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## **Yemen transition tainted by ‘immunity’ deal**

A power-transfer agreement reportedly granting Yemeni President Ali Abdullah Saleh and others immunity from prosecution in exchange for leaving office deals a serious blow to victims of human rights violations, Amnesty International said today.

While only part of the agreement, which was signed yesterday, has been made public, it is widely believed to offer the President and some of those serving under him immunity from facing criminal investigations and prosecutions for a string of serious abuses. It is based on a deal originally brokered by the Gulf Cooperation Council (GCC) and comes after negotiations facilitated by a UN envoy.

“Granting immunity as part of the transition agreement would deliver a hammer blow to accountability for human rights violations by blocking the investigation or prosecution of high-ranking officials,” said Philip Luther, Amnesty International’s Acting Director for the Middle East and North Africa.

“Immunity leads to impunity. It denies justice and deprives victims of the truth and full reparations.”

Under international law, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Yemen is obliged to investigate and, where there is sufficient admissible evidence, to prosecute anyone suspected of such crimes.

President Saleh, who has been in power for 33 years, has hinted at stepping down several times in the past months, only to change course later.

Under the GCC transition deal, Ali Abdullah Saleh will retain the title of president until elections take place within 90 days, but will hand over some presidential powers to Vice-President Abd Rabbu Mansour Hadi, enabling him to implement the agreement. A member of the opposition will head a government of national reconciliation, with ministerial posts divided up among political parties. The new government would remain in power for an interim period of two years.

The deal was welcomed by international governments, but sparked protest from some Yemenis who oppose it, calling for Saleh and other officials to stand trial for their role in abuses.

Armed Saleh supporters opened fire on a group of unarmed protesters marching against the decision from the protest camp known as Change Square in Sana’a today. At least five were killed by gunshot wounds to the head, neck and chest, and dozens more were wounded. Security forces were reported to have been spotted but did not attempt to intervene to stop the attacks.

Over the past 10 months, more than 200 people have been killed and thousands injured as security forces and armed Saleh supporters attempted to quell mostly peaceful pro-reform protests in Sana’a and elsewhere.

Amnesty International and the UN Office of the High Commissioner for Human Rights have called for an independent, international investigation into Yemen’s ongoing human rights violations.

Despite a fact-finding mission to Yemen by the UN Office of the High Commissioner for Human Rights in July finding evidence of serious crimes under international law, the UN Security Council last month issued a resolution calling for the signature and implementation of an agreement. The resolution was based on the GCC's proposed transition deal, which was believed to contain an immunity provision.

The Security Council resolution also underlined the need for a comprehensive, independent and impartial investigation consistent with international standards into alleged human rights abuses and violations, with a view to avoiding impunity and ensuring full accountability.

“By lending their support to the transition deal, it appears that UN officials have allowed wiggle room for serious human rights violators to go unpunished in Yemen and violated the UN Secretary General's directive that prohibits brokering peace agreements which contain immunity clauses,” said Philip Luther.

“The only way to ensure accountability is to carry out an independent, international investigation into the allegations of serious crimes under international law, regardless of the rank or affiliation of those responsible.”

“Any such investigation should have the ability to refer cases to Yemeni prosecuting authorities so that suspects can face trial wherever there is sufficient admissible evidence.”