

# URGENT ACTION

## DETAINED JOURNALIST QUESTIONED BY PROSECUTOR

Amnesty International has learnt from sources in Yemen that on 1 February journalist **Muhammad al-Maqalih** appeared before a prosecutor for the **Specialized Criminal Court (SCC)**, which deals with state security offences. However, he remains in incommunicado detention and at risk of torture or other ill-treatment.

**Muhammad al-Maqalih** was not allowed a lawyer during his appearance before the prosecutor in the Yemeni capital, Sana'a, and it is not known what charges he faces or when his trial is to begin. The prosecutor for the SCC is reported to have informed fellow journalists that Muhammad al-Maqalih was being questioned, and would be transferred for trial before the SCC. After appearing before the prosecutor, he is believed to have been returned to prison, where he remains incommunicado.

Muhammad al-Maqalih is a member of the Yemeni Socialist Party and the former editor of its website. He is thought to have been detained for his comments on the government's conduct in its conflict with followers of the late Zaidi Shi'a cleric Hussein al-Huthi in the northern governorate of Sa'da. Human rights activists in Yemen suspect his detention is linked, in particular, to his criticism of the army's killing of civilians in Sa'da, which was published on the Socialist Party's website. Amnesty International believes that he is likely to be a prisoner of conscience, imprisoned solely for peacefully exercising his right to freedom of expression. If so, the organization demands that he be released immediately and unconditionally.

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. Since his detention, Muhammad al-Maqalih's family has staged a number of sit-in protests outside government offices, which have been attended by journalists and the general public.

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

- Urging the Yemeni authorities to ensure that Muhammad al-Maqalih is protected from torture and other ill-treatment, and allowed prompt and regular access to a lawyer of his choosing, his family and any medical treatment he may require;
- Noting that if Muhammad al-Maqalih is being held solely for his criticism of the government, he is a prisoner of conscience, and must be released immediately and unconditionally.

### PLEASE SEND APPEALS BEFORE 16 MARCH 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 Houda 'Ali 'Abdullatif al-Baan  
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 fourth update of UA 246/09 (MDE 31/013/2009).. 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> and <http://www.amnesty.org/en/library/info/MDE31/003/2010>

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### ADDITIONAL INFORMATION

In Yemen, critics and opponents of the state in Yemen are often at risk of arrest and detention, particularly at times of political crisis.

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.

Yemen's Sa'da governorate, whose inhabitants are predominantly members of the country's Zaidi Shi'a minority, has experienced several periods of conflict in recent years. There have been recurrent armed clashes between government security forces and followers of Hussein al-Huthi, who was killed by government forces in 2004. The latest upsurge in violence began in mid-August 2009, when the area was placed under a virtual state of emergency and government forces mounted an escalating series of attacks. Government forces have mounted a series of attacks, including bombing raids against villages and towns, in an apparent attempt to crush Hussein al-Huthi's supporters.

International humanitarian law expressly prohibits attacks which directly target civilians, indiscriminate and disproportionate attacks. The Yemeni government and the armed followers of Zaidi Shi'a cleric Hussein al-Huthi are legally bound to respect international humanitarian law and must ensure that their forces refrain from carrying out such unlawful attacks.

Amnesty International has called on the Yemeni authorities to investigate, fully and promptly, all allegations of serious violations by their forces, including a reported bombing raid on 16 September 2009 at Adi village in the Harf Sufyan area of Amran province near Sa'da, which is said to have killed about 80 civilians.

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: 246/09 Index: MDE 31/007/2010 Issue Date: 02 February 2010

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