

AI Index: PRE 01/394/2012
15 August 2012

Yemen: Two years on, journalist still behind bars after alleging US cluster bomb use

The Yemeni authorities must set aside the conviction of a journalist imprisoned after he alleged US involvement in fatal air strikes in the country – including the use of cluster bombs – and release him, Amnesty International said today.

Thursday marks two years since Abdul Ilah Haydar Shayi', an investigative journalist specializing in counter-terrorism affairs, was arrested at his home in the Yemeni capital Sana'a, on charges of links to al-Qa'ida. He has been behind bars ever since.

On 18 January 2011, he was sentenced to five years' imprisonment. On 1 February 2011, former Yemeni President Ali Abdullah Saleh issued an order to free him, but it was not carried out after [US President Barack Obama](#) expressed concern over the journalist's release.

Abdul Ilah Haydar Shayi's lawyers and Yemeni activists say the charges against him were fabricated as a result of his investigative journalism.

"Ever since his arrest and trial, there are strong indications that Abdul Ilah Haydar Shayi' was targeted for revealing evidence of the US role in a cluster bomb attack that killed dozens of residents," said Hassiba Hadj-Sahraoui, Deputy Middle East and North Africa Programme Director at Amnesty International.

"Two years on, he remains behind bars. The charges on which he was convicted appear to be based on what he has done as part of his legitimate activities as a journalist. As such his conviction must be set aside and he should be released."

In January 2011, Abdul Ilah Haydar Shayi' was convicted by the Specialized Criminal Court on several charges including communicating with "wanted men", joining a military group and acting as a media consultant to al-Qa'ida. After serving his five-year jail term, he will be banned from travel for a further two years.

The charge of communicating with "wanted men" appears to have been connected to his work as an investigative journalist. Shayi' himself does not deny having had contact with members of al-Qa'ida but said that this was in relation to his journalism. His lawyers say the prosecution submitted no convincing evidence that their client had worked with or supported al-Qa'ida.

Amnesty International has not seen anything that would substantiate any of the charges against him.

Abdul Ilah Haydar Shayi' and his lawyers have refused to appeal his conviction, citing concerns about the legitimacy of the court and the fairness of his trial.

From the time of his arrest until 11 September 2010, Abdul Ilah Haydar Shayi' was held incommunicado

and he told his lawyers and others who were present at one of the court sessions that he was beaten during that time, leading to chest injuries, bruising on his body and a broken tooth.

Given the lack of convincing evidence to support the charges, the allegations of torture and other ill-treatment and Amnesty International's concerns about the fairness of trials before the Specialized Criminal Court and its lack of independence, Amnesty International considers that his detention is arbitrary and that the conviction should be set aside and he should be released.

If the authorities have evidence against him, they should charge him with a recognizably criminal offence, and bring him to trial in proceedings which conform to international fair trial standards.

Abdul Ilah Haydar Shayi' was the first Yemeni journalist to allege US involvement in a December 2009 missile attack on the community of al-Ma'jalah, the site of what the government claimed to be an al-Qa'ida training camp in southern Yemen's Abyan area.

Shortly after the attack – which killed 41 local residents, including 21 children and 14 women – he wrote articles and spoke to news channel Al Jazeera and newspapers. In addition 14 alleged al-Qa'ida members were also reported to have been killed in the missile attack.

Yemen's government initially said its forces had acted alone in the attack on al-Ma'jalah, but shortly afterwards US media outlets published alleged statements by anonymous US government sources claiming President Obama approved the use of US missiles being fired at two alleged al-Qa'ida sites in Yemen.

In June 2010 Amnesty International [released images](#) of a US-manufactured Tomahawk cruise missile that carried cluster sub-munitions, apparently taken near al-Ma'jalah after the December 2009 airstrike. The organization further claimed that such missiles were only known to be held by the US forces at that time and that Yemeni armed forces were unlikely to be capable of using such a missile.

This finding was later corroborated when WikiLeaks released [a US diplomatic cable](#) confirming that US forces had carried out the attack.

The Pentagon has not responded to a request from Amnesty International for information about US forces' involvement in the attack.

“The Yemeni and US authorities have failed to account for the attacks that killed dozens of Yemeni residents, and a journalist who revealed information about the US involvement has been behind bars for two years,” said Hadj-Sahraoui.

Cluster munitions – also known as cluster bombs – have indiscriminate effects and unexploded bomblets threaten lives and livelihoods for years after their use.

[A global treaty banning the use, production, stockpiling and transfer of cluster bombs](#) entered into force on 1 August 2010 and has 75 states parties to date. Neither Yemen nor the USA has joined the treaty.

ENDS/