

Yemen: Transition Needs Accountability, Security Reform Human Rights Watch 6 April 2012

Yemen's transition to a democracy that respects human rights and the rule of law is at risk unless the new government moves swiftly on security reform and accountability for past crimes, Human Rights Watch said today.

The transition government of President Abd Rabu Mansur Hadi also should ensure that security forces on all sides release unlawfully detained prisoners and decommission child soldiers, Human Rights Watch said. The government should repeal provisions of an array of laws that restrict free expression, association, and assembly, and that discriminate or fail to protect women and girls. Human Rights Watch met in Sanaa with Yemeni government officials, political party leaders, and civil society members during a trip to Yemen from March 15 to April 3, 2012.

"While Yemen's new government has taken several promising steps, the repressive security apparatus of former President Ali Abdullah Saleh remains largely intact," said Sarah Leah Whitson, Middle East and North Africa director at Human Rights Watch. "Civilian leaders reiterated that they cannot move forward on accountability and reform of the security services so long as Saleh continues to play a hand in directing various security forces there."

(...) Hadi, who was inaugurated in February after a yearlong uprising against Saleh, and the caretaker cabinet that took office in December have made progress in a number of areas, Human Rights Watch said. Positive steps include partially demilitarizing major cities and making a small number of leadership changes within the security units and the Supreme Judiciary Council, Yemen's top judicial authority. The government also has pledged to draft a new constitution, commence a national dialogue, and reform electoral laws in advance of parliamentary elections in 2014.

The government is drafting a transitional justice law that would empower a truth commission to investigate past violations, including deadly attacks on largely peaceful protesters by government forces and gangs in 2011, and compensate victims. In addition, it is working on measures to increase participation of women in public life and has permitted the United Nations Office for the High Commissioner for Human Rights (OHCHR) to open an office in Yemen.

However, Human Rights Watch found that Sanaa and other cities remain divided into zones controlled by an array of military, paramilitary, and tribal forces, and that Hadi's efforts to reorganize them under a central command have stalled. Moreover, with few exceptions, the leadership and membership of these units remain unchanged, despite documentation by Human Rights Watch and other human rights groups of serious violations by their forces (...)

In addition, the country has yet to complete any investigations into the abuses committed by these forces, including their role in attacks on peaceful protests that killed at least 270 demonstrators and bystanders, the excessive use of force to police demonstrations, and indiscriminate shelling of civilian areas, and to hold those responsible to account.

(...)

Human Rights Watch called for the United States and other donors to ensure that they do not provide military aid to individual units of the security services that have been implicated in serious abuses and where there have been no clear steps to ensure accountability for these abuses. In addition, Human Rights Watch asked regional and international bodies including the US, EU, Gulf states, and the UN Security Council, to ban travel and freeze foreign assets of current and former officials considered most responsible for human rights crimes in Yemen until these abuses are halted, genuine steps are taken to investigate them, those responsible are held to account, and security forces are vetted.

include:

Subsections of the press release

Accountability:

Investigations into the violations of the past year appear to be stalled, and it remains uncertain whether there will be any meaningful accountability for those responsible. (...)

Arbitrary Detention: Human Rights Watch pressed the leaders of armed forces on all sides to immediately free anyone who has been arbitrarily detained or to promptly transfer them to judicial authorities.

Child Soldiers and School Occupations: It also appears that government and other armed forces are using child soldiers in their units. Human Rights Watch interviewed 12 children who said they were deployed or being trained as soldiers. (...)

Judicial Reform: The Specialized Criminal Court and specialized Media Court, which fail to guarantee defendants' basic rights to due process, should be immediately abolished or at a minimum suspended until they have been reformed so as to guarantee the basic rights to a fair trial.(...)

Law Reform: Legal provisions that Human Rights Watch called on the new government to repeal or suspend immediately include portions of Yemen's Press and Publication Law of 1990 that prohibit criticism of the head of state and require journalists to uphold "the goals of the Yemeni Revolution" and "national unity."(...)

The government also should revoke the death penalty. (...)

National Unity Dialogue: To address allegations of exclusion or discrimination of groups including youth protesters, residents of the southern provinces, followers of the Zaidi strand of Shia Islam, and the minority so-called "al-Akhdam" community, the government should ensure that the national dialogue conference mandated in Saleh's exit deal develops effective measures to ensure equality and non-discrimination.(...)

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