>

He advocated for the right to freedom of expression and wrote about government corruption. He was awarded the Special Award for Human Rights Journalism Under Threat by Amnesty International in 2008. He suffered regular threats, attacks and imprisonment as a result of his writing. He was sentenced to one year in prison in 2004, and was abducted and tortured in 2007. In 2008 he was sentenced to six years in prison, a sentence which was eventually suspended after a pardon was granted in 2009.

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<sup>21</sup> <https://www.frontlinedefenders.org/en/case/case-history-abdulrasheed-al-faqih>

<sup>22</sup> See GCHR Report- Liberty at Risk: Reprisals Against Human Rights Defender in the Gulf Region and Neighbouring Countries: <http://www.gc4hr.org/report/view/52>

<sup>23</sup> <https://cpj.org/2016/02/at-least-one-yemeni-journalist-taken-captive-by-ho.php>

<sup>24</sup> <https://cpj.org/killed/2016/ahmed-al-shaibani.php>

<sup>25</sup> [https://www.ifex.org/yemen/2016/09/09/dangerous\\_environment/](https://www.ifex.org/yemen/2016/09/09/dangerous_environment/)

<sup>26</sup> <https://cpj.org/2015/05/two-abducted-yemeni-journalists-found-dead-after-a.php>

<sup>27</sup> GCHR report *Yemeni journalists and human rights defenders at risk during wartime* available at <http://www.gc4hr.org/report/view/36>

Journalist **Waheed Assofi**, editor-in-chief of *Al-Arabia* newspaper, was arrested at gunpoint at Atahrir Post Office by Houthi forces, and there has been no news of his whereabouts since then. Fears are mounting for his safety.

## VI. Attacks on the Media in 2014

In one week alone in February 2014, nine journalists were subjected to gross human rights violations including threats, attempted kidnappings, physical and verbal assaults, defamation and arbitrary arrests by unidentified armed men and members of the security agency.<sup>28</sup> In the same month, the government temporarily prevented a state-operated press from printing copies of *Aden Al-Ghad*, a newspaper linked with a separatist group based in Southern Yemen.

In September 2014, there was a series of attacks on media stations and journalists. Homes of presenter **Mohamed Al-Jama'i** and journalist **Ibrahim Al-Haidam** of privately-owned Yemen Shabab TV were hit with shells. Raids were carried out on the homes of Al-Shoumoua' Media Foundation's director **Saif Mohamed Ahmed Al-Hadari**, and journalists **Moubarak Al-Alchoual** and **Youssef Al-Qadi**. **Mohamed Imad**, a photographer who has been well known since his coverage of the 2011 revolution, was arrested as he walked down a street in Sana'a.

In June 2014, authorities shut down the *Yemen Today* television station and newspaper, both of which were owned by former President Saleh. Authorities reportedly also seized equipment from the outlets.<sup>29</sup>

In March 2014, human rights defender **Ali Al-Dailami** was detained for 12 hours at Sana'a airport and prevented from travelling to Jordan where he was due to attend a human rights meeting on "Gender in situations of conflict and emergency." He is head of the Yemen Organization for Defending Rights and Democratic Freedoms, an NGO that monitors human rights violations. In August of the same year his vehicle was fired at in front of his home.

In March 2014, **Majed Karout**, a reporter for the Masdar Online news website, was sentenced to one year in jail and fined 100,000 Rials (\$450) for allegedly circulating false news. The charge was related to information he had posted on Facebook that implicated a former government official in corrupt activity.<sup>30</sup>

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<sup>28</sup> GCHR annual report 2014 *Hear their voices: Alarming Times for Human Rights Defenders in the Gulf Region and Neighbouring Countries* available at <http://www.gc4hr.org/report/view/30>

<sup>29</sup> <https://freedomhouse.org/report/freedom-press/2015/yemen>

<sup>30</sup> <https://freedomhouse.org/report/freedom-press/2015/yemen>

## **VII. Conclusion**

The environment in which media outlets and journalists operate in Yemen is increasingly dangerous as they face ongoing targeting from all sides to the conflict. They work under threat of defamation, detention and even death. The exercise of the right to freedom of expression continues to be grossly restricted. The cases outlined above provide some examples of the critical situation however, many more go unreported and often journalists are forced to go into hiding and to censor their work due to concerns for their safety and fear of reprisals for their work.

Article 6 (b and c) of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms state that:

“Everyone has the right, individually and in association with others: (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.”<sup>31</sup>

GCHR believes that it is imperative that the media is protected and freedom of expression is respected. The authorities in Yemen, the UN and its member states must do more to ensure that these articles are respected and must use all mechanisms available and every opportunity possible to guarantee that all HRDs and journalists in Yemen are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions.

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<sup>31</sup> Adopted by resolution 53/144 on 9 December 1998  
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/RightAndResponsibility.aspx>

## **VIII. Recommendations**

- Urge the international community to put an end to the violence in Yemen by promoting a cease-fire and implementing UN Resolution 2216 (2015)<sup>32</sup> calling for an end to violence in Yemen by all parties to the conflict;
- Support calls from Yemeni civil society representatives for the Human Rights Council to create an international inquiry into the conflict in Yemen in order to address ongoing impunity for grave violations committed by all parties to the conflict and stop the violence, which may include an international fact-finding mission;
- Investigate cases of targeting, abducting and killing of journalists and media professionals in Yemen and ensure that perpetrators are held accountable without impunity;
- Urge the Yemeni authorities to immediately and unconditionally release all human rights defenders and journalists detained as a result of their peaceful and legitimate work;
- Recognise the importance of the role of youth, women and civil society - including media and journalists - in the peacebuilding processes;
- Enable the environment for HRDs and journalists to engage in their freedom of expression activities and grant them full protection of the law and the judiciary, refraining from using the law to hinder their freedom of expression; and
- Enhance the protection measures and safety of information sharing for journalists and HRDs in general at time of conflict through special mechanisms tailored within international legal frameworks.

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<sup>32</sup> <http://www.un.org/press/en/2015/sc11859.doc.htm>