

AI Index: PRE 01/363/2013
24 July 2013

Yemeni investigative journalist finally free but serious issues remain

The Yemeni authorities must respond to allegations that an investigative journalist was ill-treated and arbitrarily imprisoned based on his work to reveal the US military's role in a deadly 2009 attack, Amnesty International said following his release on Tuesday.

Abdul Ilah Haydar Shayi' was finally set free following international pressure, but the Yemeni authorities have kept in place a two-year travel ban on the journalist.

"Abdul Ilah Haydar Shayi' appeared to be a prisoner of conscience, imprisoned solely for his legitimate work as a journalist. Having released him, the Yemeni authorities must now conduct an independent and impartial investigation into the 2009 attack which he helped expose," said Philip Luther, Middle East and North Africa Programme Director at Amnesty International.

"Both the Yemeni and US authorities have some serious questions to answer regarding this case. His allegations of ill-treatment must also be investigated."

Abdul Ilah Haydar Shayi' was the first Yemeni journalist to allege US involvement in a 2009 missile attack in Yemen's Abyan area which killed 41 local residents, including 21 children and 14 women. Shortly after the attack – which used internationally banned cluster munitions – he wrote articles and spoke to news channel Al Jazeera and newspapers.

He was arrested at his home in the Yemeni capital Sana'a in August 2010. On 18 January 2011 he was sentenced to five years in prison for having links to al-Qa'ida – allegations stemming from interviews he conducted with members of the armed group for his journalistic work.

Several weeks after his trial, 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.

"Ever since his arrest and trial, there were strong indications that the journalist was being targeted because of his work," said Philip Luther.

"Intense political pressure applied by the USA appeared to be a blatant attempt to override the judicial process in another country."

The Yemeni government claimed the missile attack targeted a "terrorist training camp" in al-Ma'jala, in southern Yemen's Abyan area. A Yemeni parliamentary committee was formed to investigate the incident and told Amnesty International in 2010 that they found no evidence of such a camp.

The committee urged the Yemeni government to open a judicial investigation into the attack and bring those responsible for killings of the “innocent” to justice, but no such investigation is known to have been carried out. The government subsequently apologized to the victims’ families, describing the killings as a “mistake” during an operation that was meant to target al-Qa’ida militants.

Amnesty International obtained photographs which suggested that the attack used a US-manufactured cruise missile that carried cluster munitions and in May 2010 wrote to then US Secretary of Defence Robert Gates requesting information about the involvement of US forces, but has yet to receive a response. A leaked US diplomatic cable later corroborated the finding that the US military carried out the attack.

“We reiterate our calls on the Yemeni and US governments to reveal the truth about the incident that is at the heart of the actions taken against this investigative journalist – namely who was responsible for the deaths of dozens of residents in the cluster bomb attack,” said Luther.

Amnesty International is urging the Yemeni authorities to investigate allegations of serious irregularities in his case.

This includes being convicted despite a lack of clear evidence of his alleged links to al-Qa’ida, being held incommunicado in solitary confinement, and allegations that he was ill-treated in detention, resulting in chest injuries and a broken tooth. If his detention is confirmed as having been arbitrary, he should be compensated and his two-year travel ban lifted.