

To: President of the Republic of Yemen
H.E. Ali Abdullah Saleh
Fax: + 967 127 4147.



CC: Minister of Information
H.E. Hassan Ahmad Al Lawzy
Fax: +967 282 004

CC: Ambassador of Yemen in the UK
Mohammed Taha Mustafa
Fax: +44 207 589 3350

7 August 2008

His Excellency President Ali Abdullah Saleh,

We, the undersigned organisations promoting and defending freedom of expression worldwide, join ARTICLE 19 in condemning the deteriorating state of freedom of expression in Yemen.

Yemen has made some progress in the human rights field over recent years since its accession to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1987. Notably, civil society organisations, including NGOs addressing human rights and social issues, have expanded and developed in the country. Furthermore, the independent and opposition-supporting newspapers which have been established have adopted a critical stance towards state authorities, previously unheard of in the region.

Despite these positive developments, Yemen, a country where the government has taken various measures to support the USA's so-called "war on terror", has carried out hundreds of arrests of individuals suspected of being members of Al Qaida. In the process, the authorities, mainly through the security forces, have harassed, interrogated and occasionally even detained journalists who had covered these arrests. After being warned against reporting on these "security issues", journalists first started to self-censor themselves out of a fear of being accused of supporting terrorism. After a decrease in the number of arrests, journalists then began to reassert their rights to freedom of expression. As a consequence they have faced a fresh round of harassment, physical assaults, arrests and detention by security forces which have been supported by the judiciary. This pattern of repression, which peaked in 2005, continues at an alarming rate. Indeed, the high number of violations recorded in the first half of 2008 demonstrates the extent to which the right to freedom of expression has been eroded in Yemen.

6-8 Amwell Street
London
EC1R 1UQ
United Kingdom
Tel: 44 20 7278 9292
Fax: 44 20 7278 7660
Email: info@article19.org
Web: www.article19.org

Executive Director
Dr Agnès Callamard

Board of Trustees
Heather Rogers (Chair)
Galina Arapova
George Alagiah
Louise Christian
Ann Howarth
Jorge Islas Lopez
Richard Sambrook
Catherine Smadja

Honorary Member
Aung San Suu Kyi (Burma)

ARTICLE 19
Research and Information
Centre on Censorship
(A company limited by guarantee)

Company No.: 2097222
Reg. Charity No.: 327421

"ARTICLE 19 is alarmed by the serious undermining of freedom of expression in Yemen," says Dr. Agnès Callamard, ARTICLE 19 Executive Director. "We reiterate our condemnation of the current conditions in Yemen that clearly violate Yemen's international obligations on freedom of expression". ARTICLE 19 and the undersigned organisations remain concerned about the following:

- In March 2008, the Ministry of Information ordered a ban on the newspaper "Al-Sabah" for allegedly "threatening Yemeni unity and public order".

- In April 2008, the Minister of Information withdrew the license of "Al-Wasat", a daily, for allegedly "threatening national unity". The decision was later revoked in court.

- On 11 June 2008, the Yemeni State Security Court sentenced Abdelkarim Al-Khaiwani, editor in chief of "Al-Shoura" to six years in prison. In a case perceived to be politically motivated, Al-Khaiwani was tried for his coverage of the war in Sa'ada province which was alleged to be a terrorist offence. In July, the court suddenly amended his verdict by adding the phrase "expedited implementation", thus obscuring the possibilities for his appealing the earlier decision. On July 29, the Criminal Court decided to delay looking into a request by Al-Khaiwani's defence team to release him. The court session has been postponed until November 2008. This decision has been criticised by lawyers in Yemen as a significant violation of proper procedures.

- On 22 June 2008, Mohamed al-Mokaleh was sentenced by the Yemeni State Security Court to a six-month suspended term in prison for "attacking and defaming the judicial system" after bursting into laughter during the trial of Al-Khaiwani. Al-Mokaleh is the General Secretary of the Socialist Party and a well-known critic of the Yemeni government. He had already served two months in jail and was released on 22 June.

- On 9 July 2008, comedian-singer Fahd al-Qarni was sentenced to 18 months imprisonment and a fine of YR 500,000 (approximately US\$2,500) for "insulting Yemen's President, Ali Abdullah Saleh." Al-Qarni had been targeted in the past. In July 2006, members of the Criminal Investigations Bureau arrested vendors of his cassette in an effort to curtail its circulation. The cassette combines traditional folk compositions with humour and criticism of the government's policies. In addition, there have been numerous attacks against journalists and activists outside the courts: earlier this year YemenPortal.net was blocked by the authorities; Tawakkol Karman, director of the NGO Women Journalists Without Chains, has received anonymous death threats; and activists who were peacefully protesting against the above-mentioned court cases have been harassed and have had their documenting equipment seized by the authorities.

We, the undersigned members of the International Freedom of Expression eXchange (IFEX), reiterate our deepest concern over the continued undermining of the individual human right to freedom of expression in Yemen and urge the Yemeni authorities to reaffirm and live up to Yemen's international human rights commitments, in particular Article 19 of the International Covenant on Civil and Political Rights. Yemen is also a signatory to the Arab Charter on Human Rights which guarantees freedom of expression.

Moreover, the Yemeni government made public commitments to the protection of human rights through its National Reform Agenda adopted in 2006.

We therefore call on the Yemeni state organs and authorities to take decisive and immediate measures in accordance with international human rights law to uphold freedom of expression in Yemen, particularly in relation to the cases outlined above.

The Yemeni government should:

- Refrain from banning or withdrawing licenses from newspapers on the grounds that they "threaten Yemeni unity and public order";

The Yemeni legislature should, upon the proposal of the Yemeni government:

- Repeal all legislation that establishes unduly broad conceptions of terrorist offences and that criminalises the "insult" of politicians, the courts and individual members of the judiciary.

The judiciary should:

- Allow Al-Khaiwani to appeal his six-year prison sentence and investigate the sudden extension of Al-Khaiwani's sentence;
- Overturn the verdict of the Yemeni State Security Court, as well as the amendment to the verdict which allows "expedited implementation" of the sentence, so that Al-Khaiwani is released from detention;
- Refuse to convict other individuals, especially journalists, who are exercising their right to freedom of expression, of terrorist offences and/or for "insulting the judiciary";
- Allow any appeal launched by Al-Qarni against his conviction for insulting the Yemeni president and overturn the decision of the earlier court.

Furthermore, state police and members of the Criminal Investigations Bureau should:

- Refrain from harassing, intimidating, arresting, attacking or detaining any individual, especially members of the press, for exercising their right to freedom of expression;
- Serve to protect individuals, especially journalists, exercising their right to freedom of expression from violent attacks.

Sincerely,

Africa Free Media Foundation (AFMF), Kenya
Alliance of Independent Journalists (AJI), Indonesia
Arab Archives Institute (AAI), Jordan
Arabic Network for Human Rights Information (ANHRI), Egypt
ARTICLE 19, United Kingdom
Bahrain Center for Human Rights (BCHR), Bahrain
Cairo Institute for Human Rights Studies (CIHRS), Egypt
Canadian Journalists for Free Expression (CJFE), Canada
Cartoonists Rights Network International (CRNI)
Center for Human Rights and Democratic Studies (CEHURDES), Nepal
Centro de Reportes Informativos sobre Guatemala (CERIGUA), Guatemala

Egyptian Organization for Human Rights (EOHR), Egypt
Free Media Movement (FMM), Sri Lanka
Freedom House, USA
Hong Kong Journalists Association (HKJA), China
Independent Journalism Center (IJC), Moldova
Institute for Mass Information (IMI), Ukraine
Institute for Reporters' Freedom and Safety (IRFS), Azerbaijan
Institute for the Studies on Free Flow of Information (ISAI), Indonesia
International PEN Writers in Prison Committee (WiPC), UK
Journalists Trade Union (JuHI), Azerbaijan
Maharat Foundation, Lebanon
Media, Entertainment and Arts Alliance (MEAA), Australia
Media Rights Agenda (MRA), Nigeria
Observatoire pour la liberté de presse, d'édition et de création (OLPEC), Tunisia
Paraguayan Union of Journalists (SPP), Paraguay
World Association of Community Radio Broadcasters (AMARC), Canada