



Yemeni Team for
Transparency & Integrity

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The Yemeni Team for Transparency and Integrity (YTTI) is Transparency International's national chapter-in-formation in Yemen. It is a coalition of five Yemeni non-governmental organisations operating in the area of human rights and democracy. YTTI's objective is to contribute towards genuine democratic transformation in Yemen based on good governance principles. The Yemeni Team for Transparency and Integrity aims to, in particular, embody the principles of transparency and integrity, engage in the fight against corruption and reinforce the role of civil society organisations.

Five non-governmental organisations make up the Yemeni Team for Transparency and Integrity:

- Social Democratic Forum
- The Democracy School
- The Human Rights Information and Training Centre
- Women Journalists Without Chains
- Yemeni Observatory for Human Rights

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List of abbreviations and acronyms

SNACC	Supreme National Authority for Combatting Corruption
UN	United Nations
UNCAC	United Nations Convention Against Corruption
YTTI	Yemeni Team for Transparency and Integrity

Executive Summary

Trends

On 24 April 2012, parliament adopted an access to information law that Access Info Europe and the Center for Law and Democracy rated as the nineteenth strongest law globally in 2012.¹ This law came into force on 1 July 2012 and represents a great stride forwards in access to information for Yemen. On 6 May 2013 President Abdu Rabu Mansour Hadi, appointed Samir Amin Noman as the commissioner-general for information, responsible for implementing access to information regulations.²

The constitution does not currently contain a corresponding right or associated rights encompassing access to information; the most relevant article merely obliges Yemen to enforce domestically the *United Nations Charter* and the *Universal Declaration of Human Rights* (Article 6). In 2012 consultations began on drafting a new constitution, expected to result in a draft towards the end of 2013.

Challenges

Despite a strong access to information law, implementation has so far been weak. In the diesel sector, YTTI tested implementation across a number of public bodies. It found that access to information was not possible without approaching senior officials and even then the information received was limited and did not in all cases correspond to the request.

Other laws examined in this report do not provide access to information in line with international principles. Of the other four laws, only the Press Law contained provisions that met some of the international principles examined. The remaining laws were unclear at best.

As a consequence, access to information is a challenge in Yemen and will remain so until the government fully implements the access to information law and explicitly includes the right of access to information in the constitution.

Regional perspective

All states in the region, except Oman, have ratified one or more international standards obliging them to implement the right of access to information.³ However, only Egypt, Morocco and Sudan have included this right in their constitutions⁴ and only Jordan, Tunisia⁵ and Yemen have access to information laws. While Yemen's July 2012 law is recognised as particularly strong by the Centre for

¹ Access Info Europe and the Center for Law and Democracy, *Global right to information rating: Country rating*, 2012, http://www.rti-rating.org/country_rating.php [accessed 9 June 2013].

² Freedominfo.org, 'First commissioner named by president in Yemen', *Freedom Info*, 10 May 2013, <http://www.freedominfo.org/2013/05/first-commissioner-named-by-president-in-yemen/> [accessed 9 June 2013].

³ Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Palestine, Sudan, Syria, Tunisia and Yemen have ratified the International Covenant on Civil and Political Rights; Algeria, Bahrain, Jordan, Lebanon, Libya, Palestine, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates and Yemen have ratified the Arabic Charter on Human Rights.

⁴ Egypt: Constitution of Egypt 2012, Article 47; Morocco: Royal Decree on the Implementation of the Provisions of the Constitution 2011, no. 91.11.1, Official Gazette no. 5964 bis, 30 July 2011, Article 27, http://www.sgg.gov.ma/Historique_Bo_ar.aspx?id=762 [accessed 13 May 2013] (original text in Arabic); Sudan: 39(1): 'Every citizen shall have an unrestricted right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to order, safety or public morals as determined by law'; Interim National Constitution of the Republic of Sudan 2005, <http://www.sudan-embassy.de/INC%20of%20Sudan.pdf> [accessed 22 May 2013].

⁵ Tunisia's law is not due to come into force before May 2013. *Freedominfo.org*, 'Tunisia issues decree on access to documents', 11 July 2011, <http://www.freedominfo.org/2011/07/tunisia-issues-decree-on-access-to-documents/> [accessed 7 June 2013]. As of July 2013, the president had not issued the laws for it to become operational. Mona Yahia, 'Free speech under threat in Tunisia,' *Magharebia*, 1 July 2013, http://magharebia.com/en_GB/articles/awi/features/2013/07/01/feature-02 [accessed 23 July 2013].

Law and Democracy and Access Info,⁶ Jordan and Tunisia’s laws have both faced criticism for being too restrictive.⁷ Civil society and members of parliament have submitted draft laws to the parliaments of Bahrain, Egypt, Kuwait, Lebanon, Morocco, Iraq, Palestine and Sudan.⁸

Recommendations

Government, public bodies, civil society and all national and international interested parties must seize opportunities during Yemen’s transition and beyond to reinforce the right of access to information in Yemen. Government and public bodies should particularly focus on raising citizen and public official awareness, addressing civil society capacity to inform the public, removing legislative and institutional barriers to this right, and implementing mechanisms to respond to citizen information requests.

YTTI has selected a number of key recommendations based on its research. A full list of recommendations is found at the end of the report.

TABLE 1: Recommendations

KEY RECOMMENDATIONS
Parliament should include explicitly the right of access to information in the new constitution.
Government and parliament should review and amend laws that limit or restrict the right of access to information.
Government and parliament should give appeal and supervisory bodies the powers and resources necessary to oversee implementation of the right of access to information.
Government should train public officials on their duties under the access to information law.
Government should establish sections within ministries responsible for information requests and proactive disclosure.
The information commissioner should draft the implementing regulations for the access to information law and submit them to the president for issuing.

⁶ Centre for Law and Democracy, ‘Yemen passes strongest RTI law in the Arab World’ *Centre for Law and Democracy*, 10 June 2012, <http://www.law-democracy.org/live/yemen-passes-strongest-rti-law-in-the-arab-world/> [accessed 7 June 2013].

⁷ Business Anti-Corruption Portal, *Jordan Country Profile - Public Anti-Corruption Initiatives*, <http://www.business-anti-corruption.com/country-profiles/middle-east-north-africa/jordan/initiatives/public-anti-corruption-initiatives/> [accessed 7 June 2013]; Freedominfo.org, ‘Tunisia issues Decree on Access to Documents’, 11 July 2011, <http://www.freedominfo.org/2011/07/tunisia-issues-decree-on-access-to-documents/> [accessed 7 June 2013]; Said Almadhoun, *Access to information in the Middle East and North Africa Region: An overview of recent developments in Jordan, Lebanon, Morocco and Tunisia* (Washington DC: World Bank Institute, 2012), pp.2-5, http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Almadhoun-ATI_in_MNA_Region_ENGLISH.pdf [accessed 7 June 2013].

⁸ Said Almadhoun, *Status of freedom of information legislation in the Arab World 2010*, Open Society Justice Initiative, 6 February 2010, <http://www.right2info.org/resources/publications/Overview%20of%20FOI%20legislation%20in%20the%20Arab%20World%20-%20SA%20-%202002-06-2010.doc/view> [accessed 7 June 2013].

About the Report

Objective

In this report, YTTI analyses the current legal status of access to information in Yemen and its implementation in the diesel sector. YTTI aims to highlight barriers in the realisation of this right both in law and practice and to build support for strengthening access to information in Yemen.

The report finds that while parliament's passing of the access to information act was positive, legislative and implementation barriers limit its impact. It recommends that the government includes the right of access to information in the constitution and issues regulations to fully implement the access to information law.

Methodology

YTTI analysed the legal framework relating to the right of access to information, compared Yemeni provisions with international principles on access to information, conducted field visits and made information requests at seven public bodies to test implementation of the law: the Ministry of Finance's oil derivatives subsidy section, the Ministry of Industry and Trade, the Ministry of Agriculture and Irrigation, the Ministry of Fisheries' fishery associations department, the Ministry of Electricity and Energy, the Ministry of Oil and Minerals, and the Yemen Petroleum Company.

Structure

The first section of the report summarises 10 international principles on access to information. Following this is a section analysing the general application of these principles in Yemeni law, including in constitutional provisions. The section then assesses in detail the compliance of five laws against the 10 principles. The third section is a case study of the level of transparency in the diesel sector.

Limitations

The report does not consider aspects of the right of access to information other than those related to corruption. It examines the general framework of the right of access to information in Yemen through analysis of five existing laws relating to this right and the application of this in the diesel sector. Only the laws most relevant to access to information are addressed in this study. The right of access to information law has yet to be fully implemented.

Definitions

Information

All records held by a public body, regardless of the form in which the information is stored, its source (produced by the public body or another body) and the date of production. Classified records should be subject to the same test as other records.⁹

Public body

The term public body focuses on the type of service provided rather than the formal title. It should include all branches and levels of government including local government, elected bodies, bodies that operate under a statutory mandate, nationalised industries and public corporations, non-departmental bodies, judicial bodies, and private bodies which carry out public functions (such as maintaining roads or operating rail lines). Private bodies themselves should also be included if they hold information whose disclosure is likely to diminish the risk of harm to key public interests, such

⁹ Article 19, *The public's right to know: Principles on freedom of information legislation* (London: Article 19, 1999), <http://www.article19.org/data/files/pdfs/standards/righttoknow.pdf> [accessed 22 May 2013], pp.2-3.

as the environment and health. Inter-governmental organisations should also be subject to access to information regimes.¹⁰

10 principles

The 10 principles embody international standards on access to information and were developed by Access Info – a human rights organisation dedicated to promoting and protecting the right of access to information¹¹ – in consultation with international experts. They draw on international standards, comparative studies on access to information laws in European countries and the European Convention on Access to Official Documents.¹²

Exceptions

Exceptions to access to information should be exhaustively listed in the access to information law and subject to a three-part legitimate aim, harm and public interest test.¹³

- **Legitimate aim**

The law should provide a complete list of legitimate aims that justify non-disclosure. Exceptions should be narrowly worded, based on content of information and not form, and should be time-limited where appropriate.¹⁴

- **Harm test**

When information falls within a legitimate aim, the public body seeking to exclude the information should show that disclosure would cause substantial harm to the legitimate aim.¹⁵

- **Public interest test**

Even where disclosure would cause substantial harm to the legitimate aim, information should be weighed against the public interest in disclosing the information and where the public interest outweighs the harm, information should be made available.¹⁶

Proactive disclosure

As well as acceding to requests for information, public bodies should publish and widely disseminate documents of significant public interest, subject only to reasonable limits based on resources and capacity. Information published depends on the public body concerned, but laws should include a general obligation to publish and should specify key categories of information that must be published. These should include: operational information, information on requests, complaints or other direct actions, guidance for public input into processes, the type and form of information held by the body, and the content, reasons and background to any decision or policy affecting the public.¹⁷

¹⁰ As above, p.3.

¹¹ Access Info, <http://www.access-info.org/> [accessed 8 March 2013].

¹² Access Info Europe, KAB and IKME, *Access Info Cyprus Report & Recommendations* (Madrid: Access Info, November 2011), http://www.accessinfocyprus.eu/images/access-info/final_report/Draft_Report_and_Recommendations_for_Consultation_24_Feb_2011_web.pdf, p.36.

¹³ Article 19, 1999, p.5.

¹⁴ As above, p.6.

¹⁵ As above.

¹⁶ As above.

¹⁷ As above, pp.3-4.

Access to Information

‘Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.’¹⁸

In addition to the Universal Declaration of Human Rights, the right of access to information has been included in major human rights conventions, including in Article 19 of the International Covenant on Civil and Political Rights,¹⁹ Article 9 of the African Convention on Human and Peoples’ Rights,²⁰ and Article 32 (1) of the Arab Charter on Human Rights,²¹ which states that:

‘The present Charter guarantees the right to information and to freedom of opinion and expression, as well as the right to seek, receive and impart information and ideas through any medium, regardless of geographical boundaries.’

Elaborating on Article 19 of the International Covenant on Civil and Political Rights, the United Nations Human Rights Committee, which provides authoritative interpretation of the meaning and application of the covenant, stated in 2011 that the right of access to information held by public bodies requires that state parties should proactively release government information of public interest, ensure easy, prompt, effective and practical access to that information, implement necessary procedures (such as an access to information law), process requests in a timely manner, ensure fees do not constitute an unreasonable impediment to access, provide reasons for refusal, and make available appeals for a refusal.²²

Taking measures to enhance transparency in public information, such as adopting and facilitating procedures to allow public access to information relating to the organisation, functioning and decision-making processes of the state, and publishing information,²³ is required under the UN Convention Against Corruption, as is promoting the active participation of individuals and groups, which can include enhancing transparency and ensuring the public has effective access to information.²⁴ Access to information is a foundation of democratic governance:²⁵

‘Access to information acts are grounded in the recognition ‘that information in the control of public authorities is a valuable public resource and that public access to such information promotes greater transparency and accountability of those public authorities, and that this information is essential to the democratic process.’ The purpose of these acts, also known as access to information laws, is to make a government more open and accountable to its people. In transitional democracies, laws that give effect to the right to information are part of

¹⁸ Universal Declaration on Human Rights 1949, Article 19.

¹⁹ International Covenant on Civil and Political Rights 1966, Article 19 (2): ‘Everyone shall have the right to... receive and impart information.’

²⁰ African Charter on Human and Peoples’ Rights 1981, Article 9 (1): ‘Every individual shall have the right to receive information.’

²¹ Arab Charter on Human Rights 2004, Article 32.

²² UN Human Rights Committee, *General Comment No. 34 on Article 19*, CCPR/C/GC/34 2011.

²³ United Nations Convention Against Corruption 2003, Article 10: ‘[E]ach State Party shall... take such measures as may be necessary to enhance transparency in its public administration... Such measures may include... (a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public’.

²⁴ United Nations Convention Against Corruption 2003, Article 13: ‘Each State Party shall take appropriate measures... to promote the active participation of individuals and groups outside the public sector... This participation should be strengthened by such measures as... (b) Ensuring that the public has effective access to information’; ‘Transparency

International, *United Nations Convention Against Corruption*, http://archive.transparency.org/global_priorities/other_thematic_issues/access_information/conventions/uncac [accessed 22 May 2013].

²⁵ Transparency International, *Using the right to information as an anti-corruption tool* (Berlin: Transparency International, 2006), p.5.

the process of transforming a country from one with a closed and authoritarian government to one governed by and for the people.²⁶

Transparency International believes that the effective implementation of an access to information law is essential for addressing corruption. Information is fundamental to making informed decisions. Information is also power. Where it is not freely accessible, corruption can thrive and basic rights may not be realised. Corruption can be hidden behind a veil of secrecy. Those with privileged access to information can demand bribes from others seeking such information. People may be denied basic health or education services if they lack information about their rights. Governments can hide their actions by controlling or censoring the media, preventing essential information in the public interest from being reported.²⁷

When the right to know is denied, the public will find it difficult to hold decision-makers or institutions to account for their actions or to make informed electoral choices. Without public information a culture of empowered citizens informed about their rights is hard to imagine.²⁸

More than 90 countries have passed access to information legislation over the past 15 years but implementation is patchy. Global anti-corruption treaties stress the value of access to information and governments have their work cut out for them to ensure that people can effectively enjoy their right to know.²⁹

²⁶ As above.

²⁷ Transparency International, *Access to information*, <http://www.transparency.org/topic/detail/accesstoinformation> [accessed 22 May 2013].

²⁸ As above.

²⁹ As above.

Access to Information in Yemen

Yemeni law does not fully comply with the 10 principles on access to information developed by Access Info, ³⁰ drawing upon developments since Article 19 first drew up the Right-To-Know Principles in 1999.³¹ The Access to Information Law complies to a large extent, but non-citizens cannot access information without reciprocal agreements in their home countries, information cannot be verbally requested, and the law does not provide the right to view originals. Other laws analysed enable only limited access to information.

Constitution

Yemen's constitution does not include the right of access to information. Related rights and duties are also absent, including freedom of expression, freedom of the press, and public official assets disclosure.

Three constitutional articles indirectly include aspects of the right of access to information:

- Article 6 requires the state to enforce the United Nations Charter and the Universal Declaration of Human Rights. This implies a state obligation to guarantee the right of access to information.
- Article 27 requires the state to ensure freedom of academic research and literary, artistic and cultural achievements. The provision obliges the state to offer assistance for the advancement of science and art, in addition to encouraging scientific and technical invention and artistic creativity. YTTI considers that the right to access public information is a precondition for the freedom of academic research and literary, artistic and cultural achievements and for the advancement of science and art, and as such is implicitly included in this constitutional article.
- Article 42 states that every citizen has the right to participate in political, economic, social and cultural life, and obligates the state to ensure freedom of thought and of written, verbal, or graphic expression within the limits of the law. YTTI considers that the right to participation cannot be realised without a right of access to public information. YTTI considers access to information an integral part of fulfilling the rights articulated in Article 42.

As of June 2013, a national dialogue is underway to discuss basic governance issues for inclusion in a new constitution, which is scheduled to be drafted by the end of the year. The national dialogue is scheduled to end in September 2013, at which time the government should have prepared the draft fundamental principles of the constitution.

Access to information law

On 24 April 2012 parliament adopted an access to information law. This law extends the right of access to information to all citizens; non-citizens have the right only with a reciprocal agreement in their home country. This law complies with most of the 10 principles for an effective access to information law, as described below. Access Info Europe and the Center for Law and Democracy awarded it 105 points out of a maximum of 150 and rated it as the nineteenth strongest law in the world in 2012.³² The law came into force on 1 July 2012, but an information commissioner was only appointed in May 2013.³³

³⁰ Access Info Cyprus, *Principles for an Open Cyprus*, www.accessinfocyprus.eu/en/principles-for-an-open-cyprus.html [accessed 7 June 2013].

³¹ Article 19, 1999.

³² Access Info Europe and the Center for Law and Democracy, *Global right to information rating: Country rating*.

³³ *Freedom Info*, 'First commissioner named by president in Yemen'.

The law is substantively positive. It affirms access to information as a fundamental right (Article 4) for all persons (Article 7), subjects all three branches of government to information requests (Article 2), and limits exceptions to military and security state secrets and information harming others (Articles 24 and 25). The law obliges public bodies to proactively publish basic information and reports regarding their internal procedures and performance results (Article 11). It is also procedurally strong, obliging the government to provide access to information without delay (Article 3a) and within 15 days, once renewable in exceptional circumstances (Article 18). Apart from the limited exceptions, public bodies may deny requests only where information requested is not available, but petitioners may appeal denials to court.

On 6 May 2013 the president of Yemen, Abdu Rabu Mansour Hadi, appointed Samir Amin Noman as the information commissioner.³⁴ Under Article 28 the Information Commissioner-General's office is responsible for ensuring implementation of the law, including developing plans and programmes, awareness-raising education, training staff and officials, monitoring violations, and developing consistent request forms. The Information Commissioner-General's office also acts as the ombudsman institution for violations of the law (Article 29).

Other relevant laws

Several other laws, regulations and decrees address access to information, transparency and related themes. These operate in a limited and non-cohesive manner and in some cases act to limit access to information.

TABLE 2: Other relevant laws

LAW	SCOPE
Anti-Corruption Law (No. 39/2006)	<p>The anti-corruption law³⁵ aims to implement the principle of accountability, enhancing the monitoring role of competent bodies and facilitating access to information procedures for the public as well as their access to concerned bodies.³⁶ YTTI considers that the word 'facilitating' signifies a legal commitment to the right of access to information.</p> <p>This law includes articles facilitating and endorsing a number of aspects related to the right of access to information.</p> <ul style="list-style-type: none"> • Article 8 (12) requires SNACC, the anti-corruption commission, to collect information on all forms of corruption, establish database and information systems and exchange information with bodies and organisations interested in corruption. It does not provide citizens with a right of access. • Article 89 of the implementing Regulations of the Anti-Corruption Law requires SNACC to coordinate with other governmental bodies to secure citizens' right of access to information 'pursuant to the law'. • Article 16 (b) requires SNACC to publish information on corruption cases after final judicial ruling. • Article 86 tasks SNACC to 'work to provide the media with information it deems publishable and inform the public about its activities'. YTTI considers that the phrase 'it deems publishable' restricts the duty to provide information by SNACC and turns a right into a discretionary privilege. • Article 28 of the Regulations of the Anti-Corruption Law stresses 'the secrecy of the commission's deliberations and of the suggestions made by the commission's members', and prohibits absolutely the publication of information regarding the deliberations. YTTI considers that this contradicts a rules-based

³⁴ As above.

³⁵ Anti-Corruption Law and its Regulations, Ministry of Legal Affairs, January 2011, pp.11-67.

³⁶ As above, Article 3 (5).

	<p>approach to the transparent application of publicly available criteria regarding the release of information. SNACC should be an example to all organisations and public bodies in this regard.</p>
<p>Central Organisation for Control and Auditing Law (No. 39/1992)</p>	<p>The Central Organisation for Control and Auditing Law³⁷ establishes a monitoring apparatus to oversee public revenues and expenses and to ensure good management of public funds. It contains no provisions on access to information.</p> <p>The monitoring body prepares quarterly, biannual and annual reports categorised according to sectors and official bodies monitored and inspected, as well as reports on the final accounts of the state general budget. All reports are distributed to the president, the government, and parliament, as well as any other public bodies concerned.</p>
<p>National Information Centre Decree (No. 155/1995)</p>	<p>This decree³⁸ sets out the competence of the national information centre, its structure and the mandate of its director and deputy director. It does not mention the nature and type of information targeted by the activities of the centre.</p> <p>Article 4 of the decree recognises the importance of developing and managing a national information system to link and manage different sectors. Article 5 (4) provides for the selective dissemination of this information to researchers, 5 (7) requires the issuance of bulletins and reports, and 5 (12) establishes a national information library.</p>
<p>Press and Publications Law (No. 25/1990)</p>	<p>Article 3 of Press and Publications Law³⁹ states that ‘citizens shall have the right to freedom of knowledge, thought, press, expression, communication and to obtain information in order to guarantee expression of thought by means of speech, writing, photography, drawing or any other form of expression, in accordance with provisions of the constitution and provisions of this law’.</p> <p>Articles 14 and 49 emphasise the right of journalists and newspapers to obtain information, news, data and statistics, and the right to publish or not to publish them, as well as to maintain the confidentiality of sources. Additionally, Article 16 reiterates that journalists should be given the right to review official reports, facts, information and data.</p> <p>Article 30 (2) conflicts with the above provisions, requiring journalists and newspapers to collect information through legitimate (official) channels only.</p>
<p>Financial Disclosure Law (No. 30/2006)</p>	<p>This law⁴⁰ was enacted to protect public funds, fight illicit gains and reduce violations of values and morals, in addition to overseeing persons assuming public office (Article 3).</p> <p>Under Article 15 of this law, occupants of high-ranking positions, high administrative positions and financial positions are required to submit financial disclosure statements detailing their and their spouses’ and minor children’s moveable and immoveable property in Yemen and abroad.</p> <p>Articles 12, 14, 25 and 26 maintain that financial disclosure statements and corroborating documents remain confidential, and restrict the right of review to SNACC and investigation bodies. These articles also state that financial disclosure statements should not be circulated, copied, disclosed or reviewed, except by bodies designated in law. Article 25 threatens violators with fines and imprisonments for breaching confidentiality. YTTI considers that the aforementioned articles are in conflict with principles and requirements of transparency: concealing and restricting information in financial disclosure statements makes it more difficult to hold officials accountable for corruption.</p>

³⁷ Ministry of Legal Affairs, *Presidential Decree under Law no. 39 of 1992 Concerning the Central Monitoring and Accountability Apparatus*, (Sana’a: Khalid Ben Walid Press).

³⁸ The decision was amended twice: the first time by Presidential Decree no. 244 of 1998, and the second time by Presidential Decision no. 412 of 1999.

³⁹ Ministry of Legal Affairs, *Official Gazette*, Issue 15, December 31, 1990, pp.4, 6, 7 and 10.

⁴⁰ Ministry of Legal Affairs, *Financial Disclosure Law*, January 2011, pp.1-10.

<p>Tenders, Auctions and Governmental Warehouses Law (No. 23/2007)</p>	<p>As is set out in Article 3, this law aims to:</p> <ul style="list-style-type: none"> • Protect public funds and preserve the property and assets of the state. Specifically, it aims to combat corruption in tenders and auctions. • Achieve fairness and equality between competitors in tenders and auctions. • Realise integrity, transparency and accountability, and the establishment and specification of procedures with respect to tenders, auctions and government owned warehouses. • Improve economic efficiency in the business of tenders and auctions. • Supervise and provide oversight of the business and procedures of tenders, auctions and warehouses, ensuring the safety thereof in order to preserve public funds and the public interest. • Require and encourage contractors, suppliers and consultants to develop their professional and economic performance. <p>Articles 4 and 5 specify the entities covered by this law, which include the government ministries, administration and institutions, and their various establishments. However, there is no provision indicating a right of access to information. The right of competitors is restricted to accessing information regarding the tenders for which they are applying, or for which they intend to file a grievance as a result of the bidding procedure. Their right of access to information extends no further than this.</p>
<p>Law 1/2010 on Fighting Money Laundering and Terrorist Financing</p>	<p>This law⁴¹ does not include the right of access to information. This is likely due to the nature of the information collected by the financial data collection unit in the National Committee for Fighting Money Laundering and Terrorist Financing being related to national and international intelligence.</p> <p>However, Article 31/F states that financial data collection units are required to publish regular reports on activities, including statistical data and analytical studies on money laundering and the finance of terrorism. Despite this neither the committee nor the data collection units have so far published a report since inception in 2003.</p>

As seen above, none of these laws include a general right of access to information in the sector they cover. Provisions provide disparate, limited and at times indirect access, or contain loose, non-binding wording that allow for various interpretations. Other provisions within these laws can act to conflict with and contradict those allowing for access to information.

⁴¹ Ministry of Legal Affairs, Law on Fighting Money Laundering and Terrorist Financing, December 2010. (This law replaced Law 35/2003 on Fighting Money Laundering).

Legal analysis of access to information

The following 10 access to information principles,⁴² developed by Access Info in consultation with international experts, draw on international standards, comparative studies on access to information laws in European countries and the European Convention on Access to Official Documents.⁴³

TABLE 3: Principles

ACCESS TO INFORMATION PRINCIPLES ⁴⁴
1. Everyone has a right, without discrimination, to access information held by public bodies.
2. Filing requests should be simple and free. Requests can be sent by post, e-mail or fax, delivered in person, or questions asked verbally.
3. There is no need to justify why information is needed or what will be done with it.
4. Public officials should have the obligation to help requestors prepare the request or identify the public body to send it to.
5. Responses should be fast, within a maximum 15 working day timeframe.
6. Information can be accessed in paper copy or electronically, and originals can be viewed.
7. Viewing originals is always free of charge. The only charges can be for photocopying or copying material onto a CD or DVD or other format.
8. In principle all information is accessible, subject to limited exceptions. Refusals should be justified according to the exceptions.
9. Everyone should have the right of appeal against refusals or against administrative silence to an independent body and to the court.
10. Public bodies should make available automatically the main information about their structure, functions, budget, and activities.

In this section, YTTI analyses the five laws it deems most relevant to the right of access to information, transparency and the fight against corruption, against Access Info's 10 principles for access to information laws.

The laws listed were selected as each relates to addressing corruption and access to information, including transparency and freedom of research and publication.

⁴² Access Info Cyprus, *Principles for an Open Cyprus*.

⁴³ Access Info Europe, KAB and IKME, *Access Info Cyprus Report & Recommendations*, p.36.

⁴⁴ As above.

TABLE 4: Names of the five laws

FULL NAME	SHORT NAME
Access to Information Law (No. 13/2012)	Access to Information Law
Anti-Corruption Law (No. 39/2006)	Anti-Corruption Law
Central Organisation for Control and Auditing Law (No. 39/1992)	Control and Auditing Law
National Information Centre Decree (No. 155/1995)	Information Centre Decree
Press and Publications Law (No. 25/1990)	Press Law

Principle 1

Everyone has a right, without discrimination, to access information held by public bodies

This principle establishes, in line with international standards, that everyone has the right to access information held by public bodies without discrimination on the grounds of ethnicity, nationality, political opinion, social or professional status, age, gender, disability, or sexual orientation.⁴⁵

TABLE 5: Principle 1

Who may (●) and may not (—) access information under the five laws, also indicated is where it is unclear (○).

WHO MAY ACCESS	ACCESS TO INFORMATION LAW	ANTI-CORRUPTION LAW	CONTROL AND AUDITING LAW	INFORMATION CENTRE DECREE	PRESS LAW
ALL (INCLUDING FOREIGNERS)	○	○	—	—	—
CITIZENS	●	○	—	—	●
AFFECTED PERSONS / DATA SUBJECT	●	○	—	—	●
ANYONE WITH JUSTIFIED INTERESTS	●	○	—	—	●
JOURNALISTS	●	○	—	—	●
RESEARCHERS	●	○	—	—	●

In general, the laws analysed are unclear about who can access information.

- Article 7 of the Access to Information Law provides access to information as a right for everyone. Non-citizens are only granted this right when there is a reciprocal agreement for Yemeni citizens in their home country under Article 4.
- The Anti-Corruption Law does not mention non-citizen access to information. Access by other groups is also unclear, as the law does not directly discuss access to information; instead it focuses on obligations of other public bodies to supply information to the SNACC.
- The Control and Auditing Law does not allow people to make information requests.
- The Information Centre Decree does not mention who can access information.
- Article 3 of the Press Law states that 'citizens shall have the right to freedom of knowledge, thought, press, expression, communication and obtain information in order to guarantee expression of thoughts by means of speech, writing, photography, drawing or any other form of expression, and it is guaranteed to all citizens in accordance with provisions of the Constitution and provisions of this law'.

⁴⁵ As above, p.43, and partially expanded.

Principle 2

Filing requests should be simple and free. Requests can be sent by post, email or fax, delivered in person, or questions asked verbally

This principle establishes that the formalities of a request should not exceed what is essential for processing the request, the procedure should be as simple as possible and that a variety of methods for accessing information should be permitted.⁴⁶

TABLE 6: Principle 2

Included forms of access (●) and non-included forms of access (—) under the five laws, and where it is unclear (○).

FORM OF ACCESS	ACCESS TO INFORMATION LAW	ANTI-CORRUPTION LAW	CONTROL AND AUDITING LAW	INFORMATION CENTRE DECREE	PRESS LAW
POST	●	○	○	○	○
E-MAIL	●	○	○	○	○
FAX	●	○	○	○	○
IN PERSON	●	○	○	○	○
VERBALLY	—	○	○	○	○
IS FILING FREE OF CHARGE?	●	○	○	○	○

With the exception of the access to information law, no clear channels exist for requests for information under the other four laws.

- The Access to Information Law under Article 15 allows for postal, email, fax and in-person requests and does not require a charge for filing a request. All requests must be in writing; verbal requests are not allowed.
- The Anti-Corruption Law, Control and Auditing Law, Information Centre Decree and Press Law do not contain any provisions on how to make an information request.

⁴⁶ As above, p.47.

Principle 3

There is no need to justify why information is requested or what will be done with it

This principle establishes that the petitioner should not be required to show any personal interest or be required to give a reason or justification for asking for the information, or give an account of what he or she will do with the information, in exercising the right of access to information.⁴⁷

TABLE 7: Principle 3
 No duty to justify (●) and justifications required (→) under the five laws, and where it is unclear (○).

	ACCESS TO INFORMATION LAW	ANTI-CORRUPTION LAW	CONTROL AND AUDITING LAW	INFORMATION CENTRE DECREE	PRESS LAW
NO DUTY TO JUSTIFY REQUESTS	●	●	●	●	●

None of the five laws explicitly requires justification to access information. A number of laws forbid public sector workers from disclosing information, however. This includes Article 38 of the Anti-Corruption Law, which states that, ‘correspondence, information and reports relating to crimes of corruption, and inquiries or investigations conducted with regard thereto, shall be deemed secrets which must be preserved. All persons connected with the implementation of this law must refrain from disclosing them’.

⁴⁷ As above, p.50.

Principle 4

Public officials should have the obligation to help petitioners prepare the request or identify the public body to send it to

This principle establishes that public bodies must help applicants as far as is reasonably possible to identify the requested official document and that if the public body requested does not hold the document or is not authorised to process the request, it must refer the applicant to the competent public body.⁴⁸

TABLE 8: Principle 4

Duty to assist petitioners (●) and no duty to assist (—) under the five laws, and where it is unclear (○).

	ACCESS TO INFORMATION LAW	ANTI-CORRUPTION LAW	CONTROL AND AUDITING LAW	INFORMATION CENTRE DECREE	PRESS LAW
DUTY TO ASSIST PETITIONERS	●	—	—	—	—

Only the Access to Information Law requires officials to assist petitioners.

- Article 19 (a) of the Access to Information Law states that the employee in charge of the request shall enable the petitioner to obtain the information. This implies a duty to assist petitioners.
- None of the other four laws contain a duty to assist petitioners.

⁴⁸ As above, p.52.

Principle 5

Responses should be fast, within a maximum 15 working day timeframe

The principle comes from the Council of Europe’s Convention on Access to Official Documents that states that ‘a request for access to information shall be dealt with promptly’ and from European states’ practice of responding to requests, on average, in under 15 days.⁴⁹

TABLE 9: Principle 5

Information must be provided within the specified timeframe (●) and no timeframe (—) under the five laws, and where it is unclear (○).

TYPE OF RESPONSE	ACCESS TO INFORMATION LAW	ANTI-CORRUPTION LAW	CONTROL AND AUDITING LAW	INFORMATION CENTRE DECREE	PRESS LAW
INITIAL RESPONSE (MAX. 15 WORKING DAYS RECOMMENDED)	●	—	—	—	—
EXTENSION (MAX. 20 WORKING DAYS RECOMMENDED)	●	—	—	—	—

Only the Access to Information Law sets a time limit for responses.

- Article 18 of the Access to Information Law requires government employees to respond to a petitioner within 15 days, allowing for a maximum 15-day extension where the request either involves large quantities of information or requires consultation with a second party.
- None of the other laws contain a time limit for responding to an information request and there is no general time limit for responding to requests in Yemeni law.

⁴⁹ As above, p.54.

Principle 6

Information can be accessed in paper copy or electronically, and originals can be viewed

This principle states that petitioners should both have access to original versions of documents and that copies must always be provided, either on paper or electronically. The Council of Europe Convention on Access to Official Documents additionally states that the information must be provided in the format (electronically or on paper) the petitioner asks for.⁵⁰

TABLE 10: Principle 6

Information is available (●) and not available (—) in the specified formats under the five laws, and where it is unclear (○).

SPECIFIED FORMAT	ACCESS TO INFORMATION LAW	ANTI-CORRUPTION LAW	CONTROL AND AUDITING LAW	INFORMATION CENTRE DECREE	PRESS LAW
VIEWING	—	—	—	○	○
PAPER COPIES	●	—	—	○	○
ELECTRONIC ACCESS	●	—	—	○	○

Viewing of originals is not possible and taking copies and electronic access is limited under the five laws assessed, with clear provisions only found in the Access to Information and Press laws.

- Article 12 of the Access to Information Law requires public bodies to provide paper copies and electronic access, but does not include a right to view originals. Article 11 states that the published information should be available for the general public.
- The Anti-Corruption and Control and Auditing laws do not allow viewing of originals, paper copies or electronic access.
- The Information Centre Decree does not specify mechanisms for providing information.
- Article 16 of the Press Law states that, 'A reporter has the right to view official reports, facts, information and data. The body holding them is obligated to enable the reporter to view and benefit from them'. The phrase 'benefit from them' is not defined; as such it is unclear which formats this covers.

⁵⁰ As above, pp.56-57.

Principle 7

Viewing originals is always free of charge. The only charges can be for photocopying or copying material onto a CD or DVD or other format

This principle states that on-site inspection of official documents must be free of charge (except for minor charges to enter public archives and museums) and that charges for copies must be reasonable and not to make a profit.⁵¹

TABLE 11: Principle 7

A fee is not charged (●) and is charged (—) for the specified formats under the five laws, and where it is unclear (○).

NO FEE CHARGED	ACCESS TO INFORMATION LAW	ANTI-CORRUPTION LAW	CONTROL AND AUDITING LAW	INFORMATION CENTRE DECREE	PRESS LAW
VIEWING	○	○	○	○	○
PAPER COPIES	●	○	○	○	○
ELECTRONIC ACCESS	●	○	○	○	○

Only the Access to Information Law specifies that petitioners need not pay a fee to obtain paper or electronic copies of the information they requested. Two other laws are silent on the issue of fees, and two do not allow persons to view originals, take copies or access information electronically.

- Article 12 of the Access to Information Law obliges public bodies to provide paper copies and electronic access either free of charge or no more than the cost of making the copy, where necessary. Viewing originals is not included as a right under the law.
- The Anti-Corruption and Control and Auditing laws do not allow viewing of originals, taking paper copies or electronic access.
- The Information Centre Decree does not specify the mechanisms for accessing information.
- The Press Law is also unclear on whether public bodies can charge fees. Articles 14 and 16 state that the reporter has the right to obtain information without specifying fees.

⁵¹ As above, p.59.

Principle 8

In principle, all information is accessible, subject to limited exceptions. Refusals should be justified according to exceptions

TABLE 12: Principle 8

Exceptions in compliance with international standards (●) and not in compliance (—) under the five laws, and where it is unclear (○).

	ACCESS TO INFORMATION LAW	ANTI-CORRUPTION LAW	CONTROL AND AUDITING LAW	INFORMATION CENTRE DECREE	PRESS LAW
EXCEPTIONS LIMITED	—	○	○	○	○
REFUSALS JUSTIFIED	●	○	○	○	○
HARM TEST	—	○	○	○	○
PUBLIC INTEREST TEST	—	○	○	○	○

Only the Access to Information Law sets out exceptions to disclosure by public bodies.

- Article 24 of the Access to Information Law restricts access to information where it relates to national defence, foreign policy, disclosure of the identity of a confidential source, protection of protected (computer and communication) networks and equipment, protection of intellectual property and trade secrets, and where it would cause significant harm if disclosed and where staying withheld would help prevent or unveil a crime, make an arrest or in the prosecution of offenders or the administration of justice. Article 25 restricts access to information that would endanger life or the physical safety of an individual or where it would violate his or her right to privacy. Article 26 requires disclosure of information restricted under Article 25 if the public body has held the information for more than 30 years or when it has previously been published.

Article 22 requires officials to provide petitioners with reasons for a rejection, which must either fall within one of the exceptions or be issued because the public body petitioned does not hold the requested information.

The harm and public interest tests are not included.

- Other laws do not explicitly include exceptions to disclosure by public bodies, but they do not include mechanisms for information disclosure either.

Principle 9

Everyone should have the right of appeal against refusals or against administrative silence to an independent body and to the court

The right to appeal when a petitioner is refused his or her right of access to information or when information is not published proactively is in line with the principle that all human rights should benefit from the protection of the judicial system. This right to appeal should be accessible to all members of the public; it should not be overly complex or costly. Additionally, it should be rapid to be effective, as information can lose its value with the passing of time.⁵²

TABLE 13: Principle 9

Forms of appeal allowed (●) and not allowed (—) under the five laws, and where it is unclear (○).

MECHANISM	ACCESS TO INFORMATION LAW	ANTI-CORRUPTION LAW	CONTROL AND AUDITING LAW	INFORMATION CENTRE DECREE	PRESS LAW
ADMINISTRATIVE APPEAL ALLOWED	●	—	—	—	—
APPEAL TO INDEPENDENT BODY ALLOWED (E.G. INFORMATION COMMISSIONER)	●	—	—	—	—
APPEAL TO THE COURTS ALLOWED	●	—	—	—	—

Only the Access to Information Law provides a clear procedure for appeal.

- If an official denies a petitioner's request, Article 23 of the Access to Information Law allows him or her to appeal to the Office of the Commissioner-General for Information. Article 30 of the law provides for a period of 30 days from the date of rejection to file an appeal. The Office of the Commissioner-General for Information on receipt of the complaint must inform the public body that denied the access to information request of the grievance and obtain an explanation. If the Office of the Commissioner-General considers the explanation insufficient, it can order the public body to comply with the information request within seven days. If the Office of the Commissioner-General denies the appeal, Article 32 gives the petitioner the right to appeal this denial to the courts within 30 days. If public bodies fail to respond to a request for information within 15 days, this is treated as a refusal under Article 18.
- None of the other laws includes a right to appeal information request refusals and silence and there is no general right of appeal for administrative silence or refusal in Yemeni law.

⁵² As above, p.72.

Principle 10

Public bodies should make available automatically the main information about their structures, functions, budget and activities

Under international standards, public bodies have the duty to proactively make information public.

The public bodies assessed below are those that most closely correspond to the laws YTTI analysed, the Yemen Oil Company was assessed due to the focus of the following section.

TABLE 14: Principle 10

Information provided (●) and not provided (—) proactively under ministries most closely associated with the five laws, and where it is unclear (○).

CLASSES OF INFORMATION	SUPREME NATIONAL AUTHORITY FOR COMBATTING CORRUPTION	CENTRAL ORGANISATION FOR CONTROL AND AUDITING	NATIONAL INFORMATION CENTRE	HIGH TENDER BOARD	YEMEN PETROLEUM COMPANY
IS THERE A WEBSITE?	●	● (Latest update 10 November 2007)	●	●	●
ARE THERE INTERNAL REGULATIONS ON PUBLISHING INFORMATION?	—	—	—	—	—
IS THE ORGANISATIONAL STRUCTURE PUBLISHED?	●	●	●	●	○
IS CONTACT INFORMATION PUBLISHED?	●	●	●	●	●
IS OPERATIONAL INFORMATION PUBLISHED?	○	—	—	—	—
ARE DECISIONS AND POLICIES PUBLISHED?	—	—	—	●	—
IS DECISION-MAKING INFORMATION PUBLISHED?	—	—	—	—	—
ARE EVALUATIONS (E.G. SITUATION EVALUATIONS) PUBLISHED?	—	—	—	●	—
ARE MEETING MINUTES PUBLISHED?	—	—	—	● (Only until 23 March 2011)	—
IS INFORMATION ON SERVICES PUBLISHED?	—	—	●	—	●
IS THERE E-ACCESS TO SERVICES?	—	—	●	—	—

IS THE PROJECTED BUDGET PUBLISHED?	—	—	—	—	—
IS SALARY INFORMATION PUBLISHED?	—	—	—	—	—
IS INCOME AND EXPENDITURE PUBLISHED?	—	—	—	—	—
ARE SUBSIDIES INFORMATION PUBLISHED?	—	—	—	—	—
IS INFORMATION ON OPEN MEETINGS PUBLISHED?	—	—	—	—	—
ARE GUIDELINES ON PUBLIC PARTICIPATION PUBLISHED?	—	—	—	—	—
IS INFORMATION ON PUBLIC PROCUREMENT PUBLISHED?	—	—	—	—	—
IS CONTRACTS INFORMATION PUBLISHED?	—	—	—	—	—
ARE REGISTERS AND DATABASES PUBLISHED?	—	—	—	—	—
IS INFORMATION HELD BY THE PUBLIC BODY PUBLISHED?	—	—	●	—	—
DOES THE PUBLIC BODY PUBLICLY STATE THERE IS RIGHT TO INFORMATION?	●	—	●	—	—
IS ENVIRONMENTAL INFORMATION PUBLISHED?	—	—	—	—	—

Each of the five public bodies YTTI assessed proactively disseminates certain information, primarily on institutional and hierarchical structure and limited contact details. YTTI found that each public body has a website, but these provide only general, introductory information on the public body and are not regularly updated. The High Tender Board proactively discloses more information than the other bodies assessed, possibly due to World Bank support for its reorganisation towards more transparent structures and procedures.⁵³ However, all five bodies surveyed do not sufficiently or at all proactively disclose information, including on public procurement processes, budgets, income

⁵³ *Al-Joumhouria*, 'Interview with The Supreme Tender Monitoring Committee chairman, Mr. Abdul-Malek Al-Arashi', 12 October 2012 http://www.hatcyemen.org/news/detail.php?ID=1433&phrase_id=1357 [accessed 9 June 2013] (original text in Arabic).

and expenditure, contracts, records and databases, salaries and subsidies, operational data, and meeting minutes.

- The Access to Information Law requires all government bodies to publish annual reports that include at least administrative information about the bodies' mechanisms, objectives, activities, programmes and final accounts (Article 11). The law also requires those bodies to provide the National Information Centre with this information on a regular basis (Article 12).
- The National Information Centre Decree states that the Centre must provide researchers and interested parties with all the data and information in its possession (Article 4), which includes access to information provided to it by all other governmental entities, including information related to activities, programmes and closing accounts.
- Other laws do not require public bodies to proactively disclose information.

Overall compliance with the 10 principles

Yemen's 2012 Access to Information Law complies substantially with the 10 principles on access to information, but faces both internal weaknesses and delays in implementation. The other laws assessed, while implemented, do not include the legal provisions necessary to allow people to realise their right of access to information.

Both the Access to Information and Press laws provide access for citizens, but do not automatically extend this to everyone, while the other three laws are unclear or do not provide a right of access to information (Principle 1). Only the Access to Information Law specifies how persons can access information and it does not allow verbal requests (Principle 2). None of the laws require persons to justify their requests for information (Principle 3), but only the Access to Information Law requires public bodies to assist petitioners (Principle 4). The Access to Information Law is alone in setting a time limit for responding to requests (Principle 5) and in specifying how public bodies should provide information, although it does not specify that persons should be able to view originals (Principle 6). No fees are charged for copies under the Access to Information Law, the other laws are unclear or do not specify if public bodies can charge fees (Principle 7). None of the laws have clear, limited exceptions subject to the harm and public interest tests, although the Access to Information Law does require public bodies to justify refusals (Principle 8). The Access to Information Law has appeal routes in line with international standards; other laws do not (Principle 9). Proactive disclosure is limited in practice in the bodies surveyed (Principle 10).

As seen from the above, laws other than the Access to Information Law do not provide access to information to a level close to international standards. Implementing regulations for the Access to Information Law and effective implementation of the law and regulations in public bodies is therefore necessary and should be a government priority to address the substantial weaknesses in the current legal architecture for accessing information.

Access to Information in Yemen's Diesel Sector

The diesel sector is important for ensuring the basic standard of living of millions of Yemenis; it supports food, water and energy production, and receives a large state subsidy.⁵⁴ In this section YTTI examines the extent to which public bodies implement access to information provisions in Yemen's diesel sector. To do this, YTTI field researchers visited seven official bodies concerned with providing diesel sector information, submitted information requests and recorded the results. Researchers discovered that accessing information from public bodies was challenging and information provided did not offer the researchers the detail necessary to determine whether corruption took place.

Background to the diesel sector

Diesel is a key source of energy in Yemen and is essential in many economic areas, including in agriculture and electricity.⁵⁵ Energy prices, food and water are all affected by the availability of diesel, used to power water extraction and in the importation and processing of food.⁵⁶

Unlike petrol,⁵⁷ the state continues to subsidise the price of diesel in Yemen.⁵⁸ In 2008, the subsidy for oil derivatives (at the time including petrol) amounted to a third of the total state budget.⁵⁹ The aim of the diesel subsidy is to stabilise the price of oil derivatives and ensure its availability in the market, in order to support and promote vulnerable groups and key economic sectors, including agriculture and fishing.⁶⁰

The media and analysts have posited that the former president, Ali Abdullah Saleh, granted access and control of the provision, supply and distribution of essential commodities to a small number of inter-connected individuals in return for their support.⁶¹ Following the 2011 protest movement, those in control of diesel supplies restricted the provision of diesel.⁶² In the aftermath of the 2011 revolution and the cutting of an oil pipeline in Marib province, fuel prices rose by more than 500 per cent over pre-2011 levels and severely reduced the availability of food, especially in rural areas.⁶³

State-owned (Yemen Petroleum Company) petrol stations frequently run out of diesel, while private formal and informal petrol stations maintain supplies, despite the Yemen Petroleum Company having sole responsibility for providing and distributing diesel in Yemen.⁶⁴ In 2008 Sarah Phillips found that around a half of the subsidised diesel, which cost the state \$3.5 billion (or 12 per cent of that year's domestic product), had fallen into the hands of smuggling gangs in Yemen.⁶⁵

⁵⁴ Peter Salisbury, *Yemen's economy: Oil, imports and elites* (London: Chatham House, 2011), pp.4-6.

⁵⁵ As above, pp.4-5.

⁵⁶ As above.

⁵⁷ The petrol subsidy was dropped by a resolution of the Council of Ministers on 4 April 2012, which came into force in June 2012.

⁵⁸ Peter Salisbury, *Yemen's economy: Oil, imports and elites*, p.6.

⁵⁹ Fa'ed Youssef, 'Parliamentary report on the state budget for the 2008 fiscal year,' *Al-Joumhouria*, 22 September 2012, http://aljomhuria.net/news_details.php?lng=arabic&sid=43884 [accessed 9 June 2013] (original text in Arabic).

⁶⁰ State Information Agency, 'Minister of Finance: Decrees on freeing of diesel price aimed at directing government subsidy towards development projects', 1 December 2008, http://www.yemen-nic.net/news/detail.php?ID=19548&phrase_id=686349 [accessed 9 June 2013] (original text in Arabic).

⁶¹ Fares Humairi, 'Due to the lack of fuel, Yemen is entering a dangerous phase,' *Marib News*, 4 July 2011, http://marebpress.asrarpress.net/news_details.php?lng=arabic&sid=35093 [accessed 9 June 2011] (original text in Arabic); Peter Salisbury, *Yemen's economy: Oil, imports and elites*, pp.3,10.

⁶² Yemen Observatory on Human Rights, *Special report on peaceful protests*, 26 November 2011 <http://www.anhri.net/?p=43831> [accessed 9 June 2013] (original text in Arabic).

⁶³ Oxfam, *Yemen: Fragile lives in hungry times* (Oxford: Oxfam, 2011), p.6.

⁶⁴ *Mareb Press*, 'Mareb Press reveals full story of the diesel crisis and those behind the smuggling', 26 September 2011, http://marebpress.net/news_details.php?sid=36770&lng=arabic [accessed 9 June 2013] (original text in Arabic).

⁶⁵ Sarah Phillips, 'Al-Qaeda and the struggle for Yemen', *Survival*, 53(1), 2011, p.108.

In 2008, *Al-Sharea* published a series of reports on diesel smuggling in the country's ports.⁶⁶ After publishing them and before the series was complete, a public official named in the reports brought a successful case against the newspaper. In its judgment, the court order instructed the newspaper to submit to them its documents and refrain from further reporting.⁶⁷ YTTI sent a letter to the Yemen Petroleum Company on 3 July 2013 asking for further information on the case and for a response within a two-week timeframe. YTTI had not received a reply at the time of this report's publication.

In 2011 a significant case broke, implicating the oil ministry, customs and port officials and military commanders in smuggling diesel from the public to private sector.⁶⁸ In this case, officials were accused of using measures such as faking receipts for the supply and delivery of subsidised diesel to state petrol stations, in order to sell it outside Yemen at international prices or at private petrol stations for inflated prices.⁶⁹

The lack and the concealment of information in the diesel sector creates an environment that allows corruption, including smuggling, to occur. Access to information would reduce the opportunity for large-scale corruption and allow revenue from this sector to be properly used for the socio-economic development of the country.

Accessing information in the diesel sector

Key laws

The Ministry of Oil and Minerals Regulation (No. 40 of 2000) provides the legal framework for regulating the diesel sector. Matters not covered by the regulation are governed by stipulations of the Constitution and the Civil Code (No. 14 of 2002), the latter of which acts as the authority for the regulation of legal relationships where no special legal regulation exists. None of these laws contain provisions relating to the right of access to information. The government is currently working to prepare a draft law on oil and minerals, as announced by the minister of oil and minerals in an official statement on 28 September 2012,⁷⁰ and has created a committee of senior jurists, experts, consultants and economists towards this end. YTTI is not aware of a release date or whether it will include a right of access to information.

The Access to Information Law extends to information in the diesel sector and obliges all bodies to allow citizens to access to public sector information. Under the law, enforcement of the right of access to information is possible through the judiciary in the event of the refusal by the responsible bodies. Due to the current lack of implementation, the extent to which public bodies implement this law in practice remains to be seen.

Information management and supervision

The Ministry of Oil and Minerals and the Ministry of Finance, as well as the Central Organisation for Control and Auditing and the House of Deputies oversee the sector. There is limited data held by the administrative or supervisory bodies responsible for monitoring it. According to a Ministry of Finance former undersecretary for oil imports in 2006, the oil imports department is unaware of the

⁶⁶ Naif Hassan, 'Aden ...where the traffickers' footsteps overlap with the government officials' footsteps', *Al-Sharea*, 19 January 2008; Mohammed Ayish, 'Mokha port has turned into a petroleum city', *Al-Sharea*, 19 January 2008; Naif Hassan, 'Documents confirming the involvement of Alaisi in diesel smuggling', *Al-Sharea*, 19 April 2008; Naif Hassan, 'Documents confirming the big manipulation in diesel quantities and confirming the involvement of Alaisi in smuggling', *Al-Sharea*, 26 April 2008; Naif Hassan, 'Alaisi obtains a judicial ruling to stop the publishing of the smuggling of diesel series and demanded 20 million compensation from Al-Sharea newspaper', *Al-Sharea*, 3 May 2008; Mohammed Gazwan, 'Due to the government's negligence and the constant smuggling... long queues and a daily search for diesel', *Al-Sharea*, 10 May 2008.

⁶⁷ Naif Hassan, 'Alaisi obtains a judicial ruling to stop the publishing of the smuggling of diesel series and demanded 20 million compensation from Al-Sharea newspaper.'

⁶⁸ *Mareb Press*, 'Mareb Press reveals full story of the diesel crisis and those behind the smuggling'.

⁶⁹ Interview with the Director of Maritime Security in Aden on the channel Yemen TV, part of the interview can be viewed online, <http://www.youtube.com/watch?v=p464sweeeA> [accessed 9 June 2013] (original text in Arabic).

⁷⁰ Ministry of Oil and Minerals, 'Minister of Oil: Develop a modern oil system to keep pace with developments in the global oil industry', 28 September 2012, http://www.mom.gov.ye/index.php?option=com_content&view=article&id=234:2012-09-29-07-29-15&catid=1:latest-news [accessed 18 July 2013].

volume of oil exports or of the extent of revenues, other than certain details which senior government and petroleum company officials deem publishable and that arrive weeks later.⁷¹ Similarly, the imports section at the Ministry of Finance is not aware of the policy on export prices, or the mechanisms by which they are calculated.⁷²

Proactive disclosure

In the course of this research, YTTI found that public bodies released very little information regarding public deals between the government and oil companies, or regarding meetings of the special committees, for example the High Tender Board and Oil and Gas Commission. When officials made information available to researchers in the course of their research, that information was at times inaccurate, incomplete, or one-sided. While journalists do undertake investigations in discreet areas in Yemen, investigative journalism as a methodological and specialised field is not yet widespread.⁷³

The websites of the bodies from which access to information may be requested, according to YTTI's assessment contain only general and outdated information. This information was inadequate for identifying corruption, and the websites were not continuously updated, meaning that useful information could not be accessed via these websites to the extent required to address corruption.

Testing access to information in the diesel sector

Despite legal references to access to information, this right is not fully implemented in practice. As part of YTTI's research into access to information, researchers visited the offices of different ministries and public bodies related to the diesel sector, to determine the extent to which access to information is available through in-person requests.

YTTI found that it was not possible for people to obtain information through direct application to the public bodies. Researchers only accessed information through personal contacts or senior officials, provided that they met them face-to-face and at times confidentially.

When YTTI obtained higher level permission, the researchers were able to access information, but the level of cooperation and facilitation varied from both one public body to another and on the significance of the information requested for the particular public body.

Through the visits of the research team it became apparent that some bodies allowed access to information following official approval, while others required official requests and an explanation of how the information would be used. Even when those conditions were met, officials frequently presented outdated and incomplete information, most of which did not correspond to the request submitted.

All the aforementioned challenges were unrelated to any legal restrictions; the Access to Information Law provided for the requests that YTTI researchers made. Implementation and

TABLE 15: Questions

How much diesel was produced during 2011?
How much diesel was distributed to the governorates?
What was the total subsidy in the government's budget for diesel?
How much diesel was allocated to the agriculture sector?
What was the total amount of diesel given to fishermen?
What was the total amount of diesel distributed in the market and how was it distributed?

⁷¹ Yahya Salih Mohsin, *A map of corruption in Yemen: Influential parties* (Sana'a: Yemen Observatory for Human Rights 2006), p.9.

⁷² As above, p.9.

⁷³ *Maan News*, 'Yemen's media minister stresses the importance of establishing investigative journalism during the period of transformation', 19 December 2012, <http://maannews.net/ARB/ViewDetails.aspx?ID=549028> [accessed 9 June 2013] (original text in Arabic).

enforcement of this law is limited and this section highlights the need to both demand implementation by public bodies and to raise citizen awareness of their rights under this law.

The focus of the study (which was conducted throughout August and September of 2012) was those public bodies most closely associated with information on the diesel sector, shown in Table 16.

TABLE 16: Public bodies surveyed

MINISTRY OF AGRICULTURE AND IRRIGATION⁷⁴	MINISTRY OF ELECTRICITY AND ENERGY⁷⁵
MINISTRY OF FINANCE⁷⁶	MINISTRY OF FISHERIES⁷⁷
MINISTRY OF INDUSTRY AND TRADE⁷⁸	MINISTRY OF OIL AND MINERALS⁷⁹
YEMEN PETROLEUM COMPANY⁸⁰	

Accessing information from their websites was not possible: the pages of the existing websites did not contain sufficient information on the body, its fields of work or other relevant information. Moreover, the majority of the pages on those websites were out of date and contact information did not include how to make an information request.

The research team consequently petitioned the relevant public bodies in person. Questions included the amount of diesel produced by refineries in 2011, the volume of diesel distributed to the provinces, the quantities disbursed to the fishing and agriculture sectors and to companies and the scale of the subsidy allocated for diesel.⁸¹

Cooperation and facilitation by the bodies varied; the following public bodies did not cooperate with YTTI after receiving a written request to do so:⁸²

1. The oil budget subsidy section at the Ministry of Finance
2. The operations unit at the Ministry of Industry and Trade
3. The fishery associations department at the Ministry of Fisheries

In each of these departments, officials declined to present information until the ministers or their deputies for financial and administrative affairs had given their approval. Having obtained approval, which at some ministries involved a wait of more than a day, the result was disappointing. The content of all of the information presented to the research team was outdated and incomplete. The full results of the access to information requests are found below.

⁷⁴ Ministry of Agriculture and Irrigation, <http://www.yemen.gov.ye/portal/default.aspx?tabid=760> [accessed 9 June 2013] (original text in Arabic).

⁷⁵ Ministry of Electricity and Energy, <http://www.yemen.gov.ye/portal/Default.aspx?alias=www.yemen.gov.ye/portal/electricity> [accessed 9 June 2013] (original text in Arabic).

⁷⁶ Ministry of Finance, <http://www.mof.gov.ye/> [accessed 9 June 2013] (original text in Arabic).

⁷⁷ Ministry of Fisheries, <http://www.yemen.gov.ye/portal/Default.aspx?alias=www.yemen.gov.ye/portal/mof> [accessed 9 June 2013] (original text in Arabic).

⁷⁸ Ministry of Industry and Trade, <http://www.moit.gov.ye/moit/ar> [accessed 9 June 2013] (original text in Arabic).

⁷⁹ Ministry of Oil and Minerals, <http://www.mom.gov.ye/> [accessed 9 June 2013] (original text in Arabic).

⁸⁰ Yemen Petroleum Company, <http://www.ypcye.com/arabic/> [accessed 9 June 2013] (original text in Arabic).

⁸¹ Questions asked were:

1. How much diesel was produced during 2011?
2. How much diesel was distributed to the governorates?
3. What was the total subsidy in the government's budget for diesel?
4. How much diesel was allocated to the agriculture sector?
5. What was the total amount of diesel given to fishermen?
6. What was the total amount of diesel distributed in the market and how was it distributed?

⁸² The memorandum prepared by the Yemeni Observatory for Human Rights containing a request that the researchers be granted information pertaining to diesel (Annex 2).

TABLE 17: Results of access to information requests

PUBLIC BODY	REQUEST FOR INFORMATION RESULT
Ministry of Finance's oil derivatives subsidy section	Information received took the form of figures presented orally by the Ministry's undersecretary and related only to the total annual sum of the subsidy provided to the sector through the Ministry of Finance for the years 2010, 2011, and 2012. ⁸³
Ministry of Industry and Trade	<p>An employee of the operations unit provided information, including on the formation of a joint operations room between the Ministry of Industry and Trade and the Yemen Petroleum Company to monitor the quantities of diesel received, dispatched and distributed to the petrol stations in the provinces and examine contraventions of the law in that process. He also indicated that the joint operations room would monitor the allocation of fixed quantities of diesel to secure the operation of bakeries, to maintain both the availability of bread and its price.</p> <p>No figures were presented regarding these quantities or the scale of illegal practices, on the grounds that no data were available at the time of meeting the team.⁸⁴ After seeking the assistance of an employee known to them, the team gained access to important information regarding the seizure of more than two million litres of diesel being sold on the informal market. The team were given a promise that more detailed information would be supplied the following day, but they did not receive the information.⁸⁵</p>
Ministry of Agriculture	Different and disparate responses to the research team's request emerged at this ministry. The office of the undersecretary for service affairs voiced an understanding and cooperated with the team in dealing with its request. Management, however, responded that there was no relevant information held by the ministry, that it had no involvement in supervising the distribution of diesel to farmers and that the process of its sale and distribution is conducted directly by the Yemen Petroleum Company. ⁸⁶
Ministry of Fisheries' fishery associations department	Similar to the Ministry of Agriculture, the department informed the team that diesel is sold to fishermen directly by the Yemen Petroleum Company and declined to give information. ⁸⁷
Ministry of Electricity and Energy	Positive results were obtained at the Ministry of Electricity and Energy where, following official approval, the ministry furnished the research team with detailed statements regarding the quantities of diesel drawn from the

⁸³ YER 557,078,380 (Yemeni riyals) from the budget of the year 2010; YER 250,921,734,000 from the budget of the year 2011; YER 307,727,702,406 from the budget of the year 2012. (This latter figure for the 2012 budget does not include the additional subsidy. These figures represent the overall subsidy for all oil derivatives rather than the diesel sector alone.)

⁸⁴ Interviews conducted on several occasions at the operations unit of the Ministry of Trade and Industry, Sana'a, 29 August–11 September 2012.

⁸⁵ Interviews conducted on several occasions at the Ministry of Trade and Industry 29 August–11 September 2012.

⁸⁶ Interviews conducted on several occasions at the office of the undersecretary for service affairs at the Ministry of Agriculture, Sana'a, 29 August–11 September 2012.

⁸⁷ Interviews conducted on several occasions at the fishery associations department, Ministry of Fisheries, Sana'a, 29 August–11 September 2012.

	Petroleum Company in 2011, adding to this a copy of statements containing the forecast quantities for 2012. ⁸⁸
Ministry of Oil and Minerals	The situation was more complex at the Ministry of Oil and Minerals. The team made multiple enquiries to multiple officials at the office of the minister and the secretariat, ⁸⁹ and prior to that from the reception and the security officer. The team was then referred to the Yemeni Council for Transparency in the Extractive Industries, where officials presented them with a journal published by the council containing publicised statistics regarding oil and minerals for 2008, 2009 and 2010. Officials also presented the team with a copy of an accounting report, published by the company Hart Nurse Ltd. ⁹⁰ for 2005, 2006 and 2007. However officials did not give the team any information regarding 2011, which was the subject of the request.
Yemen Petroleum Company	Officials at the Yemen Petroleum Company referred the team to the statistics division of the department of commerce, ⁹¹ which provided the team with detailed statistics on oil derivatives for the first quarter of 2012, but only overall figures for 2011 that did not contain information on quantities of each type of product or to which province the oil derivatives were sent.

Overall the research team found that obtaining information of any nature from official bodies difficult, whether related to corruption or otherwise. It was impossible for them to access information by means of direct application to the relevant public body or any of its departments. When information was provided, it was only via a person known to the research team. Information provided often contained out-dated or incomplete details. Some information was acquired from these ministerial bodies throughout the course of the access to information requests, but it was old, incomplete and did not meet the minimum level of what was requested. Furthermore, no information was obtained from any of them directly. This was due both to the absence of departments concerned with the presentation of information and the tangible failure of this matter to enter into the sphere of interest of these bodies. As such, information was only available to the team via personal contacts within these ministries.

⁸⁸ Interviews conducted on several occasions at the fuels department, Ministry of Electricity and Energy, Sana'a, 29 August–11 September 2012.

⁸⁹ Interviews conducted on several occasions at the office of the minister and the secretariat, Ministry of Oil and Minerals, Sana'a, 29 August–11 September 2012.

⁹⁰ A firm of approved chartered accountants.

⁹¹ Interviews conducted on several occasions at the statistics division, department of commerce, Yemen Petroleum Company, Sana'a, 29 August–11 September 2012.

Conclusions

Legal and practical obstacles prevent effective access to information in Yemen, despite a good law on access to information adopted in July 2012. Public bodies are not yet familiar or do not respect the recent law. The president has not yet issued implementing regulations.

Looking at the other four laws analysed, access to information is patchy at best. Only the Press Law is clear in stating that access to information is a right for all citizens, the other laws do not mention who has a right of access (Principle 1). None of the laws are clear on the form and fees for an information request (Principle 2), or on whether it needs to be justified (Principle 3). None of the laws require public officials to assist petitioners (Principle 4) or provide a timeframe for response (Principle 5). The Anti-Corruption Law and the Control and Auditing Law do not allow information to be viewed in the original, paper copies or electronic access; the Information Centre Decree and Press and Publications Law are unclear on the form of access (Principle 6), fees for access reflect this (Principle 7). All four laws are unclear on the possibility of disclosing information and hence of exceptions to disclosure (Principle 8). None of the laws include an appeal procedure for refusal or silence of an information request and no general right of appeal exists in Yemeni law (Principle 9). Limited information is published by the public bodies examined, but it tends to be general, introductory information (Principle 10).

The Access to Information Law, once effectively implemented, should provide a solid basis for the right of access to information in Yemen, meeting many of the 10 principles examined. However non-citizens do not have an automatic right to access information (Principle 1), verbal requests are not possible (Principle 2), it is unclear whether the law allows for viewing originals (Principle 6), and exceptions are broad and do not include the harm and public interest tests (Principle 8).

Transactions involving diesel, a key commodity for the livelihood of the population, reportedly involve high levels of corruption. Of particular note is the smuggling of diesel away from state-owned facilities for higher resale prices abroad and at private domestic petrol stations. Access to information would help to address and prevent corruption in the diesel sector. The YTTI research team's attempt to gain information from seven public bodies in this sector through asking six questions was difficult and in most cases resulted in public bodies providing only limited information or information that did not correspond to the request.

Recommendations

Based on the findings of this report, YTTI recommends:

To the government and parliament

- The government and parliament should review Yemeni legislation and amend as necessary laws limiting or restricting the exercise of the right of access to information.
- The government should establish access to information departments within ministries and public bodies and set out their obligations to respond to information requests.
- The government should work to create a culture of accountability by empowering citizens to demand information as a basic right, in particular in relation to how the government is spending the people's money.
- The government should monitor public bodies' performance in relation to information requests.
- The government and parliament should oblige official bodies and institutions of the state to facilitate access to information, and periodically to publish information regarding their performance, work mechanisms and projects, in addition to declaring their accounts and budgets.
- The government and control agencies should investigate and hold accountable for criminal fraud any person who tampers with, conceals or alters, under any pretext whatsoever, information, results of statistical surveys or the state's official statistical database.
- Parliament should include the right of access to information in the draft Yemeni Constitution.
- The president, on recommendation of the information commissioner, should issue the implementing regulations of the Access to Information Law.
- Parliament should monitor public bodies' performance in relation to information requests.

To public bodies

- State corruption control agencies should take an active role in promoting access to information to fight corruption.
- Public bodies should raise awareness of the access to information law, focusing on public officials.
- The Central Organisation for Control and Auditing, Supreme National Authority for Combatting Corruption, the Money Laundering Committee and the relevant supervisory parliamentary commissions should publish reports pertaining to corruption, and provide information on procedures taken against any person identified as being involved in alleged corruption. These control and supervisory bodies should follow up information on allegations of corruption presented in the media, even if not directly presented to them.

To the media

- Media outlets should discuss cases of corruption, request and disseminate information, particularly on state budgets, tender contracts and government procurement processes, oil and gas agreements, the transactions of the Central Bank, and tax receipts.

To civil society organisations working on access to information

- Civil society organisations should raise awareness of the right of access to information and assist in educating society on the importance of transparency and the need to adopt it as a daily and on-going pursuit.
- Civil society should monitor public bodies' performance in relation to information requests.

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Annex I: Overall Compliance

Overall compliance

Table providing narrative information on overall compliance with each principle.

PRINCIPLE	NARRATIVE
<i>Principle One: Non-discrimination in accessing public information</i>	Only the Access to Information and Press laws contain a clear right of access to information for citizens. The Control and Audit and Anti-Corruption laws do not specify who can access information. Only the Access to Information Law allows non-citizens to access information, and only in certain circumstances.
<i>Principle Two: Free requests, by post, e-mail, fax, post or verbally</i>	Only the Access to Information Law specifies forms of request, but it does not allow verbal requests. Other laws do not specify how information can be requested.
<i>Principle Three: No need to justify requests</i>	Justification for making an information request is not required under any of the laws.
<i>Principle Four: Obligation to help requesters</i>	Only the Access to Information Law obliges public officials to assist petitioners.
<i>Principle Five: Timely Responses</i>	Only the Access to Information Law includes timeframes for response. These are within international standards. General Yemeni law does not set timeframes for response.
<i>Principle Six: Paper or electronic copies available, access to originals</i>	The Access to Information Law allows for paper and electronic copies, access to originals is not specified in the law. The Control and Audit and Anti-Corruption laws do not allow for access to originals, paper copies and electronic access. The Information Centre Decree and Press Law are unclear.
<i>Principle Seven: Viewing originals free of charge, charges for cost of copies only</i>	The Access to Information Law does not charge fees for paper and electronic access. It is unclear under other laws whether fees can be charged, in part due to laws not clearly allowing information requests.
<i>Principle Eight: Limited exceptions, refusals only for these exceptions</i>	The Access to Information Law does not have limited exceptions and the harm and public interest tests, despite requiring refusals to be justified. Other laws do not explicitly include exceptions to disclosure by public bodies, but also do not include mechanisms for information disclosure.
<i>Principle Nine: Effective right of appeal against refusals or silence</i>	Only the Access to Information Law includes an appeal route for the denial of an information request. No general right of appeal exists in Yemeni law.
<i>Principle Ten: Proactive disclosure</i>	The Access to Information Law obliges all public bodies to publish annual reports that include at least administrative information about the bodies' mechanisms, objectives, activities, programmes and final accounts. Each of the five public bodies YTTI assessed proactively disseminates certain information, but they do not sufficiently or at all proactively disclose information on public procurement processes, budgets, income and expenditure, contracts, records and databases, salaries and subsidies, operational data, and meeting minutes.

Annex II: Letter Provided to Public Bodies

Yemeni Observatory
For Human Rights



المرصد اليمني
لحقوق الإنسان

التاريخ: 28 أغسطس 2012

الذي من يهمة الأمر

بعد التحية:

الموضوع: ((تسهيل مهمة الباحث الأستاذ/ محمد الشوافي))

يهديكم المرصد اليمني لحقوق الإنسان أطيب تحياته متمنيا لكم التوفيق في أداء مهامكم،
ويود مواطنكم علماً بأن الأستاذ محمد الشوافي أحد أعضاء فريق الدراسة الخاصة بحق الحصول على
المعلومة في القوانين اليمنية المتعلقة بمكافحة الفساد والذي ينفذه المرصد بالشراكة مع منظمة الشفافية
الدولية.
وعليه فإننا نرجو منكم التعاون مع الباحث المذكور وتمكينه من أداء مهمته لما فيه المصلحة العامة.

وتقبلوا خالص التقدير،،

د. عبد القادر البناء

المدير التنفيذي



[TRANSLATION]

Date: 28 August, 2012

To whom it may concern

Dear Sir / Madam,

Subject: Facilitation of the task of the researcher Mr. Muhammad Al-Shawafi.
The Yemeni Observatory for Human Rights presents its warmest greetings and wishes you success in all your undertakings.

We would like to inform you that Mr. Muhammad Al-Shawafi is a member of the team undertaking a study regarding the right of access to information in Yemeni law, relating to the combating of corruption. This is being carried out by the Observatory in partnership with the organisation Transparency International.

Accordingly, we ask you to cooperate with the abovementioned researcher and enable him to perform his task for the sake of the public interest.

Yours faithfully,

Dr. Abdulqader Al-Banaa

Executive Director

[Signature]

[Stamp:] Yemeni Observatory for Human Rights
YOHR

Annex III: Letter Sent to the Yemen Petroleum Company



التاريخ: 2013/7/3

الرقم: 49

المحترمون

الاحوة/ شركة النفط اليمنية

تحية طيبة، وبعد

الموضوع: طلب معرفة رأيكم حول ادعاءات تهريب الديزل عام 2008م

تدبكم المجموعة اليمنية للشفافية والنزاهة اطيب تحياتنا وامنياتنا لكم بالتوفيق في اداء مهامكم العظيمة خدمة للوطن والمواطن. في اطار عمل المجموعة اليمنية للشفافية والنزاهة على مكافحة الفساد والعمل على وضع آليات وسياسات رادعة له فإننا نقوم بعمل بحث عن " حالة الحصول على المعلومات في قطاع الديزل في اليمن " وفي هذا البحث تعرضنا لما نشرته صحيفة الشارع في العام 2008م حول قضية تهريب الديزل الى خارج اليمن. وعليه، وإيماناً منا بضرورة تقصي الحقائق والتيقن من أي ادعاءات، واستناداً الى حقنا المكفول في الدستور والقانون للحصول على المعلومات العامة، فإننا نريد ان نتعرف على ما هي وجهة نظركم لهذه القضية المنشورة في التقرير الصحفي على صحيفة الشارع، متمنين منكم ان تجيبونا على استفساراتنا التالية:

- 1- ما رأيكم في التقرير ودقته و مصداقيته؟
- 2- ما هي الخطوات التي اتخذتموها ضد المتهمين بالتهريب؟
- 3- هل تواصلتم مع الصحيفة لإبداء رأيكم في الموضوع؟
- 4- هل لديكم من السجلات او التقارير ما يؤكد او يدحض ما جاء في التقرير؟

نرجو ان تتمكنوا من موافاتنا بالرد خلال فترة اسبوعين حيث اتنا نعزم اطلاق البحث في شهر يوليو الجاري.

تقبلوا خالص تحياتنا والتقدير،،،

رئيس المجموعة اليمنية للشفافية والنزاهة



استر - برص
محمد مراد

المجموعة اليمنية للشفافية والنزاهة - فرع للشفافية الدولية - برلين، العنوان : شقة رقم 20 الدور الخامس برج نور على نور، جولة الضيبي شارع الدائري: تلفاكس: +9671538255 ، البريد الإلكتروني: y.transparency@gmail.com

