

# Report

## Violations against civilians, including journalists, human rights defenders and academics in Yemen

January and July 2021



**Violations against civilians, including journalists, human rights  
defenders and academics in Yemen**

Cases between January and July 2021

Report by

Cairo Institute for Human Rights Studies



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## **This report**

Throughout the first half of 2021, this analytical brief addresses ongoing attacks by parties to the conflict in Yemen against civilians, women and men, including human rights defenders, journalists, academics, and students, in the context of relatively recent realities.

The non-exhaustive list of cases presented in this brief provides examples of multiple targeting patterns and violations in different geographic locations in Yemen (Sana'a, Hadramawt, and Aden), under the control of different parties to the conflict. The widespread nature of such violations indicates the involvement of all parties to the conflict in their commission.

## **Report methodology**

The information contained in this report was collected by researchers at the Cairo Institute for Human Rights Studies (CIHRS) between January 2021 and July 2021, relying on primary and secondary sources.

The researchers conducted seven direct interviews with seven survivors of the human rights crimes and violations referred to in this report, in addition to an interview with the lawyer acting as the legal representative in several cases mentioned in the report. The researchers also relied on documented information provided by Yemeni community organizations, including Addameer Prisoner Support & Human Rights Association and Mwatana for Human Rights in addition to reports from international organizations such as Human Rights Watch and Amnesty International.

The researchers took into account the age, gender, and geographic diversity in the non-exhaustive list of cases of victims and survivors by focusing on distinctive patterns of targeting or violation in different geographical locations throughout Yemen (Sana'a, Hadramout and Aden), under the control of various parties to the conflict.

## Executive Summary

This analytical brief covering the first half of 2021 addresses continued attacks in Yemen by all parties to the conflict against civilians including human rights defenders (HRDs) and journalists. The non-exhaustive list of recent cases presented here exemplifies patterns of targeting civilians in different areas (Sana'a, Hadramout and Aden) under the control of various parties to the conflict.<sup>1</sup>

The situation of journalists in Yemen remains precarious amid an ongoing war and the Covid-19 pandemic. Throughout the conflict, human rights defenders and journalists have paid a heavy price due to their work<sup>2</sup>. Journalists continue to be subjected to killing, harassment, arbitrary arrest, enforced disappearance, physical assaults, fabricated charges, as well as undue restrictions to their fundamental rights, including their right to freedom of expression.

In the context of the armed conflict and prevailing impunity, the protection of human rights defenders and journalists must be prioritized to ensure a safe and enabling environment for their work. On 25 February 2021, during the interactive dialogue on Yemen at the 46th session of the Human Rights Council, the United Nations Group of Eminent Experts (GEE)

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<sup>1</sup> Yemen's territories are divided into areas controlled by the legitimate government, de facto authority Ansar Allah (Houthi), and Southern Translational Council (STC), which has exacerbated the protection safeguarding for HRDs and journalists.

<sup>2</sup> Reports Covering Human Rights Violations Against Journalists in Yemen by Mwatana, Amnesty International, Gulf Center for Human Rights and Human Rights Watch. See at: <https://www.amnesty.org/en/latest/news/2020/05/yemen-journalists-at-risk-of-execution-must-be-freed-to-mark-world-press-freedom-day/> and [https://civicus.contentfiles.net/media/uploads/key\\_analyses/file/2017/07/20/15\\_35\\_18/Yemen\\_Report\\_En.\\_-June\\_2017\\_.pdf](https://civicus.contentfiles.net/media/uploads/key_analyses/file/2017/07/20/15_35_18/Yemen_Report_En._-June_2017_.pdf)

raised concern about the “shrinking democratic space and lack of fundamental freedoms” in Yemen<sup>3</sup> “manifested in continuing restrictions on freedom of expression, freedom of religion, arbitrary deprivation of liberty, enforced disappearance, and intimidation of journalists, human rights defenders, and members of minority groups.”

In their 2021 report to the Human Rights Council, the GEE reported on documented cases of the enforced disappearance, arbitrary detention and torture of journalists, human rights defenders and religious minorities, stating that parties to the conflict engaged in these practices “to silence their perceived opposition or to punish them for their religious beliefs, and to legitimize their power through the spread of fear.”<sup>4</sup>

Security forces belonging to warring parties arbitrarily detained and disappeared hundreds of civilians, including journalists and human rights defenders. Conditions of detention in Yemen are abysmal. “Currently an average of 22 inmates are put in one cell, although the cell’s capacity is set at 12 individuals,” said defense lawyer Abulmajeed Sabrah. Detention facilities are overcrowded and unsanitary, and have already witnessed the spread of contagious diseases. Health care is not made available to detainees and in some cases outright denied, while prison systems do not have the capacity, medical supplies or resources to respond to Covid-19. The GEE called on parties to the conflict to take effective measures to mitigate the spread of the disease, including by releasing prisoners and detainees who are “particularly vulnerable and exposed to substantial risk” in “appalling detention conditions.”

From 3 January 2020 to 30 May 2021, there have been 6,735 confirmed cases of Covid-19 with 1,320 deaths, reported to the World Health Organization.<sup>5</sup> The country’s first confirmed Covid-19 case was registered on 10 of April 2020. Since then, the UN has reported the death of hundreds of Yemenis; however, the country’s limited testing capacity

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3 GEE Oral Update of the Group of Eminent Experts on Yemen to the 46th session of the Human Rights Council (February 2021) See at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26800&LangID=E>

4 Report by the Group of Eminent Experts on Yemen, “A Nation Abandoned: A call to humanity to end Yemen’s suffering”, September 2021 <https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/A-HRC-48-20-AUV.pdf>

5 WHO report See at: <https://covid19.who.int/region/emro/country/ye>



means that the number of cases is unknown.<sup>6</sup> Moreover, the country faces multi-layered challenges to guaranteeing access to vaccines across divided geographical areas amid a looming famine, already-existing diseases, and a health system overwhelmed by years of conflict, with less than half of the country's health facilities operating at full capacity due to the war, economic collapse, a lack of humanitarian funding, and political divisions of state and non-state actors.<sup>7</sup>

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<sup>6</sup> World Health Organization. See at: <https://www.who.int/news/item/27-04-2020-who-timeline---covid-19>

<sup>7</sup> Reuters Staff, Yemen gets first COVID-19 vaccines but is "at the back of the queue, 31 March 2021, available at: <https://www.reuters.com/article/health-coronavirus-yemen-vaccine-int/yemen-gets-first-covid-19-vaccines-but-is-at-the-back-of-the-queue-idUSKBN2BN1IS>

## **The Targeting of Civilians including Human Rights Defenders and Journalists**

The humanitarian and human rights situation in Yemen has continued to deteriorate drastically. As the conflict in Yemen enters its seventh year, all parties to the conflict continue to commit violations against civilians including human rights defenders, journalists, and activists.<sup>8</sup> Journalists, human rights defenders, and political opponents are specifically and deliberately targeted by the authorities in an attempt to stifle peaceful dissent and freedom of expression. Individuals continue to be subjected to arbitrary detention, enforced disappearance, torture and ill-treatment by all parties to the conflict, as many are held in unofficial or clandestine detention facilities.<sup>9</sup>

As reiterated by the High Commissioner for Human Rights, Michelle Bachelet, journalists are “under attack from all quarters. They are killed, beaten and disappeared; they are harassed and threatened; and they are jailed and sentenced to death for merely trying to shine a light on the brutality of this crisis.”<sup>10</sup> She called on all parties to the conflict to release arbitrarily detained individuals and ensure investigations bring justice to victims and their families. This was reflected by Yemen’s ranking of 169 (out of 180 countries) in the 2021 World Press Freedom Index.

### **1. Arrest of journalists, human rights defenders, and activists during the 18 February 2021 protests in Al-Mukalah**

On 18 February 2021, police security forces in Hadramaut governorate arbitrarily arrested seventeen Yemeni civilians, among whom were human rights defenders and four journalists. The governorate is under the control of Yemen’s president Abdrabbuh Mansur Hadi and

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8 UNIVERSAL PERIODIC REVIEW Yemen (June 2018) See at: <https://www.alkarama.org/en/documents/yemen-universal-periodic-review-3rd-cycle-alkaramas-report-june-2018>

9 The report of In the Darkness by Mwatana, ‘Abusive Detention, Disappearance and Torture in Yemen’s Unofficial’ See at: <https://mwatana.org/en/in-the-darkness/> covering May 2016- April 2020 in in 11 unofficial detention sites across Yemen run by various parties to the conflict.

10 Statement OHCHR (August 2020) See at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=26152>

governor Faraj al-Bahsani. The arrests came following orders issued by al-Bahsani, in the context of weekly protests organized by a group of activists in Al-Mukalah.

CIHRS interviewed five journalists and human rights defenders who were among those arrested during the protest. Mohammed Ali Jaber, a Yemeni civil society activist and organizer of the protests who was arrested during the 18 February demonstration, explained that these twelve protests had been occurring weekly over a period of three months. The protest organizers are local journalists, activists, and trade union members, who demonstrated to call on authorities to open Al-Rayan International Airport, which was transformed into a military base,<sup>11</sup> to strengthen the rule of law and enhance security in the valley of Al-Mukalah. The protestors also highlighted the need to address the deteriorating economy in the governorate by monitoring the prices of basic goods, and called on the authority to urgently disburse allowances to support Yemenis afflicted by the high cost of living. They also called on the governorate to increase transparency, disclose and monitor the governorate's revenues and expenses, and address financial and administrative corruption.

On 18 February, local authorities met the demonstration with armed personnel to arrest participants. Seventeen demonstrators were held in the City Security Centre and later transferred to the Central Prison in Mukalla. These arrests were carried out arbitrarily against individuals exercising their right to peaceful assembly and expression. Following their arrest and detention, individuals were told to sign pre-written pledges<sup>12</sup> in exchange for their release in which they pledged that they would not protest again or hold public gatherings. On 20 February, within two days of their arrest, all detainees were released; the

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11 AlRayan airport, Yemen's third-largest airport, fell under the control of the al-Qaeda organization in Yemen in April 2015 and was recaptured in April 2016. Since then, the UAE has used it as a military base and has refused to reopen it for regular flights. See at: <https://edition.cnn.com/2021/02/22/middleeast/yemen-journalist-adel-al-hasani-intl/index.html>

12 The pledge translation is "I pledge and committed myself [...] not to hold any political event except with the approval of the security authorities in the governorate, as well as committed and pledge not to raise any inciting signs that violate the laws in force and not to chant any slogans that disturb public security and stir up hatred for the armed forces And the Hadrami elite forces and the Arab coalition countries."

majority of them signed the pledges. These pledges are illegal and contravene international law.

Hala Fouad Badawi, a Yemeni journalist and human rights defender, spoke about the local authority's attempts to intimidate and silence journalists, activists, and citizens. Hala said that journalism and freedom of speech in Mukallah is becoming increasingly restricted and suppressed. Hala participated in the protest and was subsequently detained along with her colleagues. Yusra Al-Battati, a human rights defender who also participated in the protest and was detained, testified to her arrest being an unjustified act. Al-Battati said that she had not imagined that participating in protests would lead to her arrest and the excessive use of force against her with the aim of silencing her and other activists. Both Hala and Yusra, along with judge Ahmed Bou Nasser, were released on 18 February, whereas two other journalists, correspondent of the Yemen Shabab satellite channel; Moataz Al-Naqib, and correspondent of Al-Mahriah satellite channel Zakaria Mohammed, were released the following day.

Moataz Al-Naqib and Zakaria Mohammed, two Yemeni journalists, were arrested while on site to cover the peaceful protest on 18 February 2021. Before the protest started, security forces arrested the journalists along with protestors, without providing any explanation for their arrest. At 22:00, Moataz and Zakaria were presented before investigators, who expressed their surprise at the fact that journalists and correspondents had been arrested without judicial orders. Moataz and Zakaria were both taken to the Central Prison in Mukalla and put in different cells with other prisoners accused of committing serious criminal offenses. On a psychological level, the arrest and detention were difficult experiences, Moataz explained.

The following week, on Thursday 25 February, as journalists and activists were gathering to protest, they were met by a larger number of armed personnel who disrupted the gathering and prevented the protest from taking place. Correspondent Moataz Al-Mahriah, who was covering the protest, was detained by security forces on the scene for about two and a half hours and subsequently released.

Since 18 February 2021, journalists and human rights defenders have stopped organizing the weekly demonstrations as a result of the crackdown and have expressed their deep frustration with shrinking civic space. Mohammed Ali Jaber said that the organizers could not carry out the peaceful demonstration any longer, due to the repression of previous demonstrations and the arrests of human rights defenders and activists.

## **2. Four journalists sentenced to death are transferred to the Exchange House in Sana'a**

On 29 March and 28 February 2021, court hearing sessions in the case of four journalists sentenced to death by Ansar Allah (Houthi) forces took place at the Specialized Criminal Appeals First Instance Court in Sana'a in the absence of the four journalists Abdul Khaleq Imran, Akram Al Walidi, Harith Humaid, and Tawfiq Al Mansouri. Defense lawyer Abdulmajeed Sabra informed CIHRS that the journalists were not brought to the session despite the fact that a memorandum requesting their presence was delivered by the prosecution office.

On 28 February, the Specialized Criminal Appeals Court ordered their release. To date, the Security Intelligence Service did not implement the court's decision. Defense lawyer Sabra informed CIHRS that the four journalists had been transferred from the Security and Intelligence Prison to the Exchange House, pending their release in a prisoner exchange. Sabra stated that the journalists were subjected to physical and psychological torture and threatened to be sentenced if the prisoner swap agreement did not take place.

The four journalists have been detained by Ansar Allah (Houthi) forces since 2015. They were sentenced to death on 11 April 2020 by the Specialized Criminal Court in Yemen's capital Sana'a. The Public Prosecutor's indictment accused the journalists of "broadcasting false and malicious news, data and rumors, propaganda, and establishing several websites and social networks on the internet where they broadcast news and false rumors in support of Saudi-led coalition crimes on Yemen," basing the indictment on articles 16, 21, 126 second, and 136 of the Penal Code (Law No. 12 of 1994 on crimes and penalties).

The court sessions, including the 11 April session, were held in the absence of a defense lawyer, as a result of the court's decision in its second session to expel him from the session hall and not allow him to plead the case without any reason. As for the first session, the defense lawyer attended by chance. Abdelmajeed Sabra, who said he was provided false dates for the session. The proceedings lacked fair trial standards. To date, the lawyer and detainees have not received access to the case files and court proceedings. According to defense lawyer Abdelmajeed Sabra, the four journalists were also absent from the appeals court hearings, despite the prosecution's submission of a memorandum requesting their attendance. In the first session, the Specialized Criminal Court of Appeal requested a statement as to the reason for the four journalists not attending. The Security and Intelligence Service reported that the four journalists were handed over to the Prisoner Exchange Committee under the release orders issued by the Public Prosecution. So far, this exchange has not been implemented. According to the defense lawyer, the four journalists were transferred from the Security and Intelligence Prison to a prisoner exchange in October 2020, pending their release in a prisoner exchange deal. If the exchange agreement is not concluded

Since their arrest, the journalists were transferred to several prisons, the last of which was the Central Security Prison at the end of the year 2020, in which their relatives were not allowed to visit. Moreover, the journalists were deprived of medical care, including journalist Tawfiq Al Mansouri, whose health deteriorated during detention. Tawfiq's brother, Abdullah al-Mansouri, said that Tawfiq has been denied medical treatment despite being seriously ill with kidney disease and diabetes. On 15 October 2020, detainees were transferred to a detention facility pending a prisoner exchange deal. Since then, their families have not been allowed to visit them.<sup>13</sup>

it is worth noting that the UN special procedures expressed concern at the journalists' arrest and "grave concern at the treatment of journalists while in detention and incommunicado detention."<sup>14</sup> and in a joint communication for 150 organizations condemned the sentences to the four journalists, and called for their release.

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<sup>13</sup> <https://www.theguardian.com/world/2021/apr/11/yemeni-journalists-call-for-release-of-colleagues-held-by-houthi-rebels>

<sup>14</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25543>

### **3. Arrest, torture and enforced disappearance of journalist held in al-Mansoura Prison in Aden**

On 14 March 2021, Adel al-Hassani, an Aden-based investigative journalist, was released after he was detained for almost six months . Adel al-Hassani was arrested on 17 September 2020 at a checkpoint at the entrance to the southern Aden governorate, neighboring the Abyan governorate, by the elite military wing of the Southern Transitional Council (STC), Yemen's UAE-backed forces.

Al-Hassani is a co-founder of Aden al-Ghad, a Yemeni news website. He also worked with international freelance reporters for major media outlets including the BBC and CNN. According to a statement released by Mwatana, STC forces interrogated al-Hassani and used physical assault and psychological torture to force him to confess that he used his work as a journalist to "spy for foreign countries." Human Rights Watch reported that al-Hassani was subjected to torture including sleep deprivation, solitary confinement, and beating.<sup>15</sup> He was also forced to sign a document confirming that he worked as a spy for foreign countries. For 25 days, al-Hassani was forcibly disappeared. His family was made aware of his location on 12 October, when al-Hassani was transferred to Al-Mansoura Prison run by UAE-backed STC security forces in Aden. He was finally released on 14 March 2021.

### **4. Torture and inhuman treatment of 36 Yemeni civilians, including academics and students, of whom 30 are sentenced to death in Sana'a**

The case of Nasr Al-Salami consists of 36 Yemeni civilians, academics, students and athletes arrested between 13 October 2015 and 30 January 2017 by the Ansar Allah (Houthi) de

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<sup>15</sup> <https://edition.cnn.com/2021/03/14/middleeast/yemen-freed-journalist-intl/index.html>

facto authorities<sup>16</sup>, most of them are affiliated to the Islah political party.<sup>17</sup> The prosecution consolidated these cases under one case with the following charge directed against the 36 individuals: 'Participation in armed and organized groups with the intent to attack national security, and carry out terrorist acts, including bombings and assassinations. Furthermore, to assist aggressor countries by providing them with coordinates for military and public sites and notable officials to target.'

Following their arbitrary arrest, the 36 individuals were subjected to enforced disappearance for periods ranging from a week to five months, during which they were subjected to severe inhuman treatment and torture while being held at the Security and Intelligence Prison in Sana'a. Amongst the 36 detainees are six academics and fourteen students. In this case, 30 individuals were sentenced to death by Ansar Allah (Houthi) de facto authorities. On 9 July 2019, 30 detainees among the 36 were all sentenced to death in the Court of First Instance in Sana'a in 2019<sup>18</sup>. Six individuals were acquitted and released in 2019, while eight individuals were released in the prisoner swap exchange deal on 15 October 2020. 22 remain in detention till the time of reporting.

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16 Names of the 36; 1- Basheer Moqbal Moahmmed Farhan 2- Husam Abuldwali Ahmed Al-Moalmy 3- Kaheld Daood Ahmed Alnahari 4- Raed Moahmmed Haider AlRomaish 5- Rafat Ameen Haza'a AlHemyari 6- Saad Hassan Moahmmed AlNozayli 7- Saddam Husien Hezam Al-Rohani 8- Saddam Mohammed Mohammed Dokhan 9- Abdulaziz Ahmed Moahmmed Al-Hakami 10- Abdullah Abdulbaset Moahmmed Al-Shami 11- Abdullah Ali Hussien Al-Maswari 12- Abdullah Moahmmed Ghaleb Robe 13- Othman Abdoh Hezam Al-Nwayrah 14- Azzam Abdulgani Ali Al-Dhobaibi 15- Qabos Yousef Haider Al-Shami 16- Majed Saleh Ahmed Al-Jpdawi 17- Moahmmed Abdullah Ahmed Al-Jawfi 18- Moahmmed Ibrahim Solaiman Al-Ahdal 19- Moahmmed Hizam Ahmed AlYamani 20- Moahmmed Saleh Ahmed Mayas 21- Mohammed Abdulwahab Mahdi Al-Hadad 22- Mohammed Abdo Ali Al-Ryashi 23- Maohmmed Ali Moahmmed Al-Shibri 24- Moahmmed Mohsan Mojamal Ashal 25- Mohammed Yhya Mohammed Akeri 26- Moath Ahmed Abdulwahab Noman Al-Sabri 27- Mofdal Moahmmed Ali Al-Sharafi 28- Nabeel Ali Rashed Al-Ansi 29- Najm Aldien Moahmmed Naser Mohammed Al-Dhieb 30- Nasr Mohammed Mohammed Alsalami. 31- Yousef Saleh Ali Albawab 32 - Waleed Qasem Al-zayn 33- Younes Senan Qaed Al-Jaradi 24- Yousef Abdullah Al-Hawri 35- Hamdan Mohammed Mohammed AlSayfi 36- Yousef Nasr Ahmed AlKomaim

17 The political party, The Yemeni Congregation for Reform, known as Al-Islah, was officially formed in 1990, after the unification of Yemen in 1990. Al-Islah was the largest party in the Saleh regime, and its formation is linked to the religious movement, the Muslim Brotherhood

18 Sessions records are attached to this report



On 22 March 2021, the court hearing session in the case of Dr. Nasr Mohammed Al-Salami and the other detainees took place in the Specialized Criminal Appeals Court in Sana'a. The court confirmed the initial verdict (death sentences) issued against the detainees. Following the verdict, the defendants confirmed they wanted to appeal. The defense team requested a copy of the court case files and the court agreed to provide them with the initial verdict. The trial was postponed to 14 June 2021, the defense lawyer requested another opportunity to file appeals due to the large number of detainees and the large size of the case file.

Defense lawyer Abdulmajeed Sabra stated that the detainees had been forcibly disappeared immediately after the Ansar Allah (Houthi) forces raided the homes of the 36 individuals and subsequently arrested them. During and following the period of the disappearance, the detainees were subjected to various types of physical and psychological torture and cruel, inhuman and degrading treatment. The defense team said that the torture continued during the trial; the detainees were only referred to the prosecution after the marks of physical assault had mostly disappeared. Defense lawyer Sabra noted that torture marks were visible on Dr. Yusuf Albawab including the swelling in his right kidney. Reports of torture can be found in the records of the prosecution's investigations.<sup>19</sup>

Statements of torture and inhumane acts are found in this report as stated by the majority of the 36 detainees in the records of the prosecution investigations between 26 and 30 of March 2017 by five investigators. These acts include cuffing hands and feet during investigations, beating with sticks all over the body, blindfolding, and forcing detainees to stand still for hours. Detainees were also interrogated for successive days, solitarily confined in dark cells for months, denied sleep, and threatened with sexual violence.

Dr. Yusuf Albawab, a professor at Sana'a University, was forcibly disappeared on 20 October 2016, for a period of three months. In statements to the prosecution, he said:

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<sup>19</sup> For instance, Case of Dr. Nasr Muhammad Al-Salami in the prosecution investigation report from p. 186 to p. 193 dated 29 March 2017. and Case of Dr. Yusuf Saleh Ali Al-Bawab in the investigation report from pp. 174 to p. 184 and dated 29 March 2017. and Case of Professor / Khaled Daoud Al-Nahari - Director of Al-Fateh Schools in the investigation report from p. 212 to 220 dated 30 March 2017. and Case of the student / Moaz Ahmed Abdel Wahab Noman in the investigation report from pp. 221 to p. 234 dated 30 March 2017.

“I was transferred to the Political Security Forces, as I found out later. I was subjected to torture; I was tied by my hands from the ceiling of the cell, forcing me stand on my feet every night until dawn for a week. During the three-month period, the prison officers beat me all over my body, including where I had undergone surgery before being arrested, until the internal tissue tore and my kidney came outside of my body. They threatened me with sexual assault and rape. I was told a bottle would be placed in my behind.”

Although Dr. Albawab gave this testimony before the court, it was not included in the court records of the session.

Mr. Khaled Al-Nahari was forcibly disappeared on 25 September 2016 for four months. His interrogation lasted for eight consecutive days, during which he was only allowed to sleep for one day, as he confirmed in his statements before the prosecution during the investigation between 26 and 30 March 2017.

Dr. Nasr Muhammad Al-Salami, who was forcibly disappeared on 27 September 2016, delivered his statement before the court during his hearing on 16 April 2017. He spoke of being tortured by his jailers with the aim of coercing him into confessing on a video recording, which was played during the hearing. After the video contents in the evidence collection records were reviewed, Al-Salami replied:

“Yes this is my statement. I gave it under duress and severe physical torture. I was tied by my hands from the ceiling of the cell, and beaten during the time I had been forcibly disappeared. After four days of torture, I made all these statements. And the scenes in the video are fabricated, with parts added and cut.”

Dr. Al-Salami was asked if he had proof that he had been forced to make such statements in the video tape and evidence collection records. He replied that many marks of torture had already disappeared because the authorities referred him to the court after seven months of enforced disappearance. He requested the court to conduct a medical examination, and said that it would prove his confession was coerced by torture. The court did not respond to his request and he was not medically examined.

Moreover, records of the investigations conducted with the 36 detainees did not include the name(s) of the investigator(s), which could be an indication of unwillingness to reveal their identity in order to avoid prosecution.

Detainee Othman Abdo Al-Nuwaira, a 19-year-old high school graduate, who had been forcibly disappeared on 15 October 2016, said in a statement<sup>20</sup> in front of the prosecution:

“My earlier statement was made out of fear for my political security, as they threatened me to not change what is in the record.”

Al-Nuwaira also said that he was slapped and received death threats with weapons.

The interrogators explicitly stated that they had tied the detainees during the interrogation, as written in the report of detainee Azzam Abdul-Ghani AlDoubai, dated 28 October 2016, and the report of detainee Hossam Abdul-Wali Al-Maalamil, dated 18 December 2016. The interrogators included the following sentence in their report:

“The detainee was still not cooperating in his statement, so we recommended his referral to the political security unit.” This sentence clearly indicates that referral to the political security unit is intended to extract information from the detainee using more severe and cruel methods. A number of reports submitted by the Criminal Investigation Department<sup>21</sup> referenced detainees’ referral to the political security unit.

Several detainees were forced to sign and provide a fingerprint on a piece of paper while they were blindfolded, not knowing what was written on the paper. The torture became so severe that detainees asked interrogators to write whatever they want, so long as they stopped torturing them, as stated by Dr. Yusuf Albawab.

To intimidate and pressure detainees, family members were arrested. Amat al-Rahman, the sister of detainee Moaz Ahmed Abdel-Wahhab Numan, a college student, was arrested along with her children on 10 September 2017 for a day in the Political Security unit. Four family

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<sup>20</sup> The statements to the Prosecutor's Office, pp. 75 and 76 dated 27 March 2017.

<sup>21</sup> including the report on the detainee Hamadan Muhammad al-Saifi in paragraph 16 and the report dated 28 October 2016, on the detainee Azzam Abdul-Ghani al-Dhabibi, and the report dated 15 October 2016 and the detainee Muhammad Abdel Wahab Al-Haddad the report dated 16 October 2016, and the detainee Raafat Amin Al-Hamiri.

members of detainee Saddam Muhammad Dukhan, a college student, including his father and three of his brothers, were arrested for almost a week in order to force him to present himself before the de facto authority on 25 September 2016. Three members were detained of the family of Younes Sinan al-Jaradi, a 21-year-old high school graduate (his father, uncle and brother in law) until he presented himself before the de-facto authority on 9 September 2016.

## **Legal Framework**

### **1. Scope of International Legal Standards**

The applicable international legal framework in Yemen covers international human rights law, international humanitarian law and international criminal law.

Yemen is a signatory to an array of international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (CAT), and the Convention on the Rights of the Child (CRC). These treaties remain in effect during periods of armed conflict. The government of Yemen remains bound by these treaties where it exercises effective control. De-facto authorities controlling large parts of Yemen's territory and population and exercising government-like functions, like the Ansar Allah (Houthi) group and the UAE-backed Southern Transitional Council, also have obligations under international human rights law. Members of the UAE-Saudi coalition have obligations to respect, protect and fulfill human rights within their jurisdiction and where they exercise effective control, including in detention centers or military bases under their authority.<sup>22</sup>

Given the ongoing armed conflict in Yemen, international humanitarian law is applicable, namely Common Article 3 and Additional Protocol II to the Geneva Conventions. As such, all parties to the conflict, including non-state armed actors, must comply with these provisions as well as relevant customary international humanitarian law.

### **2. Yemeni Law**

Most of the accusations leveled at journalists and human rights defenders, some of which were referred to in the context of this report, are based on the arsenal of repressive laws and broad interpretations of undisciplined legal terms that are used to retaliate and abuse human

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<sup>22</sup> United Nations Human Rights Treaties Bodies, See at: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=193&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=193&Lang=EN)

rights defenders, journalists, academics and others, and increase restrictions on the rights of Yemenis, especially the right to peaceful protest. and the right to freedom of expression.

Articles (125) and (126) of the Yemeni Penal Code of 1994 on Crimes and Penalties provide:

(125) Anyone who undertakes an act with the intent of violating the independence, unity or territorial integrity of the Republic shall be punished by the death penalty.

(126) Anyone who intentionally undertakes an act, with the aim of weakening the armed forces, shall be sentenced to the death penalty. This includes destroying, spoiling, distorting or impairing any military site, base or facility or any factory, boat, aircraft, transportation road, transport vehicle, facilities, ammunition, supplies, medicine or any other items that were prepared for the defense of the country, or which are used accordingly, or manufactured, repaired or rendered unfit for use for the purpose it was so prepared- even temporarily- or made to cause damage or become hazardous. It also includes broadcasting false or biased news, data or rumors or willfully disseminating propaganda that damages military preparedness for national defense or armed operations, and incites fear and weakens public morale. It also includes disclosing confidential national defense information.<sup>23</sup>

Article (135) provides that: Whoever calls for or instigates the non-application of or disobedience to the laws in force shall be punished by a statute of limitations for a period not exceeding three years. Anyone who incites people to disobey or not adhere to the effective laws shall be punished by imprisonment for up to three years.

Article 136 provides that: Whoever broadcasts false or tendentious news, data, or rumors, or propaganda, with the intent of disturbing public security, causing public fear, or causing harm to public interest, shall be punished with imprisonment for a period not exceeding three years.<sup>24</sup>.

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23 See at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/83557/92354/F1549605860/YEM83557.pdf>

24 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/83557/92354/F1549605860/YEM83557.pdf>

## Recommendations

CIHRS is concerned by the continued attacks by parties to the conflict targeting human rights defenders and journalists preventing them from carrying out their work and violating their fundamental rights. All parties to the conflict must end practices of enforced disappearance, arbitrary detention, intimidating and punishing journalists, media workers, human rights defenders, and activists for their work and peaceful protests. Journalists and human rights defenders must be allowed to exercise their right to freedom of opinion and expression without intimidation or undue restriction.

CIHRS urges the GEE to:

- Continue to investigate violations committed against human rights defenders and journalists and provide recommendations to the parties to the conflict on their duties and obligations under international law to ensure the protection of human right defenders, journalists and civil society organizations carrying out important work in Yemen.
- Support efforts related to achieving accountability and redress for violations of international humanitarian law and international human rights law committed by all parties to the conflict.
- Continue to press the Ansar Allah (Houthi) authorities to free all those arrested and convicted in violation of their right to freedom of expression, and to stop detaining journalists, human rights defenders, academics, students and online activists.
- Call on the warring parties in Yemen, namely the Saudi/UAE-led coalition, the internationally recognized government of Yemen, and Ansar Allah (Houthi) armed group, to
  - Urgently release all those arbitrarily detained in a manner which ensures their dignity, safety and security;

- o Take urgent steps to verify the data of the detained journalists, human right defenders, and academics, and disclose the fate of the disappeared;
- o Conduct a thorough review of the prison population and order the immediate release of “low-risk” detainees and prisoners and the particularly vulnerable, including children, the elderly and those with health conditions that make them more vulnerable to Covid-19;
- o Provide detainees with adequate sanitary installations, regular access to sanitary facilities and prompt accessible health care, including access to Covid-19 testing and adequate treatment on a standard equal to the general population;
- o Ensure access for recognized monitors by the United Nations of detention conditions to all detention facilities, official and unofficial;
- o Ensure that detainees are afforded the right to fair trial, and are provided with means of communication with the outside world.

CIHRS urges the international community, namely UN member States, the European Union, and other relevant stakeholders to:

- Take all necessary measures to ensure the protection of human rights defenders, including women human rights defenders, activists, journalists, and minorities, against acts of intimidation, attacks, arbitrary detention, among others, by the various parties to the conflict.
- Urge and work with parties to the conflict to take additional measures to release those arbitrarily detained and forcibly disappeared in Yemen, including activists, journalists, and human rights defenders.
- Urge all warring parties, namely Ansar Allah, to rescind all death sentences, especially those issued against HRDs, journalists, lawyers and others.



- Ensure dynamic and regular engagement with Yemeni civil society, which includes HRDs, journalists and academics, and work to amplify their demands and aspirations in policy-making towards Yemen.
- Ensure sustainable funding for Yemeni human rights organizations to enable them to continue their imperative work, including the monitoring and documentation of human rights violations.
- Ensure accountability for all those responsible for violations of international law and crimes committed within the context of the ongoing war in Yemen including by intensifying efforts and resources to:
  - Ensure the continuity of the mandate of the GEE through an ongoing multi-year mandate and by providing the necessary political support and financial resources to continue its work in documenting and reporting on violations of international law in Yemen to the UN Human Rights Council.
  - Support the establishment of an international criminally-focused investigation body to collect, consolidate, preserve and analyze evidence, prepare case files, and identify victims of grave violations and crimes, including journalists and human rights defenders.