

Opinion No. 17/2010 (Yemen)

Communication addressed to the Government on 17 March 2010

The State is a Party to the International Covenant on Civil and Political Rights.

1. (Same text as paragraph 1 of Opinion No. 18/2009)
2. The Working Group regrets that the Government has not replied within the 90-days deadline.
3. (Same text as paragraph 3 of Opinion No. 18/2009)
4. The case summarized hereinafter was reported by the source to the Working Group on Arbitrary Detention as follows:
5. Mr. Azzam Hassan Ali, born on 22 October 1972, a citizen of Yemen, holding a Yemeni national ID card with the number 03010007596 issued on 26 April 2005 by the Personal Affairs Department of Aden Governorate, lives in Block 22, No. 124, Al Mansoorah Department, Aden Governorate, Yemen.
6. Mr. Hassan Ali was arrested on 20 October 2007, after presenting himself at the Political Security headquarters of Al Mansoorah to check in with them, as he did once a month after his previous arrests. Mr. Hassan Ali was then held during four months in incommunicado detention, tied up in chains, at the Political Security headquarters.
7. In January 2008, Mr Hassan Ali was transferred to the Central Prison of Al Mansoorah, where he was detained with convicted individuals, although he remained without charge or any other legal proceedings, nor did he have access to a lawyer.
8. Mr. Hassan Ali has been detained for two years and four months without charge. Seeing no changes in his situation in the near future, Mr. Hassan Ali allegedly decided to undertake a hunger strike.
9. On 25 January 2010, Mr. Hassan Ali was transferred to Fatah Prison in the Al Tawahi Directorate, a high-security prison run by Political Security where the media could not have access to information concerning his case.
10. Mr. Hassan Ali was previously arrested twice by the Yemeni security services, in 2005 and 2006, respectively, for reasons unknown to the family. He was released without charge both times after the arrests.
11. The source concerns about the health condition of Mr. Hassan Ali as he will allegedly continue his hunger strike until he is released.
12. The source alleges that the prolonged detention of Mr. Hassan Ali is arbitrary because that it is devoid of any legal basis. Mr. Hassan Ali has not been charged with any crime. The source further argues that Mr. Hassan Ali should be either released immediately or his case should be started with relevant legal proceedings.
13. Given that the Government has not replied to the allegations submitted by the Working Group and has not requested an extension of the delay to reply, as contemplated in paragraph 16 of the Working Group's methods of work, the Working Group esteems that it is in condition to render an Opinion.
14. The Working Group considers that Mr. Azzam Hassan Ali presented himself to the Political Security headquarters of the Police for reasons of judicial control. He was arrested and held in incommunicado detention during four months. He has been detained for two years and four months without charges; without having been brought before a judge;

without possibilities to prepare his defence and to have a fair trial before an independent and impartial tribunal; and without having the services of a defence lawyer.

15. Consequently, the Working Group renders the following Opinion:

The detention of Mr. Azzam Hassan Ali is arbitrary and contrary to articles 9, 10 and 11 of the Universal Declaration of Human Rights and 9 and 14 of the International Covenant on Civil and Political Rights and falls under categories I and III of the categories applied by the Working Group.

16. The Working Group asks the Government to cooperate with the Working Group as established in the Human Rights Council resolution 6/4 of 28 September 2007, and in particular:

- (a) To proceed to the immediate release of the above-mentioned person;
- (b) To proceed to the reparation of the occasioned damages, through the correspondent compensation.

Adopted on 31 August 2010