



# ‘WHERE IS MY FATHER?’:

DETENTION AND DISAPPEARANCE IN HUTHI-CONTROLLED YEMEN

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*Cover photo: "Yes for freedom" written on the hands of a woman protesting detentions by the Huthi armed group in Ibb, November 2015. ©Private.*

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# EXECUTIVE SUMMARY

**“My children continue to cry for their father. My youngest son Anas, who is four, sits up all night and prays for his father’s release.”**

Zeinab, wife of Abdelmalik Salem al-Hutami, held by the Huthi armed group without charge or trial since April 2015

The Huthi armed group, which since late 2014 has controlled large parts of Yemen, has – in conjunction with forces loyal to former President Ali Abdullah Saleh and state security and intelligence agencies – carried out hundreds of arbitrary arrests and detentions of its opponents, as well as enforced disappearances, torture and other ill-treatment of detainees. The Huthis and forces allied to them mounted a fierce clampdown when they took control of Yemen’s capital Sana’a in September 2014 and intensified this dramatically after the start of the Saudi Arabia-led coalition’s aerial bombardment campaign in March 2015.

There has been little let-up in the past year. Some prisoners have been held for up to 17 months without being brought before a prosecutor or a judge, receiving any form of legal assistance or being charged with an offence, and without any apparent legal basis for their detention. 18 of the individuals whose cases are featured in this report are still being held. The whereabouts of at least three of them are unknown.

Amnesty International’s findings on the Huthi armed group’s detentions are based on interviews with 73 people carried out between May 2015 and April 2016. Those interviewed include former detainees, family members, friends or colleagues of those detained and local activists. The majority of interviews took place remotely, by phone or similar means, while 12 interviews were carried out in person in Yemen between May and June 2015. In May 2016, Amnesty International presented its findings to the Huthi armed group in person and in writing and offered the group the chance to respond. Amnesty International asked the Huthi armed group for permission to visit detainees, but the request was not granted. Researchers have examined a variety of official documents issued by the Prosecutor General in Sana’a, including orders for the release of detainees.

In September 2014, the Huthis, a northern Yemeni Zaidi Shi’a armed group which had been involved in six bouts of armed confrontations with the Yemeni government between 2004 and 2010, seized control of the capital with army units loyal to former President Ali Abdullah Saleh.

By March 2015 Huthi forces were advancing on the south when an international coalition led by Saudi Arabia launched air strikes against them, sparking the current conflict. The fighting has been brutal, with all parties displaying flagrant disregard for civilian life and the rules of international humanitarian law. More than 3,000 civilians have been killed, more than half in airstrikes by the Saudi Arabia-led coalition, and over 2.8 million people have been displaced.

In this context, the Huthi armed group has sought to quash dissent in the areas under its control. They have swept up political opposition figures, activists, human rights defenders and journalists from their homes, streets, work places, meetings or protests, as part of a broad crackdown against those who have opposed

their take-over of government institutions and might have spoken in favour of the Saudi Arabia-led coalition campaign. They have labelled them as “dawa’ish”, meaning supporters of the armed group calling itself Islamic State (IS) or its affiliates, or as “supporters of the Saudi Arabia-led coalition aggression on Yemen”, in an apparent attempt to justify their detention.

The state security and intelligence agencies the Political Security Organization (PSO) and National Security Bureau (NSB) have worked hand in hand with Huthi forces to facilitate the prolonged arbitrary detention of many of these individuals, including by detaining them at their facilities in Sana’a.

The precise number of individuals who have been or are currently arbitrarily detained in areas under Huthi control is difficult to establish, in part because of the opaque and secretive nature of arrest and detention practices, and Amnesty International cannot confirm exactly how many individuals may be affected. While Amnesty International has examined 60 individual cases for this report, the organization is aware of dozens of other cases which it has not been able to document in detail, in some cases because those involved have feared reprisals from the Huthi armed group for speaking to an international human rights organization. Amnesty International has seen lists compiled by Yemeni organizations and activists recording the names of hundreds of people who have been detained and are being held in prisons controlled by the Huthis and allied authorities, without facing charges or trials. According to one Sana’a-based lawyer who spoke to Amnesty International, relatives of more than 200 detainees had submitted to his office formal reports of their relatives’ treatment which would amount to arbitrary arrest and detention.

Amnesty International has obtained and reviewed official documents issued by the Public Prosecutor to prison and security agencies which make reference to more than one hundred detainees whom the prosecuting authorities state are detained without legal basis or about whom the prosecuting authorities apparently have no information whatsoever. Amnesty International believes these documents to be only a small sample of those likely to have been issued by the Public Prosecutor’s office, and suspects that many similar enquiries or orders have been made by the prosecuting authorities with regard to other detainees held without charge or trial.

The vast majority of the names on the Yemeni activists’ lists are members of the Sunni Islamist al-Islah Party (al-Islah). The 60 individual cases Amnesty International has examined for this report include political figures, some associated with al-Islah, activists, journalists who were publicly critical of the Huthi armed group, as well as individuals with no known political involvement or history.

Detainees or those who witnessed arrests have described how Huthi forces or armed men belonging to Ansarullah, the Huthi armed group’s political wing, carried out detentions in homes, in front of family members, at security check points, at workplaces, or in public venues such as mosques, without arrest warrants and with no explanation of the reasons or grounds for detention, and without providing any information about where the detained were being taken.

Individuals detained and later released told Amnesty International they had been held in makeshift detention centres, typically in private residences. Some were transferred multiple times between different centres across multiple governorates in Yemen. The detainees whose locations are known have been held in four different locations in Sana’a: the al-Thawra pre-trial detention facility and the al-Habra pre-trial detention facility, and prison facilities run by the PSO and NSB, all of which fall under the jurisdiction of the Prosecutor General.

Most families Amnesty International spoke to were not given access to their relatives for prolonged periods of times, in some cases several months. Some do not even know which of the Huthi authorities they should address with queries about their relatives’ cases.

None of the detainees whose cases are featured in this report were given an opportunity to challenge the lawfulness of their detention, and to Amnesty International’s knowledge, none have ever been officially charged or brought before a prosecutor. Release order documents examined by Amnesty International showed that no charges had been made against the individuals detained, and that prosecuting authorities considered that people were being detained with no legal basis. Amnesty International found that Huthi forces failed to inform detainees or their relatives of the grounds for arrest or to provide any details of charges or evidence against them; some were released after several months, without ever being told why they had been detained.

Amnesty International has obtained and reviewed official documents that demonstrate that in some cases prosecuting authorities have ordered those held without charge to be released, but prison authorities have failed to implement these orders, which may suggest that these prison authorities have been stripped of their authority or fear retaliation from the Huthi armed group, who appear to maintain a tight grip on any decisions related to the release of detainees.

Arbitrary detention violates the right to liberty and security of person and threatens the enjoyment of other human rights. Such actions breach Yemen's obligations under the International Covenant on Civil and Political Rights (ICCPR) and other international human rights treaties, as well as customary international law. Prolonged detention without judicial reviews is a grave violation of international law.

Some of the individuals whose cases Amnesty International has documented have been subjected to enforced disappearance, held in secret locations by the Huthi forces, who refused to acknowledge their detention or disclose any information to their families – such as the reasons and legal basis for their imprisonment, where they are being held, and in what conditions – and also denied them access to legal counsel and family visits. Enforced disappearance is a crime under international law, and when committed in the context of an armed conflict, is a serious violation of international humanitarian law and may constitute a war crime.

Amnesty International has documented six cases where detainees reported being tortured or ill-treated in custody. One family told Amnesty International that in February 2016 they watched through a fence as guards beat their relative, a young man held by the PSO at their facility in Sana'a, after he had spoken back to a guard at the end of a family visit. They told researchers that when he fainted due to the beating, the guards dragged him off into a nearby building. He later told them that after he had regained consciousness, he was tied up and beaten by seven men until he was dizzy and close to losing consciousness again.

In May 2016 Amnesty International presented its findings in person to Mohamed al-Huthi, head of the Presidential Revolutionary Council, a body which was created by the Huthis to govern Yemen for an interim period of two years. He denied that there were political opponents detained under the Huthis, claiming that all detainees being held in prisons have been detained since before the current conflict. He told Amnesty International that, "any person who is innocent should be released...justice is the basis of governance."

However, during the same meeting, another member of the Presidential Revolutionary Council stated that detainees such as journalists are being "held because they gave GPS coordinates to the Saudi Arabia-led coalition".

Ali Tayssir, Deputy Minister of Human Rights in Sana'a, told Amnesty International in May 2016 that, "the country is going through extraordinary times and you cannot carry out your duties as a state if you are being placed under pressure by a naval blockade." He told researchers that the National Security Bureau did not cooperate with requests for information from his ministry or simply denied holding persons that his officials enquired about.

There can be no justification, including during an armed conflict, for arbitrary arrest and detention, torture and other ill-treatment, or enforced disappearance. The Prosecutor General in Sana'a should order the immediate release of all those held arbitrarily if he has not already done so, and the de facto Huthi authorities must ensure these orders are implemented without delay.

The de facto Huthi authorities and aligned institutions in Sana'a, as well as the internationally recognised government of President Abd Rabbu Mansour Hadi and any post-war government, should ensure that the cases documented in this report, and all such cases, are investigated impartially and independently and that individuals against whom sufficient admissible evidence is found of responsibility for serious violations, are prosecuted in proceedings that fully respect international fair trial standards. Victims and their families must receive full reparation.

In April 2016, peace talks began in Kuwait between the main parties to the conflict in Yemen, with the UN Special Envoy for Yemen announcing that one of the five points of focus for talks would be "the creation of a special committee for prisoners and detainees." It is as yet unclear what the mandate and activities of this committee may be, but it is essential that parties to the talks, as well as international actors facilitating or supporting the process, ensure that the rights of those detained arbitrarily in areas under Huthi control and their families are prioritised as part of any negotiated agreement. Ending the practices of arbitrary detention

and enforced disappearance documented in this report, and holding accountable those responsible, will – as well as bringing to an end the ongoing violations – be essential to build confidence and assist in the process of reconciliation.



# METHODOLOGY

This report focuses on detentions in Huthi-controlled areas in Sana'a, Ibb, Ta'iz and Hodeidah.

Amnesty International interviewed 12 former detainees and some 61 others (39 men and 22 women), including family members, friends or colleagues of those detained, lawyers and local activists. 12 interviews were carried out in person during two field missions to Yemen in May, June and July 2015, while the remainder were conducted remotely – by telephone, Skype or similar means of communication - between September 2015 and April 2016.

Researching detentions in Huthi-controlled areas is challenging. A number of former detainees and their families were unwilling to speak to Amnesty International, for fear of the potential consequences. Some of those who spoke to researchers asked for anonymity, both to protect themselves or those still in detention from reprisals, and because they did not want to jeopardize any chance of release for those still held. Of the 60 individual cases examined by Amnesty International, 21 are featured by name in the report, with elements from the other 39 cases reflected in Amnesty International's analysis of arrest and detention patterns.

Amnesty International has reviewed 20 legal documents from the office of the Prosecutor General and Specialized Prosecutor General, in which detainees mentioned in this report as well as other detainees were either ordered for release or referral. Amnesty International has also reviewed nine other documents issued by the Defence Committee for Abductees and Detainees and other government entities.

Amnesty International sought information from the Huthi armed group regarding detainees featured in this report on two separate occasions in October and November 2015, but received no reply to these communications.

At the beginning of May 2016, Amnesty International discussed its findings in person with Mohamed al-Huthi, head of the Presidential Revolutionary Council, and Ali Tayssir, Deputy Minister of Human Rights, during meetings in Sana'a. Their responses are reflected in this report. The organization subsequently wrote to the Huthi armed group and the office of Ansarullah, summarizing its findings and concerns, inviting comment or reply, and asking for information about any official investigations into the human rights abuses documented. No written response had been received by the time this report was finalized.

# 1. BACKGROUND: THE HUTHI ARMED GROUP, YEMEN'S POLITICAL CRISIS AND CONFLICTS

Between 2004 and 2009, there were six bouts of armed confrontations (commonly referred to as “the six wars”) between the forces of then President Ali Abdullah Saleh and the Huthi armed group, also known as Ansarullah (“God’s partisans/supporters”). The violence was initially sparked in September 2004 by the killing of Hussain Badr al-Din al-Huthi, a Shi’a cleric from the Zaidi sect, leader of the Believing Youth (Shabab al-Mu’min) movement, and founder of the Huthi movement.

Hundreds of civilians were killed and injured in these conflicts and over 350,000 internally displaced. The fighting, which was initially localised in the northern Sa’da governorate, spread to other governorates and in 2009 spilled into neighbouring Saudi Arabia, which retaliated by launching deadly strikes against the Huthis. Hostilities ended with a ceasefire in early 2010 but long-standing tensions remained largely unaddressed, while new grievances resulted from the six wars.

In 2011, mass protests against then President Saleh and government corruption were brutally repressed, creating a political crisis. Following an initiative led by the Gulf Cooperation Council (GCC) states and supported by the United States of America (USA) and the European Union (EU), then President Saleh agreed to resign and transfer power to his Vice President, Abd Rabbu Mansour Hadi, in return for immunity from prosecution. A UN-brokered implementation mechanism outlined a two-year transition, during which a National Dialogue Conference (NDC) would discuss constitutional reforms, culminating in elections in February 2014.

The NDC, which brought together 565 representatives of rival political parties and movements and civil society organizations, including women’s and youth groups, lasted 10 months, and concluded on 25 January 2014. It generated over 1,800 recommendations, including some advocating greater protection for rights, and concluded that Yemen should become a federal state with a new Constitution.

However, the NDC process was rejected by marginalised groups such as the Huthis, as well as by the youth activists who protested in Sana’a’s Change Square during the 2011 mass protests against the rule of President Saleh, and the Southern Movement activists (Hiraki) who sought greater independence and autonomy from the North.

The political transition process was eventually derailed by the armed conflict, at which point a shift in alliances occurred and the Huthi armed group aligned themselves with their former enemy ex-President

Saleh, driven by common interests of political control.<sup>1</sup> Aided by units of the armed forces loyal to the former president, Huthi forces entered the capital, Sana'a, in September 2014, and extended their control over other areas in early 2015. In January, Huthi forces attacked government buildings and military positions, including the presidential compound, forcing President Hadi and his government to resign, and took effective control of Sana'a and other areas.

On 6 February 2015 the Huthi armed group dissolved Yemen's Parliament and issued a constitutional declaration mandating the creation of a transitional Presidential Revolutionary Council to govern Yemen for an interim period of two years. On 15 February, the UN Security Council adopted Resolution 2201, which strongly criticized the Huthis' actions and demanded that they refrain from further unilateral actions that could destabilize the political transition and Yemen's security.

President Hadi withdrew his resignation and relocated his government to the Saudi Arabian capital, Riyadh, in late March, when the advance of the Huthis and allied forces into southern Yemen led to intensified armed confrontations between Huthi forces, armed groups that opposed them and army units loyal to President Hadi. The fighting in southern Yemen was marked by indiscriminate attacks in which both sides repeatedly fired imprecise weapons at civilian residential areas, killing and injuring hundreds of civilians.

On 25 March 2015, a Saudi Arabia-led coalition of nine states intervened in the Yemen conflict in support of President Hadi's internationally recognized government. The coalition launched a campaign of air strikes on areas controlled or contested by the Huthis and their allies, including Sana'a and Sa'da governorates, sent ground troops into southern Yemen and imposed a partial sea and air blockade.

While many coalition attacks were directed at military targets, others were indiscriminate, disproportionate or directed against civilian homes and infrastructure, including hospitals, schools, markets and factories, as well as vehicles carrying civilians and humanitarian assistance, killing and injuring thousands of civilians. At the time of writing, the conflict had caused the death of more than 3,000 civilians, including hundreds of children, according to the UN, and the forcible displacement of more than 2.8 million people, creating a widespread humanitarian crisis.

UN-brokered peace talks took place in Geneva, Switzerland, in December 2015, but ended without any significant breakthrough. Renewed peace talks started on 18 April in Kuwait, and were ongoing at the time of writing.

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<sup>1</sup> See Crisis Group, "Yemen: Is peace possible?", 9 February 2016, p. 7, available at <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/yemen/167-yemen-is-peace-possible.aspx>

# 2. ARBITRARY ARRESTS AND ENFORCED DISAPPEARANCES

**“These [individuals] are all detained at your detention centre without any criminal charge and their detention is not legal – please release all of them if there are no criminal charges against them and we hold you responsible for them if you delay their release.”**

Order issued by the Deputy Prosecutor General to the Director of the al-Thawra detention facility, 4 November 2015 <sup>2</sup>

Huthi forces, with the assistance of the state institutions they have taken over, have arbitrarily arrested scores of peaceful opponents and others deemed to be critical voices, subjecting many to lengthy incommunicado detention, torture and other ill-treatment, and denying them access to legal counsel and contact with their families. Of the 60 individual cases examined by Amnesty International, 17 remain in detention, without having been charged or tried, with little or no information about the reasons they are being held, many months after they were first arrested.

Arbitrary arrests and detentions violate the right to liberty and place the detainee at risk of a range of other human rights violations.

Huthi forces, Saleh loyalists and state agencies have also subjected some detainees to enforced disappearance, holding them in secret locations, refusing to acknowledge their detention or disclose any information to their families and depriving them of the protection of the laws. Such practices breach Yemen’s obligations under international human rights treaties as well as customary international law, which defines enforced disappearance as a crime. They also break Yemen’s own laws, which require that anybody arrested after committing a crime must be presented in front of a court within a maximum of 24 hours from the time of detention, and which prevent prosecutors from detaining anyone for investigation for more than seven days.

Amnesty International is aware of at least three men whose whereabouts remain unknown as of May 2016.

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<sup>2</sup> On file at Amnesty International.

## **PATTERNS IN ARREST AND DETENTIONS BY HUTHI FORCES, ALLIED FORCES AND STATE AGENCIES**

**“Any person who is innocent should be released ... justice is the basis of governance.”**

Mohamed al-Huthi, head of the Presidential Revolutionary Council, May 2016<sup>3</sup>

Huthi forces, in conjunction with state agencies such as the Political Security Office and National Security Bureau, have routinely flouted Yemeni and international law on arrests and detentions.

Detainees or relatives and friends, who in some instances witnessed the arrests, have described how Huthi forces or armed men belonging to Ansarullah carried out detentions in homes, in front of family members, at security check points, at workplaces, or in public venues such as mosques, without arrest warrants and with no explanation of the reasons or grounds for detention, and without providing any information about where the detained were being taken.

Almost everyone who spoke to Amnesty International said that those carrying out arrests were armed with Kalashnikovs, often bearing the Ansarullah slogan (“Death to America, death to the Israeli Regime, damn the Jews, victory to Islam”). Some arrests were carried out by men in plain clothes, while others wore General Security (a security agency under the Ministry of Interior) uniforms or army uniforms. Multiple coordinated detentions were sometimes carried out.

Within these patterns of arbitrary arrest, the Huthis and allied forces targeted opponents from a variety of political backgrounds, as well as journalists, human rights defenders and activists. The majority of the individuals targeted, whether politicians, journalists or activists, have some form of association with al-Islah (a Sunni Islamist party), which opposed the Huthi takeover of power and announced its support for the Saudi Arabia-led coalition in April 2015. Others were apparently targeted for being peaceful critics of the Huthis’ takeover of state institutions and of their conduct since they have been in power.

The head of the Huthi Presidential Revolutionary Council told Amnesty International in May 2016 that any political detainees had been arrested prior to the current conflict, rather than during the period of Huthi control. This statement is contradicted by Amnesty International’s research findings; all individuals whose cases are featured in this report were arrested after the Huthis took control of Sana’a in September 2014.

### **YEMEN’S SECURITY AGENCIES**

The Yemeni security apparatus is composed of various agencies with overlapping mandates. It is difficult to identify precise divisions of responsibility because they operate in a highly opaque manner.

The Criminal Investigation Department (CID) falls under the auspices of the Ministry of Interior and traditionally has been tasked with conducting criminal investigations and carrying out arrests.

The Political Security Organization (PSO) and the National Security Bureau (NSB) are state security and intelligence agencies, established by Decree 121 in 1992 and Decree 292 in 2002 respectively. Both report directly to the president. Under former President Saleh, these agencies acquired a reputation for operating above the law and for avoiding civilian judicial oversight.<sup>4</sup> The PSO and NSB operate their own detention centres and appear to have similar and potentially overlapping mandates. Yemeni lawyers have confirmed to Amnesty International that both agencies are required to abide by the constitution, which requires that anybody arrested after committing a crime must be presented in front of a court within a maximum of 24 hours from the time of detention, and the Criminal Procedure Law of 1994, which does not allow a prosecutor to detain anyone for investigation for more than seven days.

<sup>3</sup> Meeting with Amnesty International, Sana’a, 2 May 2016.

<sup>4</sup> See Crisis Group, “Yemen’s Military-Security Reform: Seeds of New Conflict?”, 4 April 2013, p. 3, available at <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/yemen/139-yemens-military-security-reform-seeds-of-new-conflict.aspx>.

The command structures at the CID, PSO and NSB have traditionally been, and continue to be, dominated by individuals and groups that are loyal to former President Ali Abdullah Saleh and his family.<sup>5</sup>

Some detainees that spoke to Amnesty International were often not able to identify which of the three aforementioned apparatuses arrested them. Certain detainees appear to have been transferred among the different agencies, which further complicates identifying the detaining authority.

### **LACK OF INFORMATION ABOUT THE WHEREABOUTS OF DETAINEES**

In the majority of cases, families said they did not initially know where their detained relatives were being held and only found out days or weeks after the arrest. Some relatives went from police station to police station, and to official detention centres, looking for their detained family members, only to be told at every turn that no such detention had taken place or that no such detainee was being held at that specific location.

Many of those detained and later released told Amnesty International they had been held in makeshift detention centres, typically in private residences. Many were transferred multiple times between different centres. When Amnesty International met with the Huthi authorities in Sana'a in early 2015, at a time when the detention of peaceful critics was just beginning, and raised the issue of secret detention locations, they denied the existence of such facilities. Most families only found out about detained family members through released detainees.

The Deputy Minister of Human Rights in Sana'a told Amnesty International in May 2016 that some families have contacted the ministry about their relatives and that the ministry has tried to seek information with the relevant authorities about these cases, including the reasons for detention. He told researchers that although obtaining such information is the right of the ministry, agencies such as the National Security Bureau did not cooperate with their requests, or would simply deny that they were detaining such a person.<sup>6</sup>

In May 2016 Amnesty International asked the head of the Presidential Revolutionary Council, Mohamed al-Huthi, for permission to visit detainees. This request was not granted and Mohamed al-Huthi stated that Amnesty International could instead visit Somali migrant detainees, because they are "more important than Yemenis."

Both incommunicado and secret detentions constitute a violation of the norm protecting the right to liberty of a person under customary international law. These practices facilitate other serious human rights abuses, leaving detainees outside the reach of the protection of the law and creating conditions for enforced disappearances, and increasing the risk of torture and other ill-treatment of detainees.<sup>7</sup>

### **LACK OF ABILITY TO CHALLENGE LAWFULNESS OF DETENTION AND LACK OF INFORMATION ABOUT THE GROUNDS FOR ARREST**

None of the detainees were given an opportunity to challenge the lawfulness of their detention, and none of the detainees whose cases are highlighted in this report were ever officially charged or brought before a prosecutor. According to Abdelbaset Ghazi, a lawyer that heads the Defence Committee for Abductees and Detainees, a body that provides legal representation and counsel for detainees and their families, the Huthi and state authorities have justified their failure to bring any formal charges against the detainees by referring to the conflict:

**"They say that detaining these individuals is a precautionary measure in fear that they might join the fighting at the frontline. They claim that these prisoners might give GPS coordinates to the enemy [the Saudi Arabia-led coalition] and they try to saddle them with accusations like the killing of an Ansarullah member but the thing is,**

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<sup>5</sup> See Crisis Group, "Yemen's Military-Security Reform: Seeds of New Conflict?", 4 April 2013, p.25, available at <http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-iran-gulf/yemen/139-yemens-military-security-reform-seeds-of-new-conflict.aspx>.

<sup>6</sup> Meeting with Amnesty International, 2 May 2016.

<sup>7</sup> See the joint study on global practices in relation to secret detention in the context of countering terrorism, A/HRC/13/42, p. 2: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf> (accessed 28 February 2016).

**the detained are not fighters and were not on the fighting front. This is all just a reprisal for their roles in the 2011 revolution [the mass protests against then President Saleh].”<sup>8</sup>**

A former detainee from Hodeidah told Amnesty International:

**“During detention, they interrogated me about my profession, extended family, and my relations with people who they were after. But they never charged me with anything”<sup>9</sup>**

Although some lawyers have made efforts to work on the cases of some of these detainees, Amnesty International is only aware of one organization, the Mwatana Organization for Human Rights (Mwatana), whose lawyer has been able to visit some detained individuals on a relatively regular basis since June 2015. However, Mwatana told Amnesty International that during their visits, prison authorities imposed restrictions on the discussion of the details of cases with the detainees and has had to limit their discussions to practical issues such as trying to arrange family visits and contact.

Amnesty International has spoken to several local organizations and lawyers, who say they have not been permitted to see any documents relating to the detainees’ cases they are working on, such as charge sheets, or to have detainees brought before prosecutors or courts. None of the detainees whose cases were documented by Amnesty International were given access to legal counsel during their detention. The majority of those interviewed by Amnesty International said that Huthi forces failed to inform them or their relatives of the grounds for arrest or to provide any details of charges or evidence against them; some were released after months without ever being told why they had been detained, or brought before a court or a prosecutor.

A lawyer who represents 17 individuals whose cases are featured in this report told Amnesty International that to his knowledge no charge sheet has been filed for any of his clients.<sup>10</sup> 11 release order documents issued by the Prosecutor General and the Prosecutor General of the Specialized Criminal Court examined by Amnesty International include no reference to charges.

Some said that those holding them had made vague accusations during detention or interrogation, accusing them of support for the Saudi Arabia-led coalition, of being “*daeshi*” (linked to Islamic State) or of receiving funds from the West and members of the Saudi Arabia-led coalition. A member of the Presidential Revolutionary Council told Amnesty International in May 2016 that detainees such as journalists are being arrested “because they gave GPS coordinates to the Saudi Arabia-led coalition”.<sup>11</sup>

## **FAILURE OF PRISON AUTHORITIES TO IMPLEMENT RELEASE AND OTHER ORDERS FROM PROSECUTING AUTHORITIES**

Amnesty International has found that even when state institutions have ordered for detainees to be released, prison authorities have failed to implement these.

The detainees whose locations are known have been held in four different locations in Sana’a: the al-Thawra pre-trial detention facility and the al-Habra pre-trial detention facility, and prison facilities run by the PSO and NSB, all of which fall under the jurisdiction of the Prosecutor General.

Amnesty International has obtained and reviewed copies of 11 orders issued between August 2015 and March 2016 by the office of the Prosecutor General and the office of the Prosecutor General of the Specialized Criminal Court, which deals with national security cases.<sup>12</sup> These orders, nine of which relate directly to cases featured in this report, were issued to the authorities of the detention facilities above, and either request referral of individual cases to their offices for investigation or mandate the release of detainees held without charge.

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<sup>8</sup> Phone interview, 14 April 2016.

<sup>9</sup> Phone interview, December 2015.

<sup>10</sup> Interview with Amnesty International, Sana’a, 2 May 2016.

<sup>11</sup> Meeting with Amnesty International, Sana’a, 2 May 2016.

<sup>12</sup> On file with Amnesty International.

It is clear from these texts that the prosecuting authorities are in no doubt as to the illegal nature of detentions. For example, one order issued by the Deputy Prosecutor General on 4 November 2015 to the director of the al-Thawra detention facility states in relation to a number of named individuals:

**“These are all detained at your detention centre without any criminal charge and their detention is not legal – please release all of them if there are no criminal charges against them and we hold you responsible for them if you delay their release.”<sup>13</sup>**

The orders reviewed by Amnesty International include orders for the release of five of the detainees featured in this report: Abdelmalik al-Hutami, Ameen al-Shafaq, Abdelkhaleq Amran, Abdul-ilah Saylan, Salah al-Qaedi. In October 2015 the Prosecutor General also ordered the release of all journalists who were not “detained on legitimate and legal basis”.<sup>14</sup>

These orders have not, to Amnesty International’s knowledge, been carried out by prison authorities. Several relatives of detainees, as well as local activists and lawyers have told Amnesty International that prison authorities informed them that the Huthi Deputy Governor of Sana’a, Abdelkarim al-Khaiwani, sometimes known as “Al-Karar”, could order their release. One official document issued by the Prosecutor General’s office and dated 12 October 2015 requests the head of Sana’a security to order “Al-Karar” to order the release of detainees as the Huthi forces and prison authorities are refusing to execute release orders.

It is not clear whether prison authorities have failed to implement release orders willingly or under pressure from the Huthi armed group.

Amnesty International has reviewed one legal document in which officials in the Prosecutor General’s office complained that not only do the prison authorities refuse to respond to orders, but they also refused to allow inspection visits to prison facilities including al-Habra on four separate occasions in November and December 2015.

In a separate document dated 20 December 2015, the Deputy Prosecutor General of northern Sana’ told the Prosecutor General that he no longer had authority over prisons that fall under his jurisdiction, specifically referring to al-Habra:

**“The Specialized Prosecutor General’s office does not hold any authority over [al-Habra] prison and it has previously sent a member of its office to inspect the prison...and he was prevented from inspecting”<sup>15</sup>**

## DEMANDS FOR GUARANTEES TO ENSURE RELEASE

Ten families told Amnesty International that the Huthis and allied forces required families to provide guarantors who would take responsibility for detainees before they could be released, and sometimes also demanded a cash payment. Some families were able to provide the guarantees demanded and their relatives were released, while others told Amnesty International that the guarantees they were able to provide to the Huthis were deemed unsatisfactory and their relatives remained in detention



<sup>13</sup> On file with Amnesty International.

<sup>14</sup> On file with Amnesty International.

<sup>15</sup> On file with Amnesty International.



## 2.1 AL-ISLAH AFFILIATED DETENTIONS

The Sunni Islamist al-Islah (“Reform”) Party was formed in 1990 shortly after the unification of North and South Yemen, by members of former President Saleh’s party, the General People’s Congress (GPC), and members of the Yemeni Muslim Brotherhood.<sup>16</sup>

The Huthi clampdown against al-Islah affiliated figures, activists, and journalists accelerated after the party released a statement, on 3 April 2015, in support of the Saudi Arabia-led coalition and the legitimacy of President Abd Rabbu Mansour Hadi’s authority.<sup>17</sup>

The day after the statement was released, **Mohamed Qahtan**, a 56-year-old member of the Supreme Council of the al-Islah Party, was arrested at his home in the al-Nahdha district of Sana’a. Relatives told Amnesty International that a dozen armed men in plain clothes with the Ansarullah slogan on their weapons arrived at their home, and told the guards standing outside to open the doors or they would blow it up.<sup>18</sup> Mohamed Qahtan came out to speak to them and they took him away in their vehicles.

After his arrest on 4 April, Mohamed Qahtan’s family was only permitted to visit him once, three days after his arrest. He was being held in the house of Hameed al-Ahmar (a prominent businessman and a leading member of al-Islah). Family members have heard nothing from him since. When they returned to the house to try and see him two days after their initial visit, the guards told them he was not there anymore. His



Mohamed Qahtan ©Private

whereabouts are still unknown. The family fears that he might have been killed because they understand that he is the only detained al-Islah leader whose family has not been allowed to see him.

His relatives say that Mohamed Qahtan was an outspoken critic of the Huthis, especially after they entered Sana’a in September 2014, and he had been detained then for several days without charge. He had also been threatened and placed under house arrest by the Huthis on several occasions prior to his arrest.

His family has had no contact with or information about him since 7 April 2015. He is a victim of enforced disappearance.

### ENFORCED DISAPPEARANCES

The International Convention for the Protection of All Persons from Enforced Disappearance (CED) sets out three core elements for an enforced disappearance:

- There is an arrest, detention, abduction or any other form of deprivation of liberty;
- That conduct is carried out by agents of the state or by persons or groups of person acting with the authorization, support or acquiescence of the state;
- The conduct is followed either by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside the protection of the law.

Amnesty International distinguishes enforced disappearances – in which state agents are directly or indirectly involved – from abductions carried out by non-state armed groups.

As the de facto government administration in control of much of the country, including the capital city, and its institutions, the Huthis should respect the human rights of individuals under its control. As the UN High Commissioner for Human Rights has consistently emphasized, “non-State actors that exercise government-like functions and control over a territory are obliged to respect human rights norms when their conduct

<sup>16</sup> Between Government and Opposition: The Case of the Yemeni Congregation for Reform, Amr Hamzawy, *Carnegie Papers*, Number 18, November 2009, page 3.

<sup>17</sup> AlRiyadh, “Islahi newspaper expresses its support for the Operation Decisive Storm”, 3 April 2015, available at <http://www.alriyadh.com/1035933>

<sup>18</sup> Phone interviews, February 2016.

affects the human rights of the individuals under their control.”<sup>19</sup> Moreover, all parties to the conflict, including non-state armed groups, must observe the rules of international humanitarian law.

Although the word “disappearance” might imply an innocuous or non-violent act, in reality, enforced disappearances are particularly cruel and violent human rights violations. Enforced disappearances affect not only the disappeared, who are cut off from the outside world and made vulnerable to human rights abuses such as torture, sexual violence and even murder, but also their families and friends, who are often forced to wait years before they find out the fate of their relative.

Some of the individuals whose cases are featured in this report have been victims of enforced disappearance. At least one of the individuals remains missing.

Brothers al-Hassan and al-Hussein Dammaj told Amnesty International that their father **Mohamed Hasan Dammaj**, aged 77, was taken from his home in the al-Rawdha district of Sana’a at 7am on 6 April 2015 without an official arrest warrant. Mohamed Hasan Dammaj is a member of the Shura Council (The upper house of the Yemeni bicameral parliament) and member of the Supreme Council of the al-Islah Party. al-Hassan Dammaj said:

**“A fleet of five military vehicles arrived packed with armed soldiers and members of Ansarullah. They searched the house and they initially took me, my father and two other relatives to Raslan Police Station where they interrogated us about what we do and what our position regarding the Saudi-led coalition is. They released us on 10 April at 5pm, with the exception of my father, who was taken to an unknown location. Upon release, they made us sign a document which condemned the Saudi-led coalition war on Yemen.”<sup>20</sup>**

After 16 days without news, al-Hussein Dammaj received a call from an unknown number and someone told him to speak to his father.

**“I spoke to my father and he informed me that he was being held in Nogm Mountain inside an arms depot while the [Saudi Arabia-led coalition] airstrikes were hitting the very same mountain and its surroundings. Meanwhile, his wife has passed away while he has been in detention and he was not able to say his goodbyes. Throughout the whole time he was in detention, we were only permitted to see him once for five minutes.”<sup>21</sup>**

Mohamed Hasan Dammaj was released in August 2015.

Many al-Islah affiliates who were detained and eventually released were afraid to speak to Amnesty International. An **al-Islah Party affiliated former detainee from Hodeidah** agreed to speak to Amnesty International, but asked not to be named for fear of repercussions. He said that he was interrogated following his detention in late March 2015 but never charged:

**“After three days, they interrogated me about my personal information and details, my political affiliation and they asked for information about leaders of al-Islah in Hodeidah. I answered all their questions and about the protests that I had previously attended and the reasons for taking part in them. I told them that I took part as I was against the presence of armed militias and a state has to govern us, regardless of the political affiliation/wing that governs”.<sup>22</sup>**

He told Amnesty International that he had hoped to be released after the interrogation, but the al-Islah Party released a statement supporting the Saudi Arabia-led coalition and upholding the legitimacy of exiled President Hadi’s government.<sup>23</sup>

**“After the interrogation process was over ... we were demanding to be released because there were no formal charges against us. However, after al-Islah released their statement about their support for the coalition, which**

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<sup>19</sup> Report of the High Commissioner for Human Rights on the implementation of Human Rights Council resolution 7/1, Human Rights Situation in Palestine and other Occupied Arab Territories, UN Doc. A/HRC/8/17 (6 June 2008), para. 9.

<sup>20</sup> Interview in Sana’a, May 2015.

<sup>21</sup> Interview in Sana’a, May 2015.

<sup>22</sup> Phone interview, December 2015.

<sup>23</sup> AlRiyadh, “Islahi newspaper expresses its support for the Operation Decisive Storm”, 3 April 2015, available at <http://www.alriyadh.com/1035933>

**led to many homes of Islahis being raided, we realized that we won't be released in these circumstances. And indeed, days and weeks passed and months and we were still detained".<sup>24</sup>**

He was released in September 2015, after being moved once. Multiple guarantors, including a commercial guarantor and the warden of his neighbourhood, signed papers affirming they would take responsibility for him on his release. He told Amnesty International:

**"I cannot say that I am under house arrest at the moment but people who worked on my release advised me to not make any appearances and not to be active publicly in order to stick to the conditions of the guarantee that secured my release. Especially since some of the people who were released were re-detained. Therefore, I am under surveillance and the warden of this neighbourhood acts like a security guarantor by keeping an eye on me and my movements".<sup>25</sup>**

**Mohamed al-Adeel al-Ashwal**, a 42-year-old professor and head of the Arabic language department at the University of Amran, was detained on 9 August 2015 while he was attending a meeting for al-Islah Party members in Sana'a. Several armed men in plain clothes raided the meeting and arrested all of the attendees, six men and five women, most of whom were academics and doctors. Everyone except Mohamed al-Ashwal was released the same day.

Mohamed al-Ashwal was initially permitted to make one brief call to his family on the day of his arrest to inform them that he was being held in al-Judairi Police Station in Sana'a. News reached family that night that he had been transferred to the Criminal Investigation Department (CID). According to family members, for the next month when they tried to visit him at the CID, prison staff repeatedly told them he had been moved, but eventually admitted that he was still being held there and allowed them to visit.

His daughter told Amnesty International that he was not given his diabetes medication until two weeks into his detention, when prison authorities permitted a doctor to visit him:

**"During the first few visits we noticed that my father was visibly weak, and the visits were so brief we were not able to ask him how he was properly. He looked extremely stressed. It was very hard for us to see him like this, we would leave feeling distressed at the sight. At the beginning they would only allow three people to visit him at a time, and each visit would last around one minute, just to see him and then leave. We did not have time to speak to him properly at all. An armed man would always be present as well. After around three months, the visiting time was extended to around five minutes, and more people were allowed to visit him at a time."<sup>26</sup>**

On 4 December, Mohamed al-Ashwal called his family to tell them that he would be transferred to the National Security Prison. The family visited the National Security Prison and the CID after his call, but guards at both facilities said they did not know where he was. He was eventually released in mid-December 2015.



*Abdelmalik al-Hutami and his son. ©Private*

**Abdelmalik Salem al-Hutami**, a 45-year-old English teacher, member of the al-Islah Party and father of eight, was detained in the early hours of 4 April 2015 from the Othman Mosque, near his home in Hodeidah. He is an Imam at the mosque. Family members told Amnesty International that armed Huthi forces went to the mosque and were searching in the vicinity of the mosque for Abdelmalik al-Hutami, shooting in the air to prevent people from entering the mosque. One armed man entered the mosque and told Abdelmalik al-Hutami, who was with his 20-year-old son Mohamed, to come outside. People in the mosque tried to help Abdelmalik al-Hutami leave through a side door but around 20 armed men stormed the mosque, some firing their weapons into the air, and arrested Abdelmalik al-Hutami. His son was hit with a rifle butt.

<sup>24</sup> Phone interview, December 2015.

<sup>25</sup> Phone interview, December 2015.

<sup>26</sup> Phone interview, February 2016.

The Huthis initially held Abdelmalik al-Hutami incommunicado in the Political Security Office in Hodeidah. His wife Zeinab said that initially they would not let her visit him:

**“When I found out on the second day that he was in Political Security, I went with my children to try and visit him but they refused. The children were crying and they just wanted their father. We were just requesting to see him to make sure he was ok, because he has diabetes. But they completely refused at the start. But after we came back several times, they allowed us to see him through a mesh wire. We were permitted to visit him twice a week after that.”<sup>27</sup>**

Approximately four weeks into his detention, the family were told that he needed to see a doctor as he was having difficulty moving his left hand. Huthi forces and prison authorities said they would take him to the Military Hospital, which he refused. His own doctor was eventually permitted to visit him in late April and Abdelmalik al-Hutami was transferred to the Intensive Care Unit (ICU) of al-Aqsa Hospital as his blood pressure had risen and his diabetes had deteriorated.

His wife told Amnesty International that Abdelmalik al-Hutami remained in the ICU for two weeks with Huthi forces standing guard at his door. His care was abruptly interrupted one night at around midnight when his wife heard a knock on the door to his ward:

**“My husband was still sick so I went out to see who was at the door of the room and I saw an armed man in civilian clothing asking after Abdelmalik. I told him that he was sick but he told me ‘let’s go, Ansarullah are waiting for him downstairs. Quickly because we need to question him’. He walked past me into the room and Abdelmalik told the armed man that he was ill and swore to God that when he was better, he would hand himself in, ‘you are standing guard at my door all day every day’. At that moment, the nurse walked in and told the armed man that Abdelmalik’s blood pressure and diabetes were high but the armed man ordered that all wires connected to machines be removed. The nurse was reluctant and did not move. Five minutes later the room filled up with armed men, up to 20 of them wearing civilian clothing. I was screaming at them and pleading with them. The doctor then arrived and he tried to mediate and told them if they take him, he would not bear responsibility for what could happen. Eventually, I had to remove the wires myself as the nurses were scared, and the armed men took him in his hospital gown. He was shaking, he was so cold and I was just crying.”<sup>28</sup>**

The next day, his family discovered that he had been transferred to the Military Hospital, where they found him uncared for, and he was soon transferred back to the PSO in Hodeidah.

In mid-July 2015, Abdelmalik al-Hutami was transferred to the PSO in Sana’a. He was held incommunicado until mid-September 2015, after which point he was permitted family visits. His wife told Amnesty International:

**“My children continue to cry for their father. My youngest son Anas, who is four, sits up all night and prays for his father’s release. Every time he meets someone, he asks them to get his father released. Why do they keep him apart from his children?”<sup>29</sup>**

An order from the Prosecutor General dated 3 August 2015 to the Political Security Office required the referral of Abdelmalik al-Hutami to their office. Amnesty International has also seen an order from the Prosecutor General, also to the PSO, dated 30 March 2016 ordering Abdelmalik al-Hutami’s release. He remains in detention

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<sup>27</sup> Interview in Hodeidah, July 2015.

<sup>28</sup> Interview in Hodeidah, July 2015.

<sup>29</sup> Phone interview, November 2015.

## 2.2 JOURNALISTS

At least 11 journalists are currently being held by Huthi forces. Nine of them were arrested in a single raid on 9 June 2015. **Abdelkhaleq Amran, Hisham Tarmoom, Tawfiq al-Mansouri, Hareth Hamid, Hasan Annab, Akram al-Walidi, Haytham al-Shihab, Hisham al-Yousefi and Essam Balgheeth** were working from a room at Qasr al-Ahlam Hotel in Sana'a, as it was one of the few locations in the city that had an internet connection and electricity. Some of the journalists worked for al-Islah affiliated online news outlets that opposed the Huthis' control. At least three of them had previously been detained by Huthi forces.

Amnesty International spoke to the families of all nine journalists detained at the hotel, who said that armed men from Ansarullah had stormed the men's hotel room at 4am. Some of the armed men had the Ansarullah slogan on their weapons and were dressed in a mixture of civilian clothing, military and General Security uniforms. One relative told Amnesty International:

**“The capital Sana'a was going through a period of time without any electricity or internet. Moreover, the Huthi militias had raided most of the newspaper offices and online news outlets, so there was nowhere safe left to work for journalists in Sana'a. These nine journalists would get together and rent a room in order to make use of electricity generators and internet, as they were all dependent on electricity and internet to carry out their work.”<sup>30</sup>**

Family members found out through brief calls immediately after their arrests that the men were being held in two separate locations, some at al-Ahmar and some at al-Hasaba police stations in Sana'a. After two days they were transferred to the counter-terrorism department at the Criminal Investigation Department (Ministry of Interior) and held there for one month. In mid-July 2015, they were transferred to unknown locations and disappeared until mid-September 2015. Families found out about the transfers when they tried to visit the detainees at the Criminal Investigation Department, and guards told them that the men were no longer being held there.



Hisham al-Yousefi. ©Private

The families knew nothing about the whereabouts of the detainees until mid-September 2015, when they were briefly allowed to visit, before the men were again held incommunicado at al-Thawra pre-trial detention facility.

A relative of Abdelkhaleq Amran, a 35-year-old journalist and Editor-in-Chief of the al-Islah news website, told Amnesty International:



Abdelkhaleq Amran. ©Private

**“Once he was detained, we found out that he was being held in al-Hasaba, because he called us briefly to let us know that he was alright. Four days later, we found out that he was transferred to the Criminal Investigation Department on al-Adl Street. Shortly after that, he was transferred again to an unknown location. We spent over two months looking for him in every possible detention centre in Sana'a, but to no avail. Eventually we discovered through people who were released that he was being held at a Ministry of Interior prison next to al-Thawra Hospital. We were permitted to visit him twice in the week of 22 September, right before Eid. It was the first time and last time we saw him since he was detained. After that, I returned around 15 times to see him, but they told me that visits were not permitted.”<sup>31</sup>**

<sup>30</sup> Email interview, December 2015.

<sup>31</sup> Phone interview, December 2015.

Many families spoke about the agony of not being able to see their loved ones or even know their whereabouts for weeks on end. Some families travelled long distances to try to find their relatives – including from Hodeidah (approximately 280km west of Sana'a) or Hajjah (approximately 120km north west of Sana'a) – only to be refused on arrival. The family of 25-year-old Akram al-Walidi, from Sana'a, said guards showed them a list of detained journalists who were not permitted visitors. A family member of 23-year-old journalist Hisham Tarmoom told Amnesty International:



Hisham Tarmoom. ©Private

**“The extended family is from Hajjah, so we have to travel to Sana'a to see him. The only time we were permitted to see him was just before Eid in September 2015 in a ministry of interior prison next to al-Thawra Hospital in Sana'a. We tried to see him again after that but we were told that visits are not permitted or they sometimes say 'he is not here'. We have only been able to deliver clothes and food to him once after our only visit. The house is full of tears over his detention.”<sup>32</sup>**

All the families of these journalists told Amnesty International that when they tried to visit, guards at the various detention centres told them that they needed permission from the Ansarullah office. One family member told Amnesty International:

**“We found out that [our relative] was being tortured in a barbaric manner and his health was deteriorating. We begged the Huthis in every way possible to permit us to visit him but they continued to refuse our requests. At the end of Ramadan (mid-July), we were surprised to be told that he was not being held in the Criminal Investigation Department any longer and was transferred to an unknown location. We spent one month and a half looking for him in all the known prisons in Sana'a, and we couldn't find him. He remained disappeared and we did not know anything about him until someone was released from the prison where he was being held and we found out that he was being held in a ministry of interior detention centre next to al-Thawra Hospital in Nugum. After many mediation efforts with Huthi officials and their political office [Ansarullah], we were permitted to see him for a short visit in Eid al-Adh. After Eid, we were surprised again to be prevented by the guards at the prison from visiting him. They told us they were following “high orders” that said all visits to journalists in detention were not permitted. Since then [mid-September], we have not been able to see him or check up on him.”<sup>33</sup>**

When families were finally permitted to visit in September 2015, it was only for 15 minutes or less and it was in the presence of several guards, which did not allow them to speak freely. Some families said that since these brief visits in September 2015, it has even become difficult to deliver clothes and food, which had been possible up to then. In mid-April 2016, families of the nine journalists told Amnesty International that eight of the journalists had been moved from the al-Thawra pre-trial detention facility to the al-Habra pre-trial detention facility. The Defence Committee for Abductees and Detainees, a body that provides legal representation and counsel for detainees and their families, told Amnesty International that the journalists had been moved the day before a delegation from the United Nations Office of the High Commissioner for Human Rights (OHCHR) visited the facility.



Hareth Hamid. ©Private

The men are not aware of the reasons for their continued detention, according to their families, and none has been charged or brought before any court. Several family members told Amnesty International that the detainees told them, and during visits they overheard guards saying, that the nine journalists are being held because they are linked to “terrorism” and “tarnishing the image of the Huthi popular committees”, as well as “working for Saudi Arabia, Qatar, United Arab Emirates, America and Israel”.

<sup>32</sup> Phone interview, December 2015.

<sup>33</sup> Phone interview, December 2015.

Amnesty International has seen an order from the Prosecutor General dated 21 December 2015 to al-Thawra pre-trial detention facility ordering the release of Abdelkhalq Amran.<sup>34</sup>



Haytham al-Shihab.  
©Private



Tawfiq al-Mansouri.  
©Private



Hasan Annab.  
©Private



Essam Balgheeth.  
©Private

## RESTRICTIONS ON MEDIA

**“The Ministry of Information will take stringent and deterrent legal measures, which may amount to the closure of any media outlet that is working to instigate unrest or subversions... Such legal measures are taken at a sensitive time for the country in order to shield [it] from subversions given how media outlets are dredging and inciting sectarianism and regionalism with the aim of tearing the social fabric and the nation’s unity by publishing false news... [These outlets] aim to slander and insult the revolution of our proud people.”<sup>35</sup>**

Statement released by the Huthi controlled Ministry of Information, 25 March 2015

Almost as soon as they entered Yemen’s capital Sana’a, Huthi forces targeted media outlets. The day after their arrival in the city, 22 September 2014, they raided the offices of al-Islah-aligned Suhayl Television channel and held its staff hostage for several hours.<sup>36</sup> The following day, Huthi forces raided the home of al-Shoumou’ Media Foundation’s Director, Seif al-Hadari.<sup>37</sup> On 17 October, five Huthi armed men stormed the offices of al-Eshteraki online newspaper, affiliated with the Socialist Party and abducted its editor, releasing him after a couple of hours.<sup>38</sup>

Media organizations continued to be critical of the Huthi takeover of the capital Sana’a and in January 2015 the Huthi forces took over the office of the Ministry of Information and Saba, the official news agency of the Yemeni government.<sup>39</sup> <sup>40</sup> Journalists told Amnesty International that they were attacked by Huthi armed men while covering peaceful protests and were detained for a few hours or days and interrogated before they were released.<sup>41</sup> In the month of January 2015 alone, Yemeni media organization Freedom Foundation reported 49 different incidents of violations committed against journalists, including arbitrary detention, harassment and death threats.<sup>42</sup> On 5 February 2015, scores of armed men affiliated with

<sup>34</sup> On file with Amnesty International.

<sup>35</sup> Ministry of Interior, “Warning: The Ministry for Information confirms that it will take the necessary measures against media outlets that instigate unrest of subversions”, 25 March 2015, available at [http://yemen-media.gov.ye/defaultdet.aspx?SUB\\_ID=758](http://yemen-media.gov.ye/defaultdet.aspx?SUB_ID=758)

<sup>36</sup> See Reporters Without Borders, “Houthi rebels bombard state broadcaster in Sanaa”, 23 September 2014, available at <http://en.rsf.org/yemen-houthi-rebels-bombard-state-23-09-2014,46998.html>; See Mwatana Organization for Human Rights, “Al-Houthi Group raids Suhail TV Channel’s headquarters”, 23 September 2014, available at <http://www.mwatana.org/en/2892014372>

<sup>37</sup> Albadeel, “Armed men raid the house of the director of Shomou’ Foundation and tampers with its contents”, 25 September 2014, available at <http://albadeel.info/news.php?id=12195>; See Reporters Without Borders, “Houthi rebels still harassing media and journalists in Sanaa”, 25 September 2014, available at <http://en.rsf.org/yemen-houthi-rebels-still-harassing-25-09-2014,47016.html>

<sup>38</sup> See Reporters Without Borders, “Houthi rebels pursue offensive against news media”, 24 October 2014, available at <http://en.rsf.org/yemen-houthi-rebels-pursue-offensive-24-10-2014,47156.html>

<sup>39</sup> CBC News, “Yemen rebels take ‘step toward a coup’”, 19 January 2015, available at <http://www.cbcnews.com/news/yemen-coup-houthi-rebels-seize-state-media/>

<sup>40</sup> Al-Quds Al-Arabi, “Huthis raid the office of the minister for information and forbid any appointments unless they are from their group”, 8 January 2015, available at <http://www.alquds.co.uk/?p=276780>

<sup>41</sup> Interviews in Sana’a by Amnesty International, January and February 2015. See Freedom Foundation, “Freedom Foundation documented 25 attacks on journalists on Sunday and Monday out of 49 violation cases since 1<sup>st</sup> January”, 27 January 2015, available at [http://freedomfoundation-yemen.org/en/index.php?option=com\\_content&view=article&id=837:yemen-freedom-foundation-documented-25-attacks-on-journalists-on-sunday-a-monday-out-of-49-violation-cases-since-first-january&catid=12:news&Itemid=30](http://freedomfoundation-yemen.org/en/index.php?option=com_content&view=article&id=837:yemen-freedom-foundation-documented-25-attacks-on-journalists-on-sunday-a-monday-out-of-49-violation-cases-since-first-january&catid=12:news&Itemid=30) (Freedom Foundation, 49 Violation Cases).

<sup>42</sup> Freedom Foundation, 49 Violation Cases.

Ansarullah raided, looted and occupied the headquarters and offices of Shomou' Freedom Foundation, a printing house that is responsible for printing some of the country's biggest newspapers.<sup>43</sup>

The clampdown intensified dramatically after the Saudi Arabia-led coalition's aerial bombardment campaign began on 25 March 2015. That very day, the Huthi controlled Ministry of Information in Sana'a stated that media outlets would be shut down if they were perceived to be spreading sectarianism, publishing false news or insulting the "revolution of our proud people."<sup>44</sup> On 27 March, Huthi forces shut down at least 12 media outlets,<sup>45</sup> raiding their offices and confiscating their equipment.<sup>46</sup> Journalists identified at least 36 websites<sup>47</sup> and web portals that had been critical of the Huthi forces which were blocked inside the country.<sup>48</sup> These included al-Jazeera Arabic, al-Arabiya, Sahafa net, Sabanews, News Yemen, Masdar Online, al-Sahwa net, Yemen press, Yemen voice, Mareb press, Taghyeer, Saada news and Yemen Saeed.<sup>49</sup>

Under Yemeni law, freedom of thought and expression is guaranteed under Article 26 of the constitution. Freedom of information is guaranteed under the Yemeni Freedom of Information Law<sup>50</sup> that came into force mid-2012. Meanwhile, as a state party to the ICCPR, Yemen has an obligation to uphold the right to freedom of expression as guaranteed by Article 19.

On 27 May 2015 the UN Security Council unanimously passed resolution 2222<sup>51</sup> condemning abuses perpetrated against journalists during times of armed conflict and calling on parties to armed conflicts to end such abuses. The resolution further calls on states to ensure accountability for such abuses and to immediately release abducted journalists. It also emphasises that media equipment and installations are civilian objects that should not be attacked or retaliated against and urges states to not interfere with the work of journalists in situations of armed conflict.

Two other journalists also continue to be held in arbitrary detention. According to a relative who witnessed his arrest, 29-year-old **Salah al-Qaedi** was detained at his home in Sana'a by members of Huthi forces in the late afternoon of 28 August. Five minutes later, they returned to the house and demanded that the family hand over Salah al-Qaedi's laptop and equipment or they would arrest the rest of the family. When they said that they did not have his equipment, Huthi forces arrested all seven male relatives and held them in al-Judairi Police Station for 48 hours. A relative told Amnesty International:

**"Salah remained in al-Judairi for six weeks approximately where we were able to visit him a couple of times until they transferred him around mid-October to al-Habra pre-trial detention facility where they are detaining him in an unofficial detention centre. They are using a building to detain people. After they transferred him, we looked**

<sup>43</sup> See Freedom Foundation, "Houthi militias loots equipment and printing machines of Al-Shomo' Press Corop. after a month of storming its HQ in Sanaa and committed many attacks on media freedom", 6 March 2015, available at [http://freedomfoundation-yemen.org/en/index.php?option=com\\_content&view=article&id=845:houthi-militias-loots-equipment-and-printing-machines-of-al-shomo-press-corop-after-a-month-of-storming-its-hq-in-sanaa-and-committed-many-attacks-on-media-freedom&catid=12:news&Itemid=30](http://freedomfoundation-yemen.org/en/index.php?option=com_content&view=article&id=845:houthi-militias-loots-equipment-and-printing-machines-of-al-shomo-press-corop-after-a-month-of-storming-its-hq-in-sanaa-and-committed-many-attacks-on-media-freedom&catid=12:news&Itemid=30)

<sup>44</sup> Ministry of Interior, "Warning: The Ministry for Information confirms that it will take the necessary measures against media outlets that instigate unrest of subversions", 25 March 2015, available at [http://yemen-media.gov.ye/defaultdet.aspx?SUB\\_ID=758](http://yemen-media.gov.ye/defaultdet.aspx?SUB_ID=758)

<sup>45</sup> List on file.

<sup>46</sup> See Reporters Without Borders, "Houthi rebels continue to target media", 11 March 2015, available at <http://en.rsf.org/yemen-houthi-rebels-continue-to-target-11-03-2015,47673.html>; and see See Freedom Foundation, "Yemen: Houthi rebels stormed the HQ of several TV channels in Sana'a and blocked many news websites", 26 March 2015, available at [http://freedomfoundation-yemen.org/en/index.php?option=com\\_content&view=article&id=852:yemen-houthi-rebels-stormed-the-hq-of-several-tv-channels-in-sanaa-and-blocked-many-news-websites&catid=12:news&Itemid=30](http://freedomfoundation-yemen.org/en/index.php?option=com_content&view=article&id=852:yemen-houthi-rebels-stormed-the-hq-of-several-tv-channels-in-sanaa-and-blocked-many-news-websites&catid=12:news&Itemid=30)

<sup>47</sup> List on file.

<sup>48</sup> See Mwatana Organization for Human Rights, "Houthi authority: a dark era in history of Yemeni press", 21 October 2015, available at <http://www.mwatana.org/en/21102015438>

<sup>49</sup> Yemen Press, "Huthis block online sites including Yemen Press", 26 March 2015, available at <http://yemen-press.com/news45165.html>

<sup>50</sup> See Freedom Foundation, "Copy of Access to Information Law", available at [http://freedomfoundation-yemen.org/index.php?option=com\\_content&view=article&id=75:2012-05-08-12-34-48&catid=20:2012-10-20-13-54-10&Itemid=22](http://freedomfoundation-yemen.org/index.php?option=com_content&view=article&id=75:2012-05-08-12-34-48&catid=20:2012-10-20-13-54-10&Itemid=22) (accessed on 15 April 2016).

<sup>51</sup> UN Security Council Resolution 2222 (2015), S/RES/2222 (2015) (27 May 2015), available at [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2222\(2015\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2222(2015))



for him for a week but to no avail. We finally found him in Habra and when we tried to visit him, they told us we cannot see him until interrogation is done with him.”<sup>52</sup>



Salah al-Qaedi. ©Private

Salah al-Qaedi’s family told Amnesty International that he had been subjected to torture during his detention. There are no formal charges against him but his family suspect he is being detained because he worked for the al-Islah aligned Suhayl Channel, which was raided in September 2014 by the Huthi forces and eventually shut down in March 2015:

**“When we saw him last in al-Judairi, he told us that he was being tortured, they had struck him on his thighs. At one point, they had brought in a dog during his interrogation. They slapped him 50 times on his face. They kicked him in his abdomen and back. During the interrogations, they asked him how come he is part of a group called Muqawamat Azal on social media and they wanted the names of every person in this group. He told them that he is just a journalist and he is just part of this group to find out more**

**information. We have asked the Huthis to refer him to the Prosecutor General and to just implement the law but they have refused. All because he works for Suhayl channel... When we finally located him in al-Habra, a relative went to try and see him. They just wouldn’t let him. As our relative was leaving, he shouted Salah’s name and Salah actually answered saying ‘I am here’ from the courtyard of the place. That’s the only way we know he is there.”<sup>53</sup>**

Amnesty International has seen an order from the Prosecutor General dated 10 November 2015 to al-Thawra pre-trial detention facility (the detaining authority at the time) ordering Salah al-Qaedi’s release.<sup>54</sup>

Another journalist, 28-year-old **Ibrahim Majthoob** was snatched off Bayhan Street in Sana’a at around 11.30pm on 6 July 2015. A relative told Amnesty International that it was two months before they heard any news of him:

**“He was detained as he was leaving a funeral close to his home. We did not hear from him until September 2015 when he was permitted to give us a call, during which we found out that he was being held at the Sana’a Political Security Office. That night he was taken, we did not know his whereabouts, he just did not come home. On that very same night, the Huthis raided the house where Ibrahim lived with his other brother at 4am. They took Ibrahim’s laptop and detained his older brother, and in the process, completely frightened the women and children present in the house. The older brother was detained for 20 days before he was released, during which we knew nothing about his whereabouts.”<sup>55</sup>**



Ibrahim Majthoob. ©Private

Like the family of Salah al-Qaedi and other journalists, relatives of Ibrahim Majthoob were not initially permitted to visit him. He was held incommunicado at the PSO in Hadda between September and October, when his family was finally able to see him for fifteen minutes:

**“When we saw him, we were able to give him some food and clothes. He told us that the Huthis claim that he is detained because he took some pictures of an airstrike site following an airstrike on a military site by the coalition and they accused him of being a traitor. But everyone takes photos, why him? He told us that he was held in solitary confinement for two months and he was only recently transferred to a group cell with 15 other detainees.”<sup>56</sup>**

<sup>52</sup> Phone interview, December 2015.

<sup>53</sup> Phone interview, December 2015.

<sup>54</sup> On file with Amnesty International.

<sup>55</sup> Phone interview, December 2015.

<sup>56</sup> Phone interview, December 2015.

Amnesty International has also seen three different orders from the Prosecutor General's office, dated 10 October, 4 November and 21 December 2015, ordering the release of all journalists if there were no criminal charges against them or legal basis for their detention.<sup>57</sup>

## 2.3 POLITICAL ACTIVISTS, HUMAN RIGHTS DEFENDERS AND OTHERS

As well as political opponents and journalists, activists, human rights defenders and others have been targeted for arrest by the Huthi armed group.

Amnesty International interviewed three people who had attended a meeting of political figures, human rights defenders, journalists and activists on 13 October 2015 in **Ibb Garden Hotel**, to discuss how to deliver water to the nearby city of Ta'iz. The witnesses said that some 30 armed men in plain clothes came to the hotel at about 5.30pm and arrested at least 25 of the group. The armed men said they were members of Ansarullah. One witness told Amnesty International:

**“The whole point of the meeting was the humanitarian objective, we wanted to resolve the water crisis in Ta'iz and we wanted to organize for trucks to deliver water. We invited everyone to come to a public location to prepare. There was approximately 40 of us attending the meeting. They [the Huthis] were armed and dressed in civilian clothing. They immediately took our phones and laptops. We asked what the reason behind the arrest was but we were told if we resisted, they'd kill us... I managed to escape and hide in a different wing of the hotel, so did a couple of others. I saw from the window in the room I was in, the armed men putting all the men into three different light blue Hilux vehicles that belong to the Ministry of Interior. There was also one white car in which others were made to climb”.**<sup>58</sup>

All 25 detained men were taken to the Political Security Office in Ibb, which is run by Huthi forces and allies. One of them, Mahmoud Yacine, who was later released, told Amnesty International that he was tortured for 90 minutes during his interrogation about the meeting. He reported that his interrogators blindfolded him and tied his hands together, then hit him continually on his shoulders, thighs and back with a stick. He told researchers that his interrogators also gave him electric shocks to his chest, neck, forearms and groin area.



Ameen al-Shafaq. ©Private

One of the men arrested from Ibb Garden Hotel, activist **Ameen al-Shafaq** remains in detention. Ameen al-Shafaq's family were able to see him on 26 October at the PSO in Ibb. His family has asked repeatedly to see them, but have been denied. At the end of October, when they tried to visit him, prison staff said he was no longer held there, but did not say where he had been taken.

Ameen al-Shafaq is a victim of enforced disappearance, and is at risk of torture and other ill-treatment. Amnesty International has written twice to Ansarullah representatives and the PSO in Ibb about his case, but have received no reply. The organization believes that he was detained because of his activism and involvement in providing humanitarian assistance.

Amnesty International has seen two orders from the Prosecutor General dated 4 November and 21 December 2015 respectively ordering his release.<sup>59</sup>

<sup>57</sup> On file with Amnesty International.

<sup>58</sup> Phone interview, October 2015.

<sup>59</sup> On file with Amnesty International.

## RESTRICTIONS ON NONGOVERNMENTAL ORGANIZATIONS

In the wake of the start of the Saudi Arabia-led coalition military campaign, members of the Huthi armed group and its political bureau, known as Ansarullah, carried out a string of unannounced raids on non-governmental organizations (NGOs) in Sana'a, leading to the closure of more than 20 organizations.<sup>60</sup> Amnesty International has spoken to representatives of 13 different NGOs in Sana'a, 12 of which were closed as of April 2016.

Activists told Amnesty International that during interrogations and raids between April and June 2015, the Huthi armed group warned NGOs to either operate under the auspices of the Huthis or be permanently closed. Members of the Huthi armed group told NGOs during raids and interrogations that they should only document violations committed by the Saudi Arabia-led coalition, and not violations perpetrated by the Huthis and their allies. One organization told Amnesty International that in order to prevent closure, they decided to work under the auspices of the Huthi armed group, which monitors and approves all of their activities in advance.



Abdelqader al-Junaid. ©Private

**Abdelqader al-Junaid**, a 66-year-old medical doctor and a political activist known to be critical of the Huthi armed group and their allies, was arrested at his home in Ta'iz by Huthi forces on 5 August 2015. They have since been holding him somewhere in northern Sana'a. According to family members who witnessed the arrest,<sup>61</sup> at least eight armed members of Ansarullah, led by a local Huthi leader well-known to Ta'iz residents, entered the house and took Abdelqader al-Junaid by force. He had seen them arrive and had tweeted: "Huthi militiamen at my house" just before he was arrested. The armed men searched the house, taking two antique pistols that belonged to Abdelqader al-Junaid's grandfather, about 130,000 Yemeni riyal (approximately 605 USD) in cash, three mobile phones and a laptop.

Abdelqader al-Junaid is a well-known and respected activist in Ta'iz who had been openly critical of the Huthi expansion. Prior to his arrest, he had been warned via Facebook and over the phone to stop his activism and curtail his criticism. His family has not seen him since his arrest, and is worried about his health, as he needs medication for a severe back problem. His family have received two phone calls from him, one on 1 September to tell them that he was fine, and again on 24 November to ask for his medication and warm clothes for the winter. Abdelqader al-Junaid is a victim of enforced disappearance.

**Hilmi al-Ureiqi**, a 40-year-old electrical engineer and a father to four children, also remains in detention. He was arrested with several others at Ibn al-Abbas Mosque in Hodeidah by Huthi forces during Friday evening prayers on 20 December 2014. The Huthis initially held him incommunicado for at least four months, and transferred him between multiple locations. He is currently held in the PSO in Sana'a. He has not been charged with any offence.

Hilmi al-Ureiqi and the others had initially been held in the Officers Club Police Station in Hodeidah. His family discovered through families of other detainees that he had been transferred about a month later to an unknown location in Sa'da, where he remained for approximately three months. He was then transferred back to the PSO in Hodeidah, where he has been allowed weekly visits from family. He was then transferred to PSO in Sana'a in mid-July 2015.

Amina, wife of Hilmi al-Ureiqi, told Amnesty International of the family's frustration and heartache at her husband having been detained for over a year:

**"I wish they'd release him for the children's sake. We just cry for him and he is just sad when we see him. We are upset that we are so far away from him."**<sup>62</sup>

<sup>60</sup> See Amnesty International, "Yemen:Huthi armed group must end crackdown on human rights defenders and NGOs", 1 December 2015, available at <https://www.amnesty.org/en/documents/mde31/2931/2015/en/>

<sup>61</sup> Phone interview, December 2015.

<sup>62</sup> Phone interview, November 2015.

**Adel Hajr**, a mathematician and father of two from Hodeidah, was also detained at the Ibn al-Abbas Mosque on 20 December 2014. His wife, Arwa, told Amnesty International that he has been moved at least three times between three different cities and held largely in incommunicado detention:

**“He was initially held in the Officers Club, a detention centre used by the Huthis in Hodeidah. He was permitted a call on the third day of his detention to ask for clothes. Then a whole month passed by and we did not hear a word from him. We suddenly received a call after that month and he told us that he was in Sa’da. He was permitted to call us every 15 days while he remained in Sa’da for three months, where he was interrogated. He was then moved again to the Political Security Office in Hodeidah. He was held in that PSO without any contact with us for a whole month. Meanwhile, the head of PSO kept on promising us that he would release him in two days, but to no avail. After that month, they allowed us to visit him regularly twice a week, and they kept on lying to us every day saying they will be released. When the wives and I protested in front of the PSO in Ramadan 2015 [18 June – 17 July], they suddenly moved him and other detainees to PSO in Sana’a ... Why did they take him? There is no transparency whatsoever, just long periods of detention.”**<sup>63</sup>



Abdul-ilah Saylan. ©Private

**Abdul-ilah Saylan**, a 21-year-old interior design student, was detained outside a café in Sana’a on 18 August 2015, by men who claimed to be agents of the Political Security Office. He remains in PSO detention and has not been charged or informed of the reason for his detention.

Three hours after his arrest, eight men from the PSO arrived at Abdul-ilah’s home and demanded to search it. A family member told Amnesty International: “We told them to search whatever they wanted, we knew that Abdul-ilah had nothing to hide.”<sup>64</sup>

Abdul-ilah was initially held incommunicado and his family was not allowed to see him for 20 days. After that initial visit they could not see him again for two months. Visits have since become more frequent and regulated.

In mid-September 2015, a video of Abdul-ilah was broadcast on the Huthi-aligned al-Maseera TV channel in which he said that he was a fighter with the anti-Huthi Popular Resistance Committees (PRC).<sup>65</sup> The presenter of the programme argued that Abdul-ilah appeared to have made the statement at gunpoint, under duress.

Family members told Amnesty International that Abdul-ilah was tortured in front of them in early February 2016:

**“Towards the end of the visit, a guard came and insulted him. He answered back and the guard began to beat him. Three other guards joined in and we watched from the other side of the fence as the four guards beat him viciously. Can you imagine how it felt to see him bleed from his nose and mouth and finally faint from the beatings while being unable to do anything to help him? They dragged him back inside when he fainted and told us to go home.”**<sup>66</sup>

Family members told Amnesty International that during the next visit in mid-February 2016, Abdul-ilah’s face was “noticeably bruised, the whole of the left side of his face was almost black from the bruises.” Abdul-ilah told his family that after he had regained consciousness, he was tied up and beaten by seven men until he was dizzy and close to losing consciousness again.

His family told Amnesty International that they had repeatedly asked the Huthis and allied authorities to refer him to court but they had refused.

**“We just want justice, we know he is innocent. They always refuse to refer his case to court, telling us that ‘this is a political case, there is no court involved here’.”**<sup>67</sup>

<sup>63</sup> Interview in Hodeidah, July 2015.

<sup>64</sup> Phone interview March 2016.

<sup>65</sup> Alyemen channel, “Exposing the fabrications of al-Maseera channel about Abdul-ilah Saylan”, published on 19 September 2015, available at <https://www.youtube.com/watch?v=viCKGwGjhC8> (accessed on 15 April 2016).

<sup>66</sup> Phone interview March 2016.

<sup>67</sup> Phone interview, March 2016.

Amnesty International has seen an order from the Prosecutor General's office dated 7 October 2015 ordering Abdul-ilah Saylan's release, and a separate order dated 24 November 2015 ordering that his family is permitted to visit him in detention.

# 3. LAW AND STANDARDS ON ARREST AND DETENTION

As the de facto government administration in control of much of the country, including the capital city, and its institutions, the Huthis should respect the human rights of individuals under its control. As the UN High Commissioner for Human Rights has consistently emphasized, “non-State actors that exercise government-like functions and control over a territory are obliged to respect human rights norms when their conduct affects the human rights of the individuals under their control.”<sup>68</sup> Moreover, all parties to the conflict, including non-state armed groups, must observe the rules of international humanitarian law.

Both international human rights law and international humanitarian law prohibit arbitrary detention and enforced disappearance.

## THE RIGHT TO LIBERTY

Under Article 9 of the International Covenant on Civil and Political Rights (ICCPR), to which Yemen acceded in 1987, “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”

The UN Working Group on Arbitrary Detention considers that detention is arbitrary when there is no legal basis for the deprivation of liberty; when the detention results from the exercise of fundamental rights or freedoms guaranteed by the Universal Declaration of Human Rights and the ICCPR, including the rights to freedom of expression, assembly and association; when the deprivation of liberty constitutes a violation of the international law for reasons of discrimination; or when the detention results from grave violations of the right to a fair trial.<sup>69</sup>

Article 9 also enshrines an essential safeguard against arbitrary detention, the right of anyone who is deprived of their liberty to take proceedings before a court to decide without delay on the lawfulness of the detention and order release if the detention is not lawful. The UN Human Rights Committee has explained that this right applies to all forms of detention, including in connection with criminal proceedings, military or security detention, or counter-terrorism detention.<sup>70</sup>

Article 14 of the ICCPR enshrines the rights of anyone accused of a criminal offence. Everyone has a right to be presumed innocent and to a fair and public hearing by a competent, independent and impartial tribunal

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<sup>68</sup> Report of the High Commissioner for Human Rights on the implementation of Human Rights Council resolution 7/1, Human Rights Situation in Palestine and other Occupied Arab Territories, UN Doc. A/HRC/8/17 (6 June 2008), para. 9.

<sup>69</sup> See, *inter alia*, Working Group on Arbitrary Detention, *Nasrin Sotoudeh v Islamic Republic of Iran*, Opinion No. 21/2011, para. 3.

<sup>70</sup> Human Rights Committee, General Comment 35, Article 9 (Liberty and Security of Person, CCPR/C/GC/35, para. 40.

established by law. The rights of the accused also include adequate time and facilities to prepare a defence and to communicate with legal counsel of choice; to be tried without undue delay; to be present at the trial, and to defend oneself in person or through legal assistance; to examine the prosecution's witnesses and call defence witnesses; and to appeal to a higher judicial body.

## PROHIBITION OF ENFORCED DISAPPEARANCES AND TORTURE

The 2006 International Convention for the Protection of All Persons from Enforced Disappearance (CED) specifies that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as justification for enforced disappearance”.

The CED defines enforced disappearance as the “arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”.

Every enforced disappearance violates a range of human rights, many of which are non-derogable. Treaty bodies, human rights courts and other human rights bodies have repeatedly found that enforced disappearances may violate, *inter alia*, the right to liberty and security of person,<sup>71</sup> the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment,<sup>72</sup> the right to a remedy,<sup>73</sup> and the right to life.<sup>74</sup> The fact that Yemen is not a party to the CED does not release it from the obligation not to subject anyone to enforced disappearance. Because enforced disappearances can violate several human rights simultaneously, they are referred to as “multiple” or “cumulative” human rights violations. An enforced disappearance is also a “continuing crime”, which takes place so long as the disappeared person remains missing and information about his or her fate or whereabouts has not been provided by the state. The prohibition of torture is a peremptory norm (*jus cogens*) of international law, binding on all states. Yemen is also a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which includes the obligation to investigate and prosecute all those responsible for torture in its territory.

Yemen is a state party to the four Geneva Conventions of 1949 and their Additional Protocol relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).<sup>75</sup> International humanitarian law applicable during non-international armed conflicts, requires parties to the conflict to protect anyone in custody or detention against “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture”<sup>76</sup> and “outrages upon personal dignity, in particular humiliating and degrading treatment.”<sup>77</sup> No sentences may be handed down except by a “regularly constituted court”<sup>78</sup> that meets international fair trial standards. Violating this provision may amount to a war crime.

The prohibition on enforced disappearances is recognized as part of customary international humanitarian law applicable in both international and non-international conflicts.<sup>79</sup> Enforced disappearance violates, or threatens to violate, a range of customary rules of international humanitarian law, most notably: the prohibition of arbitrary deprivation of liberty, the prohibition of torture and other cruel or inhuman treatment, and the prohibition of murder.<sup>80</sup>

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<sup>71</sup> European Court of Human Rights (ECtHR), *Kurt v Turkey* Judgment, 25 May 1998; Inter-American Court of Human Rights (IACtHR), *Velasquez Rodriguez v Honduras* Judgment, 29 July 1988.

<sup>72</sup> African Commission on Human and Peoples Rights, *Amnesty International and others v Sudan*, Coms 48/90, 50/91, 52/91 and 89/93, 15 November 1999; Human Rights Committee (HRC), *Mojica v Dominican Republic*, Com 449/1991, Views 10 August 1994

<sup>73</sup> IACtHR, *Blake v Guatemala* Judgment, 24 January 1998; ECtHR, *Tas v Turkey* Judgment, 14 November 2000.

<sup>74</sup> ECtHR, *Demiray v Turkey* Judgment, 21 November 2000; IACtHR, *Bamaca Velasquez v Guatemala* Judgment, 25 November 2000.

<sup>75</sup> Additional Protocol II, 8 June 1977, <https://www.icrc.org/applic/ihl/ihl.nsf/7c4d08d9b287a42141256739003e636b/d67c3971bcff1c10c125641e0052b545> The involvement of forces from other states in the conflict in Yemen does not make the conflict an international conflict, as it is taking place at the request/with the agreement of the Yemeni government. Please refer to Articles 4, 5 and 6.

<sup>76</sup> Additional Protocol II, 8 June 1977, Article 4(2)(a).

<sup>77</sup> Additional Protocol II, 8 June 1977, Article 4(2)(e).

<sup>78</sup> ICRC Customary IHL Study, Rule 100.

<sup>79</sup> Customary International Humanitarian Law, International Committee of the Red Cross, Rule 98.

<sup>80</sup> Customary IHL, ICRC, Rule 156.

According to Rule 117 of the International Committee for the Red Cross' Study on customary international law: "Each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate."<sup>81</sup>

In addition, parties to an armed conflict are also required to take steps to prevent disappearances, including through the recording and notification of the personal details of persons deprived of their liberty, who must be allowed to correspond with their families, and, to the degree practicable, to receive visits from near relatives.<sup>82</sup> IHL also requires the parties to respect family life, which entails each party taking all feasible measures to account for persons reported missing as a result of armed conflict and to provide their family members with information it has on their fate.<sup>83</sup>

## YEMENI LAW

The Yemeni Constitution prohibits arrests and detentions other than those pursuant to a judge or prosecutor's order.<sup>84</sup> The constitution is further reaffirmed by the Criminal Procedure Law of 1994 that stipulates arrests can only be carried out with an arrest order.<sup>85</sup>

Article 48(a) of the Yemeni constitution guarantees the right to personal freedom, dignity and security of all its citizens, stating that "The law shall define the cases in which citizens' freedom may be restricted. Personal freedom cannot be restricted without the decision of a competent court of law."<sup>86</sup> Meanwhile, Article 48(b) prohibits physical and psychological torture and states that "No person may be imprisoned or detained in places other than those designated as such and governed by the law of prisons."<sup>87</sup> Article 246 of the Penal Code stipulates a prison sentence of up to five years for any official who deprives persons of their liberty without a legal basis.<sup>88</sup>

The constitution also requires that anybody arrested after committing a crime must be presented in front of a court within a maximum of 24 hours from the time of detention.<sup>89</sup> The judge or public prosecutor "shall inform the detained individual of the reason for his detention and questioning and shall enable the accused to state his defence and rebuttals".<sup>90</sup> Detention can only be extended by a "justified court order".<sup>91</sup> According to article 176 of the Criminal Procedure Law of 1994, a prosecutor may not detain anyone for investigation for more than seven days.

Yemeni lawyers have confirmed to Amnesty International that the NSB and PSO security agencies are required to abide by both the constitution and the Criminal Procedure Law of 1994.

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<sup>81</sup> Customary International Humanitarian Law, International Committee of the Red Cross, Rule 117, [https://www.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter36\\_rule117](https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter36_rule117) (accessed 9 September 2015).

<sup>82</sup> Customary IHL, Rules 123, 125, and 126.

<sup>83</sup> Customary IHL, Rule 105.

<sup>84</sup> Article 48 (b), The Constitution of the Republic of Yemen, available at <http://www.refworld.org/pdfid/3fc4c1e94.pdf> (accessed 15 April 2016).

<sup>85</sup> Article 70, Criminal Procedure Law of 1994, available at <http://www.refworld.org/pdfid/3fc4bc374.pdf>

<sup>86</sup> The Constitution of the Republic of Yemen, available at <http://www.refworld.org/pdfid/3fc4c1e94.pdf> (accessed 15 April 2016).

<sup>87</sup> The Constitution of the Republic of Yemen, available at <http://www.refworld.org/pdfid/3fc4c1e94.pdf> (accessed 15 April 2016).

<sup>88</sup> Article 246, Penal Code, available at [https://www1.umn.edu/humanrts/arabic/Yemeni\\_Laws/Yemeni\\_Laws14.pdf](https://www1.umn.edu/humanrts/arabic/Yemeni_Laws/Yemeni_Laws14.pdf)

<sup>89</sup> Article 48 (c), The Constitution of the Republic of Yemen, available at <http://www.refworld.org/pdfid/3fc4c1e94.pdf> (accessed 15 April 2016).

<sup>90</sup> Article 48 (c), The Constitution of the Republic of Yemen, available at <http://www.refworld.org/pdfid/3fc4c1e94.pdf> (accessed 15 April 2016).

<sup>91</sup> Article 48 (c), The Constitution of the Republic of Yemen, available at <http://www.refworld.org/pdfid/3fc4c1e94.pdf> (accessed 15 April 2016).



# 4. RECOMMENDATIONS

**“The country is going through extraordinary times and you cannot carry out your duties as a state if you are being placed under pressure by a naval blockade.”**

Deputy Minister of Human Rights in Sana’a, to Amnesty International, May 2016<sup>92</sup>

Attempts to defend the pattern of detention documented by Amnesty International in Huthi-controlled areas by reference to the context of the ongoing conflict cannot be justified and display a disregard for fundamental rights. The Huthi armed group and state institutions across Yemen should take immediate steps to end the practice of arbitrary arrests and enforced disappearances of political opponents, and to release those detained in such circumstances.

Should peace talks result in the formation of a new government, it will be critical that any post-war authorities in Yemen make the release of detainees, and independent, credible investigations into their treatment, central to their agenda in the aftermath of the conflict.

## **TO THE PROSECUTOR GENERAL IN SANA’A:**

- Order the immediate release of all those arbitrarily detained whose release has not already been ordered;
- Ensure that all arbitrary arrests cease immediately and that no one is deprived of their liberty except in accordance with procedures and on grounds prescribed by law. Notably, arrests and detention should only be carried out by security forces which are authorized to do so by law;
- Announce publicly that individuals responsible for arbitrary detention or enforced disappearance will be brought to justice;
- Take all necessary steps to effectively investigate enforced disappearances, arbitrary detention and torture allegations, and wherever there sufficient admissible evidence, prosecute those responsible in proceedings that respect international standards and exclude the possibility of the death penalty;
- Require that detaining authorities keep a record, open for inspection, of every detainee, including the legal basis for their detention, the location where they are held, and whether and when the detainee was brought before a judge;
- Take measures to promote transparency on detention:

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<sup>92</sup> Meeting with Amnesty International, Sana’a 2 May 2016.

- Ensure that all persons detained by Huthis and allied security forces are held at recognized places of detention, and that arresting officers identify themselves and present official identification;
- All places of detention should be required to maintain records regarding every detainee, including the date, time, and location of arrest, the name of the detainee, the reason for detention, and the specific unit or agency responsible for the detention. The records should be available to detainees' families, counsel, and other legitimately interested persons. All transfers of detainees should be reflected in the records;
- Detainees should promptly be brought before a judge and informed of the reasons for arrest and any charges against them. The family should be informed promptly of the arrest and location of the detainee. Any persons detained by the security forces must be allowed contact with family and unhindered access to legal counsel.

#### **TO THE HUTHI ARMED GROUP AND SALEH LOYALISTS:**

- Ensure that there is no interference in or any kind of improper control over judicial decisions and immediately implement the release and referral orders issued by the Prosecutor General and the Prosecutor General of the Specialized Criminal Court;
- Ensure that all those arbitrarily detained are released, that arbitrary arrests cease immediately and that no one is deprived of their liberty except in accordance with procedures and on grounds prescribed by law. Notably, arrests and detention should not be carried out by forces which are not authorized to do so by law;
- Ensure that all detainees are treated humanely and held only in officially recognized detention centres;
- Ensure that the families of those detained are informed promptly of the place of detention of their relatives and that detainees are allowed prompt access to their families and lawyers;
- Issue clear instructions to those under your command that anyone who commits human rights abuses or violations of international humanitarian law will be held accountable;
- Remove from the ranks individuals suspected of responsibility for enforced disappearance or torture and other ill-treatment;
- Permit the office of the Prosecutor General to carry out visits to all the detention facilities mentioned in this report.

#### **TO ANY POST-WAR YEMENI AUTHORITIES WHICH MAY BE ESTABLISHED AS A RESULT OF PEACE NEGOTIATIONS:**

- Investigate all cases of enforced disappearances and arbitrary arrests, including those documented in this report—until in each case the fate or whereabouts of the person is clearly and publicly established. Those responsible or are complicit for disappearances and, be it members of government security forces or members of non-state armed groups, must be disciplined or prosecuted as appropriate;
- Discipline or prosecute as appropriate all those implicated for participation in abuses in accordance with international due process standards;
- Hold superior officers, whether civilian or military, criminally accountable if they knew, or should have known, that forces under their command had committed or were about to commit criminal acts, and nothing was done to prevent such commission;
- Bring to justice members of non-state armed groups responsible for arbitrary arrests and disappearances, and investigate security forces' complicity in these cases;
- Ratify the International Convention for the Protection of all Persons from Enforced Disappearance.

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# 'WHERE IS MY FATHER?'

## DETENTION AND DISAPPEARANCE IN HUTHI-CONTROLLED YEMEN

The Huthi armed group, which since late 2014 has controlled large parts of Yemen, has – in conjunction with forces loyal to former President Ali Abdullah Saleh and state security and intelligence agencies – carried out hundreds of arbitrary arrests and detentions of its opponents, as well as enforced disappearances, torture and other ill-treatment of detainees. The clampdown intensified dramatically after the start of the Saudi Arabia-led coalition's military campaign in March 2015.

Through the examination of 60 individual cases in Sana'a, Ibb, Ta'iz and Hodeidah between December 2014 and March 2016, this report reveals how the Huthi forces have swept up political opposition figures, activists and journalists from their homes, work places, meetings or protests, as part of a broad crackdown against those who have opposed their take-over of government institutions.

Eighteen individuals whose cases are featured in this report are still being held. Some have been held for as long as 17 months, without being charged or brought before a court. Even official release orders from prosecuting authorities in the capital Sana'a have failed to secure detainees' releases.

Amnesty International is calling on Huthi armed group and state institutions across Yemen to stop carrying out arbitrary arrests and enforced disappearances of political opponents, and to release those detained in such circumstances.