



Justice4Yemen Pact  
ميثاق العدالة لليمن

# INFORMATIONAL BRIEF

## Detention of Yemeni Journalist **Ahmed Maher**

JULY 2023



### Introduction

The ongoing, year-long detention of Yemeni journalist Ahmed Maher is symbolic of the grave dangers journalists across Yemen face as a result of exercising their rights to impart information and opinions. Maher's imprisonment has been widely reported to be driven by politics, as he was critical of local Aden-based authorities in the lead-up to his arrest by them. Numerous irregularities and breaches of domestic and international law appear to have marred the investigation into Ahmed Maher and his subsequent trial. The following report is based on an interview with the family of Ahmed Maher and a review of open-source documentation.

Any attributions of responsibility made by third parties referenced in this brief should not be construed as attributions by the YHRFL+, the Justice4Yemen Pact coalition, or its member organizations. Findings contained in this report are subject to revision as new data is obtained.

#### About the Yemen Human Rights Forensics Lab Plus (YHRFL+)

The goal of the Yemen Human Rights Forensics Lab Plus (YHRFL+) program is to increase recognition and protection of human rights in Yemen by empowering Yemeni civil society to champion justice and accountability through human rights documentation, reporting, and advocacy efforts. The YHRFL+ program is working to systematically document, preserve, corroborate, analyze, and report on evidence, obtained from a variety of sources, of human rights violations committed by all parties involved in the Yemeni conflict. Results of this analysis are summarized and presented in a series of investigative reports focusing on specific identified incidents of human rights violations. YHRFL+ also support efforts by Yemeni CSO partners to carry out strategic advocacy, community outreach, and victim and survivor engagement interventions locally and internationally.

#### About Justice4Yemen Pact Coalition

The Justice4Yemen Pact is a coalition of human rights organizations and civil society actors that are united for the promotion and protection of human rights in Yemen. The coalition's mission is to advocate for the rights of all Yemeni people, particularly those who are most vulnerable and marginalized. The coalition is committed to addressing the systemic human rights violations that have been plaguing Yemen through years of conflict and violence. The Justice4Yemen Pact works to empower Yemeni people to claim their rights, raise awareness of violations, and advocate for justice and accountability at local, national, and international levels. The Justice4Yemen Pact is guided by the principles of respect for human dignity, equality, justice, and non-discrimination. The coalition believes that by working together, its members can end impunity, provide meaningful support and redress for victims, and contribute to a more peaceful, just, and prosperous future for Yemen.

## Summary of Key Facts

Journalist Ahmed Maher was arrested on August 6, 2022 by the Dar Saad police department in Aden, the temporary capital of the internationally recognized Republic of Yemen Government (RoYG). According to his family, Maher was subjected to a routine of physical and psychological torture for approximately a month following his arrest. A video of Ahmed Maher “confessing” to various crimes circulated on September 4, 2022, in which Maher appears to recite a prepared script under duress.<sup>1</sup> Yemen’s President Rashad al-Alimi requested an investigation into Maher’s case after the journalist’s distressing confession video surfaced, but authorities in Aden, who are under the de facto control of Southern Transitional Council (STC), appear to have ignored this request.<sup>2</sup>

Maher was transferred to the Bir Ahmed prison in Aden on September 15, 2022, and is currently on trial in Aden’s Specialized Criminal Court. The STC-affiliated Aden Independent Channel reported on March 8, 2023 that the prosecution was charging Ahmed Maher with “publishing fake and misleading news intended to disrupt peace and security.”<sup>3</sup> This suggests that Maher is being charged with violating Article 198 of Law No. 12 of 1994 Concerning Crimes and Penalties, which imposes a fine and up to two years in prison on “anyone who publicly broadcasts or disseminates with bad intentions, false, forged or fabricated news or papers, or those that are said to be of other sources, if they lead to disrupting general peace or cause damage to public interest.”<sup>4</sup>

Nevertheless, Maher’s trial at the Specialized Criminal Court is happening alongside a group of men accused of carrying out a bombing at the Dar Saad police department in March 2022. In addition, STC-affiliated actors have made public statements to the effect that Ahmed Maher is being charged with terrorism-related crimes. The levelling of terrorism accusations against Ahmed Maher—despite the fact his official charges appear to relate to “publishing fake information”—indicates that the case against him is intended to punish and silence the journalist for his political views. Prior to his arrest, Maher was critical of STC and their main international backer, the UAE, in his writings and media appearances.

Maher’s ongoing detention is also likely related to the fact that he worked as a spokesman for the Yemeni Army’s Transport Division – Presidential Guard until 2018. Although the STC and Transport Division are both under the banner of the RoYG, STC actors regularly label the Transport Division’s commander, Amjad Khalid, as a “terrorist” in media communications. In addition, Ahmed Maher was a member of the resistance forces who repelled the Houthi assault on Aden in 2015. International human rights groups have documented UAE-backed authorities in southern Yemen detaining, disappearing, and torturing members of the former Aden resistance forces, likely because these individuals are seen as a potential threat.<sup>5</sup>

In addition to the political nature of the case against Ahmed Maher, various irregularities and breaches of international and Yemeni law appear to have marred the police and judiciary’s handling of the case. The following is a limited summary of these apparent irregularities and breaches of international and Yemeni law.

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<sup>1</sup> “Confessions of the Terrorist Ahmed Maher and his Donor and that he Receives 50 Dollars for Each Article from Amjad Khalid,” Al-Shaer Aqeed al-Yafia, YouTube, September 4, 2022, <https://www.youtube.com/watch?v=0LI4LloBflw>

<sup>2</sup> “President al-Alimi calls for an investigation into the case of the detention of journalist Ahmed Maher,” Aden Gad, September 5, 2022, [https://adengad.net/public/posts/636169?utm\\_campaign=nabdapp.com&utm\\_medium=referral&utm\\_source=nabdapp.com&ocid=Nabd\\_App](https://adengad.net/public/posts/636169?utm_campaign=nabdapp.com&utm_medium=referral&utm_source=nabdapp.com&ocid=Nabd_App)

<sup>3</sup> “The Criminal Court Holds its Second Session in the Trial of Those Accused of Bombing the Dar Saad Police Department in #Aden #Aden\_Independent #AIC,” Aden Independent Channel, Facebook, March 8, 2023, [https://www.facebook.com/watch/?extid=CL-UNK-UNK-UNK-AN\\_GK0T-GK1C&mibextid=2Rb1fB&v=519984293648777](https://www.facebook.com/watch/?extid=CL-UNK-UNK-UNK-AN_GK0T-GK1C&mibextid=2Rb1fB&v=519984293648777)

<sup>4</sup> Republican Decree, By Law No. 12 for 1994, Concerning Crimes and Penalties, Article 198, RefWorld, <https://www.refworld.org/docid/3fec62f17.html>

<sup>5</sup> “Yemen: ‘God only knows if he’s alive’: Enforced disappearance and detention violations in southern Yemen,” Amnesty International, July 12, 2018, <https://www.amnesty.org/en/documents/mde31/8682/2018/en/>

# Apparent Breaches of International and Yemeni Law

## Violation of Prohibitions against Arbitrary Detention and the Right to a Fair and Speedy Trial

### Unclear Charges

From the date of Ahmed Maher's initial detention on August 6, 2022, the exact nature of the criminal charges against him has remained unclear. Officially, Ahmed Maher has been charged in Aden's Specialized Criminal Court with "publishing false information," according to the prosecutor as quoted by the STC-affiliated Aden Independent Channel on March 6, 2023.<sup>6</sup> However, to date, certain STC-affiliated actors have continued to promote a narrative that Maher is being charged with terrorism-related crimes. Ahmed Maher's "confession" video, which was likely filmed by the Dar Saad police and circulated online on September 4, 2022, focused on accusations of aiding terrorists. Maher's family said that he was unaware of the nature of the charges against him before his trial began in December 2022. This obfuscation of the charges against Ahmed Maher appears to violate the detained individual's right to be promptly informed of the charges against them, as specified in the International Covenant on Civil and Political Rights (ICCPR),<sup>7</sup> to which Yemen acceded in 1987, as well as Yemen's Constitution<sup>8</sup> and criminal procedure code.<sup>9</sup>

### Forced Confession

Ahmed Maher's family says he was tortured for approximately a month in advance of his "confession," which was filmed and circulated online on September 4, 2022. In the "confession" video, Maher appears to be reciting a script under duress. If any part of the criminal case against Ahmed Maher relies on this confession video, this will likely be in violation of the prohibition on forced confessions in Yemen's Constitution<sup>10</sup> as well as the prohibition on using statements established to be the result of torture in any proceedings as established by the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (CAT),<sup>11</sup> to which Yemen acceded in 1991.

### Compromised Interrogation

Ahmed Maher was first officially interrogated by a member of the prosecutor's office on approximately September 5, 2022, shortly after his "confession" video circulated online and in the presence of the same police officers who had tortured him. The presence of Ahmed Maher's torturers during his interrogation likely violates both national and international safeguards against forced confession, as detailed in the previous section. By including Ahmed Maher's torturers in his interrogation, the Yemeni prosecutor put improper pressure on Maher to provide the answers he was looking for.

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<sup>6</sup> "The Criminal Court Holds its Second Session in the Trial of Those Accused of Bombing the Dar Saad Police Department in #Aden #Aden\_Independent #AIC," Aden Independent Channel, Facebook, March 8, 2023, [https://www.facebook.com/watch/?extid=CL-UNK-UNK-UNK-AN\\_GK0T-GK1C&mibextid=2Rb1fB&v=519984293648777](https://www.facebook.com/watch/?extid=CL-UNK-UNK-UNK-AN_GK0T-GK1C&mibextid=2Rb1fB&v=519984293648777)

<sup>7</sup> ICCPR, Article 9.2

<sup>8</sup> Constitution of the Republic of Yemen of 1991, Article 48.c, Constitute Project, [https://www.constituteproject.org/constitution/Yemen\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Yemen_2015.pdf?lang=en)

<sup>9</sup> Republican Decree, By Law No. 13 for 1994, Concerning the Criminal Procedures, Article 76, RefWorld, <https://www.refworld.org/docid/3fc4bc374.html>

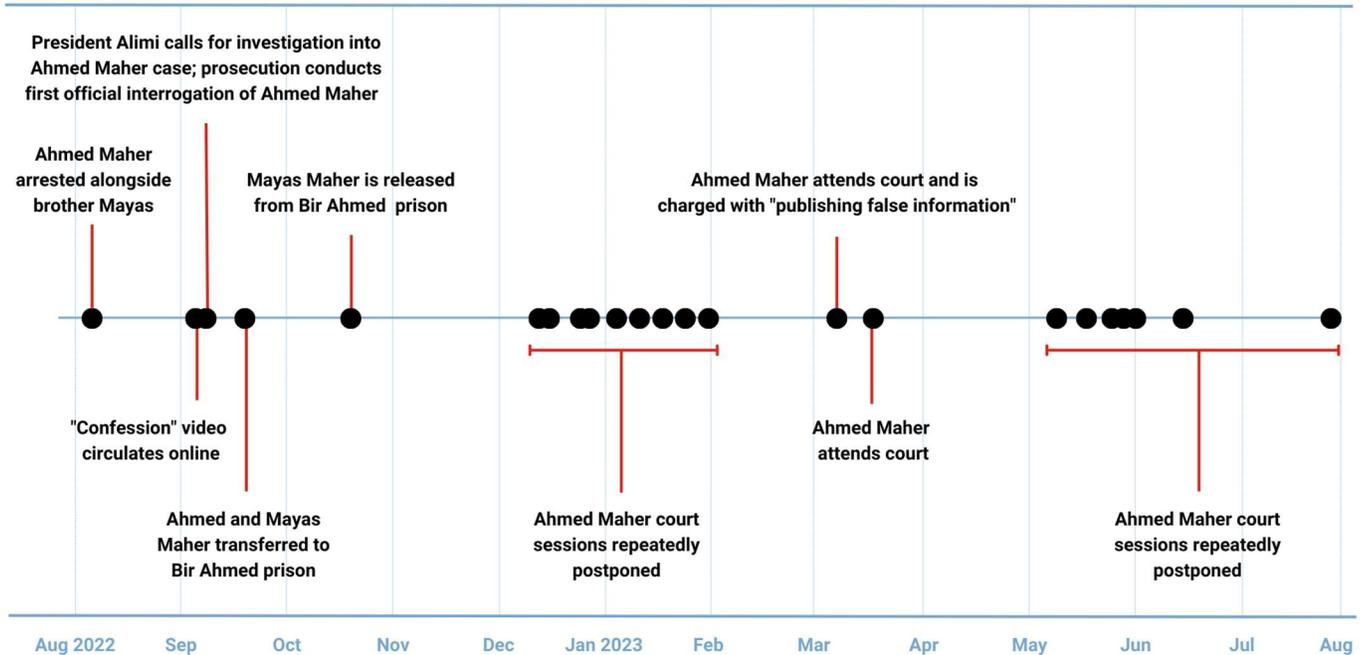
<sup>10</sup> Constitution of the Republic of Yemen of 1991, Article 48.b, Constitute Project, [https://www.constituteproject.org/constitution/Yemen\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Yemen_2015.pdf?lang=en)

<sup>11</sup> CAT, Article 15

## Repeated Delays

After he was arrested on August 6, 2022, Ahmed Maher and his brother Mayas were held for over a month in Dar Saad police custody, without being officially charged with a crime. Both brothers were transferred to Bir Ahmed prison on September 15, 2022. Ahmed Maher's case began in Aden's Specialized Criminal Court in December 2022. Since that time, the hearings have been repeatedly adjourned, most recently on Jul 31, 2023. The Bir Ahmed prison administration has reportedly caused at least some of these delays by refusing to transport prisoners, including Ahmed Maher, to court because of a lack of fuel.<sup>12</sup>

## Timeline of Ahmed Maher Case



These repeated postponements in the Ahmed Maher case appear to violate the right to a trial within a reasonable time and without undue delay, as specified in the ICCPR.<sup>13</sup> Yemeni legislation sets a specific limit of 24 hours from the moment of one's arrest to be brought before the judiciary, which must either authorize a provisional arrest or order the release of the individual.<sup>14</sup>

<sup>12</sup> "The Criminal Court delays the trial of journalist Ahmed Maher for the fourth time in a month," Al-Masdar Online, December 26, 2022, <https://almasdaronline.com/articles/265926>

<sup>13</sup> ICCPR, Article 9.3; Article 14.3.c

<sup>14</sup> Constitution of the Republic of Yemen of 1991, Article 48.c, Constitute Project, [https://www.constituteproject.org/constitution/Yemen\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Yemen_2015.pdf?lang=en); Republican Decree, By Law No. 13 for 1994, Concerning the Criminal Procedures, Article 76, RefWorld, <https://www.refworld.org/docid/3fc4bc374.html>

## Violation of Prohibitions against Torture and Other Cruel, Inhuman or Degrading Treatment

Ahmed Maher's family says that during his time in Dar Saad police custody (i.e., from the time of his arrest on August 6, 2022 until his transfer to Bir Ahmed prison on September 15, 2022), he was subjected to a routine of physical and psychological torture including beatings, electrical shocks, simulated drowning, and threats to his family. This torture left Maher with various injuries, including an open wound in his belly button area. In his "confession" video, Maher's stomach can be seen covered by a cloth.



Screenshot of Ahmed Maher "confession" video<sup>15</sup>

International human rights laws, including the Universal Declaration of Human Rights (UDHR),<sup>16</sup> ICCPR,<sup>17</sup> CAT,<sup>18</sup> as well as Yemen's constitution<sup>19</sup> all prohibit torture. Yemen's constitution further stipulates that the law shall determine the appropriate punishment and victim compensation should torture occur.<sup>20</sup> Yemen's criminal code stipulates "maximum imprisonment of ten years" for "any public employee who tortures or uses force, by himself or through others while carrying out his job, with any suspect or witness or expert, in order to force him to confess to a crime or give testimony or relevant information thereof."<sup>21</sup>

<sup>15</sup> "Confessions of the Terrorist Ahmed Maher and his Donor and that he Receives 50 Dollars for Each Article from Amjad Khalid," Al-Shaer Aqeed al-Yafia, YouTube, September 4, 2022, <https://www.youtube.com/watch?v=0LI4LloBflw>

<sup>16</sup> UDHR, Article 5

<sup>17</sup> ICCPR, Articles 7 and 10

<sup>18</sup> CAT, Articles 1 and 2

<sup>19</sup> Constitution of the Republic of Yemen of 1991, Articles 48.b and 48.e, Constitute Project, [https://www.constituteproject.org/constitution/Yemen\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Yemen_2015.pdf?lang=en)

<sup>20</sup> Id.

<sup>21</sup> Republican Decree, By Law No. 12 for 1994, Concerning Crimes and Penalties, Article 166, RefWorld, <https://www.refworld.org/docid/3fec62f17.html>

## Violation of Freedom of Expression

Prior to his arrest, Ahmed Maher had received threats from individuals affiliated with the STC because of his writings and media appearances in which he criticized the STC and the UAE.<sup>22</sup> He fled Aden in August 2019; in a contemporaneous interview, he said the STC had issued a warrant ordering the Dar Saad police to arrest him, and that this warrant stemmed from his critical journalistic activity.<sup>23</sup> Maher lived outside of Aden for roughly two years because of security concerns. He was arrested on August 6, 2022, after returning to Aden following the establishment of the Presidential Council in April 2022. In the months leading up to his arrest, Maher had continued to post on social media content that was critical of the STC and the UAE. The current charges against Ahmed Maher – i.e., “publishing false and misleading information intended to disrupt peace and security”<sup>24</sup> – are related to his professional activity as a journalist.

Examples of Ahmed Maher’s pre-arrest tweets critical of the STC:

 <p><b>Translation:</b> “Most members of government and leadership of public institutions are now southerners, in addition to half the members of the Presidential Council. Therefore, the southerners have the decision-making power, and if any shortcomings occur, they bear the responsibility! The excuse that northerners don’t want to provide services to Aden, and that they are fighting the south, has totally disappeared! So, are we going to see a model of a respectable state in the south?”</p>	 <p><b>Translation:</b> “Greetings to the security and military leadership hailing from the north. When they were responsible for Aden and the southern provinces, we didn’t see any moral violations or violations of honor or home! No northern leader’s name was connected to stealing land or traders’ money, or violating honor or the sanctity of homes! Now we see crimes in the south committed by southern hands!”</p>
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Given the above, it is likely that Ahmed Maher’s arrest violates the right to impart information and ideas as guaranteed by the UDHR<sup>25</sup> and the ICCPR,<sup>26</sup> to which Yemen acceded in 1987.

<sup>22</sup> “The Journalists Syndicate Expresses Concern at the Increase of Violations Against Journalists in Aden,” Yemeni Journalists Syndicate, Facebook, August 19, 2019, [https://www.facebook.com/permalink.php?story\\_fbid=pfbid04PCNmCFd2buHBaoiCTS5bx2nDsQUq2sctUxgqyTPd4tA69qQxUU4taCwUJpouGO\\_D1I&id=542893015862687](https://www.facebook.com/permalink.php?story_fbid=pfbid04PCNmCFd2buHBaoiCTS5bx2nDsQUq2sctUxgqyTPd4tA69qQxUU4taCwUJpouGO_D1I&id=542893015862687)

<sup>23</sup> “Yemeni Journalist Flees Aden after STC-police Raids his Home & Seeks his Arrest,” Afrah Nasser, Medium, August 20, 2019, <https://medium.com/@Afrahnasser/yemeni-journalist-flees-aden-after-stc-police-raids-his-home-seeks-his-arrest-8f89761dc4d1>

<sup>24</sup> “The Criminal Court Holds its Second Session in the Trial of Those Accused of Bombing the Dar Saad Police Department in #Aden #Aden\_Independent #AIC,” Aden Independent Channel, Facebook, March 8, 2023, [https://www.facebook.com/watch/?extid=CL-UNK-UNK-UNK-AN\\_GK0T-GK1C&mibextid=2Rb1fB&v=519984293648777](https://www.facebook.com/watch/?extid=CL-UNK-UNK-UNK-AN_GK0T-GK1C&mibextid=2Rb1fB&v=519984293648777)

<sup>25</sup> UDHR, Article 19

<sup>26</sup> ICCPR, Article 19.2



## Recommendations

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To the  
**Office of the United Nations High Commissioner for Human Rights (OHCHR):**

- Investigate the implications of this report's findings under international law and determine an appropriate course of action for accountability and redress.
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To the  
**UN agencies working in Aden:**

- Prioritize respect for Yemeni and international law regarding due process and the treatment of detainees in discussions with Aden authorities about governance and security.
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To the  
**Specialized Criminal Court in Aden:**

- Ensure Ahmed Maher's right to a fair and speedy trial is respected by putting an end to the pattern of postponements that has characterized his trial thus far.
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To the  
**Bir Ahmed prison administration:**

- Transport Ahmed Maher to court for scheduled sessions in accordance with his right to a speedy trial.
  - Ensure Ahmed Maher is offered appropriate medical treatment for his injuries.
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To the  
**Aden-based authorities:**

- Fully and transparently investigate the circumstances of Ahmed Maher's arrest and detention in accordance with President Rashad al-Alimi's request and appropriately punish and/or prosecute any justice sector officials found to have acted improperly or illegally over the course of Ahmed Maher's investigation, arrest, interrogation, or detention.
  - Publicly clarify the exact nature of the criminal charges against Ahmed Maher.
  - As a state party to the CAT, conduct a thorough review of all practices, protocols, procedures, and methods of interrogation and detention to identify and prevent instances of torture as required by Article 11 of the CAT.
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