

# A Legal Analytical Review of Journalists' Cases

in 2024



As a result of the harsh and unprecedented conditions faced by male and female journalists in Yemen, a climate rife with flagrant violations has emerged, driven by the control of conflicting powers in various regions. These powers have imposed their own laws, disregarding both national and international legislation, thereby undermining press freedom. In light of these practices, this Report presents a legal analysis of these cases to highlight the irregularities and illegal abuses carried out by security and judicial authorities against journalists, which have negatively impacted the press landscape.

Male and female journalists have found themselves in direct confrontation with the suppression of security and judicial authorities, operating under clear political and military influence. This hostile environment manifested in the restriction of their freedoms. In 2024 alone, the Media Freedom Observatory documented 40 cases of summonses and investigations by security and judicial authorities, which subsequently led to fabricated charges. Most of these cases were referred to regular courts and specialized criminal courts in both areas under the control of the Houthis group (Ansar Allah) and those governed by the Yemeni internationally recognized government.

Our analysis is based on a review of a collection of case files, including investigation procedures, indictments, and other documents and data provided by the Observatory team. This team has taken on the responsibility of defending and supporting several of these cases. Additionally, we have utilized human rights reports from local and international organizations.

**The Yemeni legal texts referenced in this Report include:**

Yemen's national legislation encompasses numerous constitutional and legal provisions that guarantee freedom of opinion and expression and uphold journalists' rights, aligning with international conventions and agreements ratified by the country. The key legislative instruments include:

## The Reality of Press Rights and Freedoms in Yemen

Based on case studies conducted by the legal team of the Observatory, judicial files documented by the Observatory, and human rights reports from local and international organizations, numerous violations and abuses against journalists in Yemen have been identified. Below is an overview of the key violations followed by specific cases from various governorates:

### Violations Documented Against Journalists

1. Imprisoning and questioning journalists for hours.
2. Illegal detention.
3. Forcing journalists to sign pledges not to work for specific Yemeni TV channels.
4. Confiscating or searching equipment without prior judicial authorization.
5. Torture accompanying arbitrary detention.
6. Enforced disappearances.

## 1

### The Yemeni Constitution

The Yemeni Constitution enshrines freedom of opinion and expression and journalists' rights in several provisions, particularly:

- Article 6: Emphasizes adherence to the United Nations Charter, the Universal Declaration of Human Rights, and universally recognized international law.
- Article 48 (A): Guarantees freedom of opinion and expression.
- Article 48 (B): Prohibits arbitrary arrest, search, or detention except by judicial order or under the law.
- Article 48 (C): Forbids all forms of torture during investigation or trial phases and bans coerced confessions. It also prohibits detention in illegal facilities, enforced disappearances, and arrests without judicial orders beyond 24 hours.
- Article 49 (E): Mandates access to legal counsel during all stages of investigation and trial.
- Article 53: Prohibits control and oversight of communications or searches of personal belongings and homes without judicial authorization.

7. Denial of the right to legal defense during investigations and trials.
8. Trying journalists in regular courts or specialized criminal courts.
9. Fabricating charges and accusations without credible evidence.
10. Conducting unlawful trials.
11. Issuing death sentences following unfair trials.

### Examples of Extreme Violence Against Journalists (2024)

Some documented cases represent flagrant violations of national and international laws ratified by Yemen, instilling fear among journalists and deterring their work:

#### Case of Taha Al-Maamari

[Taha Al-Maamari, the owner of "Yemen Digital Media"](#) and "Yemen Live Media Production," was sentenced to death, and his properties were confiscated by the Specialized Criminal Court. The legal process was marred by severe breaches, from the unlawful seizure of his private assets to his execution sentence based on politically motivated and baseless accusations.

## 2

### [Press and Publications Law No. \(٢٥\) of ١٩٩٠ \(Amended in ٢٠٠٣\)](#)

This law defines the framework for journalistic work and sets specific conditions for practicing the profession:

- Article 2: Defines a journalist as anyone who regularly practices journalism as a primary source of income.
  - Article 7: Outlines conditions such as nationality, legal capacity, age, criminal record, educational qualifications, or a minimum of three years of journalism experience.
  - Article 10: Enables journalists to obtain a license and a professional ID from the Ministry of Information and the Yemeni Journalists Syndicate, subject to fulfilling additional requirements.
- Journalists' rights outlined in Articles 13–19 include:
- Freedom of opinion and expression.
  - The right to access and publish information freely.
  - Protection against unjust dismissal or transfer to non-journalistic roles.
  - The right to organize within unions or syndicates.

The law also specifies legal accountability for journalists' actions. Article 103 prohibits certain acts classified as legal violations. However, Article 104 allows for the referral of journalists to general criminal

### This case violated:

- Article 4 of Yemen's Criminal Procedures Law No. (13) of 1994: It states that no penalty shall be imposed without a trial conducted per the law, ensuring the right to defense.
- Article 10 of the Universal Declaration of Human Rights: It guarantees every individual a fair and public hearing before an independent and impartial tribunal.
- Article 14 of the International Covenant on Civil and Political Rights: It affirms equality before the law and the right to a fair and public trial.

The Houthis appear to use such judicial rulings, which disregard national and international legal principles, to legitimize their crimes against journalists and unlawfully seize their properties under judicial pretexts. This is evident in the use of the so-called "judicial custodian," described by a [report](#) from SAM Organization for Rights and Liberties as a tool for parallel authority enabling the Houthis to loot opponents' assets, undermining judicial independence and the separation of powers.

law under the Penal Code. Consequently, Criminal Procedures Law No. (13) of 1994 becomes the foundational framework for criminal cases involving journalists.

In conclusion, this law regulates journalism in Yemen and provides a legal framework to protect journalists' rights as recognized under international human rights and humanitarian law, despite the challenges and complexities faced in the current environment.

## 3

### Right to Access Information Law No. (13) of 2012

This law establishes the right to access information legally, as outlined in:

- Article 4: Ensures everyone's right to access information, subject to exceptions specified in Articles 24–26.
- Articles 18–21: Detail the process of submitting information requests and the timelines for responses. Requests are redirected to relevant authorities if the requested information is not available with the initially contacted entity.
- Article 22: Mandates that authorities provide reasons for partially or fully rejecting requests. Journalists have the right to appeal decisions to the General Commissioner or escalate to the judiciary (Articles 30–32).

This law guarantees journalists' access to information, facilitating their work in

## Cases of Enforced Disappearance and Home Raids

Journalists such as [Abdo Al-Midan](#), [Mohammed Al-Miyahi](#), [Fuad Al-Nahari](#), and [Khalid Al-Arasi](#) faced violent home raids, during which [their phones and electronic devices were confiscated](#). Their families were terrorized, and they were taken to unknown locations, [remaining forcibly disappeared](#) for periods of up to a month.

gathering news and conducting investigations. It fosters transparency, allowing journalists to monitor government activities, expose corruption, and report violations, thereby reinforcing accountability. Furthermore, it obligates state authorities to provide requested information while adhering to the legal mechanisms in case of denial.

These legislative frameworks collectively aim to regulate journalistic work and protect press freedoms in Yemen. However, given the ongoing challenges and violations, implementing these laws effectively remains a significant hurdle.

These actions, facilitated by the Houthis' tight security control over approximately 30% of Yemeni territory, constitute:

- **Illegal detention and enforced disappearance**, violating the [International Convention for the Protection of All Persons from Enforced Disappearance](#) (Article 1, Paragraph 2), **which prohibits enforced disappearance under any circumstances, including war or political instability.**

The violations align with the definition in Article 2 of the same convention, which describes

- “**Enforced disappearance as arrest, detention, abduction, or any form of deprivation of liberty carried out by state officials or individuals or groups acting with the authorization, support, or consent of the state. This is followed by a refusal to acknowledge the deprivation of the person's liberty or the concealment of the disappeared person's fate or whereabouts, thereby depriving them of legal protection.**

## Health and Human Rights Violations

Cases of released journalists from previous years (2021–2023) reveal the consequences of severe human rights abuses during detention. Examples include:

- **Abdo Al-Midan, Tawfiq Al-Mansoori, and Hesham Trummum** were released in poor health, suffering from chronic illnesses and permanent disabilities due to the denial of medical care during their imprisonment.

These cases underscore the urgent need for stronger legal protections for journalists and effective enforcement of national and international laws to end the targeting of media professionals in Yemen.

The treatment these journalists endured is considered a serious violation and a direct breach of paragraph (1) of Article (12) of the International Covenant on Economic, Social, and Cultural Rights, which affirms the right to health for every individual, including prisoners. This article explicitly requires states to protect these rights as fundamental rights: "States parties to this Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."

The inhuman treatment suffered by the aforementioned journalists also violates Principle (9) of the Basic Principles for the Treatment of Prisoners, which stipulates that prisoners should have access to healthcare services available in the country without discrimination based on their legal status. The text reads: "Prisoners should have access to health services available in the country without discrimination based on their legal status."

Furthermore, the lawyers defending journalists have not been spared from assaults, threats, and accusations of treason and espionage for foreign governments due to their positions in defending journalists who fall into the hands of the "Ansar Allah" Houthi group. Serious charges are levied against them without concrete evidence or following legal procedures to substantiate these claims. This was the case with [lawyer Abdulmajid Sabrah](#) in Sana'a and [lawyer Sami Yassin](#) in Aden, who are performing their professional duty to defend the accused in accordance with Article (49) of the Yemeni Constitution: "The right of defense, either personally or

through a representative, is guaranteed at all stages of investigation and litigation and before all courts according to the law."

Based on the above, the actions of the "Ansar Allah" Houthi group seem to be actions that do not reflect commitment to national or international laws or respect for individuals' rights. This group does not care about the consequences of the crimes it commits against humanity, which target journalists and others. It does not hesitate to commit any violations or breach the laws as long as these actions help achieve its goals to subjugate everyone in the areas under its control and enforce its ideologically extreme agenda.

In areas controlled by the Yemeni government and its affiliated parties, journalistic work has become fraught with dangers due to the repression of press freedoms by partisan groups and influential figures within security and military authorities. This has led to the suppression of opposition journalists, making it difficult for them to move freely in government areas. They also face defamation campaigns aimed at silencing voices critical of the official authorities.

Looking at the case of journalist Ahmed Maher, who was unlawfully arrested in Aden, subjected to enforced disappearance, then tried and sentenced to four years of imprisonment in what [Amnesty International described](#) as an unjust trial on charges of spreading false and misleading information and forging identity documents. Maher endured [numerous illegal actions](#), including unlawful detention accompanied by torture aimed at obtaining confessions, leading up to his trial.

All that Maher endured contradicts Article (5) of the Universal Declaration of Human Rights, which states: "No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment."

Not only that, but Maher was also denied the right to visit his family while in detention and was deprived of the right to have a lawyer represent him for a year during his trial. He was later allowed to appoint a lawyer, which is a direct violation of Article (9/1) of the Criminal Procedure Law: "The right to defense is guaranteed, and the accused has the right to defend themselves or to seek a representative to defend them at any stage of the criminal case, including the investigation phase." Therefore, all procedures fol-



lowed during his trial are considered to be fundamentally flawed.

The photographer Saleh Al-Obaidi also experienced arbitrary detention in one of the streets of Aden governorate, where he was taken into prison based on a coercive court order requested by the police department's director. According to his allegations, attributed to Al-Obaidi without strong or sufficient evidence, this is an action that violates the law as stipulated in Article (7/1): "Arrests are only permissible in relation to acts punishable by law and must be based on legal grounds."

Al-Obaidi was accused of disturbing public opinion, allegedly belonging to an armed group involved in kidnapping and terrorism, and inciting society against the security authorities, thus threatening public stability and supporting that group. The judicial authority approved the search of Al-Obaidi's devices and home the day after his arrest. After 48 hours, a court order was issued for his release following intervention by the Deputy Chairman of the Presidential Leadership Council - Head of the Southern Transitional Council, who resolved the issue.

The serious charges fabricated against both journalist Ahmed Maher and photographer Saleh Al-Obaidi, which have no basis in solid evidence or proof, could lead to a death sentence if proven true, as stated in Article (127/3): "The following shall be punished by death: Anyone who aids the enemy with soldiers, persons, or funds or acts as a guide." One of the charges fabricated against Al-Obaidi was monitoring the movements of leaders for the armed group he allegedly belongs to, and espionage under Article (128/1): "Anyone who seeks to aid a foreign country or any of those working for its benefit, or who engages in espionage for it, and whose actions result in harm to the military, political, diplomatic, or economic status of the Republic of Yemen."

It is evident that when security agencies fail to restrict the freedoms of journalists and activists, they fabricate vague charges to intimidate those working in the same field, especially when these agencies resort to false propaganda and create fabricated incidents to confuse and scare the public into fearing the same fate.

Looking into the case of detained journalists Fahmi Al-Alimi, Samah Abdelwahab, and Wathiq Mohammed, who were forced in writing not to work

with unauthorized TV channels in Aden and Lahj, such as (Belqees, Suhail, Yemen Shabab, and Al-Mahriya), as the Southern Media Authority in Aden refuses to grant these outlets licenses to operate in their territories, and the authority exercises its monitoring role over journalists, a role it is not legally authorized to perform, imposing numerous conditions and restrictions on journalistic work without legal justification.

According to the Press and Publications Law and the Criminal Procedure Code, cases related to journalistic publication and press work generally fall under the jurisdiction of the Press and Publications Prosecution and Electronic Publishing Prosecution in Aden, as they are the exclusive authority to handle complaints, grievances, and accusations related to electronic publishing and journalistic work. However, the interventions of the Southern Media Authority, affiliated with STC, are illegal and expose it to legal accountability, but it exercises these actions and powers under the control and influence of the Southern Transitional Council (STC) over several southern governorates of Yemen. This is similar to the actions of the "Ansar Al-lah" Houthi group in Sana'a, under the title of "MOSHREFEEN" (supervisors).

In Hadhramaut, judicial authorities continue to insist on prosecuting journalists Tarek Basloom, Ali Al-Obthani, Sabri Bin Makhashen, and Omar Kraman, all of whom face charges related to publishing, currently under investigation by the Public Funds Prosecution and Courts. Looking into the [case of journalist Bin Makhashen](#), who was held in solitary confinement by the military intelligence without being interrogated or informed of the charges against him, and was denied the right to contact his family or receive visits from them until five days after his detention. Following his hunger strike from the first day of his arrest and confinement, and after spending almost 30 days in solitary confinement at the intelligence prison, an investigation was carried out, and he was released. Bin Makhashen left Yemeni territory fearing for his life and safety, but the security and judicial authorities in Hadhramaut did not leave him and issued an arrest warrant through Interpol.

Journalists in Marib have not been immune to legal prosecution for writing and publishing details of corruption involving members of the judiciary. This has led to charges of defamation and insulting a public official against several journalists, including Ali Al-Faqih, editor-in-chief of Al-Mas-

dar Online, Ahmed Ayedh, editor-in-chief of Marib Press, and Mohammed Masad Al-Salhi, editor-in-chief of Marib Press newspaper. The Marib Primary Prosecution brought these charges against them and referred their cases to the competent court for adjudication. The case remains under judicial review, in clear violation of Article 9 of the Yemeni Constitution.

Additionally, security authorities in the governorate impose restrictions and obstacles on journalists and correspondents of TV channels, requiring them to obtain prior authorization before undertaking any reporting or filming. These permits present a significant challenge, as they involve lengthy approval processes with the risk of denial, violating the fundamental principle of freedom of opinion and expression as enshrined in both national and international laws.

The legal team of the Observatory has documented more than 30 human rights violations against journalists across Yemen, carried out by security agencies through unlawful detention and arrest procedures led by intelligence and investigative bodies. These violations include the use of illegal methods by both state security agencies and non-state actors, with journalists facing accusations such as practicing journalism without a license, publishing false news, defamation, espionage, membership in or formation of armed groups, and insulting public officials. These charges often lack conclusive evidence, but the legal provisions cited are used to restrict press freedom and impose a new reality that is disconnected from the truth.

Moreover, investigative authorities, especially the Public Prosecution, the Public Funds Prosecution, and specialized criminal courts have committed additional legal violations that exacerbate these abuses against journalists. Many journalists have been subjected to interrogations in prosecution offices across governorates like Shabwa, Hadhramaut, Taiz, and Marib following complaints from officials in the executive and military authorities. These prosecutors have charged journalists for publishing content on their personal social media pages or news websites that expose institutional corruption. However, these prosecutions lack proper jurisdiction, as cases involving journalists should fall under the jurisdiction of the general prosecution. The absence of specialized prosecution offices for press, publications, and digital media cases in these governorates renders all actions

taken by the Public Funds Prosecution against journalists legally invalid.

This legal nullity extends to trial procedures and court rulings in such cases. Furthermore, the interrogations and trials conducted in Sana'a in the absence of legal defense counsel are deemed invalid, and any execution of verdicts against journalists constitutes a grave violation of justice and human rights that cannot be subject to a statute of limitations.

“ **Notably, defense lawyers are often denied access to case files during investigations and court proceedings, depriving them of the opportunity to examine evidence and testimonies submitted by the prosecution. This undermines justice and constitutes a legal violation that nullifies all proceedings and casts doubt on the legitimacy of judicial decisions.**

According to [Article 41 of the Attorney General's Instructions](#) No. 20 of 1998, a journalist under prosecution has the right to legal representation, and their lawyer must be granted access to case files before questioning or confrontation, unless the investigator decides otherwise and formally records their decision in the case file.

The trials of journalists before specialized criminal courts are primarily due to the classification of the alleged offense. If the charges involve crimes related to state security, they fall under the jurisdiction of the specialized criminal courts. However, for other offenses, jurisdiction depends on the medium through which the alleged crime was committed such as publication via social media, print newspapers, or online platforms. In these cases, jurisdiction should lie with ordinary prosecution offices and courts, given the absence of a dedicated court for press, publication, and digital media cases.

To clarify this legal distinction, we refer to the Supreme Judicial Council's Resolution No. 130 of 2009, which established a [specialized court](#) and prosecution for press and publication cases. Under this resolution, jurisdiction

was assigned to the specialized court and prosecution in the capital, Sana'a, to handle all press-related cases nationwide. However, following the Houthis Ansar Allah group's takeover of the Yemeni government, the Supreme Judicial Council issued Resolution No. 6 of 2022, which established several new prosecution offices. This resolution renamed the "Press and Publications Prosecution" as the "[Press, Publications, and Digital Media Prosecution](#)" but did not include the establishment of a corresponding specialized court. Instead, jurisdiction was transferred to the specialized criminal court in Aden, a decision that was both inadequate and flawed.

The Supreme Judicial Council should have established both a specialized prosecution office and a corresponding court to ensure the legality of all legal proceedings against journalists and to define clear jurisdictional boundaries. The absence of a dedicated press court undermines the legitimacy of these legal actions and raises serious concerns about judicial overreach.

## Legal Awareness of Journalistic

### Legislation:



**Journalism requires a deep understanding of both national and international laws that protect journalists' rights. However, it has been observed that many journalists lack sufficient legal awareness, making them vulnerable to risks. Therefore, journalists must adopt preventive measures when engaging with security and judicial authorities.**

Many journalists are unaware of how to legally establish their journalistic status before the relevant prosecution, such as by invoking Article (7) and providing documents proving their continuous and professional practice of journalism. This helps safeguard their legal rights and ensures they are not treated as ordinary citizens in legal proceedings. Additionally, journalists should minimize legal risks by avoiding direct mention of individuals' names in reports or articles, reducing the likelihood of complaints and lawsuits.

Moreover, journalists must maintain independence and neutrality in their work, refraining from mixing personal political views with their journalistic duties. They should also avoid engaging in media conflicts on social media or platforms affiliated with conflicting parties, as such involvement increases their exposure to threats. Furthermore, when reporting on corruption cases, journalists should provide the Public Funds Prosecution with relevant evidence before or after publication, reinforcing journalism's role as the "Fourth Estate" in monitoring governments and promoting societal reforms.

## **Recommendations for Strengthening Press Freedom and Protection**

To enhance legal awareness and protection for journalists, we recommend the following actions in the media sector:

1. Strengthening journalists' legal awareness regarding their rights and obligations.
2. Organizing training workshops on interacting with security and judicial authorities.
3. Developing mechanisms to protect journalists from violations.
4. Enhancing cooperation with human rights organizations to ensure a safe working environment for journalists.

**Media and human rights organizations also play a critical role in exerting international pressure on conflict parties in Yemen to halt violations against journalism and media professionals. Local and international organizations should focus on:**

- 1. Pressuring Conflict Parties:** Advocating for an end to press violations in areas under their control and ensuring judicial independence.
- 2. Training and Capacity Building:** Implementing programs to educate journalists on human rights and legal protection mechanisms in case of violations.
- 3. Judicial Independence:** Establishing a specialized court to handle press, publication, and digital media cases with defined jurisdiction.
- 4. Judicial Appointments:** Assigning prosecutors to investigate press and publication cases in all governorates.
- 5. Judicial Reforms:** Implementing genuine reforms within the judiciary to enhance press freedom protections.
- 6. Transparency and Accountability:** Ensuring press and media institutions operate with transparency and accountability.
- 7. Legal Amendments:** Revising constitutional and legislative provisions related to press laws, information regulations, and military criminal laws to introduce clear legal definitions, including new provisions for crimes committed during armed conflicts.
- 8. New Legislation:** Enacting laws to combat cybercrimes and protect personal data.

These measures are essential to fostering a free and secure press environment in Yemen and ensuring that journalists can perform their duties without fear of persecution or legal intimidation.



## Emergency Support

### legal support



Through a group of lawyers who are ready to defend journalists, MARSADAK provides all kinds of legal support to journalists and media personnel who are subjected to violations and harassment in connection with their journalistic work.

Legal support includes providing legal advice related to carrying out the press duties and in case journalists face legal issues in addition to allocating a lawyer in cases pending against journalists before the courts.

[Click here](#) to submit a request for legal support.

### psychological support



The Media Freedom Observatory provides support to journalists and workers in media institutions who face psychological pressure while practicing their profession.

The support includes psychological counseling as well as direct psychological support sessions through psychologists.

[Click here](#) To access psychological support

### Digital Support



The Media Freedom Observatory in Yemen, through digital experts, provides digital support to offer consultations and assist journalists in resolving digital issues they face in the media field. This includes helping those subjected to hacking and harassment due to their journalistic work.

To submit a request for digital support, click [\[here\]](#).



**Studies and Economic Media Center (SEMC)** is one of the Civil society organizations that works on economic field, awareness and promote the economic issues transparency, good governance and participated citizens in decision-making. Also, It works to find a professional media

<https://economicmedia.net/>



**Yemen Media Freedoms Observatory (MARSADAK)** is a monitoring and information platform aimed at disseminating all matters relating to freedoms of opinion and expression in various Yemeni regions in a professional and independent manner, as well as, analyzing and advocating for journalists' issues at the local and international levels.

<https://marsadak.org/>

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