

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Yemen: Immunity law deals blow to victims of abuses**

A law issued on Saturday providing immunity from prosecution for President Ali Abdullah Saleh and all those who worked with him during his administration is a bitter blow for those calling for justice for human rights violations over recent years, Amnesty International said today.

The law, passed by the Yemeni parliament on 21 January 2012, provides “complete immunity from legal and judicial prosecution” for President Saleh. It further provides immunity from criminal prosecution for all those who worked under President Saleh during his rule – whether in civil, military or security positions – in connection with “politically motivated acts” carried out during the course of their official duties; they are, however, not exempt from prosecution for “acts of terrorism”. The law does not clarify what is meant by “politically motivated acts” or “acts of terrorism”.

Amnesty International considers the law to be in breach of Yemen’s obligations under international law to investigate and prosecute human rights violations. Under international law, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Yemen is a state party, Yemen is obliged to investigate and prosecute anyone suspected of such crimes where there is sufficient admissible evidence.

UN High Commissioner for Human Rights Navi Pillay had criticized the law when it was in draft form, saying that if it was passed into law it would violate Yemen’s international human rights obligations.

The law provides for immunity for acts undertaken during President’s Saleh’s 33-year rule up to the date it was issued. It thereby seriously undermines the right of the many Yemenis who have suffered human rights violations during that time from achieving justice.

Most recently, more than 200 people have been killed and thousands injured since early 2011 as security forces and armed Saleh supporters have attempted to quell pro-reform protests in the capital Sana’a and elsewhere. Hundreds more have been killed in armed clashes. Throughout the last three decades, however, Yemeni security forces have been responsible for serious human rights violations, including extrajudicial executions, torture, enforced disappearances and arbitrary detention.

The immunity law states that additional legislation is to be enacted with the aim of advancing national reconciliation and transitional justice as part of measures to ensure violations of international human rights and humanitarian law do not occur in the future. While Amnesty International would welcome any measures to help prevent violations being committed, it is seriously concerned that accountability for past abuses – one of the key elements of any plan to ensure violations do not recur – is being so heavily undermined.

The text of the immunity law states that it was issued in accordance with a deal that was brokered by the Gulf Cooperation Council (GCC) and signed by President Saleh and members of the opposition in November in return for him stepping down from power. It also states that it was passed to comply with UN Security Council resolution 2014 which in October had called on all parties to commit to the implementation of a political settlement based on the GCC deal. However, the same resolution underlined “the need for a comprehensive, independent and impartial

investigation consistent with international standards into alleged human rights abuses and violations, with a view to avoiding impunity and ensuring full accountability,” and stressed “the need for all those responsible for violence, human rights violations and abuses to be held accountable”.

As part of the agreement President Saleh handed over some presidential powers to Vice-President Abd Rabbu Mansour Hadi.

A member of the opposition was appointed to head a government of national reconciliation, with ministerial posts divided up among political parties as per the agreement. The new government will remain in power for an interim period of two years.

Ali Abdullah Saleh will retain the title of President until the elections, which are expected to take place in February.

Public Document

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