

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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YEMEN: HUTHIS MUST END THE PROSECUTION OF JOURNALISTS AND CRACKDOWN ON MEDIA

The Huthi de facto authorities are continuing to use repressive tactics to suppress the right to freedom of expression and media freedom, and silence peaceful dissent in areas under their control. In this statement, Amnesty International has examined the cases of three imprisoned journalists subjected to detention-related violations and unfair trials between 2015 and 2022, the case of a journalist who was arbitrarily detained for over a year and then released in December 2022, four other journalists who continued to face the death penalty following grossly unfair trial, and the crackdown on six radio stations by the Huthis in January 2022.

Amnesty International examination of the cases of seven journalists demonstrates that the Huthis continue to use the Specialized Criminal Court (SCC) – a court traditionally reserved for security-related crimes– to prosecute, including through secret hearings, journalists who are critical of the authorities or express dissenting views.

Between February and November 2022, the SCC in Sana'a and Hodeidah handed down harsh sentences of up to 8 years to three journalists following grossly unfair trials on charges related to their work, and on the basis on forced confessions obtained through torture and other ill-treatment. Four other journalists on death row are still facing due process violations with the Specialized Criminal Appeals Division, which has unduly postponed their appeal hearing at least eight times this year alone. Amnesty International interviewed two lawyers, a former detainee, two family members of the detained journalists, staff of two radio stations, and a representative of the Yemeni Journalists' Syndicate. The organization also reviewed charge sheets, court documents, and medical reports.

Amnesty International calls on the Huthi de facto authorities to immediately and unconditionally release all journalists, political activists, human rights defenders, and others unlawfully imprisoned solely for peacefully exercising their human rights. The Huthis must also quash the death sentences imposed on the four journalists, who are facing execution following a grossly unfair trial, and ensure their immediate release. They must also end their arbitrary restrictions on radio stations' freedom of expression such as shutting them down and trying to control their narrative.

In the first half of 2022, the Yemeni Journalists' Syndicate recorded 16 cases of attacks, including threats and incitement of violence, against journalists and media outlets, and nine cases of continued detention of journalists by the Huthi de facto authorities.¹ Over the past seven years, Amnesty International documented the cases of at least 75 journalists, human rights defenders, academics and others perceived as opponents or critics who were subjected to arbitrary arrest, torture and other ill-treatment, enforced disappearance, and unfair trials with recourse to the death penalty by the Huthi de facto authorities.² All 75 were targeted because of their work as journalists or for peacefully exercising their human rights including their rights to freedom of expression, association, and belief.

ARBITRARY ARREST, PROLONGED PRE-TRIAL DETENTION, AND ENFORCED DISAPPEARANCE

Amnesty International examined the cases of eight journalists who the Huthi de facto authorities had arbitrarily arrested between 2015 and 2021. All eight journalists were targeted for peacefully exercising their right to freedom of expression. The trumped-up charges that seven of the journalists faced included spreading false news and communicating with, and helping, the Saudi-led coalition. Between February and November 2022, the SCC handed down harsh sentences of up to 8 years to three of the journalists following grossly unfair trials.

¹ Yemeni Journalists' Syndicate, "نقابة الصحفيين ترصد 50 حالة انتهاك للحريات الإعلامية خلال النصف الأول من العام الجاري", 7 July 2022, <https://www.yemenjs.net/%d9%86%d9%82%d8%a7%d8%a8%d8%a9-%d8%a7%d9%84%d8%b5%d8%ad%d9%81%d9%8a%d9%8a%d9%86-%d8%aa%d8%b1%d8%b5%d8%af-50-%d8%ad%d8%a7%d9%84%d8%a9-%d8%a7%d9%86%d8%aa%d9%87%d8%a7%d9%83-%d9%84%d9%84%d8%ad%d8%b1%d9%8a/>

² Amnesty International, "Yemen, Huthis must end use of judicial system to silence dissent" (Index: MDE 31/1990/2020), 25 March 2020, [amnesty.org/en/documents/mde31/1990/2020/en/](https://www.amnesty.org/en/documents/mde31/1990/2020/en/)

Their lawyers and relatives told Amnesty International that all eight journalists were denied access to a lawyer during interrogation and were held without charge for periods between a year and up to four years. In one case, the authorities denied a journalist access to a lawyer throughout his entire detention.

The Huthi security forces enforcedly disappeared all eight journalists immediately following their arrest between 2015 and 2021 for periods ranging between several weeks and five and a half months, refusing to disclose their whereabouts to their families and denying them access to legal counsel and family visits. Enforced disappearance is a crime under international law, and when committed in connection with an armed conflict, may constitute a war crime.

In all cases, the security forces, including the interrogators, failed to disclose the reason for the arrest of the journalists. Interrogators' questions and accusations mostly centred on the journalists' profession, political views, and the contacts they made as part of their work with individuals and parties perceived as opposing to the Huthis.

Nabil al-Sidawi is a 44-year-old journalist who, at the time of his arrest, worked at the Yemeni News Agency Saba'. He was arbitrarily arrested in Sana'a on 21 September 2015 by members of the Huthi Security and Intelligence Services. According to his lawyer, he was held at the Security and Intelligence Services detention centre in Sana'a where he was forcibly disappeared and held incommunicado for five and a half months.³ The lawyer added that Nabil al-Sidawi was interrogated three times without the presence of a lawyer and, while blindfolded and under the threat of further beatings and other forms of torture such as solitary confinement, he was forced to sign on a fabricated confession written by the security forces.⁴ He was detained without charge or trial and without any means to challenge his detention for around four years until 2 July 2019, when the authorities referred his case to the Specialized Criminal Prosecution on charges of working with the "Saudi aggression", which carries the death penalty, and "forming an armed gang to conduct criminal and terrorist activities against the army and security forces".

Younis Abdelsalam, a 28-year-old journalist, was arbitrarily arrested by the Huthi Security Forces on 4 August 2021 in Sana'a while taking a walk at night in his neighbourhood in al-Ghadeer area.⁵ His lawyer was not allowed to visit or speak to him throughout his time in detention. Following his arrest, he was enforcedly disappeared for several weeks and then held incommunicado for at least three months until his brother was allowed to visit him at the Security and Intelligence Services detention centre in Sana'a. According to his lawyer, Younis Abdelsalam was detained for expressing secular and opposing views on social media that were perceived to be critical of the authorities. On 19 January 2022, his lawyer submitted a request to the Specialized Criminal Prosecution to release Younis Abdelsalam on the basis that his detention is arbitrary. A month later, the Security and Intelligence Services asked the family to pay money for his release. The family paid the money, but Abdelsalam was not released. The Security and Intelligence Services then informed the family that his case would be transferred to the Specialized Criminal Prosecution, instead. Throughout his detention, Younis Abdelsalam was not charged nor was he allowed access to a judicial authority to enable him to challenge the lawfulness of his detention.⁶ On 7 December, Younis Abdelsalam was released after 15 months of arbitrary detention.⁷

Under international human rights law, no one shall be subjected to arbitrary arrest or detention.⁸ It also provides that everyone arrested or detained and everyone facing a criminal charge has the right to the assistance of legal counsel, to enable them to begin to prepare their defence and to challenge the lawfulness of their detention. This right also serves as an important safeguard against torture and other ill-treatment. The pre-trial rights include the rights of access to a lawyer, to have time to consult the lawyer in confidence, and have the lawyer present during questioning and to be able to consult them during questioning.

UNFAIR TRIALS

The SCC tried seven journalists through trial proceedings that violated international fair trial standards, including by failing to investigate claims of torture and dismissing confessions extracted under duress, and by subjecting the detainees to undue delays in completing the trials, and holding trials in secret without the knowledge and presence of their lawyers.

Mohammed al-Junaid, a 43-year-old journalist, who used to work for Al-Thawra Newspaper in Sana'a, was arbitrarily detained on 13 November 2018 in Sadam market in Hodeidah by the Huthi Security and Intelligence Services. Over one year later, on 18 December 2019, the Specialized Criminal Prosecution charged him and **Mohammed al-Salahi** with "communicating with people working for the interest of the enemy" and "exchanging information on military sites".

³ Interview with lawyer on 13 September 2022.

⁴ Interview with lawyer on 13 September 2022.

⁵ Amnesty International, "Yemen: Release arbitrarily detained journalist: Younis Abdelsalam" (Index: MDE 31/5879/2022), 21 July 2022, [amnesty.org/en/documents/mde31/5879/2022/en/](https://www.amnesty.org/en/documents/mde31/5879/2022/en/)

⁶ Interview with lawyer on 30 October 2022.

⁷ Interview with lawyer on 7 December 2022.

⁸ ICCPR, Article 9(1).

Although Mohammed al-Salahi denied before the prosecutor the confessions he made under torture, the prosecutor failed to investigate claims of torture and did not dismiss confessions extracted under duress. Their first trial session was held in October 2021 at the SCC in Hodeidah in secret and without notifying their lawyers.

On 28 June 2022, the court sentenced Mohammed al-Salahi and Mohammed al-Junaid to three years and eight months in prison in a secret trial on charges relating to spying and aiding the “Saudi and Emirati aggression”. Their lawyer was informed of the sentence in September 2022. Throughout Mohammed al-Salahi and Mohammed al-Junaid’s detention, their lawyer was only allowed to meet them once in November 2019 and to attend their prosecution session in Sana’a on 18 December 2019.

Their lawyer told Amnesty International:

“The trials were conducted in secret without the knowledge of lawyers. Although I contacted the judge and said that I am the lawyer of the detainees, they still held two to three secret trial sessions in October 2021 [...] I met the judge and I complained that the defence was not allowed to appear, and he promised me to change this [...]. Yet, the trial commenced in secret [...]. No one knows about these sessions, and no one is told about them.”⁹

On 11 September 2019, the Specialized Criminal Prosecution used as evidence the information provided in the statement that **Nabil al-Sidawi** was coerced to sign during the interrogations and charged him with several serious offences including working with the “Saudi aggression”, which carries the death penalty, and “forming an armed gang to conduct criminal and terrorist activities against the army and security forces”. His case was transferred to the Sana’a-based SCC. More than two years later, on 22 February 2022, Nabil al-Sidawi was sentenced to 8 years in prison. The lawyer has appealed the verdict but no appeal hearing session has been scheduled to date.

The International Covenant on Civil and Political Rights (ICCPR), to which Yemen is a state party, also underlines, in Article 14(2), that everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law, and, inter alia, to be tried without undue delay (Article 14(3)(c)).¹⁰ The obligation to respect these rights to presumption of innocence and to liberty means that if an accused person is detained pending trial, the state has an obligation to prioritize the case and expedite legal proceedings.

In the summer of 2015, the Huthi security forces arbitrarily detained journalists **Abdelkhaleq Amran**, **Tawfiq al-Mansouri**, **Hareth Hamid**, and **Akram al-Walidi**. More than three years into their detention, in December 2018, the journalists were formally charged after being questioned in the presence of their lawyers, and their cases were referred to the SCC in Sana’a. They faced trumped-up spying charges based on their media reporting as journalists. The charges included “publishing through social media platforms false news, statements, and rumours supporting the crimes of the Saudi aggression”.

The lawyers were allowed to attend the first trial session held on 9 December 2019 but were subsequently barred from attending all the other hearings, including the last one on 11 April 2020 in which the SCC sentenced the four journalists to death.

In October 2020, the four journalists were transferred to the Exchange House prison, in the Central Security Camp in Sana’a, expecting to be released as part of a prisoner exchange deal but they were not freed despite the Prosecutor General’s order. According to their lawyer, since 2020, the Huthis have denied the four men visits from their families and access to legal counsel.¹¹

In May 2022, the lawyer requested the Specialized Criminal Appeals Division in Sana’a to transfer the case of the four journalists to the Journalism and Publication Court because their case was not related to national security, arguing that the SCC had no jurisdiction to hear the case. Since then, the Specialized Criminal Appeals Division in Sana’a postponed the appeal hearing of the four journalists eight times.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; the guilt, innocence or other characteristics of the offender; or the method used by the state to carry out the execution. The death penalty violates the right to life and is the ultimate cruel, inhuman and degrading punishment.

Fair trial rights must be respected during appeals. Such rights include the right to adequate time and facilities to prepare the appeal, the right to counsel, the right to a hearing before a competent, independent and impartial tribunal established by law without undue delay, and the right to a public and reasoned judgment within a reasonable time.¹²

The ICCPR, in Article 9(3), provides that anyone detained on a criminal charge has the right to trial within a reasonable time or to release pending trial, and that it shall not be the general rule that persons awaiting trial shall be detained in custody.

⁹ Interview with lawyer on 5 July 2022.

¹⁰ ICCPR, Article 14(2); ICCPR Article 14(3)(c).

¹¹ Interview with lawyer on 29 April 2022.

¹² See HRC General Comment 32.

TORTURE AND OTHER-ILL TREATMENT

Between 2015 and 2022, the Huthi security forces threatened and subjected the eight journalists to torture or other ill-treatment during interrogation and throughout their time in detention at the Security and Intelligence Services detention centre in Sana'a and Hodeidah and the Central Security Camp in Sana'a. They were subjected to beatings, stress positions and detention in solitary confinement.

Mohammed al-Salahi, a 33-year-old photojournalist, was arbitrarily detained by the Huthi Security and Intelligence Services on 20 October 2018 while at work in a media studio in Al Hawak district in Hodeidah. At the beginning of his arrest, he was enforcedly disappeared for five months. According to his lawyer, Mohammed al-Salahi was subjected to severe beatings during interrogations and was suspended from the ceiling in handcuffs while security forces beat him on his testicles.¹³ The interrogations lasted over the period of two months and were conducted on a daily basis for five to six hours per day. Mohammed al-Salahi was forced to sign a confessional statement written by the security forces while blindfolded.

On 1 December, journalist **Tawfiq al-Mansouri's** family, who has been denied visiting him since 2020, received information from a released detainee confirming that journalists Twafiq al-Mansouri, Abdelkhaleq Amran, and Hareth Hamed had been transferred in early August to underground solitary cells of the Central Security Camp in Sana'a where they had been detained for 45 days and subjected to torture. Once released from solitary confinement, Tawfiq al-Mansouri had a visible scalp cut that was closed with stitches.¹⁴ He told other inmates that he was tortured and beaten on his head with a baton. On 2 December, the four journalists' eighth appeal session before the Specialized Criminal Appeals Division was scheduled to take place. The lawyer asked that the torture incident be on record, but his request was denied, and the appeal session was not held.¹⁵

The UN Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules, define solitary confinement as "the confinement of prisoners for 22 hours or more a day without meaningful human contact" and prolonged solitary confinement as "confinement for a time period in excess of 15 consecutive days."¹⁶ Under international law, solitary confinement imposed for periods beyond 15 days, is a form of torture and other ill-treatment.¹⁷

LACK OF ACCESS TO ADEQUATE MEDICAL CARE

Throughout their time in detention at the Security and Intelligence Services detention centre in Sana'a and Hodeidah, and in the Central Security Camp in Sana'a, Huthi security forces denied all eight detainees adequate access to medical care.

A former detainee who had been held at the Central Security Camp in Sana'a with the four journalists, Abdelkhaleq Amran, Tawfiq al-Mansouri, Hareth Hamid, and Akram al-Walidi, told Amnesty International that they were denied medical treatment, held in appalling detention conditions, denied family visits, and were only being provided with access to tap water for half an hour per day.¹⁸ Tawfiq al-Mansouri's brother also told Amnesty International that their family was not even allowed to bring him any medication and that his brother had been denied transfer to a hospital for treatment since 2020.¹⁹

On 27 July 2022, Tawfiq al-Mansouri's family received information from the family of another detainee confirming that Tawfiq's health condition had significantly deteriorated. He suffers from chronic illnesses including diabetes, kidney failure, asthma, and heart problems which have worsened due to his appalling detention conditions.

The UN Human Rights Committee states in its General Comment 36: "The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriately regular monitoring of their health".²⁰ According to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, "violations of the right to life stem not only from an intentional act of deprivation of life (murder) by the State..., but also from State's negligence in providing basic conditions and services that guarantee life, such as access to food, water, health services and housing."²¹

¹³ Interview with lawyer on 5 July 2022.

¹⁴ Interview with a relative on 5 December 2022.

¹⁵ Interview with lawyer on 7 December 2022.

¹⁶ Rules 43, 44 and 45. United Nations, Standard Minimum Rules for the Treatment of Prisoners, 30 August 1955, undocs.org/A/RES/70/175

¹⁷ United Nations Report by Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, para 57, undocs.org/A/HRC/43/49

¹⁸ Interview with a former detainee on 12 May 2022.

¹⁹ Amnesty International, "Yemen: Detained journalist denied urgent health care must be released", 29 July 2022, [amnesty.org/en/latest/news/2022/07/yemen-detained-journalist-denied-urgent-health-care-must-be-released/](https://www.amnesty.org/en/latest/news/2022/07/yemen-detained-journalist-denied-urgent-health-care-must-be-released/)

²⁰ UN Human Rights Committee, General comment 36: The Right to Life (Article 6), 3 September 2019, UN Doc. CCPR/C/GC/36, para. 25.

²¹ UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Report: A gender-sensitive approach to arbitrary killings, 6 June 2017, UN Doc. A/HRC/35/23, para. 88.

International humanitarian law also requires humane treatment of those deprived of liberty; and its rules also include an absolute prohibition of torture, cruel or inhuman treatment and outrages on personal dignity. Violations of these rules can amount to war crimes.

CRACKDOWN ON MEDIA FREEDOM

On 25 January 2022, Huthi security forces raided at least six radio stations in Sana'a and forced their shutdown under the pretext that they needed to issue new broadcasting licenses.²² Since then, five of the six radio stations have resumed broadcasting. The Yemeni Journalism and Publications Law of 1990 does not cover radio stations' broadcasting licenses and there are no other legal texts organizing the work of radio stations or allowing the authorities to shut them down.²³

Sawt al-Yemen radio station, established in 2013, was among the ones that were shut down. The owner, journalist Mujalli al-Samadi, told Amnesty International that radio stations only needed the written approval of the Ministry of Information which Sawt al-Yemen had obtained in 2013. Following the raid, the Huthi-run Ministry of Information requested that Sawt al-Yemen pay for a license renewal although this was not legally required. The owner paid 1 million Yemeni Riyal but the station was not granted a license nor allowed to resume broadcasting. Five months after the raid, the radio station filed a complaint before the Journalism and Publications Court in Sana'a. On 6 July 2022, the court ruled in favour of the station resuming broadcast. The radio station resumed its broadcast until 11 July 2022, when Huthi security forces raided the radio station again and confiscated the broadcasting devices forcing it to shut down. Mujalli al-Samadi believes that the crackdown is because of the station's independent programmes. He told the organization:

“They are angry with the radio station because it is not under their control. The station is 100% independent, and it broadcasts national songs that call for national unity. Maybe this is one of their reservations against the station. This is not the first time the station gets shut down by force. In 2015, it was closed by military force for 13 days because we highlighted in our programmes some of the violations that the community suffers from [...]. Imagine that since 2015, we cannot talk about anything. I stopped most of the radio stations' programmes. There are no freedoms at all.”²⁴

The programme director of another radio station, who did not wish to be named, told Amnesty International that the security forces did not present a judicial order or a warrant when they raided the radio station in January 2022. The radio station was forced to shut down for a month and a half and was permitted by the Minister of Information to resume broadcast under certain conditions including that the station broadcasts all directives dictated by the Ministry of Information. To date, the radio station has not received a licence from the Huthi-run Ministry of Information even though it has met all the conditions set by the ministry and paid 4 million Yemeni Riyal for the new license, although there was no legal basis for it.

Amnesty international calls on the Huthi de facto authorities to end their attack on media freedom including arbitrary restriction on radio stations by threatening to shut them down and control their narrative. The Huthis should respect and protect the rights to freedom of expression and media freedom. They should let people peacefully air their views and allow the independent media to operate freely without any intimidation, harassment or fear of reprisals.

BACKGROUND:

Since 2012, Amnesty International, the UN and local and international human rights organizations have documented detention-related violations committed by all parties to the conflict, including the Huthi de facto authorities.²⁵ These violations, some of which amount to war crimes, include arbitrary detention, torture and other ill-treatment and enforced disappearance and denial of fair trial.

In 2021, Amnesty International found that Huthi de facto authorities violated the prohibition of torture and other ill-treatment for holding 12 individuals detained for exercising their right to freedom of expression in prolonged solitary confinement in inhumane conditions.²⁶ A year earlier, the UN Group of Eminent International and Regional Experts (GEE), mandated by the UN Human Rights Council to investigate violations by all parties to the conflict in Yemen since September 2014, reported to the Human Rights Council that the Huthis and other parties to the conflict had committed arbitrary detention, enforced disappearance, and torture and other ill-treatment against “persons who are perceived as opposed to a

²² Interview with a representative of the Yemeni Journalists' Syndicate on 28 June 2022.

²³ Yemen, Journalism and Publication Law, 1990, yemen-nic.info/db/laws_ye/detail.php?ID=6716

²⁴ Interview on 29 September 2022.

²⁵ Amnesty International, “Released and exiled: Torture, unfair trials and Forcible exile of Yemenis under Huthi Rule” (Index: MDE 31/3907/202), 27 May 2021, [amnesty.org/en/documents/mde31/3907/2021/en/](https://www.amnesty.org/en/documents/mde31/3907/2021/en/); Amnesty International, “Yemen: ‘God only knows If he’s alive’: Enforced disappearance and detention violations in southern Yemen” (Index: MDE 31/8682/2018), 12 July 2018, [amnesty.org/en/documents/mde31/8682/2018/en/](https://www.amnesty.org/en/documents/mde31/8682/2018/en/); Amnesty International, Yemen: Government must stop prosecution and harassment of journalists, 18 August 2022, [amnesty.org/en/latest/news/2022/08/yemen-government-must-stop-prosecution-and-harassment-of-journalists/](https://www.amnesty.org/en/latest/news/2022/08/yemen-government-must-stop-prosecution-and-harassment-of-journalists/)

²⁶ Amnesty International, “Released and exiled: Torture, unfair trials and Forcible exile of Yemenis under Huthi Rule” (Index: MDE 31/3907/202), 27 May 2021, [amnesty.org/en/documents/mde31/3907/2021/en/](https://www.amnesty.org/en/documents/mde31/3907/2021/en/)

particular party to the conflict, including human rights defenders and journalists”.²⁷ The report added that the Huthi authorities arbitrarily detained several individuals subjecting them to enforced disappearance and torture and other ill-treatment including “prolonged solitary confinement, sexual violence, suspension for prolonged periods of time, electrocution, burning, beating and mock executions.”

In October 2021, the UN Human Rights Council (HRC) members narrowly rejected the resolution that would have renewed the GEE’s mandate after Saudi Arabia, backed by the UAE, lobbied HRC members to vote against its renewal. The GEE, established by the HRC in 2017, was the only international, impartial, and independent investigative body that reported on human rights violations and abuses in Yemen.²⁸ The dissolution of the GEE has left a gap that no national mechanism can fill when it comes to meeting impartiality and independence standards in collecting and preserving evidence, identifying victims, and documenting violations and abuses for possible future criminal prosecutions and reparation claims.

²⁷ UN Human Rights Council, Situation of human rights in Yemen, including violations and abuses since September 2014: Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen, 28 September 2020, UN Doc. A/HRC/45/6

²⁸ Amnesty International, “Yemen: Joint NGO Letter: International Accountability Critical to Achieving Justice for Victims and Promoting Lasting Peace in Yemen” (Index: MDE 31/6012/2022), 6 September 2022, [amnesty.org/en/documents/mde31/6012/2022/en/](https://www.amnesty.org/en/documents/mde31/6012/2022/en/)