

**The Transitional Council is responsible for providing security and respecting human rights in Aden**

**"SAM" monitored more than 47 violations during the month of August in Aden, most of which by individuals affiliated with the Transitional Council**

Geneva - SAM Organization for Rights and Liberties has expressed its deep concern about the continued escalation of violations of human rights against civilians in the city under the control of the Transitional Council, stressing that the population has become afraid of night raids, continuous clashes and robbery of their property being practiced on them, in addition to the emergence of armed gangs practicing Arrest and killing of civilians.

The human rights organization said, in its report on the human rights situation for the month of "August", that it had monitored more than 47 cases of violations in the city of Aden, most of which occurred at the hands of armed forces affiliated with the Fifth Brigade of the Transitional Council, as these violations included several practices such as: arbitrary detention and enforced disappearance of citizens including children.

The violations were distributed as follows: (17) cases of arbitrary arrest and detention, including children, (9) cases of sudden disappearance, (8) cases of murder and attempted assassination, (8) injuries, and (3) burning and storming of private and public property and (2) a case of rape, including an African girl.

The organization pointed out that the "Dar Saad" district recorded the highest violations, in terms of arrests throughout the month on a daily basis. Security battalions affiliated with the Fifth Brigade Camp - Lahj, led by a battalion commander in the brigade "Abu Sam al-Yafi'i", continued storming the Al-Sharqiya neighborhood and parts of the Gharbia neighborhood, as well as the al-Mughtaribeen neighborhood in Dar Saad district and arrested soldiers belonging to the Transportation Brigade of the legitimate forces in addition to civilians.\

Military formations affiliated with the Transitional Council, especially the Fifth Brigade Forces - Lahj and the Counter-Terrorism Force, along with security forces which are still unknown, in addition to armed gangs were the most prominent responsible for these violations, which they usually practice with the aim of obtaining funds, extortion and revenge, as well as settling political and commercial scores.

SAM pointed out that the city continues to suffer from armed clashes between parties, all of which are aggressors on the lands of citizens, at a time when the judicial system is witnessing an unjustified absence and suspension, in parallel with calls for a strike on education, and the interruption of salaries for military institutions amid prohibitively high prices and widespread corruption in all government agencies inside Aden.

For his part, Tawfiq Al-Hamidi, Chairperson of SAM Organization for Rights and Liberties, said, "The authority of the Transitional Council as a de-facto authority in the city of Aden is responsible for the violations that civilians are subjected to, and it will be subject to any judicial prosecution in the future because of the widespread violations in the city of Aden, the disruption of judicial institutions, and the lack of handling the file of torture and enforced disappearance." Al-Humaidi stressed that "the conditions of war and the absence of the state should not be a justification for revenge and settling political or personal accounts at the expense of the rights of individuals, and that the authorities ruling Aden are entrusted with improving the conditions of civilians rather than complicating them."

### **Examples of the Violations**

On August 3, the Kaputa police department arrested the lawyer, "Mohammed Abdul-Karim Amrawi" and took him to the police station on the pretext that there were arrest warrants issued against him by the director of security for the Aden police, "Mutahar Al-Shuaibi". When he arrived and in the police department, the lawyer was given the option to sign a set of documents that harm the Saudi investor, Mohammed Nasr Al-Mashali, who trusted the lawyer Al-Amrawi, or to be imprisoned. When he refused to sign any papers, he was detained in the police prison.

On August 10, armed men in two civilian cars kidnapped on Tuesday morning the activist in the Southern Peaceful Movement, the leader of the Southern Resistance, "Nadheer Al-Abdali". His family said that their son was kidnapped by armed men belonging to the Special Tasks and Rapid Intervention Brigade of "Awsan Al-Anshly" the moment he left his house in the Al-Mamdara neighborhood in the Sheikh Othman district. The family indicated that the gunmen took him to an unknown location.

On August 12, at dawn on Thursday, a military force affiliated with the Fifth Brigade - Lahj, led by "Abu Sam al-Yafei", wearing security uniforms, raided the Al-Sharqiya neighborhood in the Dar Saad district and arrested both children: "Abboud Ahmed" 15 years old, "Adnan Al-Subaihi" 17 years old, and "Mohammed Mansour Al-Subaihi," 17 years old, in addition to "Abdullah Ali Farid", 18 years old, in the Dar Saad district in the city of Aden.

On August 14, a security force consisting of three pickups and a car raided, at 3:00 am, the house of the 28-year-old Ahmed Al-Omari Al-Yafei, in the Al-Taknia neighborhood in Mansoura area, and arrested him and took him in one of its military pickups by force after he was violently beaten in front of his younger brother. He is still forcibly disappeared and his whereabouts are unknown.

On August 17, an armed force affiliated with the Rapid Intervention Brigade, led by "Ismail Tammah", raided the home of the student "Amjad Hussein Muhammad Thabet Al-Kaldi", a second-level medical student, at 3:00 am. As a result, the student "Amjad" was shot in the thigh and was forcibly carried by the leader in the belt, Ismail Tammah, to one of the military vehicles.

On August 31, a security force at Aden International Airport arrested "Fahd Muhammad Ali al-Riyashi," 30, immediately after arriving at the airport. Fahd Al-Riyashi was coming from Europe,

through Aden Airport, and then traveled to his area in Al-Riyashi in Ibb Governorate for the purpose of marriage and visiting his relatives. He was released after mediation on August 28.

On the 21st, a military force consisting of 6 pickups and 4 armored vehicles belonging to the Fifth Brigade at 5:00 am stormed the Dar Saad area as well as the Al-Hujairi neighborhood and broke into 3 houses after breaking the main doors and kidnapping: "Ramzi Nabil", "Muti' Al-Uqab" and "Munif Ghazi". They also tampered with the contents of their homes and stole jewelry and electronic devices.

SAM said that it condemns the continued enforced disappearance of the activist "Madram Abu Siraj" since May 3, 2021, and "Mohamed Fadl Sheikh" known as "Abu Osama al-Saidi", head of the Free Resistance Council "under formation" since his arrest on May 26, 2021 by forces affiliated with the Transitional Council because of their stances against the deteriorating situation in the city of Aden.

SAM asserts that the information it collected proves beyond a reasonable doubt that the commander of the Fifth Brigade was responsible for grave violations in the city of Aden during the month of August when the military force raided civilian homes in Sheikh Othman and arbitrarily arrested many civilians, in addition to burning homes and forcibly disappearing dozens of individual, indicating at the same time that "Ahmed Hassan", director of the Security Department of the Transitional Council and who is close to the President of the Transitional Council, also bears responsibility for the violations that occurred in the city of Aden because of his supervision of the military apparatus of the Transitional Council, and for obstructing many of the release orders of the detainees and the disappeared.

### **Legal Background**

With the outbreak of war in Yemen, the rate of murders and enforced disappearances increased significantly, and they are crimes that all parties to the conflict in Yemen are involved in. These parties are involved in carrying out many practices that violate the rules of international law, starting with enforced disappearance and passing through the use of psychological and physical torture against hundreds of forcibly disappeared, and not ending by extrajudicial killings of the civilians. The following are some of the legal texts that criminalize the practices carried out by all parties against Yemenis:

International covenants affirm that extrajudicial killings and the use of unjustified force in attacking civilians are war crimes and crimes against humanity in accordance with the Rome Statute that formed the International Criminal Court, in addition to violating The Hague rules and the Geneva Conventions, especially the fourth, which recognizes the full and special protection of civilians during armed conflicts.

As for enforced disappearance, it has been defined as the arrest, detention or abduction of a person, followed by a refusal to acknowledge the deprivation of liberty or concealment of the fate and whereabouts of the disappeared person, which place such a person outside the protection of law,

as defined by the International Convention for the Protection of All Persons from Enforced Disappearance.

The UN Declaration on the Protection of Persons from Enforced Disappearance refuses to invoke any exceptional circumstances such as war or political instability to justify enforced disappearance, which was included among the crimes against humanity in the Rome Statute of the International Criminal Court in 1998.

The International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly on 20 December 2006, states that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity. It gives the families of the victims the right to seek reparations.

The Convention also provides for the right not to be subjected to enforced disappearance, as well as the right of relatives of the disappeared person to know the truth. It includes several provisions related to the prevention, investigation and punishment of this crime, as well as the rights of victims and their relatives, and the unlawful removal of children born during captivity.

The Convention also stipulates the obligation of international cooperation, both in suppressing this practice and in dealing with the humanitarian aspects of the crime. The Convention establishes a committee on enforced disappearances with important and innovative tasks of monitoring and protection at the international level. Currently, the International Campaign against Enforced Disappearances is working on the universal ratification of the Convention.

International humanitarian law prohibits torture and other forms of ill-treatment at all times, and requires that detainees be treated in accordance with the provisions and principles of international humanitarian law and other international standards.

## **Conclusion**

The organization holds the forces of the Transitional Council and other armed gangs responsible for the security deterioration in the city of Aden, and the disruption of judicial institutions, and calls on them to immediately stop practices towards the civilian population. It also calls on all parties to the necessity of giving priority to respect for the law and compliance with it in all the measures they take.

"SAM" stresses that what it has monitored of violating the rights of individuals by military authorities in Aden, seriously violates the charters regulating human rights, and Yemeni laws that regulate procedures and methods of detention and arrest of persons and the necessity of issuing judicial orders to that effect. It also considers the failure to disclose the victim's fate as a serious violation of human rights, and a worrying indication of the growing influence of the armed forces outside the rule of law without their commitment to the laws and covenants related to the preservation of people's freedoms and dignity.

The organization also stresses that the multiple military authorities' sole power over private prisons that are not under the authority of the Public Prosecution exacerbates human violations related to arbitrary arrest and enforced disappearance in the city of Aden as it is not acceptable in any way to keep private prisons without closing or subjecting them to judicial authority since these prisons have turned into a tool for revenge against opponents and violation of human rights.

"SAM" called on the Transitional Council in the city of Aden and its affiliated forces - which are supervised by the UAE - to stop their violations that constitute a violation of international human rights law, to reveal the fate of those forcibly disappeared since the beginning of the conflict in Yemen and the need to work to refer all those involved in house raids, arbitrary arrests, torture and enforced disappearances to the judiciary, and to close all illegal prisons affiliated with armed factions.

