

# URGENT ACTION

## JOURNALIST FREED BUT STILL FACES CHARGES

Yemeni journalist Muhammad al-Maqalih, who was detained in the capital, Sana'a, for over six months, was released on 25 March. However, he is facing charges of "defaming the President", broadcasting information against security forces, and supporting followers of the cleric Hussein al-Huthi. The last two charges carry the death penalty. Amnesty International believes that he has been targeted solely for his criticism of the government's policies in the armed conflict in the north of Yemen.

**Muhammad al-Maqalih** was arrested in September 2009 and held incommunicado until February, when he was allowed visits from his family. He was brought to trial on 1 February before the Specialized Criminal Court in Sana'a, on charges of broadcasting information against security forces and supporting followers of the cleric Hussein al-Huthi in Sana'a. He refused to appoint a lawyer, as he believes that the court is unconstitutional.

Before his release on 25 March, from the Political Security prison in Sana'a, he was apparently told that this case would be dropped. However, it has not been dropped, and in April 2010, he learned that he faces prosecution for "defaming the President" before a press court established in 2009. It appears that the case was originally brought against him in 2005, in relation to articles he had written, but later dropped.

Amnesty International believes that this development may be related to the fact that, after his release, Muhammad al-Maqalih spoke publicly about being tortured and otherwise ill-treated in custody. He told Amnesty International: "I was abducted by armed elements from one of the biggest streets in Sana'a... They subjected me to severe beatings all over my body until I was bleeding and lost consciousness... I was unable to move for about 10 days." He also said that he was blindfolded and told that he was going to be executed.

### PLEASE WRITE IMMEDIATELY in Arabic, English or your own language:

- Calling on the authorities to drop all charges against Muhammad al-Maqalih, if they are based solely on his criticism of the government;
- Noting that if he is convicted and imprisoned on these charges, Amnesty International would consider him to be a prisoner of conscience and call for his immediate and unconditional release;
- Calling on authorities to investigate his allegations of torture and other ill-treatment.

### PLEASE SEND APPEALS BEFORE 16 JUNE 2010 TO:

#### Minister of Interior

His Excellency Mutaher Rashad al-Masri  
Ministry of Interior  
Sana'a, Republic of Yemen  
Fax: +967 1 332 511 /  
+967 1 514 532 / +967 1 331 899  
Email: [moi@yemen.net.ye](mailto:moi@yemen.net.ye)  
Salutation: Your Excellency

#### President

His Excellency Ali Abdullah Saleh  
Office of the President of the Republic  
of Yemen  
Sana'a, Republic of Yemen  
Fax: +967 1 274 147  
Salutation: Your Excellency

#### **And copies to:**

#### Minister of Human Rights

Her Excellency Dr Huda Ali Abdullatef  
Alban  
Ministry for Human Rights  
Sana'a, Republic of Yemen  
Fax: +967 1 444 838 /  
+967 1 419 555 / +967 1 419 700  
Email: [mshr@y.net.ye](mailto:mshr@y.net.ye)

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the fifth update of UA 246/09 (MDE 31/011/2009). Further information: <http://www.amnesty.org/en/library/info/MDE31/011/2009/en>, <http://www.amnesty.org/en/library/info/MDE31/013/2009/en>, <http://www.amnesty.org/en/library/info/MDE31/015/2009/en>, <http://www.amnesty.org/en/library/info/MDE31/003/2010> and <http://www.amnesty.org/en/library/info/MDE31/007/2010/en>

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### ADDITIONAL INFORMATION

Muhammad al-Maqalih is a member of the Yemeni Socialist Party and the former editor of its website. He was abducted on a street in Sana'a on 17 September 2009 by men believed to be from the security forces. Eyewitnesses said that he was taken by a group of plain-clothed men who arrived in a white minibus which had its licence plates obscured.

Muhammad al-Maqalih is thought to have been detained for his comments on the government's conduct in the conflict in Yemen's northern Sa'dah governorate between government security forces and followers of Hussein al-Huthi, who was killed by government forces in 2004. Human rights activists in Yemen suspect his detention was linked, in particular, to his criticism of the army's killing of civilians in Sa'dah, which was published on the Socialist Party's website. The latest round of the conflict began in mid-August 2009 and continued until a ceasefire came into effect on 12 February 2010. Government forces placed the area under a virtual state of emergency and mounted a series of attacks, including bombing raids against villages and towns, in an apparent attempt to crush Hussein al-Huthi's supporters.

The Specialized Criminal Court (SCC) was established in 1999 to try the crime of *hiraba* (a Shari'a term referring to offences such as occupation of public land, theft of means of transport and aggression against officials). In 2004 the government expanded its mandate, giving it jurisdiction to try people accused of vaguely worded state security offences. The court follows the regular Code of Criminal Procedures, but its proceedings generally are reported to fall short of international fair trial standards. Defence lawyers contend, in particular, that the SCC's judges are not impartial and do not allow them to mount an effective defence; they say that their right to prepare a defence is hindered by restrictions that are placed on their access to their clients' case files and that when they challenge procedural irregularities by the court these are routinely ignored. In May 2009 the government established a court to try cases relating to the media, which seems intended to further erode media freedom and prevent reporting or comment concerning issues considered sensitive or embarrassing by the government. Human rights lawyers in Yemen argue that both courts are unconstitutional.

For more information see Amnesty International's media briefing *Yemen: Security and human rights* (Index: MDE 31/004/2010), 25 January 2010 (<http://www.amnesty.org/en/library/info/MDE31/004/2010/en>).

Further information on UA: 31/009/2010 Index: MDE 31/009/2010 Issue Date: 05 May 2010

