

# YEMEN 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## Executive Summary

The constitution declares Islam the state religion and sharia the source of all legislation. It provides for freedom of thought and expression “within the limits of the law” but does not mention freedom of religion, belief, or conscience. The law prohibits denunciation of Islam, conversion from Islam to another religion, and proselytizing directed at Muslims. The conflict that began in 2014 between the government, led by President Abd Rabbuh Mansour Hadi, and Houthi-led Ansar Allah, a Zaydi Shia movement, continued through year’s end. The secessionist Southern Transitional Council (STC) remained in control of Aden, the temporary capital, until December 30, when the cabinet of a unity government, formed under the 2019 Saudi-brokered Riyadh Agreement, returned to the city. The government did not exercise effective control over much of the country’s territory and had limited ability to address abuses of religious liberty. The government publicly condemned religious persecution by the Houthi movement. Sources pointed to the support of Shia-majority Iran for the Houthis, who have historical roots as a Zaydi revivalist movement, and the support of Sunni-majority Saudi Arabia for the government. Some analysts emphasized that Houthi Zaydism was distinct from the Twelver Islam dominant in Iran, although both were generally considered to fall within the broad category of Shia Islam, and said political and economic issues were more significant overall drivers of the conflict than religion. There were no reports of Saudi-led coalition air strikes against religious targets during the year.

At year’s end, the Houthis continued to control approximately one-third of Yemeni territory and nearly 80 percent of the population. In areas they controlled, the Houthis followed a strict religious regimen and continued to discriminate against individuals who did not follow those practices, particularly religious minorities. According to the United Nations, nongovernmental organizations (NGOs), and media, military actions by Houthis continued to damage places of worship and religious institutions, and to inflict casualties at religious gatherings. In January, media reported that Houthi militants launched a missile attack on a mosque at a government military installation in Ma’rib Governorate, killing at least 116 soldiers during prayers. The UN Panel of Experts reported a second Houthi attack in August on a mosque at a government security compound in Ma’rib killed seven. A Houthi-controlled court held hearings early in the year on the appeal of Hamed Kamal Muhammad bin Haydara, a Baha’i sentenced to death by the Houthi-controlled Specialized Criminal Court in 2018 on charges of apostasy and spying for Israel. In March, Mahdi al-Mashaat, President of the Houthi Supreme Political

Council (SPC) in Sana'a, ordered the release of all detained Baha'is and pardoned Haydara. In July, Haydara and five other detained Baha'is – part of a group of 24 Baha'is charged with apostasy and espionage in 2018 – were released and exiled. According to the Sana'a-based human rights organization Mwatana, the Specialized Criminal Court continued proceedings against the six exiled Baha'is, ordering them to return to Sana'a to face trial, and the court continued to hold hearings against the other 19 Baha'is charged in 2018. Mwatana reported more than 70 instances of abuse against the Baha'i community since 2015, such as arbitrary detentions of dozens of Baha'is for practicing cultural activities, and deportation and enforced disappearances of others. A local human rights organization reported that since the signing of the Stockholm Agreement in December 2018, the Houthis damaged or destroyed 49 mosques in Hudaydah alone and transformed more than 100 mosques throughout the country into military barracks and sniper positions. In January, Minister of Endowments Ahmed al-Attiyah stated that the Houthis had targeted 76 mosques in areas under their control. According to the UN Group of Eminent International and Regional Experts on Yemen, the Houthis continued to use anti-Semitic rhetoric – including multiple speeches made by Houthi supreme leader Abdulmalik al-Houthi – that incited violence against Jews. The Group of Experts reported Jews faced Houthi-imposed restrictions on their freedom of movement and constant threats to their lives and security. According to the United Nations, al-Qaeda in the Arabian Peninsula (AQAP) remained active in Hadramawt, Shabwah, Ma'rib, Bayda', and Abyan Governorates. According to media, gunmen killed Khalid al-Hameidi, a university professor known as a secular thinker and critic of religious extremism, in the city of Dhale on December 5. Local officials said they believed the gunmen were members of AQAP or of an ISIS affiliate.

Jewish community members said their declining numbers made it difficult to sustain their religious practices. No rabbis remained in the country, leaving no religious authority to slaughter meat in accordance with strict kosher practices. According to media reports, the United Arab Emirates (UAE) government facilitated the travel of a Jewish family to the UAE in August to reunite with family members. Due to the conflict, there was no way to verify the status of the country's small, isolated Ismaili Muslim community.

The Department of State suspended operations at the U.S. embassy in Sana'a in 2015, and the embassy has operated since then as the Yemen Affairs Unit (YAU), based in Saudi Arabia. In March, the U.S. Ambassador expressed his concern over news reports that a Houthi court upheld a verdict to execute Hamed bin Haydara, a

Baha'i Faith leader imprisoned since 2013. The Ambassador emphasized that all persons should be free to engage in religious practice without fear. In November, the Department of State issued a press release calling on the Houthis to release Levi Salem Musa Marhabi, a Jew detained since 2016 for allegedly helping to remove an ancient Torah scroll from the country.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 29.8 million (midyear 2020 estimate). More than 99 percent of the population is Muslim (2010 estimate), associating their beliefs with either the Shafi'i order of Sunni Islam or Zaydi Islam, a distinct form of Shia Islam. There are also significant numbers of Sunni followers of the Maliki and Hanbali schools, and significant numbers of Ismaili and Twelver followers of Shia Islam. While there are no official statistics, the U.S. government estimates 65 percent of the population is Sunni and 35 percent Zaydi. Baha'is, Jews, Hindus, and Christians, many of whom are refugees or temporary foreign residents, comprise less than 1 percent of the population. Christian groups include Roman Catholics and Anglicans. According to the UN Group of Experts, many Ethiopian and Eritrean Christian economic migrants transit the country on their way to find work in Saudi Arabia, making the total number of Christians subject to fluctuation.

There is no firm estimate of the number of persons of Indian origin or of those who practice Hinduism, Sikhism, or the Dawoodi Bohra variant of Ismaili Shia Islam residing in the country. The preconflict Hindu population was 150,000 (2010 estimate), concentrated in Aden, Mukalla, Shihr, Lahaj, Mokha, and Hudayah. According to one source, the current number of Indian nationals is fewer than 3,000. Many members of the Indian-origin community have resided in the country for generations and hold Yemeni nationality.

The Jewish community is an indigenous non-Muslim minority religious group. Reports estimate approximately 20 to 40 Jews remain, concentrated in Sana'a and Raydah, in Amran Governorate north of Sana'a.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal Framework**

The constitution declares Islam to be the state religion. It provides for freedom of thought and expression “within the limits of the law” but does not mention freedom of religion, belief, or conscience. The constitution states sharia is the source of all legislation, although it coexists with secular common law and civil code models of law in a hybrid legal system.

Sharia serves as the basis of the legal system. The courts of the first instance address civil, criminal, commercial, and personal status cases. Informal tribunals, operating mostly in rural areas, administer customary law in addition to sharia to resolve disputes.

The constitution states the President must be Muslim who “practices his Islamic duties”; however, it allows non-Muslims to run for parliament, as long as they “fulfill their religious duties.” The law does not prohibit political parties based on religion, but it states parties may not claim to be the sole representative of any religion, oppose Islam, or restrict membership to a particular religious group.

The criminal code states that “deliberate” and “insistent” denunciation of Islam or conversion from Islam to another religion is apostasy, a capital offense. The law allows those charged with apostasy three opportunities to repent; upon repentance, they are spared the death penalty.

Family law prohibits marriage between a Muslim and an individual whom the law defines as an apostate. Muslim women may not marry non-Muslims, and Muslim men may not marry women who do not practice one of the three Abrahamic religions (Islam, Christianity, or Judaism). By law, a woman seeking custody of a child “ought not” be an apostate; a man “ought” to be of the same faith as the child.

The law prohibits proselytizing directed at Muslims. The law prescribes up to three years’ imprisonment for public “ridicule” of any religion and prescribes up to five years’ imprisonment if the ridiculed religion is Islam.

There is no provision for the registration of religious groups.

By law, the government must authorize construction of any new buildings. The law, however, does not mention places of worship specifically.

Public schools must provide instruction in Islam, but not in other religions. The law states primary school classes must include knowledge of Islamic rituals and the country's history and culture within the context of Islamic civilization. The law also specifies knowledge of Islamic beliefs as an objective of secondary education. Public schools are required to teach Sunni and Shia students the same curriculum, but the government is unable to enforce it in Houthi-controlled areas, where instructional materials indicate schools are teaching Zaydi principles only.

The country is a party to the International Covenant on Civil and Political Rights.

### **Government Practices**

Media reports noted Shia-majority Iran supported the Houthis, who have historical roots as a Zaydi revivalist movement, and Sunni-majority Saudi Arabia supported the government. Some analysts emphasized that Houthi Zaydism was distinct from the Twelver Islam dominant in Iran, although both were generally considered to fall within the broad category of Shia Islam, and they said political and economic issues were more significant overall drivers of the conflict than religion. Many sources, including international media and foundations, continued to describe the conflict as part of a regional power struggle between Shia-ruled Iran and Sunni-ruled Saudi Arabia.

In July, the government and STC reached a new agreement to accelerate implementation of the November 2019 Saudi-brokered Riyadh Agreement, which called for a ceasefire, military withdrawal, and power-sharing. In December, the parties reached agreement on the formation of a new unity government, and the cabinet returned to Aden on December 30. The government did not exercise effective legal or administrative control over much of the country throughout the year, which limited its ability to address abuses of religious liberty by nonstate actors in areas not under its control.

The September 2019 UN Group of Experts report *Situation of human rights in Yemen including violations and abuses since September 2014*, covering the 2014-2019 period, reported that military actions by all parties during the conflict had inflicted casualties at religious gatherings and damaged places of worship and religious institutions. According to the NGO Yemen Data Project, the number of airstrikes by Saudi-led coalition forces during the year increased significantly compared with 2019. The NGO reported a continued decrease in airstrikes against nonmilitary targets, however, while airstrikes on military targets increased, as did

airstrikes of unknown origin on a variety of targets. There were no reports of Saudi-led coalition air strikes against religious targets during the year, however. According to the UN Protection Cluster's Civilian Impact Monitoring Project (CIMP), civilian casualties from air strikes fell from 2,588 in 2018 to 796 in 2019, and finally to 216 in 2020. Air strikes accounted for less than 10 percent of the 2,087 civilian casualties CIMP reported during the year (749 persons killed and 1,338 injured).

In August, the government publicly condemned, through the state news agency, Houthi authorities for persecuting religious minorities, in response to the Houthi deportation of six Baha'is to European countries and the United States.

Because of the conflict and the government's absence from the country until the end of the year, the government was unable to verify the content of the religious curriculum taught in private schools. Many public and private schools throughout the country remained closed, and those operating were open for only a few hours a day.

### **Abuses by Foreign Forces or Nonstate Actors**

The Houthis and officials residing in Houthi-controlled areas representing a faction of the largest secular political party, the General People's Congress (GPC), jointly established the SPC in 2016. The SPC is a 10-member entity organized to establish and determine a governing structure for the country under the Houthi-led regime in Sana'a. The government and the international community have deemed the SPC unconstitutional and illegitimate. The SPC is not connected to the STC, the Southern Transitional Council.

In January, media reported that Houthi militants launched a missile attack on a mosque at a government military installation in Ma'rib Governorate, killing at least 116 soldiers during prayers. According to the UN Panel of Experts, on August 28, there was a second attack on the mosque and the military compound. The UN Panel of Experts, who visited the compound, reported that a ballistic missile hit the mosque in the second attack, killing seven and injuring approximately 120. The panel reported that the direction of the attack suggested Houthi forces were responsible for the attack. According to the panel, Ministry of Interior forces in the compound reportedly oversaw security in the city, and were not part of the military armed forces of the internationally-recognized Yemeni government, and therefore should have been protected under international humanitarian law. The

panel also noted that “special care must be taken in military operations to avoid damage to buildings dedicated to religion.”

In March, the Appellate Division of the Specialized Criminal Court upheld the conviction and death sentence of Hamed Kamal Muhammad bin Haydara, a Baha’i imprisoned since 2013 and sentenced to death in 2018 on charges of spying for Israel and apostasy. Three days later, SPC President Mahdi al-Mashaat announced a pardon for Haydara and requested authorities release him and all other Baha’i detainees. Haydara remained imprisoned until July, when he and five other Baha’i prisoners – part of a group of 24 Baha’is charged with apostasy and espionage in 2018 – were released, exiled, and, according to the UN Group of Experts, their assets confiscated. According to local NGO INSAF Center for Defending Freedoms and Minorities, the six exiled Baha’is were living in Europe or the United States at year’s end. Mwatana and media sources reported a local court resumed proceedings in the case of the 24 Baha’is. According to the Baha’i International Community, during a court hearing in August, the prosecution called for five of the exiled Baha’is to attend the next court hearing and described them as “fugitives.” The court continued to prosecute the cases through year’s end. The UN Group of Experts reported that Houthis threatened, targeted, and sometimes detained lawyers who defended the Baha’is.

Mwatana reported more than 70 instances of abuse against the Baha’i community since 2015. Abuses included arbitrary detentions, deportations, and enforced disappearances.

According to its 2020 report, Human Rights Watch (HRW) again documented dozens of cases of Houthis carrying out arbitrary and abusive detention and enforced disappearances since 2014. The HRW report also said that in April, Houthi forces used the COVID-19 pandemic as a pretext to expel thousands of Ethiopian migrants, many of whom were Christians, from northern Yemen, killing dozens, and pushing them to the border with Saudi Arabia.

The Houthis continued to incarcerate Levi Salem Musa Marhabi, a Jew detained since 2016 for allegedly helping to remove an ancient Torah scroll from the country. The group continued to demand the return of the scroll from Israel.

According to the UN Group of Experts, harassment of Christians, mostly attributable to the Houthis, increased since the outbreak of the war. Christians reported holding services in secret because they feared being caught. The UN

Group of Experts documented cases of forced detentions of Christians, including Ethiopians, on the grounds of religious belief, but it said to protect the detainees, it could not release details on these cases.

In a September report, the UN Group of Experts expressed concern about discrimination by the Houthis against religious and social minorities, including the Muhamasheen (the marginalized servant class), and internally displaced persons, migrants, and refugees. According to the report, these groups’ “risk of exploitation and physical abuse is exacerbated by the dire economic situation and the conflict itself... Religious minorities continue to face particular barriers to the enjoyment of their rights. For protection reasons, the Group of Eminent Experts is not able to publicly report on all of the violations experienced by these groups.”

A local human rights organization reported that since the signing of the Stockholm Agreement in 2018, the Houthis had damaged or destroyed 49 mosques in Hudaydah alone and transformed more than 100 mosques throughout the country into military barracks and sniper positions. In January, Minister of Endowments Ahmed al-Attiyah reported the Houthis had targeted 76 mosques in areas under their control.

According to a September report of the UN Group of Experts, the Houthis continued to use anti-Semitic rhetoric. In addition to the Houthi slogan, which includes the phrase “Curse on the Jews,” the UN Group of Experts noted multiple speeches made by Houthi supreme leader Abdulmalik al-Houthi in 2019 and during the year that incited violence against Jews. In a May speech, he declared, “The Jews are moving towards ensuring that the nation does not have the right vision.” The UN Group of Experts reported the Jewish minority faced Houthi-imposed restrictions on their freedom of movement and constant threats to their lives and security.

Abd al-Wahhab al-Mahbashi, a member of the Houthi Political Bureau, said in a March 20 sermon that Muslims should unite on the path to Jerusalem and in jihad against Jews, that enmity towards Jews was one of the identifying characteristics of Muslims, and that Jews and Americans were responsible for the COVID-19 pandemic.

On Houthi-affiliated *al-Masirah TV* on January 25, host Hamid Rizq referred to the visit to Auschwitz of a delegation of the Muslim World League, led by the Saudi Secretary General of the League, as “another venomous strike [by Saudi Arabia] to

the body of the Arab and Islamic nation.” Rizk said the graves of Holocaust victims and museums of the Holocaust were a lie, stating that “many historians have proven that this genocide was not true.”

In April, Houthi authorities formalized by decree the practice in place since their takeover of Sana’a in 2015 of levying a 20 percent charitable tax (*zakat*) on all economic activities involving natural resources and redistributing these revenues to the minority Shia Zaydi Hashemite population (who claim descent from the Prophet Muhammad). The restoration of this practice elicited broad and public criticism from within Houthi-controlled areas that authorities sought to impose a sectarian political and economic system that was inconsistent with the country’s national nonsectarian tradition.

In northern areas traditionally under Houthi control, there were reports of continued Houthi efforts to impose their religious customs on non-Zaydi residents, including banning music, requiring women to wear full veils, and banning the mixing of genders in cafes unless couples had children or carried a marriage certificate.

Media reported gunmen killed Khalid al-Hameidi, a university professor known as a secular thinker and a critic of religious extremism, in a drive-by shooting in the city of Dhale on December 5. No group immediately claimed responsibility, but local officials said they believed the gunmen were members of AQAP or of an ISIS affiliate. According to a UN Panel of Experts report, AQAP and ISIS-Yemen, as well as other militias and separatist groups, continued to contribute to violence in the country. These sources stated that AQAP continued to appeal to local tribes to enable the group to embed itself in the civilian population. Sources said AQAP continued to prioritize its fight against ISIS over its fight against the Houthis to maintain its position as the dominant terrorist group in its areas of operation in the country, although there were active clashes between AQAP and Houthi forces on several fronts. Sources stated that the lack of a strong central government in the country continued to provide a fertile environment for AQAP to operate. According to the United Nations, AQAP remained active in Hadramawt, Shabwah, Ma’rib, Bayda’, and Abyan Governorates.

### **Section III. Status of Societal Respect for Religious Freedom**

Jewish community members continued to report their declining numbers, which made it difficult to sustain their religious practices. The country’s only remaining

rabbi – Yahyia Bin Youssef – fled the country in January 2019, leaving no religious authority to slaughter meat in accordance with strict kosher practices. According to media reports, the UAE government facilitated the travel of a Jewish family to the UAE in August to reunite with relatives.

Due to the conflict, there was no way to verify the status of the small, isolated Ismaili Muslim community.

#### **Section IV. U.S. Government Policy and Engagement**

The Department of State suspended embassy operations in Sana'a in 2015 and the embassy has operated since then as the YAU, based in Saudi Arabia. In meetings with officials from the government, U.S. government officials continued to stress the importance of religious freedom, tolerance, and interfaith dialogue. In March, the YAU released a statement from the Ambassador expressing deep concern over news reports that a Houthi court upheld a verdict to execute Bahai'i leader Hamed bin Haydara and emphasizing that all persons should be free to engage in religious practice without fear.

In November, the Department of State issued a press release calling on the Houthis to release Levi Salem Musa Marhabi, a Jew detained since 2016 for allegedly helping to remove an ancient Torah scroll from the country, saying “We call on the Houthis to respect religious freedom, stop oppressing Yemen’s Jewish population, and immediately release Levi Salem Musa Marhabi.”

The YAU coordinated closely with the Office of the UN Special Envoy for Yemen, regional missions, and international organizations in facilitating the resettlement of Baha'is after their release. The YAU continued to closely monitor the conditions of religious minority detainees and to press for their release.