

# **Torture in Yemen: Oppression and Impunity Continue**

**A Report by  
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## I. A Brief Overview of Torture in the Republic of Yemen

Torture is a crime that violates the human right to physical integrity, and is prohibited by national legislations and international conventions, given that torture is a grave violation, and considering the physical and moral damage sustained by the victims. Furthermore, there is no statute of limitations on torture crimes.

However, accountability and punishment still fail to deter the perpetrators, and torture continues to be practiced in many countries ruled by authoritarian regimes or absolute monarchies, in addition to countries suffering from armed conflicts between different political forces or armed groups. In such contexts, political opponents and human rights activists often face significant harm from torture inflicted through numerous and methods, which can sometimes amount to the victim's death.

The Republic of Yemen is not immune to these violations. The incidence of torture has increased after the 2011 protests, as many persons and activists were arrested and subjected to torture for taking part in the popular movement. Human rights lawyers took the cases of these detainees, including Ibrahim Al-Hammadi and 30 others, who were accused of bombing the presidential residence in June 2011.

Lawyer Abdulmajeed Sabra was able to visit them together with fellow lawyer and human rights activist Abdul-Rahman Berman on 28 December 2012. The detainees were forcibly disappeared since their arrest on 7 June 2011, until their case was referred to the specialised criminal prosecution on 2 January 2012. During that period, they were subjected to various forms of torture.

Torture crimes briefly decreased for a number of reasons, including the formation of a national consensus government led by Mohammed Salem Basnadwa. This changed, however, following the Houthi group's takeover of the capital Sanaa in September 2014, and the intervention of the Arab Coalition in support of president Abdrabbuh Mansur Hadi, in March 2015. Both events led to multiple actors controlling the political scene in Yemen, and thus the fate of the country's people.

These parties are the Houthis, who control most of the northern provinces except for Marib and Shabwa; pro-government forces of president Abdrabbuh Mansour Hadi; the Southern Transitional Council; and Tareq Saleh's forces which control the remaining provinces. The latter two parties owe allegiance to and operate under the command of the United Arab Emirates (UAE). Torture of political opponents, journalists and human rights activists, committed by all parties has unexpectedly and unprecedentedly moved to the forefront. Many victims died<sup>1</sup> as a result of torture. The intensity of torture crimes vary among these parties, with the Houthi group and the Southern Transitional Council being the most notorious perpetrators.<sup>2</sup>

Sanaa, controlled by the Houthi group, has become virtually devoid of political opponents and independent journalists, who are either detained or displaced. The Houthi group also broke into and shut down all media channels and news sites opposed to its policies.<sup>3</sup>

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<sup>1</sup> Yemen: Journalists Oussama Salem Almaqtari and Mohamed Al-Qadesi killed in Taiz, Gulf Centre for Human Rights, 16 February 2018, <https://www.gc4hr.org/news/view/1787#:~:text=Yemen%3A%20Yemen%3A%20Journalists%20Oussama%20Salem,Al%20Qadesi%20killed%20in%20Taiz&text=A%20DMaqtari%20was%20murdered%20on,the%20army%20and%20the%20Houthis.>

<sup>2</sup> UN Human Rights Council: Prioritize Yemen Accountability and Redress, 30 September 2020, [https://reliefweb.int/report/yemen/un-human-rights-council-prioritize-yemen-accountability-and-redress#:~:text=The%20Ansar%20Allah%20\(Houthi\)%20armed%20group%20was%20responsible%20for%20the.armed%20groups%20forces%20for%2011%25](https://reliefweb.int/report/yemen/un-human-rights-council-prioritize-yemen-accountability-and-redress#:~:text=The%20Ansar%20Allah%20(Houthi)%20armed%20group%20was%20responsible%20for%20the.armed%20groups%20forces%20for%2011%25)

<sup>3</sup> Houthi authority: A dark era in history of Yemeni press, Mwatana for Human Rights, 18 October 2015, <https://mwatana.org/en/houthi-dark-history/>

## II. Relevant National Laws and International Commitments

### Yemen's Compliance with International Mechanisms, Including the Convention Against Torture

The Republic of Yemen unconditionally ratified the UN Convention against Torture on 5 November 1991, in addition to a number of international human rights treaties and conventions that prohibit all forms of physical and mental torture, including the International Covenant on Civil and Political Rights (article 7), and the Universal Declaration of Human Rights (article 5). These commitments were reaffirmed by article 6 of the Constitution of the Republic of Yemen,<sup>4</sup> which stipulates that: “The Republic of Yemen confirms its adherence to the UN Charter, the International Declaration of Human Rights, the Charter of the Arab League, and Principles of international Law which are generally recognised.”

However, Yemen's ratification of the Convention against Torture and other treaties prohibiting torture was not matched with a commitment to honour those obligations, by the authorities. The other political forces and armed groups that currently control parts of the country followed suit; they took no measures to ensure compliance with international conventions with a view to eliminate torture crimes and hold the perpetrators accountable. On the contrary, and especially since 2014, torture crimes have significantly increased, the number of perpetrators continued to grow, and more detention facilities witnessed acts of torture, particularly given the multiple political actors in the country. Many detainees and political activists became victims of torture as a result.

The lack of commitment by the Yemeni authorities to the Convention against Torture, after acceding to it and ratifying it, is also evident by their failure to implement the recommendations and observations made by the Committee against Torture over a number of sessions. The Committee's 43<sup>rd</sup> session report in 2009<sup>5</sup> noted with concern “that the conclusions and recommendations it addressed to Yemen in 2003 have not been sufficiently taken into consideration.” Moreover, the report reiterated the Committee's concern at “the lack of a comprehensive definition of torture in the domestic law.” It also expressed the Committee's deep concern “at the numerous allegations, corroborated by a number of Yemeni and international sources, of a widespread practice of torture and ill-treatment of detainees in prisons,” and that “there appears to be a climate of impunity for perpetrators of acts of torture;” in addition to other recommendations which have not been followed to date.

Furthermore, the third report<sup>6</sup> prepared by the Group of Eminent International and Regional Experts (GEE) on Yemen, established through Human Rights Council Resolution 36/31 adopted in September 2017, concluded that all parties were responsible for human rights violations, including torture, and enabling impunity for perpetrators.

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<sup>4</sup> The Constitution of The Republic of Yemen (1991), including the amendments introduced until 2001, <https://www.refworld.org/pdfid/3fc4c1e94.pdf>

<sup>5</sup> The United Nations, Report of the Committee against Torture, Forty-third session, No. 44 (A/65/44), 2–20 November 2009, p. 140 – 141.

<sup>6</sup> UN Group of Eminent International and Regional Experts on Yemen releases their third report Yemen: A Pandemic of Impunity in a Tortured Land, 9 September 2020, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26218&LangID=e>

## National Legislations on Torture, Cruel and Inhuman Treatment

Article 6 of the Constitution of the Republic of Yemen confirmed the Republic's adherence to the UN Charter, the International Declaration of Human Rights, the Charter of the Arab League, and Principles of international Law which are generally recognised. The said declarations and charters contained provisions affirming the prohibition of torture and cruel treatment, and prevail over domestic law, having the same legal value of the Constitution. Moreover, the Yemeni Constitution contains a clause that explicitly prohibits torture, cruel and inhuman treatment. Article 48 (b.) states that:

“Any person whose freedom is restricted in any way must have his dignity protected. Physical and psychological torture is prohibited. Forcing confessions during investigations is forbidden. The person whose freedom is restricted has the right not to answer any questions in the absence of his lawyer. No person may be imprisoned or detained in places other than those designated as such and governed by the law of prisons. Physical punishment and inhumane treatment during arrest, detention or imprisonment are prohibited.”

The same article, paragraph (e.) speaks of penalising perpetrators of torture crimes, and ensuring redress for the victims of torture. It states that:

“The law shall determine the punishment for whosoever violates any of the stipulations of this Article and it shall also determine the appropriate compensation for any harm the person suffers as a result of such a violation. Physical or psychological torture at the time of arrest, detention or jail is a crime that cannot be prescribable. All those who practice, order, or participate in executing, physical or psychological torture shall be punished.”

The legislations reaffirmed the aforementioned articles of the Constitution, including articles 5, 6, 71, 178 of the Criminal Procedures Law,<sup>7</sup> and article 9 of the Police Apparatus Act.<sup>8</sup>

In addition, articles 166, 167, and 168 of the Crimes and Penalties Law<sup>9</sup> contained provisions on penalties against perpetrators of torture and ill-treatment crimes.

Article 166 stipulates that “Any public employee who tortures or uses force, by himself or through others while carrying out his job, with any suspect or witness or expert, in order to force him to confess to a crime or give testimony or relevant information thereof, without prejudice to the right of the victim thereof to the right of retribution [qisas] or Blood Money or Liable Injuries Compensation, shall be subject to a maximum imprisonment of ten years.”

And article 167 states that “Any public employee who orders or by himself carries out any punishment that is different from the punishment sentenced to a person, or a punishment that is more severe, or if he refuses to implement the release order of the person to be released; he is as such responsible for this, or if he intentionally keeps the person in imprisonment beyond the sentence meted out to him, shall be subject to a maximum imprisonment of three years or fined, and shall in all cases be dismissed from employment.”

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<sup>7</sup> The Criminal Procedures Law, Republican Decree by Law no. 13 for 1994, <https://www.refworld.org/pdfid/3fc4bc374.pdf>

<sup>8</sup> The Police Apparatus Act, no. 15 of 2000, [http://hrlibrary.umn.edu/arabic/Yemeni\\_Laws/Yemeni\\_Laws112.pdf](http://hrlibrary.umn.edu/arabic/Yemeni_Laws/Yemeni_Laws112.pdf)

<sup>9</sup> The Crimes and Penalties Law, by Republican Decree no. 12 for the Year 1994, <https://www.refworld.org/docid/3fec62f17.html>

While article 168 reads “Any public employee who uses brutality against people, relying on his public employment position illicitly as such, whereby he violates their dignity or brings bodily harm to them shall be subject to imprisonment, this being without prejudice to the right of the victims thereof to retribution [qisas] or Blood Money or Liable Injuries Compensation, shall, in all cases be dismissed from position.”

The provisions of the Yemeni Constitution and the legislations concerning torture have significant shortcomings that undermine their effectiveness in eliminating torture crimes. These flaws can be summarised as follows:

- The lack of a comprehensive definition of physical and mental torture, as well as cruel, inhuman and degrading treatment. The definition set out in the Convention against Torture<sup>10</sup> (articles 1 and 6.a) ought to be incorporated into national legislations, in a manner that ensures the awareness by all parties concerned of the grave nature of torture crimes, which contributes to deterrence. The shortcomings in the existing definition of torture leads to controversy and debate during litigation, thus opening the door to subjective interpretations by the judiciary on which actions constitute torture and which do not. This may contribute to impunity, and therefore the punitive provisions must be specific and sufficiently detailed in outlining the physical and moral elements of the crime, in an explicit manner.
- The prohibition of torture in the Constitution and laws of the Republic of Yemen is limited to torture as a means of forcing confessions within the context of arrest, interrogation, detention and imprisonment. However, the reality is very different, as detainees are subjected to torture even after having been referred to prosecution and trial. In addition, it can be committed as a result of the detainees’ opinions, work or political affiliation. In most cases, a person is arrested and forcibly disappeared and subjected to torture, then released without undertaking any interrogation. A detainee may in some instances be tortured to death during forced detention and disappearance.
- The penal provisions embedded in articles 166, 167 and 168 of the Crimes and Penalties Law are limited to preventing crimes of torture and cruel, inhuman and degrading treatment are disproportionate with the severity of torture crimes and their physical and mental effects on the victims. Legislators must redefine torture as a serious crime punishable by at least three years’ imprisonment. The wording used in article 166, which states that stipulates that perpetrators of torture shall be subject to a maximum imprisonment of ten years, without specifying the minimum penalty; leaves assessing the appropriate prison sentence to the judge’s sole discretion, including holding the perpetrator in custody for 24 hours, which is the minimum prison sentence in accordance with article 39 of the Yemeni Crimes and Penalties Law. As for articles 167 and 168, the penalties therein are disproportionate with torture crimes, especially since a fine was considered as one of the penalties for crimes mentioned in these articles. Moreover, the articles do not indicate the minimum prison sentence and leave the matter to the judge’s discretion. Yemeni legislators ought to amend these articles and introduce more strict penalties.
- The penalties of torture are restricted to public servants only, while they should be applicable to anyone who participated in torture crimes directly or indirectly, whether that be by ordering or condoning such crimes while having the authority to prevent them. In addition, the provisions restrict penalties to the situations where torture was committed in order to obtain forced confessions or make other statements relating to it. Penalties ought to be imposed in all torture cases, irrespective of their purpose.
- The punitive articles did not specify the victim's rights to redress and compensation for the physical and moral damage he suffered as a result of those violations.

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<sup>10</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, entry into force 26 June 1987, in accordance with article 27 (1).

### III. Torture, Cruel and Inhuman Treatment in Detention Facilities

This section tackles the practice of torture and cruel, inhuman or degrading treatment in known and unknown detention facilities, committed by all parties and groups in the Republic of Yemen.

Although it is well established that torture has been committed in most detention facilities, some of these have become more notorious than others to those monitoring the human rights situation in Yemen, due to the frequently committed torture crimes against detainees and political activists. It is believed that any person held in one of these detention facilities is likely to be subjected to physical and mental torture. Furthermore, cruel, inhuman and degrading treatment, as well as medical neglect are commonplace. Those detention facilities include, inter alia, the former National and Political Security Detention Facility, now known as the Security and Intelligence Services Detention Centre, in Sanaa, Hajjah, Hodeidah, and Ibb; the Community College Prison in Dhamar; the Prison of Al-Saleh city in Taiz. These prisons are under the control of the Houthi group. In addition, torture is committed in the Bir Ahmed Detention Centre, which is under the rule of the Coalition Forces; a building close to the Waddah Hall in Al-Tawahi Directorate, which is affiliated with the counter-terrorism department of the Aden Security Administration; the Security Belt Camp Detention Centre in Al-Sha'ab City in Aden, controlled by the Transitional Council. It is noteworthy that Abdrabbuh Mansur Hadi's government has addressed a memorandum to the Security Council informing that these detention facilities are not under its control, in response to the report of the Group of Eminent International and Regional Experts (GEE) on Yemen. However, the Political Security Detention Centre in Marib, which is controlled by Hadi's forces, is also among the notorious facilities where torture is committed.

With regard to the former National and Political Security Detention Facility, now known as the Security and Intelligence Services Detention Centre in Sanaa; most of the detainees whose lawyers were present during interrogation, or during hearings before the Specialised Criminal Prosecution In Sana'a, the Specialised First Instance Criminal Court or the Appellate Division – made claims about having been subjected to physical and mental torture, in addition to cruel, inhuman, and degrading treatment, as well as medical neglect; during arbitrary detention and forced disappearance at the said facility. Some reported that torture did not cease even after the cases were referred to court, and their detention continued in the same facility rather than being transferred to the penitentiary institution which is governed by the Prisons Act, despite the requests made by their lawyers. Among the persons that were subjected to these actions are 36 detainees, including Nasr Al-Salami and others, 30 of whom were sentenced to death by the Specialised First Instance Criminal Court in Sana'a on 9 July 2019.<sup>11</sup>

The purpose of torture inflicted on these detainees was not limited to extracting confessions from them, but also went beyond that with the aim of degrading the detainees, breaking their will, and forcing them into altering their beliefs and stances for which most of them were arrested. From this, it can be concluded that physical and mental torture, together with cruel and inhuman treatment, as well as medical neglect, continues to be practiced against some detainees during the investigation and trial phase. For example, the 36 detainees, including Nasr Al-Salami and others,<sup>12</sup> were referred to the Specialised Criminal Prosecution on 25 March 2017, and interrogation was completed on 30 March 2017. They were then referred for trial, which went on for two years and three months, as the first hearing began on 8 April 2017, and the sentence was handed down during the court hearing that took place on 9 July 2019, when 30 detainees received a death sentence, and six were acquitted.

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<sup>11</sup> Yemen: All parties to the conflict continue repressive policies which curtail civil rights, Gulf Centre for Human Rights, 7 December 2020, <https://www.gc4hr.org/news/view/2524>

<sup>12</sup> Yemen: Journalists, academics & activists face execution while they and their imprisoned colleagues face Covid-19 threat, Gulf Centre for Human Rights, 12 August 2020, <https://www.gc4hr.org/news/view/2432>

Most trial hearings in this case were marred by a number of violations. Several complaints were made by the detainees concerning having been subjected to physical and mental torture, cruel and inhuman treatment, as well as medical neglect. Although the court refused to put those complaints on the record, it sometimes ordered access to medical treatment under pressure and demands from the defence. Detainee Abdul-Aziz Al-Hakami suffered from hemiplegia and was not present at some of the hearings as a result, while detainee Abdullah Al-Masouri suffered from kidney failure. The last instance of torture allegations in this case was at the court hearing on 2 April 2019, of which the lawyers have not been notified, and their presence was coincidental. All 36 detainees without exception complained about having been subjected to torture and inhuman treatment. They informed their lawyer Abdel-Majeed Sabra that their conditions were unbearable, and demanded that he convey information about their suffering to human rights organisations, the media and all parties concerned with human rights; despite knowing that such a request might have a negative impact on them. Any publicity relating to their case caused them to suffer from additional torture and more cruel and inhuman treatment by their jailers in retaliation. Nevertheless, the severity of the pain they had suffered during that period caused them to be indifferent to such ramifications.

The violations committed did not end there. Following that hearing, detainee Professor Yousuf Al-Bawab, who spoke on behalf of his fellow detainees during the trial, was subjected to forced disappearance, and denied family visits. He was not brought to the next hearing on 6 April 2019, as he had been singled out and taken to an unknown location. His lawyer subsequently filed a memo requesting the specialised criminal prosecution to contact the Political Security Apparatus in order to disclose his whereabouts. This went on for over a month, until his relatives were finally permitted to visit him.

Moreover, torture methods used by perpetrators in detention facilities are considerably diverse. Immediately following arrest, the detainee is forcibly disappeared for periods that vary from one detainee to another, the minimum typically being two months. During the period of forced disappearance, the detainee is usually held in a solitary cell, where he is tortured in many ways, including slapping; beating using canes and electric cables; suspension from the ceiling for several days; electric shocks; cigarette burns; kicking in different parts of the body including intimate parts; forcing the detainee to stand for long periods on his toes; prolonged interrogation sessions; sleep deprivation for several days; threats of sexual assault; threats of arresting their relatives and sometimes indeed detaining them.

In addition to that, deliberate medical neglect is practiced by prison authorities, as well as deprivation from going out into sunlight, denial of access to latrines except for once, twice or three times a day. Furthermore, large numbers of detainees are held in small airless wards. The torture methods used, combined with medical neglect, have caused disabilities to some detainees, such as Khadem Mohammed Zuhri and Abdul-Aziz Al-Hakami. Torture has in some cases led to the detainee's death, as happened to Ali Abdo Ahmed Kazaba, who died in custody in August 2019.<sup>13</sup>

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<sup>13</sup> Yemeni detainee accused in the case of killing Houthi leader Saleh Al-Sammad dies, Anadolu Agency, 14 August 2019, <https://www.aa.com.tr/ar/%D8%A7%D9%84%D8%AF%D9%88%D9%84-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A%D8%A9/-/D9%88%D9%81%D8%A7%D8%A9-%D9%85%D8%B9%D8%AA%D9%82%D9%84-%D9%8A%D9%85%D9%86%D9%8A-%D9%85%D8%AA%D9%87%D9%85-%D9%81%D9%8A-%D9%82%D8%B6%D9%8A%D8%A9-%D9%85%D9%82%D8%AA%D9%84-%D8%A7%D9%84%D9%82%D9%8A%D8%A7%D8%AF%D9%8A-%D8%A7%D9%84%D8%AD%D9%88%D8%AB%D9%8A-%D8%A7%D9%84%D8%B5%D9%85%D8%A7%D8%AF-/1556651>

## **IV. Absence of Redress for Victims, and the Role of the Judiciary and Forensic Doctors**

Victims of torture, cruel and inhuman treatment seeking redress face multiple difficulties that prevent them from receiving justice. The authorities make it extremely complex for victims to file complaints or demand investigation into their torture allegations. In the event they were able to initiate such a process, they face reprisals by the judiciary, especially because the judiciary and forensic physicians take the perpetrators' side in most cases. The judiciary dismisses torture claims and does not have them put on the record, nor does it order an investigation with the suspected violators. This has repeatedly occurred in the 36 detainees' case, also known as the case of Nasr Al-Salami and others.

As for forensic physicians, they do not always perform their professional and ethical duty towards the victims when a medical examination is ordered, sometimes taking a stance biased to the violators and perpetrators, despite the victims having visible signs of torture. This was the case in medical reports issued by a forensic physician named Alaa Al-Dubaiy concerning three defendants in the aforementioned case of the 36 detainees. The specialised criminal prosecution had investigated the three detainees, and evidence of torture was included in the prosecution's record. Following that, the Department of Forensic Medicine was requested to examine them, and Alaa Al-Dubaiy was assigned to attend to this examination. After Al-Dubaiy issued his reports regarding these detainees, the reports were presented to the director of the Department of Forensic Medicine at the time, Dr. Mukhtar Al-Harrani, who promptly instructed Al-Dubaiy to reexamine the detainees in question, as he found the reports presented to be lacking in compliance with the professional, technical and scientific standards of forensic reports in torture cases. However, Al-Dubaiy refused to repeat the examination, and his reports were submitted to the court as is. Subsequently, the lawyers of the three defendants presented to the court during the same hearing the memo of Dr. Al-Harrani, but it was dismissed.

The same physician, Al-Dubaiy issued other medical reports pertaining to defendants in what came to be known as the case of killing Saleh Al-Sammad, the former head of the Houthi group's Political Council, and his companions. Al-Dubaiy examined two detainees, Ibrahim Mohammed Abdullah Aqel and Abdul-Aziz Ali Mohammed Al-Aswad. In his reports, he concluded that the defendants themselves have caused the signs of torture on their bodies, and that torture was not inflicted by the investigators. The defence lawyers requested the Specialised Court of First Instance in Hodeidah to appoint an impartial medical committee to examine the defendants, but this request was declined, and the court sentenced the detainees to death.

In all torture crimes committed by the various actors in Yemen, including Hadi's forces, the Southern Transitional Council affiliated with the United Arab Emirates and the Houthi group; no investigations were carried out by the concerned parties despite those allegations being credible, and although they have been documented by local and international human rights organisations.

Through the acts of torture and inhuman treatment to conduct a prompt and impartial investigation, many local and international human rights organisations, in addition to the Group of Eminent International and Regional Experts (GEE) on Yemen; called on all actors in Yemen, to investigate allegations of torture and ill-treatment. However, no such investigations have been launched. For instance, the International Federation of Journalists (IFJ) called on the Houthis' attorney general to investigate allegations by 10 journalists, including Abdul-Khaliq Omran and others, who were subjected to torture and ill-treatment by the Security and Intelligence Service.<sup>14</sup> The investigation was carried out in secrecy by the Specialised First Instance Criminal Court, and did not allow the journalists' lawyer, Abdulmajeed Sabra, to be present at the proceedings pertaining to those allegations. The investigation concluded in a biased manner that the defendants had not been tortured, and that they merely had some complaints related to inadequate health care.

A released detainee dares not file a complaint concerning torture while still in the areas under the control of the same force that subjected him/her to torture for fear of reprisals or being brought back to prison under any pretext. Moreover, the victim would be reluctant to communicate with the media or human rights organisations with regard to the violations suffered during detention, especially considering that one of the release conditions is often to refrain from filing complaints or communicating with any entity about torture or abuse the victim was subjected to during detention.

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<sup>14</sup> International Federation of Journalists expresses concerns over deteriorating health of journalist Abdul Khaliq Omran, Yemen Shabab Net, 1 December 2016, <http://sahafaa.net/show267775.html>

## V. Sample Torture Cases

### Torture of journalists

At dawn on 9 June 2015, nine journalists, namely Abdul-Khaliq Ahmed Abdo Omra, Akram Saleh Massad Al-Walidi, Al-Harith Saleh Hameed, Tawfiq Mohammed Thabet Al-Mansouri, Hisham Ahmed Saleh Tarmum, Hisham Abdul-Malik Abdul-Razzaq Al-Yousfi, Haitham Abdul-Rahman Saeed Al-Shihab, Issam Amin Ahmed Balghaith and Hassan Abdullah Yahya Annab - were arbitrarily arrested by the popular committees affiliated with the Houthis while they were at the Sea of Dreams Hotel on North 60<sup>th</sup> Street. More than fifteen agents in uniforms and plain clothing stormed into their rooms without a judicial order and proceeded to search the rooms and the journalists' laptops and mobile phones. They were taken and subsequently held in Al-Hasba Police Station at first, before splitting them into two groups; the first including Abdul-Khaliq Ahmed Abdo Omran, Tawfiq Mohammed Thabet Al-Mansouri, Al-Harith Saleh Hameed and Hisham Ahmed Tarmum – who were held at Al-Ahmar Police Station, while the other five remained in custody at Al-Hasba Police Station.

At noon that day, the journalists detained at Al-Ahmar Police Station contacted Amat Al-Salam Al-Haj, Head of the Mothers of Abductees Association, who was with lawyer Abdulmajeed Sabra at the time. She was able to visit the journalists together with the lawyer at Al-Ahmar Police Station, but when they went to visit those detained at Al-Hasba Police Station, they were prevented by a representative of the popular committee who was in charge of Al-Hasba Police Station. The next day they went back to Al-Hasba Police Station, and much to their surprise, they were told by prison officials that the detainees were not there, and that the officers did not know where they had been transferred.

This marked the beginning of the forced disappearance of the nine journalists, as neither their lawyers nor their relatives knew the location of their detention. Furthermore, the detainees were not allowed to make calls or receive visits for six months until 3 December 2015. During the forced disappearance and arbitrary detention period, they were subjected to various forms of physical and mental torture in all five detention facilities in which they were held. They continued to be tortured<sup>15</sup> throughout their detention until being brought to trial in 2020 after five years of arbitrary detention. The torture, cruel and inhuman treatment, as well as medical neglect they faced are summarised as follows:

#### Al-Ahmar Police Station and Al-Hasba Police Station

The nine journalists were held for three days and were interrogated on the following day after their arrest on 10 June 2015. Only records taken at Al-Ahmar Police Station were annexed to the case files. The journalists were not subjected to any form of torture. On 11 June 2015, they were transferred to the Anti-Terrorism Prison, located at the Criminal Investigation Department.

#### Criminal Investigation Prison

The nine journalists were transferred from Al-Ahmar and Al-Hasba Police Stations to the Anti-Terrorism Prison at the Criminal Investigation Department, where they were forcibly disappeared for over a month, from 11 June 2015 until 13 July 2015. They were subjected to various forms of physical and mental torture at this detention facility.

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<sup>15</sup> Yemen: Prolonged detention and torture of 10 journalists illustrates risks faced by media workers, Amnesty International, 1 May 2019, <https://www.amnesty.org/en/latest/news/2019/05/yemen-prolonged-detention-and-torture-of-10-journalists-illustrates-risks-faced-by-media-workers/>

- The physical torture they were subjected to at this detention centre included:

Very tight blindfolding to the extent that blood flow was restricted, causing breathing difficulty; beatings using wooden canes, metal pipes, whips, wires and Kalashnikov pistols; punching on the eyes, chest, abdomen and joints; slapping on the face and ears; forcing detainees to carry concrete blocks; forcing detainees to stand on one foot for hours; not allowing the use of latrines; preventing detainees from drinking; sudden hurling of cold water; prolonged interrogation; forcing detainees to perform strenuous exercises; forcing detainees to stand on sharp iron poles; forcing them to bend and rotate; chaining them for long periods; forcing detainees to stand with distance between the feet and with arms raised for prolonged periods; handcuffing behind the back; strongly pressing on the nails and veins; hitting the head against a wall; pulling the chair away during interrogation; kicking all body parts, especially the back, neck and abdomen; shouting in the detainee's ears; spitting on the face; pulling facial and head hair, and strangulation.

- The mental torture they were subjected to at this detention centre included:

The threat to transfer the detainees to Naqam, Attan and Sa'da, which are military locations targeted by the Arab Coalition's air force; profanity and insults; threatening to subject them to electric shocks; threatening to summon the executioner by the name "Wahshi" [meaning the brutal]; directing gun barrels at them during torture; torturing detainees close to them and having them hearing their screams; abruptly opening and shutting steel doors late at night; shooting and explosions within the prison and in the vicinity; pharmacological torture; insulting and harassment in front of family members; forcing detainees to sign documents while blindfolded; ridiculing detainees on the basis of their region; mock torture by leading detainees to think that they are, or will be subjected to torture using electricity, fire or sharp objects; threats of sexual assault, and threatening to inflict cigarette burns on the face.

#### Al-Thawra Pretrial Detention Facility

The nine journalists were transferred from the Anti-Terrorism Prison at the Criminal Investigation Department to Al-Thawra Pretrial Detention Facility in the Naqam area, which had been turned into a prison exclusively reserved for political prisoners and no longer had criminal prisoners. They were detained in this facility for about eight months from 13 July 2015, until 16 March 2016. For up to five months during that period, the journalists were enforcibly disappeared, and denied any form of communication or visits, until December 2015.

At this detention facility, each one of the journalists was held in solitary confinement, some for 12 days and others for 23 days, as reported by the detained journalist Haitham Al-Shihab, and they were interrogated several times and tortured simultaneously. Among the forms of torture they faced in this detention facility was beating with buttstocks of rifles; occasionally placing detainees in solitary confinement; and threatening to have them transferred to Sa'da governorate.

At Al-Thawra Pretrial Detention Facility, the first to visit the detained journalists was Amat Al-Salam Al-Haj, Head of the Mothers of Abductees Association, who is the mother of detained journalist Abdul-Khaliq Omran, following several attempts to convince the Houthi prison warden to allow visits. In her testimony, Al-Haj said:

“I entered a room and they brought out an old man who appeared to be 90 years old. When I looked closely at him, I realised that he was in fact a young man [my son] Abdul-Khaliq Omran. His arm was fractured and he had it bandaged. His beard had grown very long, and so had his ungroomed hair. His clothes were shabby and he looked totally worn out as if he had just arrived from the Middle Ages. I greeted him after I heard his voice. He said “Hello, mother! How are you, Mother? The lads and I are alright.” I was speechless and could not help but cry.”

At Al-Thawra Pretrial Detention Facility, the journalists were interrogated by the Houthi legal body, which acquitted them and ordered their release. Nevertheless, this decision was not implemented, despite follow-ups by the defence.

Once the journalists’ defence team learned that the detainees were being held at this prison, they submitted an application to the East Capital Municipality Court, since this prison is under its jurisdiction; to request the journalists’ release, and demand that the prosecutor visit the prison and inspect the detainees’ conditions. The prosecution issued a directive explicitly ordering their release, but these instructions were never implemented. Moreover, prison officials from the Houthis’ popular committees denied the prosecution access to the prison in order to verify the detainees’ status, and the defence faced the same restrictions. Subsequently, a report was issued on this instance by the member of the prosecution team concerned, which was then submitted to the office of the Attorney General.

#### Habra Pretrial Detention Facility

On 16 March 2016, the nine journalists were transferred from Al-Thawra Pretrial Detention Facility to Habra Pretrial Detention Facility, where they remained in custody until 24 May 2016. At this detention facility, the journalists were interrogated and subjected to physical and mental torture, including solitary confinement with handcuffs and legcuffs; suspension; beatings with canes, chains and buttstocks of rifles to the point of causing the detainees to bleed. In addition, they were also threatened with electric shocks, as well as sometimes using food and sleep deprivation, and restricted latrine use.

On 9 May 2016, the journalists began a 15-day hunger strike, until they were transferred to the Security and Intelligence Services Detention Centre on 24 May 2016. The hunger strike was in protest against the continued torture and ill-treatment at Habra Pretrial Detention Facility and went on even after their transfer from the said facility, the overall hunger strike lasting for 33 days.

#### The Security and Intelligence Services Detention Centre (the former Political Security Detention Facility)

The journalists were transferred from Habra Pretrial Detention Facility to the Security and Intelligence Services Detention Centre. After being sentenced to death on 11 April 2020, four of them are still held in this facility, namely Abdul-Khaliq Ahmed Abdo Omran, Akram Saleh Al-Walidi, Al-Hareth Saleh Hameed and Tawfiq Mohammed Thabet Al-Mansouri, while the remaining detainees were released in a prisoner exchange deal.<sup>16</sup>

At this detention facility, the journalists were forcibly disappeared for approximately three months from the date they were transferred until 8 August 2016. During interrogation, the detainees demanded that they be allowed to communicate with and receive visits from their relatives.

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<sup>16</sup> Yemen: Five journalists finally released six months after judge’s order, while four others still facing execution, Gulf Centre for Human Rights, 16 October 2020, <https://www.gc4hr.org/news/view/2490>

During detention at this facility, the journalists' hunger strike lasted for 18 days, until they were forcibly made to end it. During their strike, they were interrogated by the Political Security Service officers, and continued to be physically and mentally tortured during and after the forced disappearance period, and even after their case was referred to prosecution and the court.

The journalists were repeatedly tortured at this detention facility. In December 2016, journalist Abdul-Khaliq Omran was interrogated and placed in solitary confinement. Later, in May 2017, the prisoners were denied visitation. In November 2018, they were once again subjected to torture, according to statements by detained journalist Al-Harith Saleh Hameed, in the prosecutor's investigation records. In April 2019, the journalists were severely beaten and placed in solitary confinement. Moreover, the prison authorities confiscated their clothes and medications, and imposed a second ban on visits throughout the two-week period, during which torture continued. About a month later, they were severely beaten again and verbally abused by Yahya Saree', one of the jail superintendents.

While the journalists were detained in the aforementioned detention facilities, they contracted diseases and developed a number of illnesses as a result of medical neglect and the lack of adequate health care and treatment. Their lawyers had submitted a number of memos with this regard to no avail.

The suffering of the journalists went on. They were brought to trial on 18 February 2019, before the Specialised Criminal Court of First Instance; an exceptional court which is not subject to any legal standards, and lacks the guarantees of a fair trial. The journalists were tried without the presence of their lawyers, and in breach of the most basic elements of fair legal proceeding. On 11 April 2020, Abdul-Khaliq Ahmed Abdo Omran, Akram Saleh Al-Walidi, Al-Hareth Saleh Hameed and Tawfiq Mohammed Thabet Al-Mansouri were sentenced to death, while the remaining detainees were ordered to be released after five years' imprisonment, but put on probation for three years.

On 15 October 2020, the other five were released in a prisoner exchange deal. These are Hisham Ahmed Saleh Tarmum, Hisham Abdul-Malik Abdul-Razzaq Al-Yousfi, Haitham Abdul-Rahman Saeed Al-Shihab, Issam Amin Balghaith, and Hassan Abdullah Yahya Anaab. The released journalists were transferred to Marib.

Throughout their detention, the journalists were not allowed to communicate with their lawyer except for once, following the death and imprisonment sentences, which were handed down on 11 April 2020. Furthermore, the defendants' lawyer was not allowed to visit them, despite the fact that he made several requests to criminal prosecution concerning this matter.

In December 2020, the Gulf Centre for Human Rights (GCHR) received a report from a member of the family of Tawfiq Mohammed Al-Mansouri, who suffers from rheumatic heart disease, diabetes, asthma and shortness of breath, prostatitis, and symptoms of kidney failure.<sup>17</sup> Despite all of this, the administration of the Security and Intelligence Prison, where he is imprisoned, continues to deny him the necessary medical treatment and appropriate medicines for his various diseases. This has worsened his health, which has reached the stage of imminent danger.

### **Dr. Yousuf Saleh Ali Al-Bawab**

Dr. Yousuf Saleh Ali Al-Bawab is a 41-year-old assistant professor at the Faculty of Languages at Sana'a University, and holds a PhD in linguistics. He is currently detained.

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<sup>17</sup> Yemen: Authorities must provide immediate medical care to journalist Tawfiq Al-Mansouri, appealing death sentence, Gulf Centre for Human Rights, 13 December 2020, <https://www.gc4hr.org/news/view/2536>

He was interrogated by the Specialised Criminal Prosecution in Sana'a (State Security Prosecution) on 29 March 2017, in the presence of his lawyer Abdulmajeed Sabra and the president of the body representing faculty members and their assistants at Sana'a University, Dr. Mohammed Mohsen Al-Dhaheiri. During this session, Dr. Al-Bawab, informed the interrogator of the physical and mental torture, as well as the cruel and inhuman treatment to which he was subjected by the investigators and prison guards since his arrest on 20 October 2016 until his referral to the prosecution on 25 March 2017. These statements were put on the record, together with mention of the visible signs of torture on his body. It is noteworthy that his torture continued as at the authoring of this report, and that the victim had brought these actions to the attention of the court on most hearings. Nevertheless, his claims were dismissed by the court, and no measures were taken in response to his complaints.

Dr. Al-Bawab was subjected to various forms of physical and mental torture, detailed as follows:

Dr. Al-Bawab was arrested on 20 October 2016, while he was leaving Al-Durra Mosque after Isha' [night] prayers. He was held at the Criminal Investigation Prison for three days, during which he was constantly interrogated and tortured, including being suspended and severely beaten using hands and canes. The security authorities forced him to put his signature and fingerprint on documents that had been prepared by investigators without allowing him to read their contents.

After that, he was transferred to the Political Security Detention Centre, where he was repeatedly tortured again. He was suspended for an entire week starting in the early evening until dawn while standing on his toes. Moreover, he was beaten all over his body, including the site of a surgery that he previously had in his right kidney, causing an incisional hernia, kidney dislocation and visible protrusion of internal organs. During torture, he was threatened with murder and rape.

Dr. Al-Bawab was held for three months in a solitary confinement cell within a dark cellar, where he never saw daylight. He was then transferred to a ward in which twenty persons were held, although its dimensions were approximately four by five meters, and was also dark. Dr. Al-Bawab stressed that detainees held in this ward can feel death and disease around them. Among the requests he made to the prosecution at the end of the investigation was to ensure that his treatment in prison complies with the laws, and that he be allowed exposure to sunlight, but his requests were denied, and he remained in the same conditions even during the trial.

The investigating prosecutor documented torture signs that still remained visible on the victim's body, although most of them subsided considering the time that had passed, including kidney protrusion visible through his skin, a scar on his left leg due to cigarette burning, denailing the middle finger of his right foot, etc.

Dr. Al-Bawab's torture, as well as cruel and inhuman treatment, continued during trial proceedings. During the first hearing, he spoke about the continuing torture that was inflicted on him and other detainees, in the presence of the defence lawyers and a number of media outlets covering the first hearing's proceedings. He addressed the judge by saying "Your Honour, today is the first time I see daylight... they have hurt us immensely, and only provided unclean water comparable to grey water...." However, the court was indifferent to these complaints and did not have them put on the record. Nevertheless, one of the media outlets present that day leaked Dr. Al-Bawab's statements concerning the torture he and his fellow detainees had been subjected to.

At the court hearing held on 26 November 2017, Dr. Al-Bawab was beaten by a few soldiers right in front of the judge, the defense team and those present at the courtroom. The detainee was apprising the court of his and other inmates' suffering at the Political Security Detention Facility, but the judge dismissed his statement and refused to put it on the record. Then the judge ordered the soldiers to have him removed, which they forcibly did, while beating him in front of everyone.

At the court hearing on 2 April 2019, all 36 detainees complained about torture and degrading treatment, including the confiscation of all their clothes except for the prison uniform, which they wore at the hearing. The detainees identified Yahya Saree', one of the jail superintendents, as the perpetrator of those violations. The defendants told the judge and the other attendees that the situation was no longer bearable with the mounting torture and degradation they faced by the jailers. Dr. Al-Bawab spoke on behalf of his fellow detainees, and as a result of the complaints he made, the Security and Intelligence Service forcibly disappeared Dr. Al-Bawab and denied him visitation for over a month, and he was not enabled to attend the second court hearing, which was put on the record. The other detainees who were present at that hearing stated that Dr. Al-Bawab was separated from the rest of the group, and that they did not know where he had been taken. His lawyer subsequently filed a memo requesting the specialised criminal prosecution to contact the Security and Intelligence Service in order to disclose his whereabouts and allow his relatives to visit him, but this was in vain.

At the Specialised Criminal Court hearing on 9 July 2019, the verdict was handed down, whereby 30 defendants, including Dr. Yousuf Al-Bawab, were sentenced to death. At this hearing, Dr. Al-Bawab informed his lawyer Abdulmajeed Sabra that he had been beaten and tortured more than once by the aforementioned jail superintendent Yahya Saree', following his forced disappearance at the previous hearing.

## **Detainee (A)<sup>18</sup>**

Detainee (A) worked as a human rights activist.

(A) was arrested three years ago by five people. Right after his abduction, he was detained and forcibly disappeared, as he was prevented from communicating with or receiving visits from his family.

When visitation was permissible, it became clear that he had initially been detained in an unknown location with no light or ventilation. He did not have a mattress either. He was then transferred to another location, where he was subjected to severe torture and continuous suspension for a week, followed by mental torture. He was then placed in a filthy cell infested with rats and insects that was extremely hot during daytime and very cold at night. This caused him to go into a coma for several days.

The mother of detainee (A) passed away while he was in prison. He was not allowed to communicate with her before she died or visit her at the hospital, and was not permitted to attend the funeral either.

Detainee (A) was transferred again. Several months later, his relatives were able to visit him, but only from a distance and with a mesh fence separating them so that they could not hear his voice, which is a form of mental torture. His health condition was also declining, as he did not receive any medical attention, despite suffering from diabetes, hypertension, neuropathy, visual impairment, a sharp rise in blood lipids, impaired kidney function, hemorrhoids and asthenia.

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<sup>18</sup> The detainee's name is not disclosed for his and his family's protection.

One form of mental torture inflicted on detainee (A) is informing him of his imminent release without this transpiring. From time to time, a committee affiliated with the Houthis would visit the detainee and make promises on him being let out shortly, to which the detainee reacted by handing out all his belongings to fellow inmates, only to be informed by the same committee that the release order was cancelled, after the date of the promised release had elapsed.

The lawyer of detainee (A) submitted a request to the prosecutor for his release and treatment, and a memorandum was accordingly addressed by the prosecutor's office to the competent authorities, but those demands were not met.

### **Detainee (B)<sup>19</sup>**

Detainee (B) worked as a journalist. He was arrested in 2019 by a number of armed persons.

Torture began at the moment of his arrest, as the gunmen assaulted then threw him in a bus. Furthermore, they handcuffed him backwards and blindfolded him. One of the men was slapping him on the head while the two others were beating him in the chest with buttstocks of rifles. The gunmen took everything he had on him, including his identity documents, mobile phone and some cash.

After that, they took him to a place that was unknown to him. They entered an office, and then removed the blindfold. There, they took some information and had him sign the documents with his fingerprint, then they removed his clothes and shoes and dressed him in a prison uniform, before someone took him to a solitary cell, the dimensions of which were about one by two meters.

Detainee (B) was interrogated several times, mainly concerning his work as a journalist. During interrogation, he was beaten and punched over a hundred times on the head, face, abdomen and flanks. In addition, water was hurled on him, and his breathing was constricted; for refusing to confess the charges against him and signing the documents presented by the investors.

Detainee (B) suffered from severe depression and was unable to eat normally. Moreover, he had spasms and lost sensation in his hand.

Detainee (B) was later transferred to an overcrowded narrow ward, to the extent that each inmate could only use an area measuring two handspans in width to sleep. Detainee (B) was prevented from communicating with and receiving visits from his family, and had no news of them. He remained forcibly disappeared for several months.

After this period, his relatives were able to visit him, and found him to be rather frail with a scrawny body, which revealed the extent of the torture and suffering he had endured. During a later visit, detainee (B) told his relatives that he suffered a number of illnesses, including a back tumor which caused him severe pain, paresthesia in his chest and shortness of breath.

The case of (B) was referred to the prosecution months after he was arrested, in violation of article 48 of the Constitution of the Republic of Yemen, which states that any person temporarily apprehended on suspicion of committing a crime shall be presented before a court within a maximum of 24 hours from the time of his detention.

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<sup>19</sup> The detainee's name is not disclosed for his and his family's protection.

Furthermore, months after being referred to the prosecution, he was interrogated in the presence of his lawyer, also is in breach of article 48 of the Constitution of the Republic of Yemen, as well as article 76 of the Criminal Procedures Law, both of which relate to the Prosecution's obligation to promptly interrogate the defendant immediately after being presented to the Judiciary, and that the prosecution shall issue an order for the defendant's pre-trial detention or otherwise release him.

Following the said interrogation, the lawyer of detainee (B) filed a defence brief in which he pleaded that his client is not guilty of the charges brought against him by the prosecution. The court eventually ordered his release on the grounds that evidence was insufficient.

## **Asma Al-Amisi**

Asma Mater Mohammed Najj Al-Amisi, a 25-year-old mother of two, travelled from Hadramaut to Sana'a on 4 October 2016, to visit her father and get some medical tests done at Azal Hospital in order to travel to Saudi Arabia, where her mother resides.

She was arrested on 7 October 2016, at 1:00 a.m., while returning to her home in Mathbah neighborhood in Sanaa together with Ahmed Saleh Bawazir and Said Mahfouz Al-Ruweished. Since then, she has endured much suffering at the prisons in which she was held, namely the Karama Area Prison, the Criminal Investigation Prison and the Central Prison where she remains in custody. At these detention facilities, she was subjected to torture, and cruel and inhuman treatment. In addition, she suffered from medical neglect, as her health recently declined while in detention at the Central Prison without having access to needed medical attention. Moreover, she was asked to pay for her treatment out of pocket, despite her neither having the means nor access to financial assistance.

### Al-Karama Area Prison in Mathbah Neighbourhood

Al-Amisi was arrested and searched by officer Ali Saleh Farras, director of the Al-Karama Area Department of Investigation, although the relevant legislations stipulate that "A female may not be searched except by another female who is called for this purpose by the person conducting the search; her name and identification card number shall be recorded in the Minutes [Report] of the Search; the search is conducted with the presence of two female witnesses," in accordance with article 143 of the Law of Criminal Procedures.<sup>20</sup>

Following her arrest, everything in her possession was taken away, including her personal belongings, clothes and gold jewelry which had been given to her by her husband upon their marriage as the betrothal gift [Mahr]. Her jewelry was subsequently confiscated by a court order, although the items in question are unrelated to the charge against her. In addition, a Glock pistol that belongs to her father was confiscated, together with 2,500 Saudi riyals (SAR) [about USD \$670]. After her arrest, she was held in solitary confinement at Al-Karama Prison until 10 October 2016. She was interrogated late at night, which caused her fatigue and stress due to sleep deprivation.

On 8 October 2016, her father, Mater Al-Amisi, came to Al-Karama Prison to look for his daughter, and was immediately arrested and placed in solitary confinement as well.

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<sup>20</sup> The Criminal Procedures Law, Republican Decree by Law no. 13 for 1994, <https://www.refworld.org/pdfid/3fc4bc374.pdf>

### The Criminal Investigation Prison

On 10 October 2016, Al-Amisi was transferred, along with her father, Ahmed Bawazir and Said Mahfouz Al-Ruweished; to the Criminal Investigation Prison. She remained in this prison for nearly two months alongside male detainees, in violation of the Prisons Act and its executive regulations, which require that female inmates be held in separate wards and not mix with male inmates. Article (23/5) of the Prisons Act states that “A prison shall encompass a dedicated area to be named the reception centre, tasked with meeting prisoners upon entry to prison, and subsequently have them assigned and classified as follows: (5) the segregation of male and female prisoners.”

Article 33 of the same act states that “Women employed by the Prisons Department are to be entrusted with the tasks of guarding and managing the affairs of women prisoners.”

In this prison, Al-Amisi, was subjected to a prolonged night interrogation, which is a form of torture with the resulting fatigue and sleep deprivation. The investigators concealed this practice in the investigation records, falsely stating that the interrogation took place in the morning, while Al-Amisi affirmed in her statement before the prosecution that she was interrogated late at night, at 2:00 and 3:00 a.m.

During interrogations at the Criminal Investigation Prison, Al-Amisi was subjected to physical and mental torture, as she was punched and beaten by a female police officer. She was also made to witness the torture of those detained with her, namely her father Mater Al-Amisi, Ahmed Bawazir and Said Mahfouz Al-Ruweished, in addition to being detained with them at the same facility, which in itself constitutes a severe form of mental torture, beside the fact that it violates Yemeni laws, as mentioned earlier.

During interrogation, a number of charges were brought against her, most notably alleging that she was working with an armed group affiliated with Al-Qaeda organisation, aiding the UAE-Saudi aggression, and committing adultery and indecent acts with the men detained with her, Ahmed Bawazir and Saeed Mahfouz Al-Ruweished.

Two months after her arrest, she was referred to the Specialised Criminal Court. Therefore, her pre-trial detention by the judicial officers during this period is considered arbitrary detention and constitutes a deprivation of liberty crime, as these measure are in violation of article 48 of the Constitution of the Republic of Yemen, as well as article 76 of the Criminal Procedures Law, both of which relate to the authorities’ obligation to promptly have the suspect presented before a court within a maximum of 24 hours from the time of his or her detention.

### The Central Prison

After more than two months of arbitrary detention in Al-Karama Prison and the Criminal Investigation Prison, Al-Amisi was transferred to the Central Prison where she is still held.

While in the Central Prison, and following the first instance decision, the defendant appointed lawyer Abdulmajeed Sabra, who managed to visit her only once in May 2018. It was extremely difficult to arrange this visit as the prison warden had initially refused to allow the lawyer to meet with his client. The visit took place through a small window in the presence of a female prison official by her side, and a soldier by the lawyer’s side.

At the Central Prison, Al-Amisi was occasionally subjected to cruel and inhuman treatment, as well as being punished with solitary confinement for the most insignificant reasons. She reported that to her lawyer when attending the hearings at the Specialised Criminal Court Appeals Division.

Her health declined considerably, and a medical report concerning her condition was issued by the Central Prison Clinic in the second half of 2020. The prison administration then told her that she had to pay for the diagnostic and treatment expenses out of pocket.

Al-Amisi sent the medical report to her lawyer. The report confirmed that she suffers from repeated bleeding and hypotension, causing her to experience heart palpitations. The report also stated that she had an ovarian cyst, and concluded that her condition requires regular follow up and treatment at a specialised obstetrics and gynecology centre in order to avoid complications.

In August 2020, Al-Amisi contacted her lawyer again and informed him that she is not in a position to seek treatment at a specialised centre as recommended because she cannot afford it, although the prison administration had processed the required documents. Al-Amisi later told the lawyer that she had been beaten along with other female inmates, then placed in solitary confinement. She was also interrogated by the Security and Investigation Prosecution.

As for the previous investigations with the defendant, she denied all statements in the authorities' records, and said that she was made to sign papers without knowledge of their contents, and that the statements attributed to her were made under duress and coercion, during interrogation sessions that were held late at night.

### Court Proceedings

After Al-Amisi's interrogation by the first instance prosecution was completed, investigator Radwan Al-Oraiqy ordered the release of all defendants on the grounds that evidence was insufficient. This decision was endorsed by the prosecutor at the time, Abdullah Al-Kamim. The case was referred to the Appellate Court, which handed down a different verdict, and ordered Al-Amisi to stand trial before the Specialised Criminal Court on charges of aiding the enemy. It was claimed that she had enlisted with the UAE forces in Hadramaut, although there was no evidence supporting that allegation. These proceedings worsened her suffering, especially since the remaining detainees in the case, her father Mater Al-Amisi, Ahmed Bawazir and Said Mahfouz Al-Ruweished, had been released, even though they all faced the same charges.

- Before the Specialised Criminal First Instance Court

Between August 2017 and January 2018, several court hearings were held in this case. These hearings took place without a lawyer being present with the defendant, although the court had assigned lawyers to the remaining defendants in the same case, who had been released. At the last hearing, the court found Al-Amisi guilty of the charges brought against her, and she was sentenced to death and one hundred lashes for committing adultery.

- Before the Appellate Court

After the first instance verdict was handed down to Asma Mater Al-Amisi, lawyer Abdulmajeed Sabra took her case. The lawyer immediately filed an appeal against the sentence before the Specialised Criminal Court Appeals Division, and trial proceedings began. At a hearing held on 9 July 2019, the court reversed the death sentence, and sentenced the defendant to 15 years in prison. The lashing penalty was also annulled.

After the Appellate Court's verdict was handed down, the lawyer tabled a cassation motion in February 2020, but a verdict is yet to be returned.

## **Yousuf Ajlan**

Journalist Yousuf Ajlan was abducted three times by the Houthis, following their invasion of the capital Sana'a on 21 September 2014.

The first instance lasted several hours, due to Ajlan covering an anti-Houthi demonstration. He was abducted again by gunmen from his house, and taken to Al-Hasba Police Station, where he was forced to write a pledge to quit writing and journalism. On the same day, they broke into his office at "Al-Masdar Online" and looted everything. This forced Ajlan to work as a cab driver in order to support himself and provide for his family.

In October 2016, Ajlan was abducted by gunmen for the third time as he was returning home in a cab with his wife. The men pointed their guns at Ajlan and took him to a police station where he was held for six hours, before being transferred to the Criminal Investigation Prison on the same day. Journalist Yousuf Ajlan said: "It was terrible. I thought I would never see my family again."

During the third abduction, Ajlan was forcibly disappeared on several occasions. This reoccurred each time he was transferred from one detention facility to another. At the beginning of his detention, forced disappearance lasted about a month and a half, including 26 days in the Criminal Investigation Prison and 19 days in Al-Thawra Pretrial Detention Facility, then visits were allowed. Ajlan was then transferred to the Political Security Prison, where he remained forcibly disappeared for 21 days. After that, he was transferred to the Central Prison where he was forcibly disappeared for 17 days. When he was transferred to the military police prison, he was denied visitation for an entire month, and was only allowed to contact his family through calls not exceeding three minutes, provided he did not talk about his whereabouts.

Ajlan was subjected to physical and mental torture, as well as cruel and inhuman treatment in all the prisons where he was held.

In the Criminal Investigation Prison, he was placed in a solitary cell, the dimensions of which were about one by two metres. The cell was dark, and he did not have a bed or blanket to protect him from extreme cold. Moreover, he was prevented from using a latrine for many days, which caused him health problems that he continues to suffer from to date, as he stated. Prior to an interrogation at the same prison, his face was covered and he was handcuffed behind his back, then he was taken to the interrogation room. The interrogation began while he was standing and he was not allowed to sit down. Two hours later, the interrogator began beating and insulting him. The investigation lasted seven hours. During another interrogation, his hands and feet were tied together, and he was lifted from them by a pole placed between two desks. He was then moved left and right, along with being severely beaten.

Ajlan would often bleed from his face as a result of severe torture inflicted on him during interrogations which frequently lasted many hours. Ajlan also reported that he was threatened with rape and that his then-two-year-old daughter would be killed, together with his wife and his father. These methods were used to make Ajlan confess to crimes he did not commit. The interrogations were focused on a number of topics, including his journalism career, his alleged contacts with media outlets opposed to the Houthis, charges related to sharing coordinates of army and popular committees' locations, and fighting on the opposite side.

Ajlan was transferred afterwards to Al-Thawra Pretrial Detention Facility, where he was held for 50 days. The prison superintendents did not allow his family to visit until 19 days after he was transferred to this facility. However, according to Ajlan, this visit was only intended to humiliate him in front of his family. The visit lasted only a few moments, then the jailer forcibly pulled him away and beat him in front of his parents and his wife, so that he heard his mother and his wife crying. On a later visit, the prison guards threatened to have him indefinitely disappeared if he told his relatives about any acts of torture he had been subjected to, and they stayed close to him throughout the visit.

While Ajlan was detained in Al-Thawra Pretrial Detention Facility, his lawyer Abdulmajeed Sabra tabled in November 2016 a motion to the prosecutor demanding the release of Ajlan. Explicit instructions to this effect were given in the same month, per memo no. 1093. Nevertheless, the instructions were not executed. Instead, Ajlan was transferred to the Political Security Prison, and was forcibly disappeared again for three weeks.

Ajlan remained in the Political Security Prison for five months, during which he was subjected to mental torture. A prison guard would tell him that he would be transferred to another prison and ask him to prepare for the transfer, then inform him later that the transfer will not take place. Also, they intentionally blocked the sewers twice, and conducted searches in the ward for no reason. In addition, Ajlan was not allowed to mix with other inmates, especially considering that 11 other journalists were detained there at the time.

Visits at the Political Security Prison were brief and often not allowed. During the fifth and last month of Ajlan's detention in this prison, visits were completely banned. He was then transferred to the Central Prison for five months, including 17 days in forced disappearance.

In October 2017, the Houthis offered a number of detainees, including Ajlan, to be transferred to the military police prison, which was considered a military installation that had been previously targeted by the coalition's air force several times. When the prisoners declined, the jailers acted violently toward Ajlan and nearly 300 other detainees, using live bullets and tear gas, and forcibly took 53 detainees, including Ajlan, to the military police camp in Sana'a, and used them as human shields. Ajlan remained forcibly disappeared there for a month until November 2017, after which he was released and transferred to Marib in a prisoner swap deal with the Houthis. Days after Ajlan was released, the prison was bombed by coalition combat aircrafts during several air strikes, resulting in a number of the detainees held there being killed or injured.

As for Ajlan's health, he developed a number of conditions, including impaired vision due to having been held in a totally dark cell for nearly a month, then in a cell where lights were constantly on. Furthermore, he suffers from colon-related problems and urinary tract infections due to restricted access to latrines, in addition to memory impairment.

### **Khalida Mohammed Ahmed Al-Asbahi**

Khalida Al-Asbahi is a 53-year-old woman from Al-Asabeh region in Taiz. Before she was abducted, she used to live in the Beit Bous area in Sana'a. She is a member of the General People's Congress Party.

On 11 May 2018, she was abducted and held in custody despite her ill health. According to her son Maher, she had gone out that day to receive a wire transfer from his brother, for the treatment of her sick grandson, the son of Maher. On the same day, Maher received a call from his mother's phone number by a person who requested to meet Maher in order to hand over his son to him, who had accompanied Khalida Al-Asbahi. When Maher arrived to pick up his son, he was met by three armed men, one of whom told him that his name was Tawfiq and informed him that his mother was apprehended for interrogation.

Two days following the arrest, Khalida Al-Asbahi called her son Maher to check on her grandson and told him to remove the briefcases containing their properties' contracts from the house and entrust the neighbours' to keep them at theirs. The next day, a number of people came to the house, including Tawfiq in plain clothing, a number of soldiers in the republican guard uniforms and a woman; to conduct a house search. According to Maher, they had a search warrant issued by the Specialised Criminal Court in Sana'a, stating that the Political Security Apparatus was in charge, and that those measures were being taken on account of charges related to having contacts with a foreign country. Before they left the house, Maher told them that his mother was sick and needed to undergo an operation. He showed them medical reports testifying to that she suffered from hypertension and thyroid problems. Nevertheless, while they assured him that a physician was available, they threatened to arrest and imprison him if he continued to pursue his mother's case.

At the end of May 2018, militants arrested Maher Al-Asbahi from his home, beat and blindfolded him, took away his phone, then held him at Al-Shajara Prison in the Artil area. There, he was placed in solitary confinement for 15 days, during which he was beaten, tortured and suspended by chains. The officer Tawfiq asked him about the briefcases he had previously removed from the house, and when Maher denied it, they forced his mother to get him to tell the agents. After that, they arrested his wife, son, and a relative who had the title deeds in her possession, and brought them to the same prison where Maher and his mother were held. Tawfiq then accompanied the Al-Asbahis' relative to collect the property deeds and contracts of their properties and lands in Al-Turba area in Taiz and Aden provinces.

Maher Al-Asbahi, his wife, son and relative were subsequently released, after he was threatened that he would be arrested again if he asked about his mother or followed up on her case. The property documents were confiscated, and the four were brought back blindfolded to their home.

Towards the end of 2019, the family members of detainee Khalida Al-Asbahi were forced to flee their home in Sana'a and leave the areas under the Houthis' control for fear of being arrested, forcibly disappeared and tortured again. They also left so that they would be able to speak of and follow up on their mother's case with competent authorities and human rights organisations.

Khalida Al-Asbahi remained in arbitrary detention and forced disappearance for more than two years, as she was not allowed visitation despite her poor health and was only permitted to contact her family from time to time to request money in order to cover some expenses. However, the family was unable to send any additional money since leaving Sana'a.

Khalida Al-Asbahi was allowed to contact her family a few times. In November 2018, six months after her abduction, she called her son Majed who lives in Saudi Arabia from an unknown Yemeni number. She only talked to him for a few minutes and asked him to hand over cash and food to a member of the Houthis group.

Her son stated that when his mother was allowed to call her family, she couldn't talk to them about any torture to which she was subjected, and that she was forced to say that she was doing well, and only asked for money to cover some of her expenses. If her children asked about anything else, the call was terminated. Her son also confirmed that she had been tortured and that her health was very poor. He had obtained that information through a former detainee who was released from the same prison and did not want her name disclosed.

After the family members left Sana'a, they were able to communicate with a few local and international organisations to mobilise advocacy on behalf of Khalida Al-Asbahi and lobby the Houthi group for her release. In addition, they asked lawyer Abdulmajeed Sabra to take her case. The lawyer then addressed two memos to the Specialised Criminal Court and the Security and Intelligence Service demanding her release, but no action ensued.

The Houthi group was also approached by a number of international and local organisations to reveal the fate of the detainee Khalida Al-Asbahi and release her, but the group did not respond to these demands.

Al-Asbahi was finally released in February 2021.

### **Detainee (C)<sup>21</sup>**

A few years ago, the detainee's home was destroyed, and a number of his family members were killed by Coalition Forces, because the Houthis used it as a missile launching ground. Detainee (C) was later arrested by the Houthis for having protested against the harm he sustained.

Detainee (C) was subjected to physical and mental torture during interrogation, and was forcibly disappeared for several months, and was allowed to receive visits from his family only once throughout this period. Physical torture inflicted on detainee (C) included suspension from the ceiling, beating with canes and thick electric cables, hurling cold water on him and sexual assault. Mental torture included threatening to arrest his family members. Due to the torture and ill-treatment he was subjected to, detainee (C) was made to confess to all charges dictated by the interrogator.

Detainee (C) was interrogated by the prosecution after almost a year had passed, which violates both article 48 of the Constitution of the Republic of Yemen and article 76 of the Criminal Procedures Law; both stipulating that the suspect shall be presented before a court within the first 24 hours after his detention. The said provision also states that the prosecution shall promptly issue an order for placing the defendant in pre-trial detention or otherwise release him.

Detainee (C) apprised the prosecution of the forms of torture to which he was subjected; including degrading treatment and threats of rape. He explained that he was made to confess to crimes that he did not commit as a result, but this was to no avail; as he was brought to trial and convicted of having contacts with a foreign state and aiding the enemy. He was subsequently sentenced to death.

### **Detainee (D)<sup>22</sup>**

Detainee (D) was arrested four years ago, in 2016, then he was forcibly disappeared for more than seven months. After that he was allowed to contact his family, however, visits were only permissible on a few rare occasions.

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<sup>21</sup> The detainee's name is not disclosed for his and his family's protection.

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Detainee (D) was held in two prisons, the latter of which has small cells and rooms purposed for torture. During this period, he was subjected to various forms of torture, such as hurling cold water on him, severe beating until he loses consciousness and suspension for many hours. According to his brother, the family saw visible signs of torture on his body, including signs of lashing and burning resulting from the repeated use of electric shocks. However, the prosecution refused to include that in the investigation's records.

According to the detainee's brother, the judicial authorities do not provide any response to the family when attempting to verify the status of detainee (D) on the grounds that his case is under the jurisdiction of the UAE forces which control that area. And when they contact the UAE forces, they are told that the public prosecutor's office is in charge of the matter, and that they are unable to break this vicious circle. He adds that years of the detainees' lives are lost to prisons while they are subjected to heinous forms of torture without any hope of getting released.

### **Maher Mohammed Ismail Heba**

Maher Mohammed Ismail Heba worked at the office of the Minister of Planning and International Cooperation, and was also a human rights and media activist in the Mathbah area of Ma'in Directorate in the capital Sana'a.

On 17 June 2015, Heba was abducted from his home by a group of armed men in plain clothes, who took him to the Al-Judeiri Police Station in the Western Region. Heba was detained for nearly 40 months from the date of arrest until he was released in November 2018 through a prisoner exchange deal and sent to Ma'rib province.

Heba was subjected to forced disappearance, solitary confinement and various methods of mental torture during detention. His forced disappearance continued for 12 months, of which 11 consecutive months were in solitary confinement. During the detention period, Heba was transferred between a number of known and secret detention facilities, and was subjected in each to torture, cruel and inhuman treatment, as well as medical neglect.

#### Al-Judeiri Police Station

This detention facility is located in the western region. Heba was transferred to Al-Judeiri Police Station immediately after his arrest. He remained forcibly disappeared for a week in solitary confinement. During that week, he was summoned for interrogation late at night, from 1:00 to 4:00 a.m., and was threatened with forced disappearance, and the arrest of his wife and children. Moreover, he was beaten on the head, and was not allowed to receive visits from or make contact with anyone.

#### The Secret Prison

On 24 June 2015, Heba was transferred (without being able to inform his family) from Al-Judeiri Police Station to a secret prison, where he was placed in a cold room, a scullery with tiled floors and walls. He was forcibly disappeared and held *incommunicado* at this location for seven months, during which he was subjected to physical and mental torture. This included suspension from his wrists with his toes barely touching the ground for 13 days while his head was fully covered. He was interrogated daily from midnight to 5:00 a.m., kicked on the flanks, punched in the head, beaten with canes on the back and other body parts, slapped in the face; in addition to insults and threats to abduct his children and his wife.

Throughout those seven months, Heba was given one blanket only despite the extreme cold. He was also denied medical treatment and did not have access to water for sanitary purposes, while the drinking water was yellowish and impure. Moreover, he was not given any clothes during this period except for what he was wearing at the time of his arrest.

Heba developed a number of medical conditions during this time, such as kidney problems and acute infections, which worsened due to the low temperature and the poor quality of drinking water he consumed.

### The Political Security Prison

In December 2015, Heba was transferred from the secret prison to the Political Security Prison in Sana'a, and remained in detention until the beginning of March 2018, for approximately 26 months, during four of which he was forcibly disappeared and held in solitary confinement. During interrogations, he was told that he would be allowed to communicate with his family if he made a video recording in which he confessed to involvement in assassinations and other crimes which were written on a paper that he was to read for that purpose. When he refused to comply, he was sent back to solitary confinement.

Eleven months after his arrest, he was allowed to call his family for one minute only, and at the 13 months mark he was permitted to receive visits. On the first visit, they prevented his family from bringing in his young son, and when Heba insisted that his son be let in, the visit was terminated, and he was threatened with a permanent visitation ban by a superintendent named Othman.

One of the visits in 2017 took place in the presence of Yahya Saree', one of the jail superintendents, who had told Heba that he had one minute only, during which time he beat him with taser batons on his back and shoulders, while the other jailers who were present urged Saree' to beat harder. His mother yelled at them to stop but they ignored her and took him back in. His mother was deeply affected by this incident and was then taken to hospital due to hypertension and heart disease. Heba's family was also repeatedly prevented from visiting him at the Political Security Prison.

### Other Secret Prisons

At the beginning of March 2018, Heba was transferred from the Political Security Prison to five houses that were used as secret prisons. He remained in detention for eight months, including one month of forced disappearance and solitary confinement.

He was released in November 2018 in a prisoner exchange deal and was transferred to Ma'rib, which he considered another chapter of suffering due to displacement from his area of work and residence to another where he does not have a place to live, and has to rebuild his life from scratch after the detention and forced disappearance period.

## VI. Recommendations

In order to ensure that actions of torture and ill-treatment are monitored and eliminated, and to bring justice to torture victims in Yemen, the Gulf Centre for Human Rights (GCHR) calls on the Committee against Torture to make the following recommendations to all authorities across the Republic of Yemen:

- Ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), and recognising that it constitutes in itself a form of torture.
- Ratifying the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Amending the articles related to torture in the Penal Code because they do not conform to the definition of torture as stipulated in article (1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and ensuring that government institutions, the judiciary and security services abide by this definition.
- Ensuring that detainees are not subjected to torture during imprisonment or pre-trial detention; ensuring that they are not held in custody at secret prisons and unofficial detention facilities; enabling detainees prompt access to legal counsel following their arrest; guaranteeing that detainees be presented before a judge within 24 hours of their arrest, in accordance with the constitution of the Republic of Yemen.
- Putting an end to holding inmates and human rights defenders in prolonged solitary confinement, which amounts to torture.
- Conforming to the UN Basic Principles for the Treatment of Prisoners.
- Providing health and medical care to prisoners in need of medical treatment, whether it be as a result of torture or related to other health issues, by specialist physicians.
- Ensuring effective, credible and impartial investigations into all allegations of torture and ill-treatment against prisoners, political detainees and human rights defenders, male and female, and that perpetrators are held accountable for their actions.
- Ensuring that judges dismiss forced confessions made under torture, coercion or threats.
- Enabling human rights groups and UN special rapporteurs to visit detainees in the country's prisons.
- Providing training on human rights to law enforcement agencies, prison officers, law enforcement officers and security forces, including training in international standards and UN principles.