



UNIVERSAL PERIODIC REVIEW

YEMEN

FOURTH CYCLE

SUBMISSION TO THE STAKEHOLDERS' SUMMARY

**Alkarama, 11 October 2023**

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## Table of contents

1	General context and recent developments .....	3
1.1	<b>Scope of international obligations</b> .....	3
1.2	<b>Constitutional and legislative framework</b> .....	3
2	COOPERATION WITH INTERNATIONAL HUMAN RIGHTS MECHANISMS .....	5
2.1	<b>Cooperation with the Treaty Bodies</b> .....	5
2.2	<b>Cooperation with the Special Procedures</b> .....	5
3	IMPLEMENTATION OF HUMANITARIAN AND HUMAN RIGHTS LAW OBLIGATIONS .....	6
3.1	<b>Violations of the right to life and international humanitarian law</b> .....	6
3.1.1	<i>Targeted and indiscriminate attacks against civilians</i> .....	6
3.2	<b>Arbitrary detention and enforced disappearance</b> .....	9
3.4	<b>Freedoms of expression, peaceful assembly, and association</b> .....	11
3.4.1	<i>Reprisals against journalists, human rights defenders, and political opponents</i> .....	11

# 1 GENERAL CONTEXT AND RECENT DEVELOPMENTS

1. The pace of hostilities in Yemen has declined and the rate of civilian casualties has consequently decreased since the last Universal Periodic Review (UPR) in 2019 and following the UN-sponsored humanitarian truce agreement concluded in April 2022.
2. Nevertheless, civilians from war-affected governorates remain vulnerable and are victims of injuries and deaths caused by mines and explosive remnants of war<sup>1</sup>. Displaced people, particularly in Marib, remain vulnerable to occasional Houthi attacks<sup>2</sup>.
3. This was accompanied by the unexpected political change following Yemen's exiled president, Abdrabuh Mansour Hadi's decision to hand over power to a presidential council to lead the country, including conducting negotiations to bring an end to the conflict with Houthi rebels.

## 1.1 Scope of international obligations

4. Yemen has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) or the Statute of the International Criminal Court (ICC), despite the recommendations it accepted following the last UPR cycle.<sup>3</sup> It has failed to ratify the Optional Protocol to the Convention against Torture (OPCAT) and the Second Optional Protocol to the International Covenant on Civil and Political Rights (OP2 ICCPR).
5. It has not accepted the individual complaints procedure under the Optional Protocol to the ICCPR (OP1 ICCPR) and Article 22 of the Convention against Torture (UNCAT).

## RECOMMENDATIONS

- a) Ratify the ICPPED, OPCAT, OP2 ICCPR, and ICC Statute;
- b) Accept the individual complaints procedures under OP1 ICCPR and article 22 UNCAT.

## 1.2 Constitutional and legislative framework

6. During the previous UPR cycle, the authorities committed themselves to legislative reform to bring the Yemeni legal framework in line with international human rights standards. However, they have not fulfilled their commitments. Notably, the government has not

<sup>1</sup> <https://reliefweb.int/report/yemen/unmas-director-calls-urgent-acceleration-mine-action-efforts-yemen-enar>

<sup>2</sup> <https://press.un.org/en/2022/sc15114.doc.htm>

<sup>3</sup> Human Rights Council (HRC), *Report of the Working Group on the Universal Periodic Review – Yemen*, A/HRC/41/9, 17 April 2019, p. 9 ff., Recommendations enjoying Yemen's support No. 123.1 (Ukraine); 124.4 (Botswana).

adopted a law on transitional justice and national reconciliation, nor has it adopted the new constitution drafted by the Constitutional Drafting Committee in 2015.

## RECOMMENDATIONS

- a) Accelerate legislative reforms in order to align the domestic legal framework with international human rights standards;
- b) Accelerate the adoption of the new Constitution and ensure that its provisions comply with international human rights standards;
- c) Adopt transitional justice and national reconciliation laws ensuring that violations of international humanitarian and human rights law are investigated, perpetrators are prosecuted, and victims receive adequate and effective remedy.

### 1.3 Human rights infrastructure

7. During the last cycle, the government committed itself to establishing a national human rights institution (NHRI) in accordance with the Paris Principles<sup>4</sup> and a National Committee of Inquiry to investigate human rights violations.<sup>5</sup>
8. However, the draft of the bill on the establishment of an independent NHRI is still waiting to be submitted to the House of Representatives for discussion and referred to the President of the Republic for the promulgation of a republican decree.
9. The National Commission of Inquiry (NCI) which was established to investigate human rights violations, failed to obtain the cooperation of all parties and especially the *de facto* authorities in Sana'a. Additionally, its lack of independence<sup>6</sup> is an apparent barrier to effectively address the violations and hold perpetrators accountable.
10. While the UN mediated truce in Yemen could not be extended (see part 3.1.1), little to no progress has been made by parties to the conflict to address ongoing and widespread violations and abuses of international human rights and humanitarian law or remedy the harms they have inflicted on civilians throughout the conflict. The humanitarian situation in Yemen remains desperate. Civilians continue to fall victim to shelling, drone strikes and other attacks (see part 3.1.1). **These factors attest to the urgent and critical need to reinvigorate international accountability efforts on Yemen through the establishment of an independent international investigation.**

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<sup>4</sup> Recommendations enjoying Yemen's support No. 123.7 (Thailand); 123.9 (Burundi); 123.13 (Ukraine).

<sup>5</sup> Recommendations enjoying Yemen's support No. 123.51 (Chile); 123.524 (Jordan).

<sup>6</sup> Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/39/43.

## RECOMMENDATIONS

- a) Establish a NHRI in accordance with the Paris Principles;
- b) Effectively cooperate with UN independent experts and allow them to conduct independent and impartial investigations;
- c) Establish an international investigative mechanism to ensure the preservation of evidence of war crimes and ensure accountability.

## 2 COOPERATION WITH INTERNATIONAL HUMAN RIGHTS MECHANISMS

### 2.1 Cooperation with the Treaty Bodies

11. Yemen has yet to submit overdue reports to the UN treaty bodies, including its report to the Committee against Torture (CAT) (due since May 2014) and to the Human Rights Committee (HR Committee) (due since March 2015).
12. Furthermore, despite repeated recommendations in previous cycles, Yemen has not taken any measures to end mass arbitrary arrests and detention,<sup>7</sup> ill-treatment and torture,<sup>8</sup> incommunicado detention and enforced disappearances.

## RECOMMENDATIONS

- a) Comply with reporting obligations to Treaty Bodies;
- b) Effectively implement Treaty Bodies' recommendations.

### 2.2 Cooperation with the Special Procedures

13. Yemen has failed to fulfil its commitment to accept pending Special Procedures visit requests and to consider extending a standing invitation to all mandate holders.<sup>9</sup> Yemen has not accepted several mandate holders' pending requests<sup>10</sup> and has not extended any standing invitation to date.
14. The visit of the Special Rapporteur on extrajudicial, summary or arbitrary executions' visit (requested in 2006) and the visit of the Special Rapporteur on the promotion and

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<sup>7</sup> Ibid, para. 65.

<sup>8</sup> Ibid para. 66.

<sup>9</sup> Recommendation enjoying Yemen's support No. 124.24 (Latvia).

<sup>10</sup> In particular, the requests made by the Special Rapporteur on Torture (2005), the Special Rapporteur on Freedom of Assembly (2011), and the Working Group on Enforced Disappearances (2017).

protection of human rights and fundamental freedoms while countering terrorism (requested in 2012), are both continually postponed

## RECOMMENDATIONS

- a) Accept and implement all pending requests for country visits by Special Procedures;
- b) Extend a standing invitation to all mandate holders.

## 3 IMPLEMENTATION OF HUMANITARIAN AND HUMAN RIGHTS LAW OBLIGATIONS

### 3.1 Violations of the right to life and international humanitarian law

#### 3.1.1 Targeted and indiscriminate attacks against civilians

16. Since the outbreak of the war, violations of international humanitarian law (IHL) have been committed by all parties to the conflict, resulting in a large number of civilian casualties. Attacks are carried out with a constant disregard for the principles of distinction, proportionality, and precaution. Civilians are not given effective advance warnings prior to attacks, even when the impact of a military operation on civilians is apparent. These serious violations of IHL may amount to war crimes.

17. Between September 2014 and 31 August 2022, 1 044 airstrikes<sup>11</sup> caused the death of 3,618 civilians, including 459 women and 1,207 children. A further 3,973 civilians were injured, including 464 women and 1,013 children. Furthermore, 805 incidents of ground-launched attacks caused the deaths of 751 civilians, including 122 women and 310 children. Another 1,885 civilians were injured, including 288 women and 785 children.<sup>12</sup>

18. In April 2022, a UN mediated truce was established between the Houthi rebels and the internationally recognized government to halt military offensives. The truce expired in October without the parties reaching an agreement to extend it. Even though the truce resulted in a significant reduction in violence and casualties, “an average of more than

<sup>11</sup> Not a single body in one piece, How civilian harm from explosive weapons in Yemen calls for immediate action, page. 5, Mwatana, [https://global-uploads.webflow.com/621cfefe2b950d85b2a1e2d1/646c464216351ddeef1b0bb9\\_Not-a-single-body-in-one-piece-En.pdf](https://global-uploads.webflow.com/621cfefe2b950d85b2a1e2d1/646c464216351ddeef1b0bb9_Not-a-single-body-in-one-piece-En.pdf)

<sup>12</sup> Ibid.

200 reported deaths per month from organized political violence across the country" was recorded.<sup>13</sup>

19. Sniper attacks and indiscriminate attacks launched by the Houthis on the city of Taiz also led to hundreds of deaths and injuries, during the period from 21 March 2015 to 30 June 2023. The death toll reached 4,105 civilians, including 878 children and 464 women, while the number of injured reached 17,948 civilians, including 2,132 children and 2,660 women, according to the Human Rights Information and Training Center.<sup>14</sup>
20. While human rights violations are committed by all conflict parties in Yemen, one of the main causes of civilian casualties remain airstrikes by the Saudi-led military coalition.
21. Finally, US drone attacks continued to claim the lives of victims. Alkarama received pictures and testimonies of what appeared to be remains of a smashed car that was targeted by a missile from a drone near a gas station in Wadi Ubaida District in Ma'rib Governorate on 30 January 2023, resulting in the killing of three people.
22. In its latest report, the National Commission to Investigate Alleged Violations to Human Rights indicated that it had completed the investigation into four US drone attacks that targeted civilians, some of which occurred on the evening of 29 March 2018 in the Al-Sawmaa area in Al-Bayda Governorate and which resulted in the death of five civilians from the same family.<sup>15</sup>
23. According to UN report, air strikes mostly hit public spaces and attacks were operated in densely populated areas<sup>16</sup> resulting in civilian casualties, in residential areas, markets, funerals, weddings, detention facilities, civilian boats and even medical facilities.<sup>17</sup>

## RECOMMENDATIONS

- a) Ensure that all parties to the conflict adhere to IHL rules including the fundamental principles of distinction, proportionality and precaution;
- b) Immediately cease all attacks on civilians and public spaces and ensure the protection of civilian population during the conduct of military operations;

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<sup>13</sup> Violence in Yemen during the UN-mediated truce, April-October 2022, (ACLEDD) <https://acleddata.com/2022/10/14/violence-in-yemen-during-the-un-mediated-truce-april-october-2022/>

<sup>14</sup> "Taiz, the longest siege in history", Human Rights Information and Training Center, <https://hritc.co/24355?lang=en>

<sup>15</sup> 11th Report of the National Commission to Investigate Alleged Violations to Human Rights, <https://www.nciye.org/en/?p=1569>

<sup>16</sup> Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/39/43, para. 30.

<sup>17</sup> Ibid, para. 28.

- c) Support, cooperate and contribute to all efforts aiming to reach a sustainable peace in the country.

### 3.1.2 Blocking of humanitarian assistance

24. Yemen remains one of the world's largest humanitarian crises. By 2023, a staggering 21.6 million people will be in need of some form of humanitarian assistance, with 80 percent of the country lacking access to food and basic services. The dire situation of the civilian population has been dramatically exacerbated by the sieges and blockades imposed by the various parties to the conflict. These measures include import restrictions imposed by the Saudi-led coalition and active denial of humanitarian access to deliver aid by all warring parties, in violation of international humanitarian law.<sup>18</sup>
25. The sea, air and land blockades imposed by the Saudi-led coalition have severely restricted the import of essential goods for the civilian population, such as fuel, food and medical supplies. The lack of imports has had a dramatic impact on the provision of services essential to the survival of the civilian population, such as health care and drinking water from water pumping stations.<sup>19</sup>
26. The blockade of the central district of Abdiya, south of the city of Marib, by Houthi forces in 2021 is one of the recent examples of this humanitarian crisis. Houthi rebels cut off humanitarian aid and halting movement of its 37,000 people. Wounded and other patients were also prevented to transfer during the blockade.<sup>20</sup>

## RECOMMENDATIONS

- a) Ensure that all parties to the conflict respect the right of the civilian population to have access to humanitarian assistance and vital supplies.

## Widespread torture in detention facilities

27. According to the State party's report "*Torture of a physical, psychological or moral nature and coercion of confessions during investigations are prohibited.*"<sup>21</sup>
28. Nevertheless, Alkarama has submitted numerous cases to UN special procedures highlighting a pattern of torture against detainees, especially during the investigation

<sup>18</sup> UN Security Council, *Letter dated 26 January 2018 from the Panel of Experts on Yemen mandated by Security Council resolution 2342 (2017) addressed to the President of the Security Council, S/2018/68*, 26 January 2018, paras. 187-194.

<sup>19</sup> Above note **Erreur ! Signet non défini.**, para. 43; above note **Erreur ! Signet non défini.**, paras. 43-45.

<sup>20</sup> Officials in Yemen: Houthi blockade restricts aid movement, <https://apnews.com/article/middle-east-yemen-blockades-sanaa-houthis-8903ea874f5d043805a1c851de10d459>

<sup>21</sup> State party's report, 8 November 2018, para.81.



stage and during periods of enforced disappearance showing that torture is still a common practice in the prisons of government forces, UAE-backed forces and Houthi forces.

29. These cases show that torture is routinely and widely practised and takes various forms, including beatings, electric shocks, suspension from the ceiling, drowning, threats of violence against the detainees' families, and prolonged solitary confinement.<sup>22</sup> Detainees are subjected to prolonged physical torture aimed at destroying their psychology, these practices often resulting "in death or malfunctioning of vital organs."<sup>23</sup>
30. In addition, poor conditions of detention, amounting to ill-treatment, prevail in the facilities. Detainees are held in harsh and life-threatening conditions that do not meet international standards.<sup>24</sup> Reports indicate "*poor material conditions and grossly inadequate medical care for detainees*".<sup>25</sup>
31. In July 2022, Yemeni aid worker Yasser Junaid died under torture in a Houthi prison. Another detainee, Abdulqader al-Shaibani died a few weeks after his release from a prison placed under the control of UAE-backed forces in a very deteriorating state of health, due to poor detention conditions and torture. Both of the victims were subjected to an enforced disappearance.
32. Yemeni organizations have documented 334 deaths as a result of torture or deliberate medical negligence inside prisons in Yemen and multiple deaths following detainees release from prison, including 10 children and 3 women.

## RECOMMENDATIONS

- a) Immediately halt the practice of torture and ill-treatment in all detention facilities;
- b) Investigate and prosecute authors of torture and ill treatment.

### 3.2 Arbitrary detention and enforced disappearance

33. Despite Yemen's commitment during the last cycle to address arbitrary detention and enforced disappearance, these practices remain widespread in the country.<sup>26</sup> From 1 February to 31 July, the government's National Commission to Investigate Alleged

<sup>22</sup> Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/39/43, para. 66.

<sup>23</sup> Prisoners tell stories of torture in Yemeni prisons, Anadolu Agency, <https://www.aa.com.tr/en/middle-east/prisoners-tell-stories-of-torture-in-yemeni-prisons/2285932>

<sup>24</sup> Country Reports on Human Rights Practices for 2019, page 5.

<sup>25</sup> Ibid, para.66.

<sup>26</sup> Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/39/43, para. 65.

Violations of Human Rights (NCIAVHR) documented 374 cases of arbitrary detention and enforced disappearance committed by various parties to the conflict.<sup>27</sup>

34. In Yemen, cases of arbitrary detention follow the same pattern: individuals are arrested without being presented with a warrant nor being informed of the charges held against them. They are then held *incommunicado* for long periods of time without access to legal counsel and without being brought before a judge.<sup>28</sup>
35. Enforced disappearances have been widespread in the country for decades and the fate and whereabouts of many remain unknown. Between May 2016 and April 2020, 770 cases of enforced disappearances perpetrated by all parties to the conflict have been documented. Of these, 353 were committed by Houthi forces, 327 by UAE-backed forces and 90 by the internationally recognised Yemeni government.<sup>29</sup>
36. Despite its commitment to close unofficial prisons and detention centres, arbitrary detention continued in unofficial detention centres operated by various parties to the conflict throughout the country. As confirmed by UN experts,<sup>30</sup> people are detained in or secret detention facilities and prisons, which results in an illegal detention that puts detainees outside the protection of the law, exposing them to a higher risk of violations such as torture and ill-treatment.
37. While some of these unofficial detention facilities are under the control of Houthi-affiliated forces, at least three are run by the UAE and others by UAE-backed Yemeni security forces, subjecting detainees to arbitrary detention, torture and enforced disappearance.<sup>31</sup> Despite reiterated recommendations,<sup>32</sup> the Yemeni government has not taken any steps regarding these facilities.

## RECOMMENDATIONS

- a) Release all individuals held in arbitrary and secret detention;
- b) Ensure all deprivations of liberty are carried out in compliance with international human rights and humanitarian law standards;

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<sup>27</sup> Country Reports on Human Rights Practices for 2019, page 4.

<sup>28</sup> Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/39/43, para. 65.

<sup>29</sup> In the darkness, Abusive detention, disappearance and torture in Yemen's unofficial prisons, May 2016-April 2020, Mwatana, page 16, [https://global-uploads.webflow.com/621cfefe2b950d85b2a1e2d1/6473101725ae157eb981ef7b\\_In-the-Darkness.pdf](https://global-uploads.webflow.com/621cfefe2b950d85b2a1e2d1/6473101725ae157eb981ef7b_In-the-Darkness.pdf)

<sup>30</sup> Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/39/43, para. 85.

<sup>31</sup> In the darkness, Abusive detention, disappearance and torture in Yemen's unofficial prisons, May 2016-April 2020, Mwatana, page 16, [https://global-uploads.webflow.com/621cfefe2b950d85b2a1e2d1/6473101725ae157eb981ef7b\\_In-the-Darkness.pdf](https://global-uploads.webflow.com/621cfefe2b950d85b2a1e2d1/6473101725ae157eb981ef7b_In-the-Darkness.pdf)

<sup>32</sup> Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/39/43, para. 111. g).

- c) Investigate all allegations of torture and ill-treatment in detention facilities by all parties to the conflict and make the results of the investigations public;
- d) Release all persons forcibly disappeared or, at the very least, put them under the protection of the law and inform their relatives of their fates and whereabouts;
- e) Cooperate with the Working Group on Enforced and Involuntary Disappearances to clarify cases of enforced disappearances;
- f) Close all secret and unofficial detention facilities or create and maintain prison registries and records in all sites of detention.

### **3.4 Freedoms of expression, peaceful assembly, and association**

#### **3.4.1 Reprisals against journalists, human rights defenders, and political opponents**

16. Even though Yemen has committed itself to protect journalists and human rights defenders and to promote the rights to freedom of expression, peaceful assembly and association during previous UPR cycle,<sup>33</sup> no significant progress has been made.

17. Journalists, human rights defenders, and persons with a real or perceived political affiliation continue to be amongst the groups that are most targeted by the parties to the conflict and are routinely subjected to arbitrary detention, enforced disappearance, and extrajudicial execution by both Houthi forces,<sup>34</sup> pro-government forces<sup>35</sup> and the de facto authorities.<sup>36</sup>

18. Among others, Alkarama documented the case of nine journalists arrested on 9 June 2015 by Houthi forces during a meeting in Sana'a's Dream Castle Hotel.<sup>37</sup> While some of them have been released during previous years, four of them were released in April 2023 under the terms of a prisoner and abductee exchange agreement under the auspices of the United Nations and the International Committee of the Red Cross and

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<sup>33</sup> Recommendations enjoying Yemen's support No. 123.63 (Canada); 123.67 (Portugal).

<sup>34</sup> Journalist Majali Al-Samadi on his page on platform X, <https://x.com/mg70991/status/1694767064832004414?s=61&t=UfX1p9ii8367NEQS0JRgyA>

<sup>35</sup> Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/39/43, para. 84.

<sup>36</sup> Ibid, para. 85.

<sup>37</sup> Alkarama, Yemen: 9 media workers arrested by Houthi rebels in Sana'a, <https://www.alkarama.org/fr/node/20836>

after being arbitrarily detained for 8 years.<sup>38</sup> The four journalists were held in inhumane conditions of detention and subjected to acts of torture.<sup>39</sup>

19. Moreover, the pro-Emirati Southern Transitional Council forces in southern Yemen abducted and tortured opposition journalist, Ahmed Maher, who was brought before the Specialized Criminal Court on serious charges that could lead to the death penalty while they relate to expressing his opinion on the council's policies.<sup>40</sup>
20. In areas under their control, pro-government forces "have harassed media and monitors by censoring television channels"<sup>41</sup>, journalists and demonstrators having been detained for peaceful protests complaining about detention practices and for publicly criticizing military operations.
21. As for the de facto authorities, they have carried out intimidation, arbitrary detention, ill-treatment and torture of vocal critics, in addition to the raids on media outlets in Sana'a. Several news websites have been blocked, television channel have been censored and newspapers have been banned from publication.
22. The Yemeni Journalists Syndicate, monitored 92 cases of violations against media outlets, journalists, photographers and their belongings in various regions of the country between the period from 1<sup>st</sup> January to 31<sup>st</sup> December 2022.<sup>42</sup>

## RECOMMENDATIONS

- a) Stop reprisals against journalists, human rights defenders, peaceful activists and political opponents and prosecute those responsible for human rights violations against them;
- b) Ensure the protection of the rights to freedom of expression and peaceful assembly and release all persons detained for exercising these rights;
- c) end the censorship and banning of television channels and websites and the attacks on civil society organisations.

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<sup>38</sup> Alkarama, Yemen: Release of four journalists does not exempt violators from responsibility, <https://www.alkarama.org/en/articles/yemen-release-four-journalists-does-not-absolve-violators-responsibility>

<sup>39</sup> Alkarama, Yemen: Alkarama addresses the Special Rapporteur on torture regarding the situation of journalists, <https://www.alkarama.org/en/articles/yemen-alkarama-addresses-special-rapporteur-torture-regarding-situation-journalists>

<sup>40</sup> Alkarama, Yemen: Urgent appeal to halt political trials, abolish death sentences and create an international accountability mechanism, <https://www.alkarama.org/ar/articles/alymn-nda-ajl-lwaf-almhakmat-alsyasyt-walgha-ahkam-aladam-wayjad-alyt-dwlyt-llmsalt>

<sup>41</sup> Situation of human rights in Yemen, including violations and abuses since September 2014, A/HRC/39/43, para. 84.

<sup>42</sup> The Yemeni Journalists Syndicate, the Yemeni Journalists Syndicate launches its annual report and monitors 92 cases of violations of media freedoms in 2022, <https://cutt.us/vuKiW>