



SAM
Rights & Liberties



Justice4Yemen Pact
ميثاق العدالة لليمن



YEARS OF HELL

This report documents new findings from investigations conducted by SAM for Rights and Liberties' team on the crimes of enforced disappearance and torture of political detainees in Yemen.

info@samrl.org

www.samrl.org

October 2024



THANKS

«SAM ORGANIZATION FOR RIGHTS AND LIBERTIES WOULD LIKE TO EXPRESS ITS SINCERE GRATITUDE TO ALL FIELD MONITORS WHO HAVE CONTRIBUTED SIGNIFICANTLY TO THE SUCCESS OF THIS REPORT. THE ORGANIZATION ALSO EXPRESSES ITS DEEP APPRECIATION TO THE VICTIMS WHO HAVE SHOWN REMARKABLE COOPERATION AND INTERACTION IN DOCUMENTING THE VIOLATIONS. SPECIAL THANKS ARE ALSO EXTENDED TO THE ORGANIZATION OF PRISONERS AND ABDUCTEES FOR THEIR CONTINUOUS SUPPORT AND COOPERATION IN THIS IMPORTANT HUMAN RIGHTS WORK.



TABLE OF CONTENTS

Executive summary	5
introduction	9
methodology	14
Chapter One: Arbitrary arrest	18
Chapter Two: Forced disappearance and torture	37
Section One: Forced disappearance	38
Section Two: Torture and other forms of cruel treatment	45
Chapter Three: Criminal liability and the legal impact of judicial procedures for political detainees	60
Chapter Four: Examples of cases of arbitrary arrest, enforced disappearance, and torture	65
Chapter Five: Legal Analysis	72
Recommendations	77
ANNEX	80

WHO WE ARE

SAM FOR RIGHTS AND LIBERTIES

is an independent Yemeni non-profit human rights organization that started its activity in January 2016. The organization seeks to monitor human rights violations in Yemen and convey information on crimes and violations to decision-making institutions and influential and effective international human rights organizations. ⁽¹⁾

JUSTICE4YEMEN PACT

The Justice4Yemen Pact is a coalition of human rights organizations and civil society actors who are united for the promotion and protection of human rights in Yemen. The mission of the coalition is to advocate for the rights of the Yemeni people, especially the most vulnerable and marginalized groups. The coalition is committed to addressing the systematic violations of human rights that Yemen has suffered over years of conflict and violence. The Justice4Yemen Pact works to enable the Yemeni people to claim their rights, raise awareness about violations, and advocate for justice and accountability at the local, national and international levels. The Justice4Yemen Pact is guided by the principles of respect for human dignity, equality, justice and non-discrimination, and believes that through collaboration, its members can end impunity, provide critical support, compensate victims, and contribute to a more peaceful, just, and prosperous future for Yemen.



(1) <https://samrl.org/s?!=a/10/A/c/1/U/U/%D9%85%D9%86-%D9%86%D8%AD%D9%86-->

YEARS IN HELL

This investigative report, titled “Years in Hell,” was produced as part of the Yemen Human Rights Forensics Lab Plus (YHRFL+) project. YHRFL+ aims to document human rights violations during the war in Yemen, and raise awareness of the human rights situation and protect victims by enabling Yemeni civil society to advocate for justice and promote accountability.

This report seeks to draw the attention of the international community to the importance of consolidating and strengthening democracy in Yemen; of ending the impunity enjoyed by parties to the conflict that violate human rights; and of promoting justice and reparations for victims, and pursuing the path of transitional justice.



The cases of arrest, disappearance and torture documented in this report share a number of common features. They were politically motivated, victims were detained without judicial orders, they were not informed of the reasons for their arrest

In this report, SAM for Rights and Liberties documented 32 violations of personal freedoms in Sana'a and Aden governorates during the conflict, committed from 2015 to 2023. The victims, all of whom are civilians, were subjected to arbitrary arrest, enforced disappearance and torture.

The organization documented these cases primarily through field interviews with victims and their families, as well as reviewing relevant information published through reliable media sources and social media platforms.

The cases of arrest, disappearance and torture documented in this report share a number of common features. They were politically motivated, victims were detained without judicial orders, they were not informed of the reasons for their arrest, and similar charges were leveled against them—most notably belonging to the Islah Party, and conducting intelligence operations and acting in favor of the aggression, or the “Arab Coalition.” Some of the victims were accused of disturbing the public peace because of their writings. During and following their detention, the victims were deprived of their rights: they were prevented from visiting their families, prevented from defending themselves legally, and the majority had their property looted or confiscated.

According to testimonies collected by the organization's team, most of the detained victims were repeatedly interrogated about their political affiliations and intellectual orientations, and they were subjected to various forms of psychological and physical torture.

In addition, most of the former detainees were subject to enforced disappearance, especially during the first months of detention, and they were transferred between more than one official and unofficial detention site. This finding indicates a policy of using enforced disappearance as a form of psychological torture, in violation of obligations under international human rights law and international humanitarian law.

Ansar Allah (the Houthis) were responsible for 88% of the 32 cases documented in the report. The report concludes that the Houthis are likely responsible for most of the crimes of enforced disappearance and torture suffered by detainees connected to Yemeni political parties.

According to testimonies collected by the organization's team, most of the detained victims were repeatedly interrogated about their political affiliations and intellectual orientations, and they were subjected to various forms of psychological and physical torture. Following the extraction of confessions under torture from the detainees, these coerced "confessions" were adopted by the judicial authorities as a basis for charging, trying in court, and issuing sentences against the victims.

The testimonies of the victims documented by SAM confirm that both main parties to the conflict have used harsh means of torture in detention centers in Sana'a and Aden, in a repetitive and systematic manner, with the aim of extracting confessions. The physical and psychological effects of this torture were compounded by medical neglect inside detention centers that lack health care and medical equipment, and these effects continued after the victims were released from detention in the form of chronic illnesses and psychological conditions.

The report also highlights the campaign of arbitrary arrests targeting Yemeni employees working for United Nations agencies and international and local NGOs in the capital, Sana'a, since 31 May 2024, which has been described as unprecedented in Yemen and globally, and which directly threatens humanitarian and civil society work in the country

The report concluded that the parties to the conflict in Yemen used common, repetitive methods of torture in detention centers including: beating with sticks, iron batons and electric wires across the body; forcing victims to stand upright on tiptoes for long periods of time, in some cases up to twenty-four hours; using foot cuffs with iron chains during interrogation; handcuffing for long periods of time while covering the eyes; kicking; slapping the face; deprivation of water and food for long periods of time; pouring cold water on the body and otherwise exposing it to extreme cold; preventing detainees from going to the toilets; prohibiting detainees from exposure to sunlight; prohibiting detainees from accessing medicine; and continuously moving detainees between different prisons and cells full of dirt, disease, and insects.

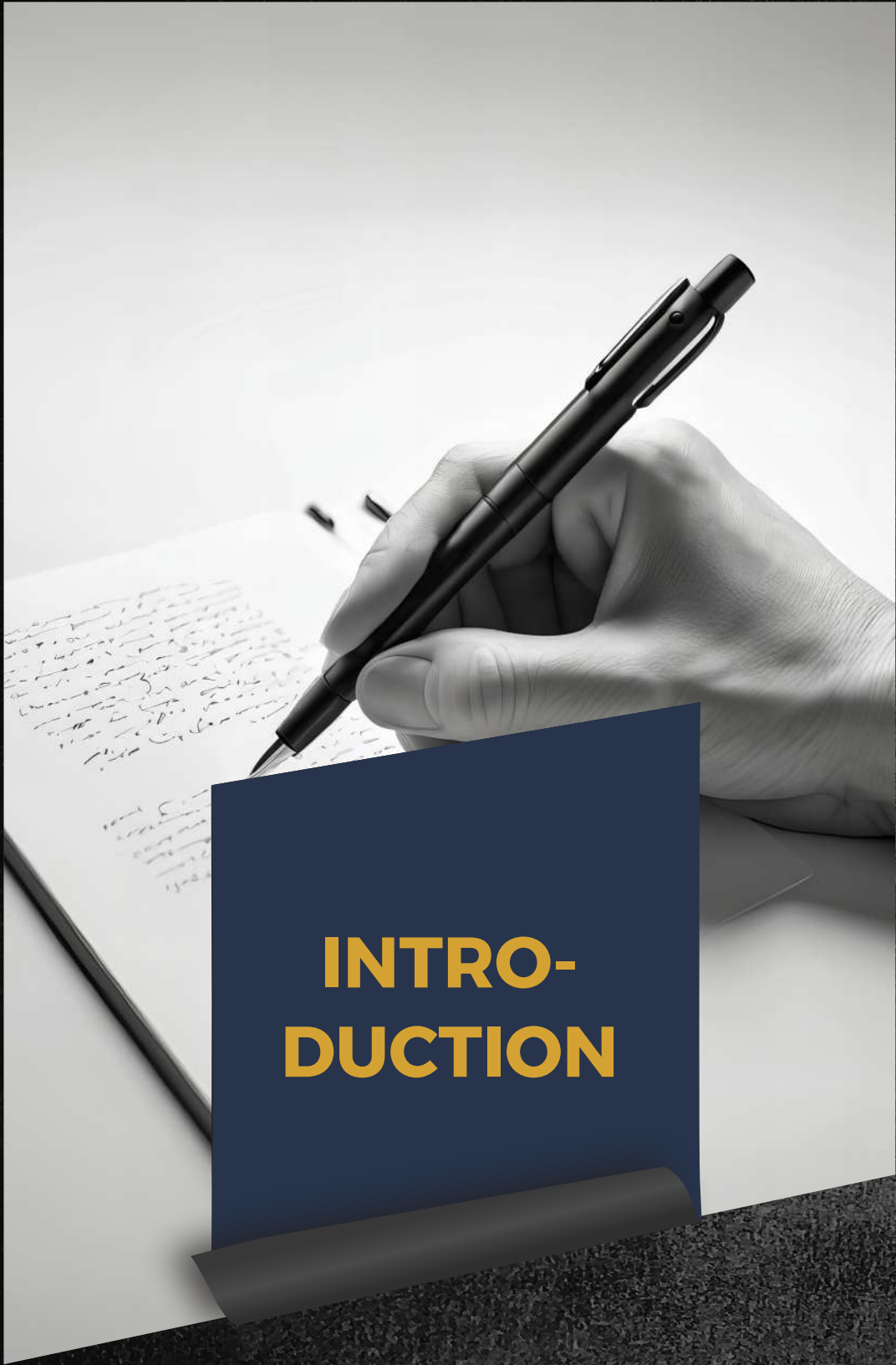
In addition, victims' families gave money to Houthi leaders who led family members to believe, falsely, that their loved ones would be released from detention.

The report also highlights the campaign of arbitrary arrests targeting Yemeni employees working for United Nations agencies and international and local NGOs in the capital, Sana'a, since 31 May 2024, which has been described as unprecedented in Yemen and globally, and which directly threatens humanitarian and civil society work in the country. The recent arrests have led to intensified incitement against aid and civil society workers, as public campaigns and hotlines urge citizens to report "suspicious activities." This campaign threatens the safety and operations of humanitarian efforts in Yemen with the prospect of further arrests looming. ⁽¹⁾

(1) <https://justice4yemenpact.org/articles/incident-report-11-crackdown-on-aid-workers-in-yemen-unprecedented-detentions-by-houthi-de-facto-authorities/>

In accordance with the report's recommendations, SAM calls on the Yemeni government to conduct a transparent, comprehensive and impartial investigation into allegations of human rights violations, including politically motivated arrests, enforced disappearances and torture. The organization also calls for ensuring full and unimpeded access for international and independent observers to Yemeni territory, including prisons and detention centers run by the Southern Transitional Council forces, the Houthi group, and various security and military groups. SAM also calls for the establishment of strong oversight mechanisms to monitor the behavior of all security and military forces and armed groups, and the need to hold those responsible for violations accountable through fair and transparent trials.

Finally, SAM stresses the need for victims throughout Yemen, and their families, to have access to remedies, including compensation, restitution, rehabilitation, satisfaction, and guarantees of non-repetition. SAM emphasizes that any negotiated settlement or peace process must include the effective participation of victims and survivors and address their right to justice in a fair and equitable manner.



Many local and international reports, and the testimonies documented by SAM's researchers for this project, indicate that the Ansar Allah group (the Houthis) were responsible for the majority of violations of enforced disappearance and torture against victims connected to Yemeni political parties. Other military and security forces, including armed formations affiliated with the internationally recognized government, were responsible for a minority of politically motivated enforced disappearance and torture violations.

Since the outbreak of the armed conflict in Yemen in September 2014, the parties to the conflict have continuously violated international humanitarian law and human rights law pertaining to freedom of opinion and expression, and political freedoms. They have blocked news sites, targeted the headquarters of political parties and civil society organizations, and prevented the activities of political parties. They have persecuted members of political parties and restricted their personal freedoms, using arbitrary detention and enforced disappearance, violence, threats, psychological and physical torture, and the confiscation of property and bombing of homes.

The leaders of political parties and civil society organizations have been forced to leave their homes and areas for the governorates affiliated with the legitimate government, such as Hadramawt, Marib and Al-Mahra. In addition, some of them have left Yemen with their families for countries including Saudi Arabia, Egypt, Turkey and others. The areas controlled by the Houthi group (Ansar Allah) and the areas controlled by the forces of the Southern Transitional Council in Aden, Lahj and parts of Abyan and Al-Dhale Governorate have become devoid of political and democratic activity. This is clear through the suppression of popular demonstrations, the imprisonment and house arrest of many politicians, and security forces' tightening their grip on all official institutions including educational institutions.

With the Houthi (Ansar Allah) group taking control of the capital Sana 'a on September 21, 2014, and later with the intervention of the Arab coalition in the Yemeni war on March 26, 2015, the number of violations related to arbitrary arrests, enforced disappearances and torture increased, as documented by many organizations such as the UN's Group of Eminent Experts,⁽¹⁾

(1) Report of the Group of Experts September 2019

The impact of enforced disappearance and torture extend beyond the victim to his family, who live in a constant state of anxiety and anticipation, as they make relentless and futile attempts to access information and learn the fate of their relatives. Parents often face financial pressures and challenges resulting from their continuous attempts to obtain any information on their disappeared children

Human Rights Watch,⁽²⁾ SAM for Rights and Liberties,⁽³⁾ and the Abductees Mothers Association.⁽⁴⁾

Many local and international reports,⁽⁵⁾ and the testimonies documented by SAM's researchers for this project, indicate that the Ansar Allah group (the Houthis) were responsible for the majority of violations of enforced disappearance and torture against victims connected to Yemeni political parties. Other military and security forces, including armed formations affiliated with the internationally recognized government, were responsible for a minority of politically motivated enforced disappearance and torture violations.

For decades, the crimes of arbitrary arrest, enforced disappearance and torture have been systematically used by the parties to the conflict in Yemen to suppress opponents, silence contrary voices, spread fear in society, and impose a fait accompli by force of arms. This has shrunk civic space and threatened political freedom, freedom of opinion, and the right to life personal safety, in addition to inflicting great suffering on victims and their families from the earliest moments of detention.

The parties to the conflict, foremost the Houthi group as the de facto authority in northern Yemen, commit these violations without respecting local laws and international treaties and conventions, which prohibit arbitrary arrests, enforced disappearance and torture, and guarantee the right to freedom, dignity, and fair trials. These violations are often carried out in an inhumane manner, as the victim is arrested at home, or at his place of work or on the street by a group of armed men wearing civilian clothes, who conceal their identities and do not give an official reason or display a valid order for the arrest.

(2) Human Rights Watch and Watts Widespread Arbitrary Detention in Yemen <https://www.hrw.org/ar/news/2016/11/17/296234>

(3) SAM Organization calls for the closure of illegal prisons <https://samrl.org/l.html?a/10/A/c/1/69/71/3591>

(4) Association of Mothers of Abductees Mothers in Front of Prison Doors <https://ama-ye.org/a>

(5) <https://www.hrw.org/ar/news/2016/11/17/296234> Human Rights Watch

Biased judicial procedures constitute a serious violation of human rights in Yemen. All the trials documented by SAM for this report carried out by the judicial authorities affiliated with the Houthi group were based on dubious charges and devoid of any legal procedures guaranteed by the Constitution and Yemeni law

These arrests are followed by painful stages of enforced disappearance and various forms of torture, during which the detaining authorities deny they are holding the victims and refuse to disclose their whereabouts or other any information about them.

The impact of enforced disappearance and torture extend beyond the victim to his family, who live in a constant state of anxiety and anticipation, as they make relentless and futile attempts to access information and learn the fate of their relatives. Parents often face financial pressures and challenges resulting from their continuous attempts to obtain any information on their disappeared children, and they are exposed to scams and frauds perpetrated by influential people. Furthermore, the arrest and disappearance of the family's breadwinner threatens their financial, psychological and social stability.

Biased judicial procedures constitute a serious violation of human rights in Yemen. All the trials documented by SAM for this report carried out by the judicial authorities affiliated with the Houthi group were based on dubious charges and devoid of any legal procedures guaranteed by the Constitution and Yemeni law. In addition, these trials were based on political and ideological motives and aimed mainly to silence opposition and criticism of the Houthi group and its leaders. Rather than strengthen political and societal stability, these violations have increased social tensions and hostility among supporters of the parties to the conflict.

Law enforcement institutions in Yemen, including the judiciary, are among the most prominent institutions affected by the war, as they have been subject to sharp polarization that diminished the sanctity of the judiciary.

Law enforcement institutions in Yemen, including the judiciary, are among the most prominent institutions affected by the war, as they have been subject to sharp polarization that diminished the sanctity of the judiciary

Each authority in Yemen formed its own judicial council, supreme court, and Ministry of Justice, in addition to appointing a public prosecutor and judges of the Higher Judicial Institute.⁽⁶⁾ These institutions and officials became less effective in meeting fair trial standards, and they grew more fragile as they turned into tools of conflict and a means of exacting revenge against opponents. This is evident in the number of death sentences issued by the specialized criminal courts against opponents⁽⁷⁾ – 500 death sentences issued by the Houthi courts alone, according to statistics collected by SAM.

On June 1, 2024, the Criminal Court under the supervision of the Houthi group in the capital Sana'a, which is specialized in cases of public security, issued death sentences against 45 civilians, including Adnan Al-Harazi, the director and owner of Prodigy Systems. The court further ordered the confiscation of Harazi's property on charges of cooperating with the aggression coalition, and communicating with international parties. Lawyer Abdul Majeed Sabra said in a post on his Facebook page: "The detainees in this case were subjected to the most severe types of physical and moral torture and were forcibly hidden in solitary cells for nine full months and deprived of visitation and communication, and the court did not guarantee them the right to a fair trial." He added: "I had to withdraw from the case at the beginning of the trial sessions, because the court did not allow me to access the full case files and did not provide any defense for the detainees as a result. The Houthi group exploits this court to achieve political gains at the expense of humanitarian cases."⁽⁸⁾

(6) Report Without Justice by SAM for Rights and Liberties

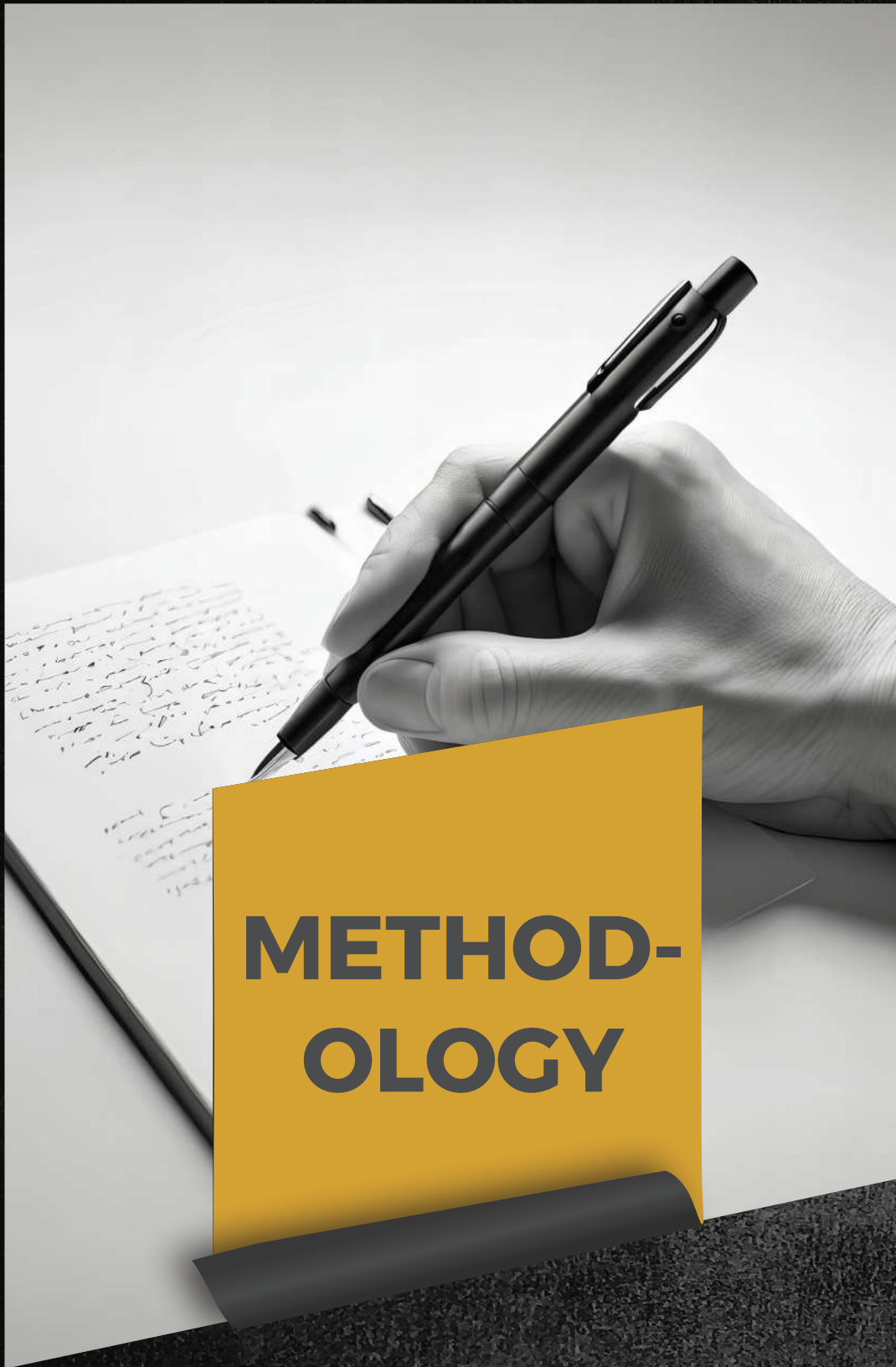
(7) The Specialized Criminal Court is an exceptional court, established under special law No. (31) of 2009 during the era of President Saleh. Its purpose is to address crimes of public danger, such as highway robbery, kidnapping, maritime or aerial piracy, drug trafficking or promotion, and crimes involving damage, destruction, arson, and explosion targeting oil and gas pipelines, oil and economic facilities of public benefit. It also deals with the theft of public and private means of transportation by armed or organized gangs, or by one or more individuals using force, crimes involving participation in gangs assaulting state and citizen properties, crimes affecting state security and dangerous crimes, crimes of assault against members of the judiciary during or due to their duties, and crimes of assault against witnesses.

(8) Lawyer Abdul Majeed Sabra <https://www.facebook.com/share/p/HtG6i38k5aHQzUym/>

During the conflict the warring parties came to dominate the judicial institutions in the north and south, as Ansar Allah group established what is known as the "justice system" headed by a member of the group's political council

During the conflict the warring parties came to dominate the judicial institutions in the north and south, as Ansar Allah group established what is known as the "justice system" headed by a member of the group's political council, Muhammad Ali al-Houthi. The Southern Transitional Council adopted what is known as the "Southern Judges Club," which announced in August 2021 the formation of a supreme body to manage the affairs of the judiciary. The establishment of these departments is incompatible with the general structure of the Yemeni judiciary, and contrary to the Judicial Authority Law No. 1 of 1990, which is still in force in the territories held by both parties. SAM believes that these two entities are largely responsible for the violations that occurred in connection with the trials of political detainees in Sana'a, Aden and Marib. In addition, the Military Prosecutor in Marib is directly responsible for submitting detainees to military trials.⁽⁹⁾

(9) Report Without Justice SAM Organization for Rights and Liberties



SAM adopted a methodology based on the definition of 'arbitrary detention' as outlined by the United Nations Working Group on Arbitrary Detention.

In this report, SAM for Rights and Liberties documented 32 violations of personal freedoms, including 28 incidents in Sana'a Governorate under the control of the Houthi group (Ansar Allah), and 4 incidents in Aden Governorate under the control of the Southern Transitional Council, during the conflict period from 2015 to 2023. All the documented cases involved male civilians. There are many female victims of arbitrary detention including those who are still languishing in the prisons of the Houthi group in Sana'a, especially the Central Prison, or in illegal lockups such as the Dar Center; however, most female detainees who were released expressed their desire not to report their experiences, and did not wish to be contacted or mentioned in human rights reports, for fear of shame and scandal. Given the Yemeni context, the mere arrest of an innocent woman can have radical and catastrophic effects to her reputation and life. In addition, some female former detainees left Yemen and traveled abroad, and in their words wish to close the book on of the past,⁽¹⁾ and accordingly it was difficult to communicate with them.

The cases included in this report, in which victims were subject to arbitrary arrest, enforced disappearance, torture, inhuman punishment and treatment, were documented primarily through field interviews with victims and their families. In addition, SAM reviewed judicial rulings issued against the victims. SAM also reviewed relevant information published by media sources (including websites affiliated with political parties), and social media platforms. Finally, SAM relied on information from its databases of human rights violations, as well as reports and statements previously issued by the organization.

(1) SAM Organization Women in Yemen Protracted Suffering and Horrific Violations <https://samrl.org/l.html?l=a/10/A/c/1/70/72/4150/>

SAM created a list of victims including their names, residences, the types of violation they suffered, and their phone numbers. In selecting potential victims, the organization relied on human rights reports, media reports, and communication with victims' relatives and lawyers, in addition to personal communication with the victims themselves to obtain verbal consent to document their cases, after informing them of the purpose the research.

In preparing this report, SAM created a list of victims including their names, residences, the types of violation they suffered, and their phone numbers. In selecting potential victims, the organization relied on human rights reports, media reports, and communication with victims' relatives and lawyers, in addition to personal communication with the victims themselves to obtain verbal consent to document their cases, after informing them of the purpose the research.

Four field researchers with experience in monitoring and documentation gathered the data for this report. A monitoring and documentation form was designed in line with best practices and the objectives of the project. In filling out these forms, researchers met directly with victims, except for two cases that were documented remotely through Zoom. Victims were given the freedom to talk in detail about what they were exposed to, without being limited by the questions on the form.

In total, the field team interviewed 32 former detainees who were subject to enforced disappearance and torture, and who were released either as part of an exchange deal supervised by the United Nations or as part of local exchange deals, whether from the prisons of the Houthi group or the Southern Transitional Council.

The field team documented the circumstances and reasons for each arrest, the periods of time victims were subject to enforced disappearance, and details concerning the acts of torture and mistreatment practiced against victims.

The report relied on several other sources, such as SAM's databases, reports and human rights statements previously issued by the organization, in addition to links to press and media investigations published following the incidents of violations on websites affiliated with political parties, human rights organizations' websites, or general press websites.

SAM has provided excerpts from victims' statements throughout the report, and at the end of the report detailed exemplary cases. The organization has also provided legal analysis of the cases. SAM has also included the names of alleged perpetrators mentioned by victims as having tortured them in detention, to encourage conflict actors to hold perpetrators to account.

The UN's Working Group on Arbitrary Detention defines the deprivation of liberty as arbitrary if a case falls into one of five categories: when it is impossible to invoke any legal basis to justify the deprivation of liberty; when the deprivation of liberty results from the exercise of rights or freedoms enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights; when there is a failure to comply wholly or partially with the international norms relating to the right to a fair trial; when asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of review or remedy; and when the deprivation of liberty violates international law for reasons of discrimination based on birth, ethnic or social origin, language, religion, political opinion, gender, sexual orientation, or disability, and which can result in ignoring the equality of human rights.⁽²⁾

(2) <https://www.ohchr.org/ar/about-arbitrary-detention>

CHAPTER ONE:

ARBITRARY ARREST

POLITICAL
DETENTION DURING
THE YEMENI WAR



On 21 September 2014, the Houthis took control of the capital, Sana'a, through an armed operation, forcing the Yemeni government to relocate to the interim capital Aden. Since then, the warring parties - including the Houthis, UAE-affiliated groups and Yemeni government forces - have carried out widespread arbitrary detentions targeting Yemenis because of their political backgrounds,⁽¹⁾ many of whom have been subjected to various forms of torture and mistreatment.

On March 26, 2015,⁽²⁾ the Arab coalition led by the Kingdom of Saudi Arabia announced its military intervention in Yemen on the side of the internationally recognized government. Some political parties, especially the Islah Party, supported this intervention. As a result, the Ansar Allah group (the Houthis) launched large-scale arrests against those they considered supporters of the "coalition of aggression," primarily members of the opposition Islah Party. Among the most prominent detainees was the well-known member of the Supreme Commission for Political Reform, Muhammad Qahtan.

On July 16, 2015, the southern resistance forces loyal to the legitimate government, backed by direct support from the UAE, a member of the Arab coalition, announced they had recaptured Aden from the control of the Houthi group.⁽³⁾ After the southern forces tightened their control over the city, they launched a campaign of arrests against those they considered opponents, and disappeared dozens of detainees in unofficial prisons, away from the supervision of the Ministry of Interior and judicial institutions. Many reports issued by local⁽⁴⁾ and international⁽⁵⁾ organizations revealed a network of illegal prisons in southern Yemen, in which victims were mostly detained for their political backgrounds.

(1) <https://arabi21.com/story/822463/> A comprehensive-numbered report for the Houthi-campaign against the Yemeni Islah party

(2) Al Jazeera Net Decisive Storm <https://www.aljazeera.net/encyclopedia/2015/3/26/%d8%b9%d8%a7%d8%b5%d9%81%d8%a9-%d8%a7%d9%84%d8%ad%d8%b2%d9%85>

(3) Middle East <https://aawsat.com/home/article/409111>

(4) Aljazeera <https://www.aljazeera.net/news/2017/5/25/Secret-prisons-in-Yemen-managed-outside-the-law>

(5) Human Rights Watch <https://www.hrw.org/ar/news/2017/06/22/305089>

Arbitrary detention is defined as placing people in detention without a legitimate reason or without due process

In December 2017, clashes broke out between the two parties to the ruling coalition in Sana'a, the General People's Congress led by former President Ali Saleh, and the Ansar Allah group (the Houthis) led by Abdul Malik al-Houthi, after members of the Popular Congress within the government felt increasingly marginalized by the Houthis. In addition, the Houthis had obstructed the conference's celebration of the thirty-fifth anniversary of its founding. The December 2017 clashes ended with the killing of former President Saleh by the Houthis. During these events the Houthis launched a campaign of arbitrary arrests targeting supporters of President Saleh.⁽⁶⁾ On March 21, 2018, women loyal to the Popular Congress organized a protest demonstration against the Houthi authorities. However, the demonstration was attacked by female security forces, the so-called Zainabiyat,⁽⁷⁾ and by other armed forces in civilian clothes. A number of women and girls with political backgrounds were detained, disappeared, and subjected to torture, according to the September 2020 report of the UN's Group of Eminent Experts. This torture included rape in addition to other cruel, inhuman and humiliating treatment.⁽⁸⁾

On May 6, 2015, the formation of a military council was announced in Taiz to manage the resistance operations against the Houthis there. This military council and the Popular Resistance Coordination Council received limited financial and logistical support from the Arab coalition countries to fight the Houthi and Saleh forces, and they were able to liberate a number of areas in the center of the city. During this period, conflicts broke out between government forces in areas under their control, as well as between government forces and other armed groups.

(6) Human Rights Watch Arbitrary Detention <https://www.hrw.org/ar/news/2016/11/17/296234>

(7) Zainabiyat is a new security force for women formed by the de facto authority in Sana'a that operates with the clear aim of suppressing women's political participation and committing violations against them. This female security force consists of many women who with their consent joined the forces for financial gain or for personal reasons 2029 Group of Eminent Experts Paragraph 632

(8) Report of the Group of Eminent Experts to the Human Rights Council, forty-fifth session, 14 September - 2 October 2020, paragraph 205

Despite the passage of ten years of the Yemeni war, there are no accurate statistics on politically motivated arrests due to the war in Yemen

Meanwhile, other conflicts broke out between the Houthi militia and local tribal parties in areas of Taiz under their control. These smaller conflicts within Taiz were characterized by arbitrary arrests, enforced disappearances and cases of torture targeting perceived opponents, and the various factions operated unofficial prisons for this purpose between 2014 and 2017.

On March 25, 2021, the National Resistance announced its political office from the city of Mokha on the western coast south of Taiz, led by a member of the Presidential Leadership Council, Tarek Saleh.⁽⁹⁾ The National Resistance Forces have been accused of practicing arbitrary arrests, enforced disappearances, and torture in prisons supervised by Ammar Saleh. The most infamous prison is Prison 400 in Al-Khokha area, where many organizations, including SAM, have documented a number of violations.

In Marib governorate, many organizations, including SAM, have documented the spread of arbitrary arrests, enforced disappearances, and torture, especially in the political security prisons. Civilians have been targeted for arrest because of their surname or over suspicions about their work for the Houthi group. Many detainees were arrested from points around Marib city.

(9) West Coast National Resistance announces the emergence of its political bureau <https://alsahil.net/news8448.html>

It appears that a very large percentage of those who were arbitrarily detained were subjected to systematic physical and psychological torture, especially those detained on political grounds, as press reports monitored the death of approximately 130 detainees in the prisons of the Houthi group during the war period, while organizations monitored more than ten deaths in detention centers of the Southern Transitional Council in Aden and Hadramaut, and a few cases in Marib, and also on the west coast.

ARBITRARY DETENTION IN INTERNATIONAL LAW

Arbitrary detention is defined as placing people in detention without a legitimate reason or without following legal procedures.⁽¹⁰⁾ Therefore, the United Nations Working Group on Arbitrary Detention has adopted specific applicable criteria to determine whether the deprivation of liberty is arbitrary, including, but not limited to the deprivation of liberty for political or religious reasons. Specifically, the Working Group defines arbitrary detention as the deprivation of liberty resulting from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights, as well as, in the case of States parties to the International Covenant on Civil and Political Rights, articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant. In addition, the Working Group classifies detention as arbitrary when the total or partial non-observance of international norms relating to the right to a fair trial, which are set forth in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the State concerned, is of such gravity as to confer on the deprivation of liberty an arbitrary character.⁽¹¹⁾

ARBITRARY DETENTION IN YEMEN

By examining the cases documented by the project's researchers, and local and international human rights reports, SAM has noted several common characteristics of arbitrary detentions committed by the parties to the conflict. These detentions tend to be carried out on a political basis, or because of the victim's perceived ideology or group affiliation. Victims are arrested by persons who do not have the status of judicial officers under Yemeni law, they are detained in unofficial places, and deprived of their legal rights to defend themselves, which meet the

(10) Amnesty International <https://www.amnesty.org/ar/what-we-do/detention/>

(11) About Arbitrary Detention <https://www.ohchr.org/ar/about-arbitrary-detention>

criteria set by the UN's Working Group on Arbitrary Detention to determine whether detention is arbitrary, and which relate to freedom of opinion and expression, the right to participate in public matters, the right to protest, and the right to security of person.

Despite the passage of ten years of the Yemeni war, there are no accurate statistics on politically motivated arrests during the war due to a number of reasons. First, the existence of unknown detention sites holding the arbitrarily detained. Second, the sheer number of violent incidents during the war preclude an accurate or comprehensive count—current estimates on the number of violent incidents are likely far lower than the actual numbers. Third, the multitude of perpetrators of arbitrary arrests, enforced disappearances, torture, and violence, who in some cases are unknown, and in other cases are semi-official authorities. Fourth, the multiplicity of efforts to release detainees, especially unofficial efforts that have been negotiated locally.

During the Stockholm consultations in Sweden at the end of December 2018, it was reported that there were approximately 15,000 detainees being held by the parties to the conflict, but human rights defenders and specialists believe that the actual number of detainees is higher.⁽¹²⁾

It seems that a very large percentage of those arbitrarily detained during the conflict were subjected to systematic physical and psychological torture, especially those detained on political backgrounds. Press reports observed the death of approximately 130 detainees in the prisons of the Houthi group during the war period,⁽¹³⁾ while NGOs have observed more than ten deaths in the detention centers of the Southern Transitional Council in Aden and Hadramout, and a few cases in Marib, as well as on the west coast.

(12) Forgotten detainees. Al Jazeera Location <https://www.aljazeera.net/news/2020/11/3/%D9%85%D8%B9%D8%AA%D9%82%D9%84%D9%88%D9%86-%D9%85%D9%86%D8%B3%D9%8A%D9%88%D9%86-%D9%81%D9%8A-%D8%A7%D9%84%D9%8A%D9%85%D9%86>

(13) Human slaughterhouses source online <https://almasdaronline.com/articles/293862>

THE COURSE OF THE YEMENI WAR

25 MARCH 2021

ANNOUNCEMENT OF THE POLITICAL BUREAU OF THE NATIONAL RESISTANCE LED BY TARIQ SALEH IN THE CITY OF MOKHA

DECEMBER 2017

CONFRONTATIONS BROKE OUT BETWEEN THE TWO SIDES OF THE SANAA COALITION, FORMER PRESIDENT SALEH, AND THE HOUTHIS

16 JULY 2015

THE SOUTHERN RESISTANCE FORCES ANNOUNCE THE RECAPTURE OF THE CITY OF ADEN FROM THE HANDS OF THE HOUTHIS

MAY 6, 2015

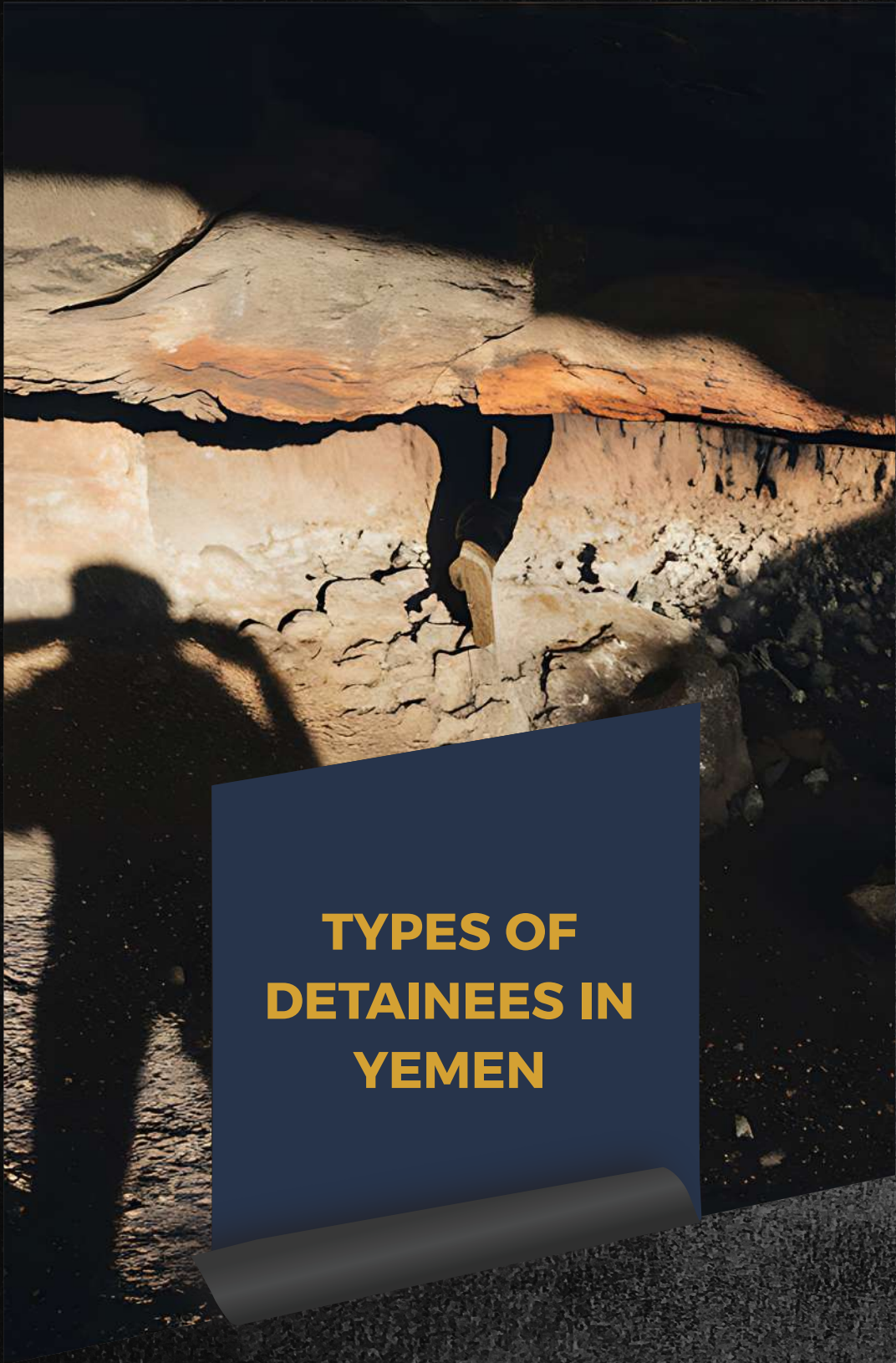
THE ANNOUNCEMENT IN TAIZ OF THE FORMATION OF A MILITARY COUNCIL TO MANAGE OPERATIONS AGAINST AL-HOUTHIS

MARCH 26, 2015

THE ARAB COALITION LED BY SAUDI ARABIA ANNOUNCED INTERVENTION IN YEMEN ALONGSIDE THE LEGITIMATE YEMENI GOVERNMENT

SEPTEMBER 21, 2014

THE HOUTHIS TOOK CONTROL OF THE CAPITAL, SANAA



TYPES OF DETAINEES IN YEMEN

According to the criteria adopted by the UN's Working Group on Enforced Disappearances, the arbitrarily detained are those who have been detained because of their political opinions or beliefs, or for practicing peaceful political activity, or because of their intellectual opinions which the de facto authority considers threatening, or those who engage in public activity, whether journalistic, civil, political, social or trade union. In light of the above, and based on SAM's documentation of this issue and review of media and human rights groups' reports, arbitrarily detained persons in Yemen can be divided into the following categories:

TYPES OF POLITICAL DETAINEES IN YEMEN



POLITICAL DETAINEES DUE TO PARTY AFFILIATION:

This category includes two subcategories of arbitrarily detained individuals:

As for this category, they include workers in relief organizations, foreign embassies, or local civil society organizations, and they have been charged with fabricated charges such as espionage and working for hostile foreign countries. For example, the case of the activist "Fatima Al-Arouli," the head of an organization, was arrested in August 2022, and a death sentence was issued against her. December 5, 2023, on charges of cooperating with the UAE.

Independent-Minded Individuals: This subcategory consists of people with political, intellectual, and religious views who were arrested due to their public activities, which conflict parties considered opposed to their orientations. Documented cases include women or men detained for protesting to demand their salaries and workers from northern governorates. Additionally, five cases involve activists of the Baha'i faith arrested during a special meeting in Sana'a on May 25, 2023.

Workers in Relief and Civil Society Organizations: This subcategory includes individuals working for relief organizations, foreign embassies, or local civil society organizations, who were detained on fabricated charges such as espionage and working for hostile foreign countries. Notable cases include Fatima al-Arouli, the head of an NGO arrested in August 2022 and sentenced to death on December 5, 2023, for allegedly cooperating with the UAE.

In a recent campaign, the Houthi group targeted employees of UN organizations and foreign embassies in Sana'a, claiming to dismantle an "American-Israeli espionage network." This campaign, which began on May 31, 2024, follows a previous campaign targeting US embassy employees. Allegations of espionage, punishable by execution in Yemen, are largely based on coerced "confession" videos criticized for lacking credibility. The number of detainees in this campaign has exceeded sixty civilians. There are concerns that the campaign may expand to include those who traveled to the US for cultural exchange programs or participated in programs bringing Americans to Yemen.

Many political activists and journalists were subjected to arbitrary arrest because of their political opinions and positions on the parties to the conflict. Among the most prominent arbitrarily detained people in this context are political activists belonging to Yemeni political parties, politically independent people who hold independent opinions, and journalists who criticized violations and practices of one of the parties to the conflict.

Recent arrests have intensified incitement against aid workers and civil society, with public campaigns urging citizens to report “suspicious activities,” threatening the safety and operations of humanitarian efforts in Yemen.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 18: “Everyone has the right to freedom of thought, conscience and religion.”

Article 19: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

Article 20: “Everyone has the right to freedom of peaceful assembly and association; no one may be compelled to belong to an association.”

ARBITRARILY DETAINED FOR POLITICAL REASONS

Many political activists and journalists have been arbitrarily arrested for their political views and positions towards parties to the conflict. Among those arbitrarily detained in this context are political activists affiliated with Yemeni political parties, politically independent people with independent opinions, and journalists who have criticized abuses and practices by one of the parties to the conflict.

One of the most prominent political detainees to emerge during the conflict is the leader of the Yemeni Islah Party, Muhammad Qahtan, who was arrested and forcibly disappeared by the Houthi group on April 15, 2015. Another prominent political detainee is Dr. Mustafa Hussein Al-Mutawakel, the head of the General Authority for Investment in the Houthi government, who was arrested at the “Falaj” point in Marib Governorate after returning from Sayoun Governorate following his participation in a conference in Morocco, and remains forcibly disappeared today.

More recently, Judge Abdul Wahab Qotran was arrested on January 2, 2024 for supporting the demands of public sector employees and criticizing the practices of the Houthis in the Red Sea. He was released from detention on June 12, 2024.

Many Yemeni ministers and party leaders were previously arrested and later released, most of them from the Islah Party. Examples include Dr. Abdul Razzaq Al-Ashwal, Minister of Technical Education in the legitimate government, who was arrested during the Houthi takeover of Sana'a; Ali Al-Hadmeh, Head of the Student Department of the Islah Party in the capital Sana'a; Dr. Abdul Rahman Al-Samawi, Professor of Pathology at the University of Sana'a and a leader in the Islah Party; Dr. Mohammed Al-Adil, a leader in the Islah Party and head of the Media Department for the Islah party in the capital Sana'a, who was released on January 16, 2016;⁽¹⁾ and Dr. Fathi Al-Azab, a presidential candidate in the 2010 elections, and a leader in the Islah Party, who was released on July 7, 2015.

These violations against political activists and journalists continue in light of the ongoing conflict in Yemen, reflecting significant challenges in the field of human rights and political freedoms.

In December 2017, the political and military relationship between former Yemeni President Ali Abdullah Saleh and the Houthi group ended, and the two parties entered into an armed confrontation, which ended with the killing of President Saleh. As a result, the Houthi group launched a campaign of arrests that affected many of the sons and relatives of President Saleh, including: Midian, Salah Ali Abdullah Saleh, Muhammad Muhammad Abdullah Saleh, and Afash Tariq Saleh.

(1) Houthis release minister and four other leaders http://arabic.news.cn/2016-01/16/c_135016014.htm

Torture was practiced by parties to the conflict against victims without discrimination, and it became a prevalent pattern in the absence of accountability mechanisms, as unofficial detention centers spread that are not subject to the supervision of judicial authorities, or to regular inspection by the Public Prosecution and competent authorities, and civil rights society cannot access them.

On October 11, 2017, an armed force affiliated with the Southern Transitional Council in the city of Aden raided the headquarters of the Islah Party, and arrested Ahmed Abdul Malik, Assistant Secretary of the Islah party in the temporary capital of Aden; Dr. Aref Ahmed Ali, a member of the Shura Council for the Islah party in Aden; and Ayman Shakib, one of the leaders of the resistance in Aden Governorate, and a leader of the Islah party in the city of Al-Qal'ah; and others.⁽²⁾

On June 20, 2020, a security force affiliated with the Southern Transitional Council arrested Dr. Taher Abdullah Abdul Jabbar Al-Qubati (47 years old) at the Al-Elm checkpoint, the eastern entrance to the city of Aden, before being released on January 17, 2021.⁽³⁾

And on June 10, 2016, the secretary-general of the Islah party was arrested after his home was stormed in the 22 May neighborhood in the Al-Dis area of Al-Mukalla, and he was taken to a secret prison at Riyan Airport, before being released on March 14, 2019.⁽⁴⁾

(2) https://alislah-ye.com/news_details.php?sid=714 Sahwa Net

(3) SAM Organization <https://dg.samrl.org/?l=a/10/A/c/1/69/71/3919>

(4) <https://yemenshabab.net/news/44979> Yemen Shabab

ARBITRARY DETENTION CENTERS

Torture has been practiced by the parties to the conflict against victims without discrimination, and it has become a prevailing pattern in the absence of accountability mechanisms. Warring parties operate informal detention centers that are not subject to the supervision of judicial authorities, or to regular inspection by the Public Prosecution and the competent authorities, and cannot be accessed by civil society rights groups. These facilities do not meet required standards as stipulated by the UN's Standard Minimum Rules for the Treatment of Prisoners, nor do they meet other national and international standards in terms of conditions and services.⁽⁵⁾ Since 2017, human rights organizations, including SAM, have tracked the proliferation of unofficial detention centers, which often provide illegal cover for enforced disappearance and torture against victims, without distinction between men and women. Two types of detention centers can be distinguished that hold those arbitrarily detained on political and intellectual grounds.

First, official detention centers: such as police stations and central prisons of the Ministry of Interior. The facts documented by SAM researchers in this project confirm the detention of many victims in police stations before they are transferred to unofficial detention centers or those run by intelligence agencies, such as the Political Security and National Security Agency.

Second, unofficial detention centers: These are detention centers that are far from the supervision of the judiciary and belong to military leaders or leaders of the Revolutionary Committee of the Houthis. These unofficial centers include caves in the mountains, basements of houses, or cells in camps,⁽⁶⁾ as well as detention centers in the homes of political leaders and mosques in Sana'a. Examples of these unofficial detention centers include the Political Security facility, Bir Ahmed prison, the Waddah Hall in Aden, Prison 400 on the West Coast, and the Mud Prison in Sayoun.

(5) <http://hrlibrary.umn.edu/arab/b034.html> Standard Minimum Rules for the Treatment of Prisoners

(6) <https://samrl.org/?a=10/A/c/1/69/71/3591/>
<https://samrl.org/?a4113>
<https://samrl.org/?a3784>

ARBITRARY DETENTION CENTRES



OFFICIAL DETENTION CENTERS:



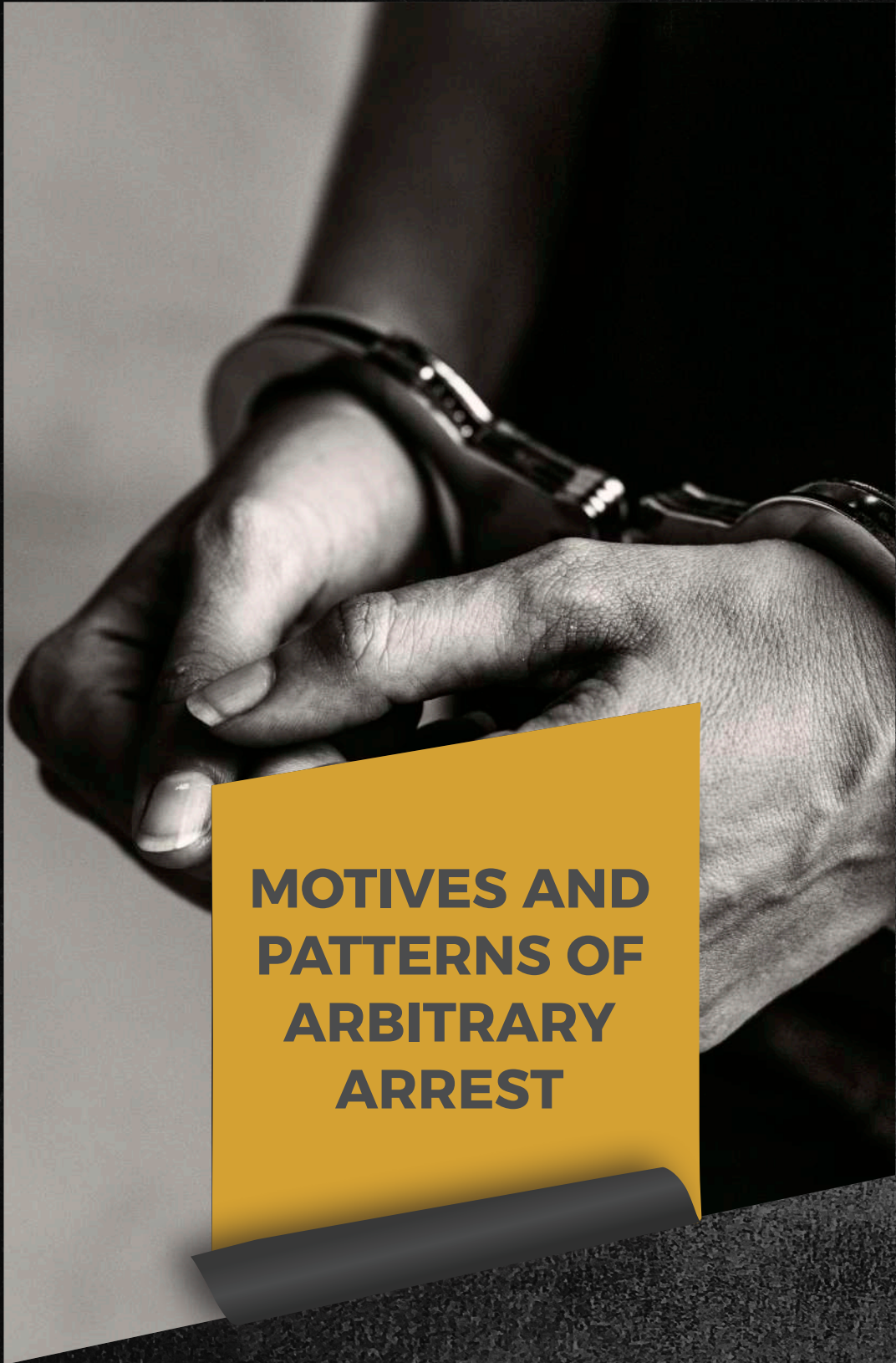
SUCH AS POLICE STATIONS AND
CENTRAL PRISONS AFFILIATED
WITH THE MINISTRY OF
INTERIOR



UNOFFICIAL DETENTION CENTERS:



WHICH IS FAR FROM THE
SUPERVISION OF THE JUDICIARY,
AND IS AFFILIATED WITH MILITARY
LEADERS OR LEADERS IN THE
REVOLUTIONARY COMMITTEE
AFFILIATED WITH THE HOUTHIS, OR
LEADERS OF CAMPS LED BY ALL
PARTIES.



**MOTIVES AND
PATTERNS OF
ARBITRARY
ARREST**

Majed Ahmed Al-Bazli, 31 years old, was arrested on August 1, 2015. Majed says: "They arrested me on charges of cooperating with legitimacy, rejecting the Houthi revolution on September 21, 2014, and participating in the rejection movement."

ARBITRARY DETENTION FOR POLITICAL REASONS

Former detainees at Houthi detention centers (Ansar Allah) and others in detention centers under the control of STC forces in the city of Aden reported being subjected to very harsh interrogations during which interrogators accused them with fabricated charges, such as belonging to the pro-Arab coalition Islah Party, or working with the Saudi-led Arab coalition.

Other charges related to providing the enemy with information. Detainees held in lockups run by the UAE-backed Southern Transitional Council reported being accused of working for the Houthis or the Brotherhood. In addition, some detainees, especially journalists, were accused of publishing opposition content on social media. The following are examples of such arrests:

Majid Ahmed Al-Bazli, 31 years old, was arrested on August 1, 2015. Majed says: "They arrested me on charges of cooperating with the legitimate government, rejecting the Houthi revolution of September 21, 2014, and participating in the rejection movement."

Shoaib Al-Shami, 32 years old, was arrested on August 31, 2015, on charges of participating in a cell working for the benefit of the legitimate government and the Arab coalition.

Abdel Fattah Jamajem was arbitrarily arrested at one of the checkpoints of the Hadrami Elite Forces in Hadramawt, on charges of spreading false news that disturbs the public peace and criticizing the role of the United Arab Emirates in Yemen.

Mayas Maher, the brother of journalist Ahmed Maher, was arrested with his brother on August 7, 2022, and was detained by the Dar Saad police of the STC in Aden, before being released later. Maher told SAM, "Ahmed was arrested because of his political positions against the STC,

Mayas Maher and his brother, a journalist, Ahmed Maher, were arrested on August 7, 2022, and placed in the Dar Saad police station affiliated with the Transitional Council in Aden, before being released later. He says to SAM: "My brother Ahmed was arrested because of his political position against the Transitional Council. It is not the first time that Ahmed is at risk, as a decision was issued in 2019 to arrest him, but he managed to escape."

this is not the first time that Ahmed is at risk, as a decision was issued in 2019 to arrest him, but he managed to escape, and I was also detained in the Fifth Brigade prison in Lahj for five days, because of my political positions on the STC and the current situation in the city of Aden."

According to the cases documented by the organization during the project period, all victims were asked questions about their political affiliations and intellectual orientations, and fabricated charges were often brought in the victim's first investigation, and these accusations were repeated in all subsequent investigations accompanied by varying methods of psychological and physical torture. After extracting the victims' confessions under torture, these confessions were submitted to and adopted by the judicial authorities, leading the courts to issue judicial rulings based on fabricated charges resulting from the political and intellectual positions of the victim.

ARBITRARY DETENTION AND DISAPPEARANCE IN UNOFFICIAL PLACES

The cases documented by the organization's researchers involved the detention of victims in unofficial places of detention, which are not subject to judicial supervision, and provide opportunities for the victim to be forcibly disappeared for a period of time. This type of detention is often associated with illegal practices, such as torture and depriving victims of their legal right to counsel, in addition to a lack of transparency and record keeping. Victims may also be subject to extortion and find it difficult to communicate with the outside world.

The Houthi group, the Southern Transitional Council, and the rest of the parties have used unofficial detention centers to hide detainees arbitrarily for periods ranging from two weeks to eight months, some of them permanently. Dozens of detainees still languish in unofficial detention centers today. Detainees in these prisons are subjected to deliberate humiliation and intimidation with the aim of extracting confessions from them.

Likewise, journalist Adel Al-Hassani, who was arrested by forces affiliated with the Transitional Council on September 16, 2020, says: "They took me to a narrow cell, gave me a number, and stripped me of my name, so I became prisoner No. 5 in a solitary cell, where the prison had five cells in one row, and my cell was the last, and we had one bathroom for the five cells."

The authorities of the Southern Transitional Council continue to refuse to disclose any information about them.

In this context, Abd al-Rahman Ali al-Salawi, 29, who was arrested on July 24, 2015, recalls that when he was tortured in prison, "the interrogator used to ask me about my relationship with ISIS, Israel, America, Britain and the coalition, which are strange questions."

Journalist Adel Al-Hassani, who was arrested by forces affiliated with the Southern Transitional Council on September 16, 2020, says: "They took me to a narrow cell, gave me a number, and stripped me of my name, so I became prisoner number '5' in a solitary cell, where the prison had five cells in one row, and my cell was the last, and we had one bathroom for the five cells. The cells were weapons depots from the days of the British occupation, and their doors were heavy and thick, with one opening on the door to bring food, and the thickness of the wall as much as the hand extends to the wrist." He adds: "We were deprived of sleep because of the night lighting, as a large electric searchlight continuously illuminated the place throughout the night, in addition to the presence of dirt in the prison. The cells were filled with urine, there were lots of mosquitoes and the heat was extreme. There were no blankets, only discarded mattresses, full of mixed smells, some of them from former prisoners."

In Aden, lawyer Sami Yassin has been detained since November 16, 2023 in one of the detention centers of the Nasr camp in Aden run by the Security Belt, led by Jalal Al-Rubaie.

In the areas under the control of the Houthi Ansar Allah group, Saghir Farea, the brother of detainee Muhammad Farea Ahmed Farea, who has been detained since September 29, 2015, described to SAM the detention site where his brother is held, saying: "He was first detained in the National Security Prison in the Sarf area, and then transferred to one of the secret prisons in one of the mountain caves in Shibam district, which was dedicated to livestock, and this detention lasted for two years."

According to the monitoring and documentation records of the 32 cases included in the project, all arbitrary arrests of victims were without judicial supervision, no judicial orders or directives for arrest were presented, and victims were not informed of the reasons for their detention.

We conclude that the manner in which detainees are held in these unofficial detention centers, and deprived of their human rights related to dignity and humane treatment, constitute a clear violation of Article 10 of the International Covenant on Civil and Political Rights, which states: “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person,” and Rule 1 of the United Nations Standard Minimum Rules for the Treatment of Prisoners, which states: “All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.”

ARBITRARY DETENTION WITHOUT WARRANTS

In general, and according to the documentation work conducted by SAM, we find that all victims of political detention were detained without judicial orders, official arrest warrants, or even without stating the reasons for the arrest. SAM believes that the de facto authorities referred to in this report often resort to these measures to obscure evidence indicating their responsibility for arbitrary detentions and the subsequent enforced disappearance, physical torture, and sexual torture of victims. Such practices constitute a clear violation of rule 99 of the ICRC customary rules of international humanitarian law, which states that “arbitrary deprivation of liberty is prohibited,” as well as paragraph “A” of Article 3 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949, which states: “The following acts are and shall remain prohibited at all times and places with respect to the above-mentioned persons: assault to life and physical integrity, in particular murder in all its forms, mutilation, cruel treatment and torture.”

Of the 32 cases of arbitrary arrest documented in the report, all victims were held without judicial supervision, and no judicial orders for detention were shown, nor were the victims informed of the reasons for their arrests. Victims were often forcibly disappeared without the knowledge of the judicial authorities, whether the Houthi de facto authorities, or those affiliated with the Southern Transitional Council.

A 2013 bus worth 6 million riyals was looted, and another Hilux double cab 2004 car worth 2 million riyals was looted, and people lost four million riyals in transactions and bribes to supervisors in order to release me," said former detainee Abdul Hakim al-Ansi.

The organization observed abuses of power by both parties in the conflict, demonstrating a lack of respect for the Geneva Conventions and disregarding the necessary legal procedures to prevent the arbitrary deprivation of liberty. These procedures include the obligation to inform the person being arrested of the reasons for their detention, the requirement to bring the person detained on criminal charges before a judge without delay, and the necessity of providing the person deprived of their liberty an opportunity to challenge the legality of their detention.⁽¹⁾ Unfortunately, none of these rights were afforded to the victims interviewed by SAM researchers.

ARBITRARY ARREST AND SYSTEMATIC LOOTING OF VICTIMS

According to the testimonies documented by SAM's team, arbitrary detention was accompanied by the looting of the victims' money and property, and in some cases demands for ransom and financial extortion of the victims' families, in order to release or mediate the release of their relative. The looting of victims' property included their possessions at the time of detention, such as money, phones and computers, and the looting of other property such as the victims' cars or even the goods in shops owned by them.

"A 2013 bus worth 6 million riyals was looted, and another Hilux double cab 2004 car worth 2 million riyals was looted, and people lost four million riyals in transactions and bribes to supervisors in order to release me," said former detainee Abdul Hakim al-Ansi.

(1) Rules of international law <https://ihl-databases.icrc.org/ar/customary-ihl/v1/rule99>

Mohammed Al-Harazi, 45, who was arrested on October 11, 2015, says: "After my arrest, the Houthis looted all my property, including agricultural land contracts in Sudan, apartments for housing workers, and refrigerators for fruits and vegetables. They also broke into my house in Madhbah and a local shop and looted a banana refrigerator worth nearly 200 million riyals, turning me from an investor into a poor man with nothing

Asaad Abdo Ahmed al-Wael, who was arrested before his marriage at one of the checkpoints located on the road to Ibb governorate operated by the Ansar Allah group (Houthis), says, "They looted the wedding and bridal clothes, as my wedding was near, and large sums of money were taken from my possession."

The victim Mohamed Ahmed Saleh Farea, reports: "My family lost five million riyals to the supervisors, in exchange for promises of release, and my house and property, including the farm in the village, were lost."

Aqaba al-Sharafi says: "I was arrested at my store, and all the contents of the shop were looted, including phones and computers, which are estimated to be worth 15,000 US dollars."

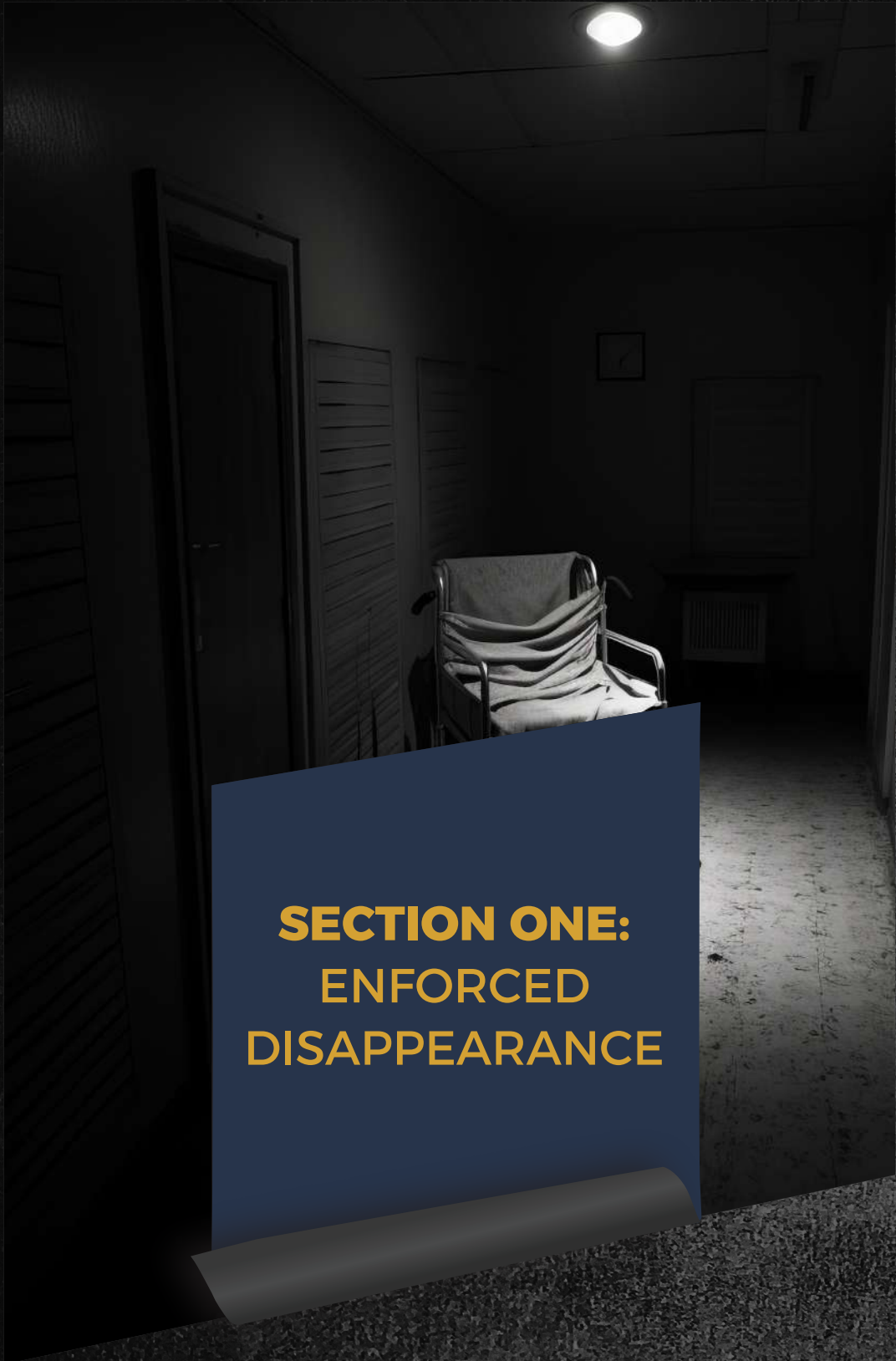
In the case of Saddam Hussein Moawad, who was detained on September 9, 2018, from the capital, Sana'a, his family spent fifteen million Yemeni riyals in exchange for promises to release him, and his father's house consisting of five apartments was looted and occupied on Sana'a Street in the city of Al-Mahwit. Finally, the Houthi group confiscated a shop for construction materials and plumbing and looted the goods in it, which are estimated to be worth thirty million riyals.

Mohammed Al-Harazi, 45, who was arrested on October 11, 2015, says: "After my arrest, the Houthis looted all my property, including agricultural land contracts in Sudan, apartments for housing workers, and refrigerators for fruits and vegetables. They also broke into my house in Madhbah and a local shop and looted a banana refrigerator worth nearly 200 million riyals, turning me from an investor into a poor man with nothing."



CHAPTER TWO:

**ENFORCED
DISAPPEARANCE
AND TORTURE**



**SECTION ONE:
ENFORCED
DISAPPEARANCE**

Enforced disappearance occurs when the authorities detain a person and deny their detention or do not reveal their fate and whereabouts

The figures presented for forced disappearances, which are based on reported cases, are estimates. A total of 270 cases of forced disappearance have been documented

Enforced disappearance occurs when the authorities detain a person and deny their detention or do not reveal their fate and whereabouts. “Disappeared” persons often face a greater risk of torture and ill-treatment, especially when detained outside official detention facilities such as police stations and prisons.⁽¹⁾

Most of the detainees documented by SAM for this report were subjected to enforced disappearance in various cities after their arbitrary arrest. In 28 out of 32 documented cases, detainees’ families did not know where their relatives were detained or the reason for their detention, and when the location of the detainee was revealed, the family was unable to reach them.

Investigations by the Group of Eminent Experts confirm that arbitrary detention is widespread throughout the country, as well as ill-treatment and torture in some detention centers. In most cases, detainees are not informed of the reasons for their arrest, no charges are brought against them, they are prevented from communicating with their lawyers or the judiciary, and they are isolated from the outside world for prolonged periods of time, as parties use undeclared detention facilities in an apparent attempt to keep detainees outside the law.

(1) Human Rights Watch Widespread Arbitrary Detention <https://www.hrw.org/ar/news/2016/11/17/296234> هيومن رايتس ووتش



270

A CASE OF FORCED
DISAPPEARANCE

93

INCIDENT IN
AL-HUDAYDAH
GOVERNORATE.

44

INCIDENT IN
HAJAH
GOVERNORATE.

27

INCIDENT IN TAIZ
GOVERNORATE.

12

INCIDENT
IN SANA'A
GOVERNORATE.

50

INCIDENT
IN ADEN
GOVERNORATE.

STATISTICS AND FIGURES

It is not possible to provide a definitive statistic of the number of forcibly disappeared persons in the prisons of the warring parties in Yemen, due to numerous challenges such as the remoteness of Yemeni areas, a lack of reporting by victims, and the absence of official bodies responsible for monitoring and documentation. In its report titled Long Absence, issued on August 30, 2021, ⁽²⁾ SAM attempted to provide a rough picture of detention in Yemen. The organization documented 270 cases of enforced disappearance including 93 in Hodeidah Governorate, 44 in Hajjah Governorate, 27 in Taiz Governorate, 12 in Sana'a Governorate, 50 in Aden Governorate under the control of the UAE-supported STC, and 5 incidents committed by forces affiliated with the legitimate government. In addition, there is an unspecified number of fighters in the southern border who were forcibly disappeared in prisons within the borders of the Kingdom of Saudi Arabia, such as the Air Force detention center in Jazan. SAM did not document any forcibly disappeared women, with the exception of women who were temporarily subjected to enforced disappearance in illegal prisons as documented in the reports "What is Left For Us" and "Women in Yemen - Five Years of War."

(2) Long Absence Report <https://samrl.org/?a4292>



In addition to the former detainee, Mujahid Mafal, who was forcibly disappeared for eight months, and was moved between three detention centers, the first of which was the home of the head of the Al-Rashad Party, Mohammed Musa Al-Amiri, - which was confiscated by the Houthis - and where he was subjected to severe torture, including beatings with batons, kicking, slapping, and threats, says Mafal. "They threatened to kill me with a gun, and my beating continued for three days, and they left me hanging from the ceiling while I was blindfolded."

CIRCUMSTANCES OF ENFORCED DISAPPEARANCE

Parties to the conflict in Yemen have practiced torture against forcibly disappeared victims. Enforced disappearance itself represents a form of cruel psychological torture, and it often involves the physical torture of the victim as well.

The testimonies documented by the organization's researchers confirm that the parties to the conflict in Sana'a and Aden used a network of detention facilities, some of which are official and others unofficial, far from any judicial supervision, to forcibly disappear victims. Through interviews it was found that more than 75% of the documented victims were subjected to enforced disappearance, especially in the first months of detention, and were transferred between more than one official and unofficial detention site. This indicates that there is a common methodology to enforced disappearance as practiced by Yemen's warring parties, which is used as a type of psychological torture, in violation of obligations under international human rights law and international humanitarian law, which criminalize enforced disappearance.

Cases documented by SAM include the journalist Tawfiq al-Mansouri, who was subjected to enforced disappearance for more than three months, and moved between seven detention sites in the capital Sana'a. The former detainee Ismail al-Ghayeb, who was arrested on July 20, 2015, was moved between seven official and unofficial detention sites, such as the Bagel facility, the central prison in Amran, a private prison in the city of Shibam Kawkaban, the Political Security prison in Saraf area, and the Political Security prison in Sana'a. In addition, former detainee Mujahid Mafal was forcibly disappeared for eight months, and moved between three detention sites, the first of which is the house of the head of the Rashad Party, Muhammad Musa al-Amiri, which was confiscated by the Houthis. Mafal was severely tortured at this location, including being beaten with batons, kicked and threatened. Mafal says: "They threatened to kill me with a gun, and my beating continued for three days, and they left me hanging from the ceiling while I was blindfolded."

The former detainee, journalist “Abdul Khaleq Omran,” reported that they remained forcibly disappeared in several prisons to which they were transferred, for a period of six months, while the former detainee, “Abdul Rahman Al-Salawi,” 29 years old, who was arrested on July 24, 2015, said: “I remained forcibly hidden for eight months, Before my relatives were allowed to visit me, and the first visit my family was allowed to the prison was eight months later, when my mother visited me.”

ENFORCED DISAPPEARANCE FOR PROLONGED PERIODS OF TIME

Parties to the conflict have used unofficial detention centers to forcibly hide detainees for long periods of time, without judicial supervision, and deprive the detainee of his legal rights to contact a lawyer or his relatives, not to mention to be promptly brought before the judiciary.

According to testimonies documented by SAM's researchers, detainees in these centers were subjected to severe torture, and the suffering extended to the families and friends of the victims, who were unaware of the victim's status, health condition, where he was hidden, and the conditions of his detention.

At times, a relative of the victim, such as the father and mother, has died from the stress of their forcibly disappeared son's ordeal. In other cases parents have developed psychological trauma and chronic diseases, as SAM has documented in previous reports.⁽³⁾ The period in which the victims documented in this report were held in arbitrary detention range from six to eighteen months.

Former detainee journalist Abdul Khaleq Omran reported that he remained forcibly disappeared as he was transferred between several prisons for six months. Former detainee Abdul Rahman al-Selwi, 29, who was arrested on July 24, 2015, said: “I remained forcibly disappeared for eight months before my relatives were allowed to visit me—my first visit to the prison was eight months after I was detained, when my mother visited me.”

Journalist Hisham Al-Yousifi, 32, who was arrested by the Houthis on June 9, 2016, says: “In the cell there is no ventilation, and there is no place to sit, let alone sleep.”

The suffering and pain of enforced disappearance is felt acutely by the victim, who does not have any information about his family and children⁽⁴⁾ — what has happened to them since his arrest, how they are spending their time, or whether he will see them again. The victim also suffers from doubts that his family will be able to find him or communicate with him. This has resulted in profound physical and psychological effects for those who were later released.

The enforced disappearance of detainees constitutes a violation of Article 1 of the Convention for the Protection of Persons from Enforced Disappearance, which Yemen is not a signatory to, and which states: “No one shall be subjected to enforced disappearance, nor shall any exceptional circumstances whatsoever, whether a state of war or threat of war, internal political instability, or any other state of exception, be invoked to justify enforced disappearance.” In addition, Article 7 of the Rome Statute of the International Criminal Court states that “enforced disappearance is a crime against humanity.”

DEPRIVING POLITICAL DETAINEES OF THEIR BASIC RIGHTS

All victims of arbitrary arrest, enforced disappearance, and torture in Yemen whose cases were documented by SAM—including for the present report and in previous reports—were denied basic detainee rights, including access to food and clean water, access to medical care, the right to know the reasons for their arrest and detention, the right to a lawyer, the right to communicate with relatives, and the right to a fair trial.

Journalist Hisham Al-Yousifi, 32, who was arrested by the Houthis on June 9, 2016, says: “In the cell there is no ventilation, and there is no place to sit, let alone sleep.”

(4) Report of a letter to my father who is detained <https://samrl.org/l.html?l=a/10/A/c/1/70/72/4414>

Among the most serious violations practiced against political detainees is deliberate medical negligence

The brother of lawyer Yassin al-Sharjabi, 42, who was arrested on November 16, adds: “They placed the forcibly disappeared lawyer in a prison in Al-Nasr camp of the Security Belt, which is supervised by Jalal al-Rubaie, Fadel al-Aqil, and Mayas Haydara. They put him in a secret solitary cell that no one approaches, and there are no health services, and the toilets are dirty, in addition to the fact that the cell is polluted, and there are lots of mosquitoes, and the lights are kept on day and night.”

Among the most serious violations practiced against political detainees is deliberate medical negligence, and in this regard, SAM issued a report titled “Slow Death” ⁽⁵⁾ on February 2, 2019, which documents the dangers of medical negligence to which detainees and the forcibly disappeared are exposed. SAM’s reporting indicates that those responsible for detention centers ignored the health conditions of detainees and did not take into account the special needs of the elderly, people with chronic diseases, and/or those who contracted chronic diseases while in detention. These violations appeared to be carried out with the approval of the senior leaders of the parties to the conflict, who consistently ignored the complaints of local and international organizations about medical neglect.

These practices are contrary to Principle 13 of the UN’s Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which states: “Any person shall, at the moment of arrest and at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for his arrest, detention or imprisonment, respectively with information on and an explanation of his rights and how to avail himself of such rights.” Detainees’ right to be informed of their rights, and to contact relatives, has also been connected to Article 2 of the Convention against Torture.⁽⁶⁾

(5) Sam Slow Death Organization <https://samrl.org/?a3650>

(6) Amnesty International <https://www.amnesty.org/en/wp-content/uploads/sites/9/2021/06/>

TRANSFER TO OTHER PRISONS

Many detainees have been transferred to other prisons, often those featuring harsher conditions or located farther from their places of residence, where they begin a new chapter of suffering. This policy aims to isolate detainees from society, especially their families, and deprive them of their legal rights.

A number of detainees interviewed by SAM's researchers reported that they were transferred to more than one prison, which caused them great suffering, including the restarting of their interrogation and torture. In addition, their families could no longer reach them due to the travel distance necessary, or because some of detainees were transferred to caves, as in the case of the detainee Saghir Farea, or to underground detention centers, or to old weapons depots.

Examples of such cases include former detainee Harith Hamid, who was moved between several detention sites: the Hasbah Police Station, the Red Martyr's Section, the Criminal Investigation prison, Al-Thawra Reserve Prison, and the Political Security Prison. Detainee Issam Abdullah Saif, who was arrested by forces affiliated with the Southern Transitional Council, was transferred between Al-Qasr Prison, Jabal Hadid Prison, Badr Camp Prison, the Security Department Prison in Crater, and Al-Shaab Prison located in Al-Shaab City, most of which are secret prisons not subject to the control of the judiciary.

This constitutes a violation of Principle 20 of the Body of Principles for the Protection of Persons under Any Form of Detention or Imprisonment, which states: "A person or prisoner shall, if he requests and his request is possible, be placed in a place of detention or imprisonment reasonably close to his habitual residence."

mde120292011ar.pdf



**SECTION TWO:
TORTURE AND
OTHER CRUEL
TREATMENT**

It was noted that torture becomes more horrific in interrogation rooms and prolonged interrogations, and in addition to direct torture there are other acts that increase the suffering of the victims, such as deprivation of visiting relatives, deprivation of going to the toilet, unhealthy food, and unhygienic bedrooms full of insects, in addition to deliberate medical neglect.

SAM's investigations indicate that torture begins from the first days of detention and is often accompanied by enforced disappearance. The organization found that torture is committed in official detention centers under the supervision of the judicial authorities in the de facto areas of Sana'a and Aden, such as police stations and central prisons, as well as in unofficial detention centers that are not subject to the judicial authorities.

SAM noted that torture grows increasingly severe during prolonged interrogations in interrogation rooms. In addition to direct torture, other acts increase the suffering of victims, such as the denial of family visits; denial of access to toilets; the provision of unhealthy food; unhealthy bedrooms full of insects; and deliberate medical negligence.

As for psychological torture, detainees were insulted during interrogations, and threatened with execution in the event of non-compliance with the statements dictated to them. They were threatened with being placed in sites likely to be targeted by warplanes, as human shields, as happened in previous incidents, as well as with displacement and forced deportation after release.

Based on the cases documented by the organization, common means of torture in the prisons of the parties to the conflict in Yemen include severe beatings, electric shocks, deprivation of rest and sleep, lack of access to adequate food, mock executions, being insulted in front of family—in cases where family visits are allowed for a period of five minutes—as well as solitary confinement in narrow rooms called "pressure rooms."

In this context, SAM obtained testimonies from survivors stating that they were subjected to brutal types of torture, especially in the first days of detention and/or disappearance. However, there is no time limit at which the detainee/disappeared person will stop being tortured. Various types of psychological and physical torture will be presented in later chapters.

It must be noted that any use of force that is not strictly necessary to ensure the proper conduct of the detainee constitutes an attack on the dignity of the person.



WIDESPREAD TORTURE

In the absence of real and effective international and local monitoring and accountability mechanisms in Yemen, it was frighteningly clear that systems and methods of torture are widespread in official and unofficial detention centers, whether in areas controlled by the legitimate government in Marib, the west coast, Aden, and Hadramawt, or in the areas of the de facto authorities in Sana'a and the rest of the governorates under its control. In previous reports,⁽¹⁾ SAM monitored the spread of informal prisons in multiple and remote areas, including homes, health units, schools, caves, warehouses, and canteens.

According to statistics previously collected by SAM, torture resulted in the death of more than 150 victims who were detained on political grounds, or for other reasons related to the ongoing conflict in Yemen.

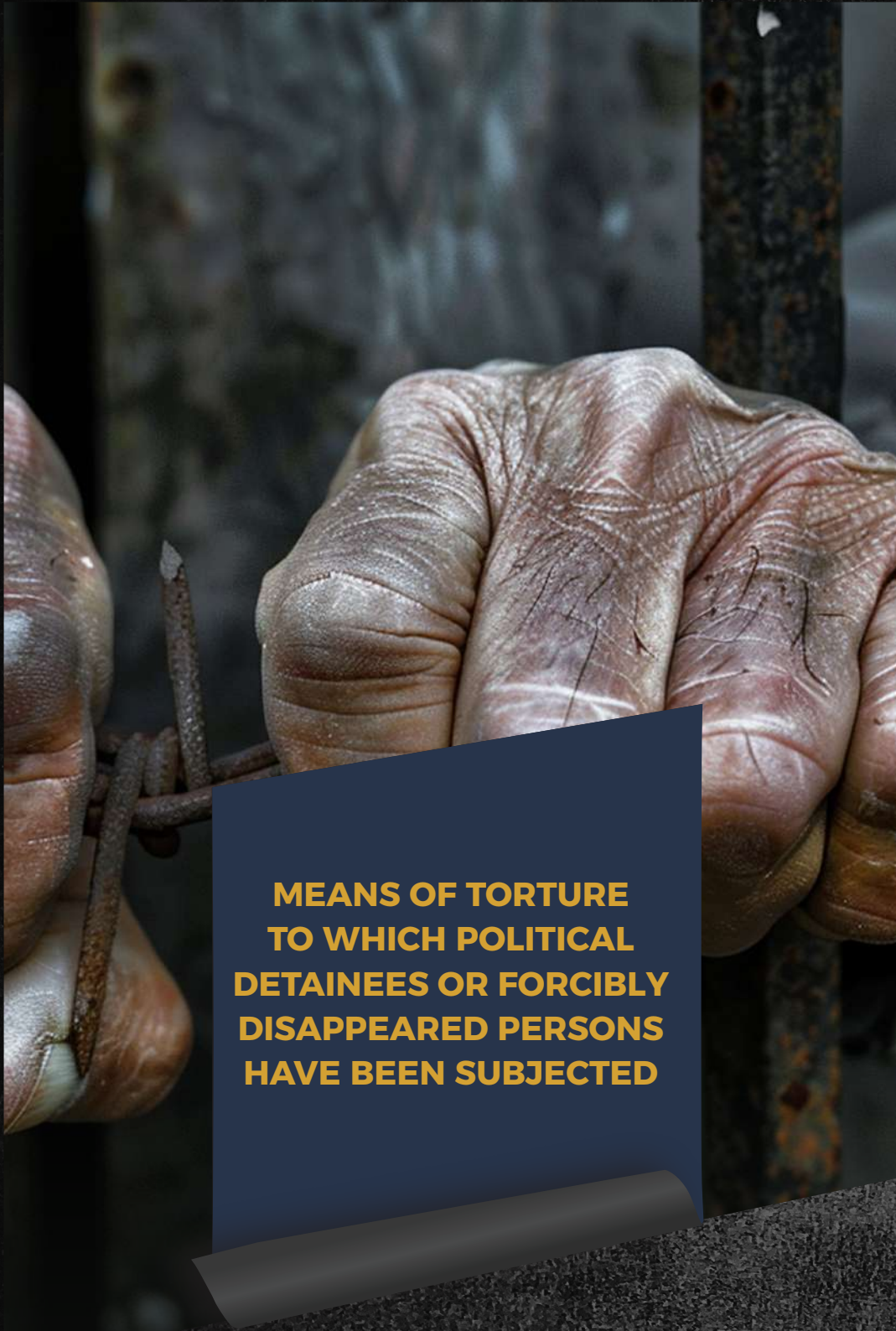
Through the monitoring and documentation carried out by SAM researchers, in addition to previous reports issued by SAM,⁽²⁾ the organization found that the vast majority of arbitrarily detained persons were subjected to torture or other forms of cruel treatment. This includes sexual violence against women⁽³⁾ who were detained in the Houthi group's official and unofficial prisons.⁽⁴⁾

(1) Demand for the closure of illegal detention centers <https://samrl.org/l?a3591>

(2) Sam Organization Al-Saleh Detention <https://samrl.org/l?a3805> . . A statement entitled "The Houthi group's demands to close illegal detention centers"

(3) Sam's organization, what is left for us, women Five years of war . <https://samrl.org/l?a3653>

(4) The most famous prisons that talked about the released women. The so-called home in Sana'a can be returned to the report of the long absence page



**MEANS OF TORTURE
TO WHICH POLITICAL
DETAINEES OR FORCIBLY
DISAPPEARED PERSONS
HAVE BEEN SUBJECTED**

02

PROHIBITION
FROM VISITS TO
RELATIVES

01

TRANSACTION OR
CRUEL OR INHUMAN
PUNISHMENT
OR HUMILIATING
AND TORTURE
WHILE IN
DETENTION

03

LACK OF HEALTH
SERVICES AND
CLEAN EATING

PSYCHOLOGICAL
TORTURE IN
FRONT OF THE
FAMILIES

04

He was hidden in the prison of the Shibam and Morse Directorate. He was subjected to severe and cruel torture. They put him in a dark solitary cell inside a cliff, in his underwear, for more than two years, during which he was suspended in the shape of a fish and ice cubes were placed on him. He was beaten with cables all over his body, and he was subjected to electric shocks on its legs.

He was hidden in the prison of Shibam district and was subjected to severe and cruel torture. They put him in a dark solitary cell inside a cliff, in underwear, for more than two years. He was hanged like a fish, and weighed down with ice molds, and beaten with cables across his body, and his legs were electrocuted.

In the context of gross human rights violations, political detainees and forcibly disappeared persons are subjected to various types of torture. These practices, aimed at breaking the will of individuals and silencing dissenting voices, run counter to the fundamental principles of human dignity and justice.

This chapter aims to shed light on the brutal methods used against these individuals, and to review the physical and psychological effects of these heinous acts, in order to promote awareness and the need for international accountability.

CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT AND ACTS OF TORTURE IN DETENTION

Multiple means were used to torture victims during interrogation sessions, to force them to sign and fingerprint documents, even while blindfolded, and to acknowledge their alleged responsibility.

SAM's researchers noted a prevailing pattern of torture to which most of the interviewed victims were subjected. This included beatings with a stick across the body for long hours, and electric shocks, with the aim of extracting confessions to fabricated charges.

Saddam Al-Rawhani, who was arrested by the Houthis on September 25, 2016, from Al-Hasaba Street in the capital Sana'a, and taken to the Hassia police station on charges of belonging to the Islah Party,

Abdul Ilah Ceylon, who was arrested on August 19, 2015, related a similar experience: “About ten people beat me on my stomach and back with a thick stick and electric wires, they beat me for four hours, and they repeated the torture every second day—they would interrogate me after suspending me from above. They continued in this way for a month, after which I was locked in a solitary cell for months, in an effort to extract a confession from me on fabricated charges, most notably that I am a member of a cell working for the coalition and legitimate government.”

“They accused him [Muhammad] of working for the aggression in Al-Mahwit, within the coordinates cell. He was tortured by a person called Muhammad Al-Hamdani, and they beat him for three hours continuously in his stomach, back, and legs, and asked him to confess to the charges against him

says: “I was severely beaten, and the investigator wanted me to sign ready-made confessions, that I was a member of a cell working for the coalition and legitimate government. When I refused to sign those charges, they beat me with a big stick, and they kicked me across my entire body, and they electrocuted different parts of my body.”

Abdul Ilah Ceylon, who was arrested on August 19, 2015, related a similar experience: “About ten people beat me on my stomach and back with a thick stick and electric wires, they beat me for four hours, and they repeated the torture every second day—they would interrogate me after suspending me from above. They continued in this way for a month, after which I was locked in a solitary cell for months, in an effort to extract a confession from me on fabricated charges, most notably that I am a member of a cell working for the coalition and legitimate government.”

Another account was related by Saghir Farea, the brother of the detainee Muhammad Ahmad Saleh Farea from Al-Mahwit Governorate, who was arrested on September 29, 2015, and transferred to the National Security Prison in Saraf area in the capital Sana ‘a. Saghir Farea said: “They accused him [Muhammad] of working for the aggression in Al-Mahwit, within the coordinates cell. He was tortured by a person called Muhammad Al-Hamdani, and they beat him for three hours continuously in his stomach, back, and legs, and asked him to confess to the charges against him. This continued for a week, and then they tortured him with electrocution until the fingernail of his pinky finger was ripped off from his left hand, then they threw him in a solitary cell.”

Saghir Farea added, “He was transferred to the prison of Shibam district and was subjected to severe and cruel torture. They put him in a dark solitary cell inside a cliff, in underwear, for more than two years. He was hanged like a fish, and weighed down with ice molds, and beaten with cables across his body, and his legs were electrocuted.”

One time, they agreed to visit my young son, my wife, my mother, and my uncle. After a careful and humiliating search, they entered, and when I went out to the prison yard, the soldiers spread out and surrounded the place, and loaded weapons. They frightened my mother and my wife and were shouting, "Let's move quickly." They only left us for three minutes. My wife cried. And my mother, to whom they had told at the gate, "Your son is an ISIS member, and we beat him with rifles."

The European Court of Human Rights considers that inhuman treatment includes treatment that "intentionally causes severe suffering, psychological or physical, and which cannot be justified in a particular case." "Humiliating treatment" includes treatment that demeans the victim and makes them feel fear, distress, inferiority, or humiliation.

SAM's research team concluded that the torture of detainees and forcibly disappeared persons has become a systematic and widespread policy in most official and unofficial detention centers, including some of the police stations affiliated with the Ministry of Interior, whose perpetrators remain free and unaccountable.

PREVENTING VISITS FROM RELATIVES

SAM's research team found that 29 of the 32 detainees documented for this report were prevented from family visits. The team concluded that preventing families from visiting their detained relatives was a form of torture, especially during the period of enforced disappearance, and during the early months of detention. The prohibition of family visits was used as a form of punishment against the victim in the detention centers under the control of the Political and National Security bureau in the capital Sana'a, as well as in detention centers in the governorates of Ibb and Aden.

In this context, former detainee Saddam Mouawadah, who was detained by the Houthis from September 9, 2018 to October 31, 2019, says: "I was forbidden visits in prison. My cousin worked in the Ministry of the Interior and came with orders to visit me, but they refused, and once an order came from the Minister of the Interior, but it was rejected." He adds: "Once they agreed to let my young son, wife, mother, and uncle visit, and after a careful and humiliating search, they entered, and when I went out to the prison yard, the military deployed and surrounded the place,

Including Article 23 of the Yemeni Prison Service Regulation Law, which states: "The prison administration must take care to take into account public health inside the prison, and undertake the treatment of prisoners, provide them with health and preventive care, and appoint specialized doctors in coordination with the Ministry of Public Health."

and they raised their weapons, as they scared my mother and my wife and were screaming, 'Move quickly!' They only left us for three minutes...My wife and mother cried. They told my mother at the gate, 'your son is in ISIS, and we beat him with rifles.'"

Tawfiq al-Mansouri, a journalist who was arrested on July 9, 2015, at the Bahr al-Ahlam Hotel on the northern 60th Street in Sana'a, says: "I was prohibited from visits for long periods of time. My first visit was several months later, in the Revolutionary Reserve Prison, for two minutes, and behind an iron barrier separating us a distance. I did not hear the words of my family because of the crowd. In addition, a soldier stood next to me at each visit."

LACK OF HEALTH SERVICES AND CLEAN FOOD

Detention facilities in Yemen are characterized by appalling conditions which make them unsuitable for human use, especially in light of the current war that has greatly exacerbated these conditions. The parties to the conflict have established informal detention centers that fail to meet the UN's Basic Principles for the Treatment of Prisoners,⁽¹⁾ and the Standard Minimum Rules for the Treatment of Prisoners,⁽²⁾ as well as Article 23 of the Prisons Authority Organization Law, which stipulates that: "The prison administration must take care of public health inside the prison, treat prisoners, provide them with health care and preventive care, and appoint specialized doctors in coordination with the Ministry of Public Health." In addition, prison conditions contradict the provisions of international human rights instruments, which require the provision of effective health care by independent doctors. Article (10) of the International Covenant on Civil and Political Rights also stipulates the right of the detainee to visit the doctor.⁽³⁾

(1) Standard Rules for the Treatment of Prisoners <http://hrlibrary.umn.edu/arab/b034.html>

(2) Basic principles of treatment. Prisoners <https://www.ohchr.org/ar/instruments-mechanisms/instruments/basic-principles-treatment-Prisoners>

(3) Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

The victim, Shuaib Ahmed Hazzam, who was arrested in August 2015, adds: “I was suffering from several diseases due to torture. There was no medical staff in the prison, not even first aid. Rather, they prevented me from going out to the prison yard to sunbathe, and I did not receive “That is only once every five or six months.”

The 32 cases documented by SAM’s research team in this report confirm that detention conditions in detention centers in Sana’a, Ibb and Aden are inhumane, and this seems to be a pattern prevailing in the detention centers in all governorates under the control of the parties to the conflict. Detention centers are so overcrowded that detainees sleep on top of each other in one room, and they do not have access to clean and adequate bedding. Facilities are filthy, poorly ventilated, and infested with insects, and consist of narrow rooms that do not accommodate two people—yet between six and nine individuals are detained in them. Testimonies confirmed that there is a lack of food, clean water, lighting, and ventilation, that detainees are prevented from going to the toilets when needed.

The situation is similar in detention centers in the areas controlled by the legitimate government in Aden governorate, and in detention centers affiliated with the forces of the Southern Transitional Council, but the detention centers affiliated with the Southern Transitional Council have far higher temperatures with no ventilation or appropriate means of cooling, due to the nature of the coastal area.

Former detainee Asaad Abdo Ahmed Al-Wail says: “They put me in a crowded group cell, and we slept on top of each other. The cell smelled bad and was full of insects, lice and bed bugs, and it was shut off from the sun and open air. Conditions in the cell cause skin disease, including scabies. I got scabies and they refused to give me any medicine. I went on a hunger strike for 85 days because of being placed in the cell. They punished me by preventing my family from visiting me.”

Shoaib Ahmed Hizam, who was arrested on August 2015, adds: “I suffered from several diseases due to torture. There was no medical staff or even first aid in the prison, and they prevented me from going out to the prison courtyard to take in the sun. I was only able to do so once every five or six months.”

PSYCHOLOGICAL TORTURE IN FRONT OF FAMILY

Former detainee “Uqba Al-Shawqi” reported, saying: “My grandmother, who was visiting me in prison in 2017, was involved in a traffic accident in the courtyard of the Political Security Prison by one of the military crews affiliated with the Houthis. She was taken to the hospital, and her condition remained deteriorating until she died in 2021, and I am still in prison, deprived of visiting her. Her death was painful for me, as she was the only one who visited me in prison.”

The testimonies collected by SAM’s researchers reveal that family visits were fraught with many risks. Prison supervisors deliberately scared detainees’ families by talking about their fate, or they insulted the detainee in front of his family to increase their suffering, whether through beatings, or using inappropriate words.

Former detainee Aqaba al-Shawqi reported: “My grandmother, who was visiting me in prison in 2017, had a traffic accident in the courtyard of the Political Security Prison with one of the Houthi military crews, and she was taken to the hospital, and she remained in a bad condition until she died in 2021, and I am still in prison, deprived of her visit. Her death was painful for me as she was the only one to visit me in detention.”

Tawfiq Al-Mansouri adds: “One time I was assaulted in front of my father, in the Revolution Reserve Prison, and the effects of torture were visible on my head and hands, and again I was assaulted in front of my mother, wife and children, in the Political Security Prison, and they dragged me away from them by force, and they assaulted me, and my mother almost fainted watching this scene. I still remember the screams of my children and my wife in that incident—I will never forget them.”



02

HAVING
CHRONIC
DISEASES

03

ISOLATION FROM
SOCIETY

01

DEATH OF
POLITICAL DETAINEE
OR FORCIBLY
DISAPPEARED
PERSON

The team concluded, through the testimonies it conducted with former detainees, that both sides of the conflict in Sanaa and Aden had used harsh torture methods in detention centers, to achieve a desired result from torture, in a way that affected the physical and psychological health of detainees, and these effects continued until after release, especially since Torture was accompanied by medical negligence.

DEATH OF POLITICAL DETAINEES OR THE FORCIBLY DISAPPEARED

During the Yemeni war, many local and international human rights organizations have documented many cases of detainees dying under torture in areas controlled by the parties to the conflict. Torture leading to death has become especially common among the Houthi group. SAM previously documented the death of seven detainees under torture in prisons supervised by the Houthi group during the period from October 2023 to March 2024.⁽¹⁾ Press reports also documented the death of 130 detainees in the Houthi group's prisons during the war period, noting that this statistic is not final.⁽²⁾

SAM has also documented cases of death under torture in the detention centers of the Southern Transitional Council. More than 40 detainees remain forcibly disappeared in these centers after more than eight years, and many of the former detainees are likely to have died under torture. Local organizations have also monitored cases of death under torture in the prisons of the Security Belt Forces in Lahj Governorate,⁽³⁾ the security forces in Wadi Hadramout,⁽⁴⁾ in Shabwa Governorate,⁽⁵⁾ and in the prisons of the West Coast Forces in Khokha,⁽⁶⁾ which are affiliated with the Presidential Leadership Council member Tariq Saleh, in addition to the prisons of Marib Governorate.

- (1) SAM Organization [https://samrl.org/l.html?l=a/10/A/c/1/69/71/5223/-](https://samrl.org/l.html?l=a/10/A/c/1/69/71/5223/)
- (2) Source: Online <https://almasdaronline.com/articles/293862>
- (3) SAM Organization <https://samrl.org/l?a4922>
- (4) SAM Organization <https://samrl.org/l.html?l=a/10/A/c/1/69/71/5232/>
- (5) SAM Organization <https://samrl.org/l.html?l=a/10/A/c/1/69/71/4962/>
- (6) SAM Organization <https://samrl.org/l?a5217>

"Abdul Hakim Al-Ansi," the former detainee, said in a statement to SAM: "I suffered from hemorrhoids, colon pain, poor vision, and pain in the joints, and I suffered from chronic diseases such as diabetes and high blood pressure," adding "Abdul Fattah Jamajim," who was arrested by the Hadhrami Elite Forces in the city of Mukalla against the backdrop of his political activity. The journalist said that he is still suffering from the effects of the torture he was subjected to in detention. He says: "I suffer from pain in my legs to this day."

CHRONIC DISEASE

Based on interviews with 32 former detainees, SAM's team concluded that the parties to the conflict in Sana'a and Aden used harsh methods of torture in detention centers in a way that affected the physical and psychological health of detainees including after their release, especially since torture was accompanied by medical negligence. According to the testimonies of the detainees, they suffered from various diseases due to the torture they were subjected to, and the indecent detention conditions in which they lived.

Abdul Hakim Al-Annasi, a former detainee, said in a statement to SAM: "I suffered from hemorrhoids, poor eyesight, joint pain, and suffered from chronic diseases such as diabetes and high blood pressure."

Abdul Fattah Jamjam, who was arrested by the Hadrami Elite Forces in the city of Mukalla because of his political and media activity, says that he is still suffering from the effects of the torture he was subjected to in detention. He says: "I suffer from problems with my leg until today...I went to a doctor after getting out of prison and I was dizzy, especially when sleeping, until now I can only stand with the help my children, as my legs have limited mobility," according to his statement.

The former detainee Mansour al-Faqih told SAM he suffers from a disability in the vertebrae of the spine, in addition to diabetes, stress, and psychological problems due to the torture, insecurity, and inhuman treatment he endured in detention centers.

ISOLATION FROM SOCIETY

Torture is one of the worst forms of human rights violations, with serious psychological effects on the victim that extend beyond release. Social isolation is one of the common psychological effects of torture, as the victim may feel separated from the outside world, move away from family and friends, and become unable to trust others, in addition to post-traumatic stress disorder. Many victims of torture suffer from this disorder, which is characterized by symptoms such as nightmares, painful memories, anxiety, and depression, and the most dangerous is that these conditions may worsen in the absence of mental health care and psychological support for victims.

“Majid Al-Ba’u” narrates the case of his friend who has been detained since November 13, 2015, “Radfan Al-Wajih,” a former student at the Faculty of Sharia and Law at Sana’a University, saying: “Due to the length of solitary confinement and the harsh torture, he suffered a psychological state similar to insanity, which was doubled by the torture... He was There are three fellow detainees who take care of him and clean him in the ward.”

The detainee Fawzi Ahmed Obaid, 25 years old, was arrested on September 7, 2015. His brother told SAM: “The victim suffers from internal denial and a very bad psychological state because he feels that he is innocent, and no one cares about him except his family.” He adds, “a number of his colleagues, even those who received court sentences got out of prison, while he was innocent but was not released, he appealed to everyone who knew him in vain, and now he does not trust anyone.”

Majed Al-Bou narrates the case of his friend Radfan Al-Wajih, a former student at the Faculty of Sharia and Law, Sana ‘a University, who has been detained since November 13, 2015, saying: “Because of the length of solitary confinement and cruel torture, he suffered from a psychological condition that resembles insanity, compounded by torture. There were three fellow detainees alongside him taking care of him and cleaning him in the ward.”



CHAPTER THREE:

CRIMINAL LIABILITY AND LEGAL EFFECT OF JUDICIAL

PARTIES TO THE CONFLICT INVOLVED IN VIOLATIONS

Articles (24, 23, 22, and 21) of the Yemeni Crimes and Penal Code specify the perpetrator, instigator, accomplice, and contributor as persons criminally responsible for the crimes committed.

Article 1 of the Convention against Torture states that pain or suffering must be caused by, at the instigation of, or with the consent of, persons acting in an official or unofficial capacity on behalf of the State. The Committee against Torture (CAT) has interpreted this connection broadly to include all persons exercising state functions, acting in an official capacity or acting on behalf of the state, including government officials, private contractors and non-state actors exercising state-like authority, such as rebel groups. This includes directors of police stations, directors of official and unofficial prisons, supervisors representing the Houthi group's authority on the ground, as well as officials of armed units that control territory and exercise state functions such as the Security Belt Forces and the Hadrami Elite Forces, and officials of the security and intelligence services of the internationally recognized government, all of whom are directly responsible for the crimes of arbitrary detention, enforced disappearance, and torture. It should be noted that the State is required to protect individuals from torture, and is responsible if no action is taken to prevent or punish such acts.

Articles (24,23,22,21) of the Yemeni Penal Code also specify the perpetrator, instigator, partner and contributor as persons criminally responsible for the crimes committed. The law left the estimation of the punishment rates to the opinion of the judiciary, according to the circumstances that occurred during the commission of the incident.

The fact that the persons who carry out the crimes of arrest, detention and torture in Yemen belong to hierarchical institutions of one of the parties to the conflict, means that any person who has a leading role in these hierarchical institutions is primarily responsible for these crimes and violations. On this basis, any person who may be proven to be involved in the practice of any of the violations mentioned in this report or whose name was revealed is subject to local and international criminal accountability.

The organization also found, according to the victims' statements, that people such as "Yahya Saree," the military spokesman for the Houthi group, and "Abdulqader Al-Murtada," head of the Prisoners' Committee of the Houthi group, were likely involved in the crime of torture against former detainees.

HOUTHİ GROUP (ANSAR ALLAH)

SAM investigated 28 incidents of arbitrary arrest, enforced disappearance and torture, committed by Ansar Allah (Houthis). These violations are contrary to international humanitarian law, and they are strictly prohibited under international human rights law and international humanitarian law, which prohibit arbitrary arrest, torture, and enforced disappearance, and all these practices may lead to individual criminal responsibility for war crimes.

According to victims' testimony, SAM also found that people such as Yahya Saree, the military spokesman for the Houthi group, and Abdul Qader Al-Murtada, head of the Houthi group's Prisoners Committee, are likely to be involved in the crime of torture against former detainees.

Investigations carried out by SAM revealed torture practices and human rights violations committed by the Houthi armed group. These practices include arresting and forcibly disappearing people and transferring them between prisons illegally, and these practices appear to be aimed at humiliating and terrorizing residents of the region where they occur, especially people belonging to political parties.

The team found that various types of torture are carried out systematically and deliberately in Houthi prisons and detention centers, which ultimately lead to unfair death sentences against victims, despite the lack of sufficient legal evidence to prove their guilt.

Affiliates of the Houthi group "Ansar Allah" include the Revolutionary Committee, the Preventive Security Service, the Political Security Service, the forces affiliated with the Ministry of Interior, which is under the authority of the Houthi group "Ansar Allah" in Sana'a, and the fighting forces affiliated with the Ministry of Defense or the so-called "People's Committees."

The entities affiliated with the Transitional Council are: the Security Belt Forces in Aden, Lahj, and Abyan, the Shabwani Elite Forces in Shabwa Governorate, and the Hadhrami Elite Forces in Hadramaut.

The bodies affiliated with the internationally recognized legitimate government are: the security forces affiliated with the Ministry of Interior, the forces affiliated with the Political Security Service in Taiz-Ma'rib, the armed forces affiliated with the Ministry of Defense,

SOUTHERN TRANSITIONAL COUNCIL

SAM investigated four incidents within this report, in addition to several previous reports, on the commission of many crimes of arbitrary detention, torture and enforced disappearance by the forces of the Southern Transitional Council represented by the security belt, targeting politicians, activists and journalists, some of which led to death. These practices were characterized by extreme violence, the use of weapons and excessive force.

These practices negatively affected public freedoms, and the personal right to security and liberty of victims.

The STC's affiliates are the Security Belt Forces in Aden, Lahj and Abyan, the Shabwani Elite Forces in Shabwah Governorate, and the Hadrami Elite Forces in Hadramawt.

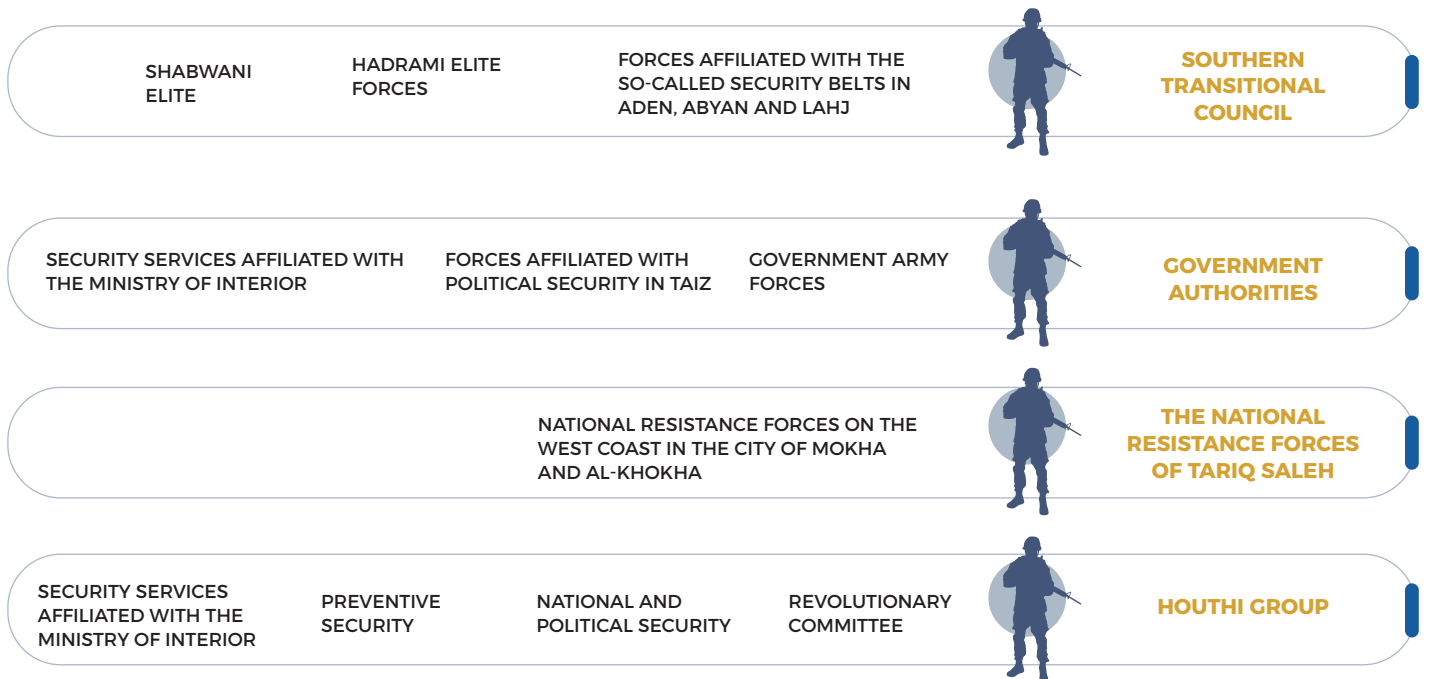
GOVERNMENT FORCES

Many local and international human rights reports have documented that the forces of the legitimate government, in both Taiz and Marib, committed many violations related to arbitrary arrests, enforced disappearances and torture, outside the supervision of the judiciary. Many of these violations, which are prohibited under domestic and international law, were committed in unofficial prisons, under the supervision of military intelligence, and by some groups that previously fought alongside government forces in Taiz.

NATIONAL RESISTANCE FORCES

The National Resistance Forces were established by a member of the Presidential Command Council, Tariq Saleh, in the coastal city of Mokha, which is administratively affiliated with Taiz Governorate. Despite their recent formation, local organizations have documented many violations related to arbitrary detention, enforced disappearance, and torture in several unofficial prisons under their control. The most infamous detention site is known as Camp 400, which is located inside the camp of Abu Musa Al-Ash'ari in the city of Al-Khokha, and supervised by Ammar Saleh, the former national security official. According to reports, detainees at this facility are subjected to serious violations, criminalized under Yemeni national law, international law and international humanitarian law.

The National Resistance Forces are represented by the security forces in the cities of Mokha and Al-Khokha, and are led by Ammar Saleh .





CHAPTER FOUR:

EXAMPLES OF ARBITRARY ARRESTS, ENFORCED DIS- APPEARANCES AND TORTURE

This chapter reviews specific case studies of individuals who have been tortured, where details of violations have been documented and those responsible identified. This chapter aims to provide a brief and focused picture of the brutal methods used against these victims, and to indicate the parties and persons who committed these crimes, with a view to strengthening efforts to achieve justice and accountability, and to ensure that such violations do not recur in the future.



HARITH SALEH HAMID

33 YEARS OLD



Date of arrest

JUNE 9, 2015
AT 03 IN THE
AFTERNOON



Duration of detention

EIGHT YEARS



Place of arrest

THE CAPITAL SANA'A, SIXTY STREET,
FROM THE DREAM HOTEL LOCATED IN
FRONT OF THE FACULTY OF MEDICINE,
SANA'A UNIVERSITY.



Detention Centers

HASBAH POLICE STATION, SHAHID AL-AHMAR POLICE DEPARTMENT,
CRIMINAL INVESTIGATION, AL-THAWRA RESERVE PRISON, AND THE
POLITICAL SECURITY PRISON.

Incident Summary

The journalist, who belongs to the Islah Party, was detained for eight years by the Houthi group and forcibly disappeared for eight days. He was subjected to systematic physical and psychological torture, including beatings with sticks, iron batons and electric wires; having his body suspended by a winch and being made to stand for long periods of time; being insulted; having cold water poured on his body; as well as being prevented from using the toilet or getting expos to sunlight. Finally, his money was looted by Houthi leaders.

The victim was released through a UN-organized prisoner exchange deal.

The perpetrator of the violation

According to his statements to SAM's researchers, the main figures directly involved in torturing the victim are: Muhammad Yahya al-Mutawakkil and Abdul Karim al-Rabahi, in addition to other individuals such as Yahya Saree, a spokesman for the Houthi group's army.



HISHAM AHMED SALEH TARMOUM

33 YEARS OLD



Date of arrest
JANUARY 3,
2016



**Duration of
detention**
EIGHT YEARS



Place of arrest
THE CAPITAL, SANA'A, AL-SHATEEN
STREET, FROM AL-AHLAM HOTEL, IN
FRONT OF THE FACULTY OF MEDICINE,
SANA 'A UNIVERSITY



Detention Centers

HASBAH POLICE STATION, SHAHID AL-AHMAR POLICE DEPARTMENT, CRIMINAL INVESTIGATION, AL-THAWRA RESERVE PRISON, POLITICAL SECURITY PRISON.

Incident Summary

Journalist Hisham Tarmoum was arbitrarily detained for eight years, during which he was subjected to physical and psychological torture.

This included beatings with sticks and iron batons, prolonged suspension, electric shocks, being handcuffed and made to carry stones, and standing for long periods, in addition to being insulted and beaten in front of his family. His family was also subjected to extortion as the Houthis looted their money.

The perpetrator of the violation

According to the victim's statements, those who carried out the arbitrary arrest were: Abdul Karim Al-Rabahi, Muhammad Yahya Al-Mutawakkil (nicknamed Abu Akram), and Hisham Ali Omar. As for those who tortured the victim, the victim named Ibrahim Al-Sharif, a person nicknamed Abu Ahmed, another person nicknamed Abu Khalil, Yahya Saree, the official spokesman for the Houthi forces, and Abdul Qader Al-Murtada, who is responsible for the detainees file with the Houthi group .

**ISMAIL MOHAMMED ABU
AL-GHAITH ABDULLAH****31 YEARS OLD****Date of arrest**
JANUARY 3,
2016**Duration of
detention**
EIGHT YEARS**Place of arrest**
SANA'A, MAEEN DISTRICT, LOWER ASR
NEIGHBORHOOD, NEXT TO THE HEAVY
TRANSPORT CAMP**Detention Centers**

A PRISON IN THE SHARK CAMP AREA OF BAGEL DISTRICT IN HODEIDAH, AN UNOFFICIAL UNKNOWN DETENTION CENTER IN THE CITY OF HODEIDAH, A PRISON IN AMRAN GOVERNORATE, THE NATIONAL SECURITY PRISON IN SANA 'A GOVERNORATE IN THE SARAF AREA, A PRISON IN THE SHABAM KAWKABAN AREA IN AL-MAHWIT GOVERNORATE, AND A ROCK CLIFF DETENTION CENTER THAT WAS USED AS A PRISON.

Incident Summary

Ismail Abu Al-Ghaith was subjected to arbitrary detention on charges of cooperating with the countries of the aggression. During the period of detention, he was subjected to psychological and physical torture, which included placing iron restraints on his hands and feet, being beaten with sticks, batons and electric wires, having his feet shackled for long periods, being kicked, and slapped in the face, being subjected to starvation and deprived of water and food for long periods of time, and being placed in underground cells containing dirt and insects. The victim remains detained to this day, as he was sentenced to death after illegal and sham trials.

The perpetrator of the violation

According to his statements to SAM's researchers, the main figures involved in his ordeal are a member of the Public Prosecution affiliated with the Houthi group who was present during his interrogations, and the National Security Investigations Officer in the Saraf area of the capital Sana'a, in addition to other individuals.



MANSOUR YAHYA AL-FAQIH, 51 YEARS OLD



Date of arrest
27 APRIL 2022



Duration of detention
EIGHT YEARS



Place of arrest
SANA'A, MAEEN DISTRICT, LOWER ASR NEIGHBORHOOD, NEXT TO THE HEAVY TRANSPORT CAMP



Detention Centers

THE HEADQUARTERS OF THE HOUTHİ GROUP IN AL-SİTİN STREET IN FRONT OF THE HOUSE OF FORMER PRESIDENT ABED RABBO MANSOUR HADİ, AL-JADİRİ POLICE DEPARTMENT PRISON, HABRA RESERVE PRISON, POLITICAL SECURITY PRISON IN HADDA

Summary of the case:

Al-Faqih was arbitrarily arrested in front of his house by three armed soldiers affiliated with the Houthi group, who took him to the headquarters of the Houthi group in Al-Seitin area. There he was subjected to physical and psychological torture, including beatings with sticks, iron batons and electric wires. He was suspended for long periods of time from a winch, while his toes touched the ground, and he was also placed in a solitary cell that was very hot. He was kicked, hit and slapped in the face, and prevented from using the toilet, from exposure to sunlight, and from accessing needed medicines.

Houthi leaders looted his family's money, and he was sentenced to seven years in prison and forcibly displaced after his release.

The perpetrator of the violation

According to the victim, he was tortured by the Houthi group, which used intimidation and excessive force in arresting and imprisoning him, and harassed and threatened him with death and execution. Yahya Saree, a spokesman for the Houthi army, was directly involved in torturing the victim in the detention center.

**ABDULLAH SAIF,
35 YEARS OLD****Date of arrest**
27 APRIL 2022**Duration of
detention**
NINE MONTHS**Place of arrest**
THE FLAG POINT OF THE FORCES
OF THE SOUTHERN TRANSITIONAL
COUNCIL LOCATED ON THE COAST OF
ABYAN STREET, ADEN GOVERNORATE**Detention centers**

AL-QASR PRISON, JABAL HADID PRISON, BADR CAMP PRISON, SECURITY DEPARTMENT PRISON IN CRATER, AND AL-SHAAB PRISON LOCATED IN AL-SHAAB CITY, MOST OF WHICH ARE SECRET PRISONS THAT ARE NOT SUBJECT TO THE CONTROL OF GOVERNMENT DEPARTMENTS OR THE JUDICIARY.

Summary of the incident:

Issam Abdullah was arrested by armed forces affiliated with the Southern Transitional Council when he was with his children, his wife and some of his relatives, and held in detention for a period of nine months.

In prison, the victim was subjected to physical and psychological torture, including beatings, prolonged suspension, the shackling of his feet, and humiliating treatment. He was placed in solitary confinement in extremely hot underground cells, and was prevented from going to the toilet, nor was he allowed exposure to sunlight or access to medicines. He was threatened with execution, and was subjected to repeated interrogations. In addition, he was extorted financially.

According to victim's statements, the torturers were several people affiliated with the Security Belt, affiliated with the Southern Transitional Council. They were led by Mohsen Al-Wali, Naji Yahri, Ahmed Hassan Al-Zubaidi, and another person in the Flag Point called Al-Khader.



MUJAHID MAHFAL



Date of arrest
23 NOVEMBER
2015



**Duration of
detention**
SEVEN YEARS AND
SIX MONTHS



Place of arrest
FROM THE SCHOOL OF THE MARTYR
MUKHTAR ALI MUSLEH IN QAA AL-QADI
AREA IN SANHAN DISTRICT, SANA 'A
GOVERNORATE

Summary of the Incident:

Mujahid Mahfal, a member of the Islah Party, was arrested in the Sanhan district in Sana 'a governorate, by the Houthi group, and his detention lasted for seven years and six months.

During his detention, he was subjected to severe physical torture including beatings with sticks, batons, and electric wires, being suspended from different parts of his body, and having his limbs bound by iron chains.

He was kicked, slapped, and had cold water poured on him. Furthermore, he was prevented from obtaining water and food for long periods of time and was continuously transferred between different prisons and cells that lack hygiene and are full of insects and epidemics.

According to the victim's statement to SAM, he was arbitrarily arrested by Houthi gunmen, most of whom were in civilian clothes, while some wore military uniforms with Houthi group logos.

He was tortured in detention sites by a number of people. He later recognized one of those responsible for his torture as Yahya Saree.

The evidence gathered by SAM shows that the Houthi group directly manages all prisons in Sana'a, and that the victims, as civilians, have nothing to do with military operations, and that detainees were tortured by members and leaders affiliated with the Houthi group.



CHAPTER FIVE:

LEGAL ANALYSIS

The conflict in Yemen is considered an internal armed conflict, and all parties to it must be subject to the instruments and treaties of international human rights law, international humanitarian law and customary international law. In the incident under study and analysis, we find that the Houthi armed group has committed most of the violations. Other parties to the conflict have also participated in similar acts, such as arbitrary detention, enforced disappearance, and torture, in violation of general rules of compliance with international laws, especially those conventions ratified by the Republic of Yemen, such as the International Convention for the Protection of Journalists, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Universal Declaration of Human Rights, which makes all parties to the conflict in Yemen vulnerable to international criminal prosecution.

Through the investigation, the organization found a wide spread of cases of enforced disappearance among the parties to the conflict, especially the Houthi group and the Transitional Council, in addition to the legitimate government forces and the National Resistance Forces affiliated with Tariq Saleh. Violating the right to personal freedom and security of the victim has also become normal behavior for these parties, without regard to the prohibition stipulated in international human rights law, international humanitarian law, and the laws of the Republic of Yemen.

In the legal definition of enforced disappearance, which is included in Article (2) of the International Convention for the Protection of All Persons from Enforced Disappearance, it means “arrest, detention, abduction or any form of deprivation of liberty, carried out by state officials, or persons or groups of individuals, acting with the permission, support or consent of the state, followed by a refusal to acknowledge the deprivation of a person’s liberty or concealment of his fate or whereabouts, which deprives him of the protection of the law.” Although this definition limits enforced disappearance to the actions of the state or its affiliated groups, in this report we have documented cases of enforced disappearance and torture committed by several parties acting as the de facto authorities in their territories, as is the case with the Houthi group (Ansar Allah), and the forces of the Southern Transitional Council.

These forces carried out widespread arrests, most of which turned into enforced disappearances, followed by violations and physical and psychological torture.

Throughout its investigation, SAM found a widespread policy of enforced disappearances among the parties to the conflict, especially the Houthi group and the Southern Transitional Council, in addition to the legitimate government forces, and the national resistance forces affiliated with Tariq Saleh.

Violating the right to personal liberty and security of the victim has become routine behavior for these parties, without regard to the prohibitions stipulated in international human rights law, international humanitarian law and the laws of the Republic of Yemen.⁽¹⁾

Deprivation of liberty is considered an arbitrary measure contrary to the provisions of international law, the Constitution of the Republic of Yemen and the Code of Criminal Procedure, which regulate procedures related to detention, and cases of detention in which the right to a fair trial and to procedural guarantees are violated, to the extent that detention becomes

(1) Article 9 of the International Covenant on Civil and Political Rights and Article 1 of the International Convention for the Protection of All Persons from Enforced Disappearance (CED), see the study of the International Committee of the Red Cross on customary international humanitarian law, Rule 98.

arbitrary.⁽²⁾

These procedural guarantees are contained in articles 9 and 14 of the International Covenant on Civil and Political Rights and the national laws of the Republic of Yemen, which require that the arrested person be informed of the reasons for his arrest;⁽³⁾ that a person arrested on a criminal charge be promptly tried before a judge;⁽⁴⁾ and that the detained person be provided with the opportunity to challenge the legality of the detention (right of defense).⁽⁵⁾ Arbitrary detention is also prohibited under international humanitarian law, and depriving a person of the right to a fair trial may be considered a war crime in a non-international conflict.⁽⁶⁾

Chapter One of the Constitution of the Republic of Yemen states that the political system in Yemen is based on party and political pluralism and that the people are the owners and source of power and exercise it through elections. The parties to the conflict, especially the Houthi group and the forces of the Southern Transitional Council, did not abide by this, as they began to exercise the functions and actions of the state by imposing a *fait accompli* by force of arms, which makes these actions devoid of any legal legitimacy. Chapter Two of the Constitution of the Republic of Yemen delineates all the rights and basic duties of the Yemeni citizen, such as the right to engage in political, intellectual and cultural acts, the exercise of personal freedoms and their non-restriction, the inadmissibility of arrest, imprisonment, search, surveillance, investigation, investigation or trials, the inadmissibility of

(2) Article 9 and 14 of the International Covenant on Civil and Political Rights and the General Comment No. 35 (2011) of the Human Rights Committee on liberty and security of person. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (A/RES/43/173). The Working Group on Arbitrary Detention has identified 5 legal categories of arbitrary detention: (a) when there is no legal basis for the deprivation of liberty, (b) when the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, (c) when violations of the due process of law of such gravity as to give the deprivation of liberty an arbitrary character, (d) when asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy, and (e) when the deprivation of liberty constitutes a violation of the international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status. (see Methods of work of the Working Group on Arbitrary Detention, A/HRC/36/38).

(3) Paragraph 9 (2) International Covenant on Civil and Political Rights.

(4) Paragraph 9 (3) International Covenant on Civil and Political Rights.

(5) Paragraph 9(4) International Covenant on Civil and Political Rights.

(6) ICRC Study on Customary International Humanitarian Law, Rules 99 and 100.

torture, and the consideration of these acts as criminal with no statute of limitations. Republican Decree Law No. (12) of 1994 on Crimes and Penalties and its amendments for the years 1995 and 2006 established deterring punishments for many of the crimes mentioned in Chapter Two of the Constitution. Through the statements of the victims documented for this report, it is clear that the parties to the conflict have also committed the crime of disrupting and suspending constitutional work, and amending the form of the authorities and preventing them from exercising their powers in accordance with the text of Article (131) of the Crimes and Penalties Law, seeing as they arrested victims because of their political affiliation and the exercise of their personal freedoms, and began acts of arrest and torture, and prevented the legitimate authority from exercising its functions using the force of arms and armed gang formations.

With regard to the assault on personal freedoms and the practice of torture – Articles (241) and (246) and others of the Penal Code criminalize acts such as torture, physical and psychological assault, the preparation of special prisons, as well as the crimes of kidnapping, violation of the sanctity of the home, threats, fraud, extortion, etc., all of which are detailed in the statements and testimonies of the victims, which makes all persons affiliated with the parties to the conflict according to the chain of command and hierarchy and who are direct perpetrators of these crimes criminally liable. These crimes are not subject to a statute of limitations.

Presidential Decree Law No. 24 of 1998 on combating kidnapping and banditry stipulates severe penalties for the crimes of forming gangs and carrying out kidnappings to obtain benefits or funds by impersonating government employees, which applies to the facts mentioned in the report: Houthi militants and gunmen and soldiers of the Southern Transitional Council forces received large sums of money through the crime of kidnapping, hiding and torturing victims, as well as using victims in their civilian capacity for the purposes of prisoner exchanges.

SAM'S EFFORTS IN PROTECTING FREEDOMS AND APPLYING INTERNATIONAL MECHANISMS FOR ACCOUNTABILITY

Since early 2018, SAM for Rights and Liberties has developed multiple procedures for documenting violations, preparing investigative reports, and activating mechanisms for advocacy and support for victims of arbitrary arrests and torture. According to the evidence and information obtained about the facts of violations, SAM has allocated several levels in its relations with stakeholders, pressure groups and relevant authorities in the relevant United Nations bodies, specialized committees and special rapporteurs.

SAM has issued many human rights reports and statements since 2017 aimed at exposing violations related to arbitrary arrests, enforced disappearances and torture, to which civilians are subjected by parties to the conflict—whether the Houthi group, the Southern Transitional Council or the internationally recognized government. These include the report of illegal prisons in Aden and Hadramawt, reports on arbitrary arrests, torture and detentions by the Houthi group, such as Al-Saleh prison in Taiz, and reports of arrests in the governorates of Hadramawt and the West Coast.⁽¹⁾

In conjunction with the documentation for this report, SAM participated in submitting complaints to the Special Rapporteurs of the Human Rights Council, especially the Group on Arbitrary Detention, the Special Rapporteur on Torture, the Special Rapporteur on Extrajudicial and Arbitrary Executions, and the Special Rapporteur on the Independence of the Judiciary and Lawyers.

In this regard, it is worth mentioning SAM's participation in many activities of the Human Rights Council and the Universal Periodic Review,⁽²⁾ and its contribution to clarifying the stereotypical picture of the human rights situation in Yemen, while setting the necessary determinants to stop these violations and bring criminals to account.

(1) <https://samrl.org/i.html?l=a/10/A/c/1/70>

(2) <https://t.ly/w6v95>

SAM has issued many human rights reports and statements since 2017, aiming to uncover violations related to arbitrary arrests, forced disappearance and torture, to which civilians are subjected, by the parties to the conflict, whether the Houthi group, the Transitional Council, or the internationally recognized government, such as the report on illegal prisons in Aden and Hadramaut. Arbitrary arrests, torture, and detention centers held by the Houthi group, such as Al-Saleh prison in Taiz, and reports of arrests in the governorates of Hadramaut and the Western Coast.



GOVERNMENT OF YEMEN

- Take immediate steps to stop human rights violations and crimes against humanity committed by loyal /subordinate security and military forces, and ensure that all individuals subject to those forces comply with international human rights law, international humanitarian law, Yemeni law, and relevant international treaties.
- The Government of the Republic of Yemen should ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Conduct a transparent, thorough and impartial investigation into allegations of serious human rights violations, including crimes against humanity, arbitrary arrests, enforced disappearances and torture.
- Ensure full and unhindered access for international and independent monitors to Yemeni territory, including prisons and detention centers run by the Southern Transitional Council forces and various security and military formations.
- -Establish strong oversight mechanisms to monitor the conduct of all security and military forces and armed formations and hold those responsible for violations accountable through fair and transparent trials.
- Develop and implement a reparations program for all victims of violations through a transparent and participatory process, in accordance with international standards.
- Provide targeted compensation and government assistance to persons with disabilities, including psychosocial disabilities, and ensure that they have access to quality free health care services that respect their rights.

- Ratify the International Convention for the Protection of all Persons from Enforced Disappearance and the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and ensure national legislation aligns with obligations under these conventions.

TO THE HOUTHİ GROUP (ANSAR ALLAH)

- Put an end to the practices of arbitrary arrest and detention, enforced disappearance, torture and other ill-treatment.
- Release all arbitrarily detained persons and disclose of the fate of the disappeared.
- Conduct prompt and transparent investigations into all complaints related to suspected cases of torture, taking into account the protection of witnesses and victims.
- Provide fair and appropriate compensation to victims affected by torture, ensuring material, psychological and social reparation.
- Take effective measures to prevent future cases of torture by training security forces, strengthening control over their conduct, and enforcing relevant laws and regulations.
- Adhere to international human rights standards, including the Convention against Torture and other relevant international legal instruments.
- Cooperate with human rights organizations, the United Nations and other international bodies to provide assistance and support in the field of human rights and combating torture.
- Encourage transparency and full and independent disclosure of information about cases of torture and justice for victims.

TO UNITED NATIONS ENTITIES

- Urge the parties to the conflict in Yemen to abide by international laws and treaties related to human rights, including the Convention against Torture and other relevant conventions.
- Provide appropriate and ongoing training to staff in security and prison services on human rights and the prevention of torture, and ensure that these principles are respected and applied at all times.
- Promote transparency and accountability in prison systems, including enabling independent inspectors and human rights organizations to regularly visit and inspect prisons without hindrance.
- Increase efforts to improve prison conditions, including ensuring hygiene, adequate food and clean water, and the provision of necessary medical care to prisoners.
- Develop and implement effective mechanisms to investigate complaints of torture and ill-treatment within prisons, and provide fair and effective reparations to victims.
- Strengthen cooperation with the international community and non-governmental organizations in the field of preventing torture and promoting human rights in Yemeni prisons.



ANNEX LISTING SOME POLITICAL DETAINEES IN THE PRISONS OF WARRING PARTIES IN YEMEN

Name	Age	Date of Detention	Place of Detention	Affiliation	Reasons for Detention	Who Committed Detention	Current Situation
Lawyer Sami Yassin	35	16-Nov-23	City of Aden	works in the office of a lawyer owned by hi	because of the defense of the detained journalist Ahmed Maher	The forces of the STC	detained in a camp
Abdullah Mohammed Hamad Al-Bouni	30	10-Aug-23	Sana 'a	Belongs to the Baha 'i Faith	A special meeting to follow the religion in one of the houses→	Houthi De-facto Authority	is being held in detention by the Houthi group
Tariq Thabet Al-Zakr	29	10-Aug-23	Sana 'a	Belongs to the Baha 'i Faith	A special meeting to follow the religion in one of the houses→	Houthi De-facto Authority	is being held in detention by the Houthi group
Ibrahim Jaeil	49	10-Aug-23	Sana 'a	Belongs to the Baha 'i Faith	A special meeting to follow the religion in one of the houses→	Houthi De-facto Authority	is detained in the detention facility of the Houthi group
Mohammed Bashir	25	11-Aug-23	Sana 'a	Belongs to the Baha 'i Faith	A special meeting to follow the religion in one of the houses	Houthi De-facto Authority	is detained in the detention facility of the Houthi group
Ali Ahmed Al-Shahzi	61	September, 2019	From his home in capital Sana 'a	Previously he held the position of General of Moral Guidance in Political Security	Accused of working with aggression	Houthi De-facto Authority	He was sentenced to death and confiscation of his property
Abdulrahman Al-Shibh		February 21 ,2017	was arrested from the capital Sana ' a	Al-Islah	the alliance with the aggression, "the coalition	Houthi De-facto Authority	was sentenced to death and confiscation of property
Abdullah Al-Alafi	45	10-Aug-23	Sana 'a	Belongs to the Baha 'i Faith	A special meeting to follow the religion in one of the houses	Houthi De-facto Authority	is detained in the detention facility of the Houthi group
Adnan Ali Al-Harazi	49	11-Jan-23	Sana 'a	Independent	Accused of aiding the aggression " Saudi Arabia" and collaborating with a foreign country Britain and America through contracting with international organizations	Houthi De-facto Authority	His death sentence was issued by a court affiliated with the Houthi group on 1 June 2024
Intisar Al Hammadi	23	23-Feb-21	Arrested from Hajjah area in the capital Sana ' a	independently	because of her activity in modeling	Houthi De-facto Authority	She was sentenced to five years in prison
Mohammed Qahtan	66	April 5 ,2015	From his house in the capital Sana 'a	a member of the Supreme Committee of the Islah Party	his opposition to the Houthi group	Houthi De-facto Authority	is forcibly hidden

Name	Age	Date of Detention	Place of Detention	Affiliation	Reasons for Detention	Who Committed Detention	Current Situation
Youssef Al-Bawab	41	October 1 ,2016	from the capital mosque , Sana 'a	an academic at Sana 'a University	He belonged to the Islah Party	Houthi De-facto Authority	A preliminary sentence of death was dismissed and an appeal was lodged
Nasr al-Salami	42	September,2016	from the headquarters of his work in the capital Sana 'a	legitimate observer in Kak Bank	He is affiliated with the Islah Party	Houthi De-facto Authority	A preliminary judgment was issued against him and his death was appealed
Judge Abdul Wahab Qatran	47	January 2 ,2014	From his house in the capital Sana 'a	Independent	criticizing the Houthi group and standing with employees in the demand for the payment of salaries	Houthi De-facto Authority	arbitrarily detained
Liby Salem Mohebi	32	1-Mar-16	From one of the streets of the capital Sana 'a	He belongs to the Jewish minority	Allegation of cooperation with Israel to smuggle the Torah manuscript	Houthi De-facto Authority	is detained in the prisons of the Houthi group
Aqaba Abdel Nasser Aqaba		11-Sep-16	From the altar of the capital Sana 'a	belonging to Islah	Recruiting individuals to fight with the army loyal to legitimacy in Marib and Taiz	Houthi De-facto Authority	Sentenced to death on 29 September 2018
Mohammed Hadi Zafer →	40	29-Mar-16	Arrested from the city of Saada	working for the Red Cross	State security issues	Houthi De-facto Authority	sentenced to death in a single session on 30 August 2018
Asmaa Al-Omeisy	50	October, 2016	from the capital Sana 'a	independent	of cooperation with the Emirate	Houthi De-facto Authority	was sentenced to death by the Court of First Instance and was reduced to ten years
Fatima Al-Arouli	34	August 13 ,2022	From an armed point in the Houban area of Taiz Governorate	a feminist organization	spying for the UAE	Houthi De-facto Authority	was sentenced to death
Ahmed Maher	29	6-Aug-22	He was arrested from his home in the capital Aden	His articles and position on the STC	disturbing peace and public security	The forces of the STC	being held in the detention center of Bir Ahmed
Ali Muqbel al-Hattar		January 23 ,2015	from his house in the city of Marib	accused of working with the Houthi	legitimate forces in the city of Marib	The legitimate government in Marib"	A death sentence was issued against him. The Court of Appeal upheld the sentence, and the legal status is currently unknown.
Dr. Mustafa Al-Mutawakkil		27-Apr-17	From Falaj Marib point	head of the General Investment Authority of the Houthi group	his affiliation and work for the benefit of the Houthi group	the legitimate government forces in Marib, forcibly hidden	forcibly hidden
Yousra Al-Shater	38	24-Sep-22	Arrested from Marib city	working in the Health Office	cooperation with Al-Houthi	the legitimate government force	detained in the Political Security Prison in Marib without judicial supervision



SAM
Rights & Liberties



Justice4Yemen Pact
ميثاق العدالة لليمن

YEARS OF HELL

This report documents new findings from investigations conducted by SAM for Rights and Liberties' team on the crimes of enforced disappearance and torture of political detainees in Yemen.