



Secret prisons and enforced disappearance in Yemen

Phenomenon of secret prisons and enforced disappearance in Yemen (2014-2020)



The war that expansively broke up from the coup of Al Houthi Movement against the Yemeni Authority in Sana'a on 21 September 2014 was immediately followed by broad military intervention of the Saudi- and UAE- Arab Coalition Forces that support legislative authority in March 2015, and war continued in new reality the key features of which included multiple human rights violations, and gross violations of international humanitarian law and principles of human rights law. At this time, what can be called phenomenon of "spread of secret prisons" and cases of "disappearance and abduction" exercised by all parties to the war appeared during the last five years.

Staff of the Human Rights Information and Training Center observed this horrifying phenomenon that took the lives of hundreds of persons in forgotten prisons and the memory of wounds will remain open in the hearts of Yemenis for long time. The staff suffered for long time by research and approach of information under continuation of battles, which furthered the difficulty of documentation and observation.

What is more dangerous is that we have variable reality every day in which events and figures change and numbers of victims increase. What is more dangerous is the increasing states of concern about delivery of living statements, because victims believe that danger from all parties is high and there is no real protection of victims and witnesses, and all parties that established those prisons work on change of their detention place, close prisons and open other prisons and move the abductees to them.

Observation and documentation of the approaches of field work in addition to efforts of local and international organizations and activists and the investigation press reports worked to draw report that paves the way to broad work, particularly under continuation of the phenomenon and complication of the scene every day in the map of conflict in Yemen. We focused on prisons and places of detention that were marred by ambiguity and confidentiality, and the cases of detention and enforced disappearance, including detention of persons in secluded places from the outer world since secret prisons in Yemen multiply and vary by the various parties to war, which are different parties, but mainly include:

- Al Houthi armed group
- Legitimacy-supporting Arab coalition forces
- Legitimate government
- Anti-Houthi armed factions

Houthis and Secret Prisons Approach

Houthis are fanatic shi'te religious group that plotted armed coup against the legitimate authority in Sana'a on 21 September 2014, and control the security forces and armed forces, which enabled them to have access to all data and various security experiences that governed Yemen for more than five decades.

Abductions and detentions in unknown places are inherent approach in Houthi forces that was adopted by them even before they tighten their grip on Capital Sana'a and detention of Sharia government at the time in September 2014.

The armed group launched several wars with the former authorities when Ali Abdullah Saleh was in reign and before he enters into alliance with them, then they disputed again and he was killed by Houthis in renowned bloody scene on 4 December 2017. During the wars of Al Houthi Group in Sa'da since 2004, the group fellows adopted the methodology of killing and disappearance against their opponents in the birthplace of the group founder, Hussein Al Houthi in Sa'da who was killed on 10 September 2004.

From that time, statements of witnesses who suffered through the Houthis detentions in places which are secluded from the world and suffered the most brutal types of torture. Many statements of victims who narrate the processes of killing, torture and rape committed by Al Houthi troops in Sa'da at the time followed, but these statements weren't broadly highlighted.

Practices of Houthi forces moved afterwards to other area such as Omran, Hejja and Arhab, and the world witnessed for the first time series of house bombings of Houthi opponents who were abducted and hidden in unknown places. When Al Houthi tightened his grip on Sana'a in September 2014, all security devices and databases became under their control.

Multiple suppression devices

With Ali Abdullah Saleh's surrender of political security, national security, guard camps and central security forces to Houthis, they doubled the approach of arbitrary detention and enforced disappearance, and abduction of activities, politicians and mob extended. Most detainees and disappearing persons were political opponents or regionally and doctrinally sorted, since most of those who were detained were from the governorates of Taiz, Ebb, Al Baydaa, Maareb and southern governorates.

Nowadays, more than fourteen thousand detainees and disappeared persons are detained in Al Houthis prisons in the governorates under Al Houthi control, particularly Sana'a, Zamar, Omran, Hejja and Al Mahwit. In Sana'a alone, observers identified more than two hundred places of forced detention, including national security and political security prisons, police stations, secret houses and prisons in camps.

In the Captives Exchange Committee that held its last meeting in the Jordanian Capital of Amman under the auspices of the United Nations Envoy to Yemen, and according to the agreement, 1420 detainees of the two sides will be released. This number may reach ten thousand detainees in case the exchange program continues.

However, according to observation team of Human Rights Information and Training Center (HRITC), Al Houthi doesn't release most fighters; they release civilians who were abducted from general streets and Al Houthi shows them as prisoners of war while facts confirm that most of them have nothing to do with armed action.

According to statements of victims who have been released, Abdelkader Al Murtada himself is supervisor of civilians' torture with other persons known by name in national security and political security, and those persons are fellows of Ali Abdullah Saleh and they include agents of the apparatus and officials of departments who continue in hard work under supervision of Al Houthi. In five years, Al Houthi established and made broad change of security apparatus. There are some information which are officially declared in security apparatus and intelligence and others which are not announced in the armed movement.

Authorities of Al Houthi revolutionaries in Sana'a issued decision to dissolve the intelligence systems (political security and national security) and created new agency to follow them instead. Saba Agency which is affiliate to Al Houthi said that president of the so-called "Supreme Political Council", Mahdy Al Mashat, issued decision No (155) of 2019 AD establishing security and intelligence agency. An article of the decision stated that "by merger of the national security agency and central political security agency in the security and intelligence agency" and repeal of any former presidential decrees in this respect.

Al Mashat issued decision to appoint Abdelhakim Al K hewany as president of Security and Intelligence Agency, and Abdelkader Al Shamy as deputy president of the agency. They are prominent security leaders in the rows of Al Houthi Revolutionary Group. Political security is the oldest intelligence agency. It was created in 1990 as alternative to the intelligence agency in the two sides of Yemen before unity.

Enforced disappearance and prisons of death

Legal framework:

The UN Declaration on protection of all persons against enforced disappearance, which was declared by the UN General Assembly in 1992, stipulates that: "Enforced disappearance occurs when government officials or agents arrest, detain or abduct persons against their will, then refuse to disclose their destinies or places, or refuse to declare that they are deprived of their freedom, which makes those persons out of the umbrella of protection of law."

Enforced disappearance constitutes, "doubt violation of rights and the declaration states that practice of "disappearance" is violation of right to proper litigation procedures, in freedom and security of the body, and states that: "detainees shall be detained in officially known detention camps, and their families shall be notified immediately. They shall be allowed to meet with lawyers and every detention center shall include recent record of all persons who are deprived of their freedoms in it."

International Disputes and disappearance

We have to clearly perceive that armed disputes, whether or not they are international, never justify the enforced disappearance practices.

"No conditions of whatever type, whether the matter is connected with threatened breakup of war or establishment of state of war, political instability or any other exceptional case may not be taken as pretext for justification of enforced disappearance works." In 2006, ban on enforced disappearance has been enhanced by adoption of the international convention on protection of all persons against enforced disappearance (convention on protection against enforced disappearance). This is multipartite convention, and has become available for signature in February 2007. Yemen didn't sign the agreement so far.

Anti-enforced disappearance convention calls on states to investigate the abductions and other acts within the definition of disappearance, which are committed by non-state actors for those persons to appear before justice. International law considers disappearance to be continuous crime so long as the State proceeds with hiding the destiny or place of "disappearing" person. When the acts of "disappearance" are committed as part of broad or systematic campaign against certain population, it constitutes crime against humanity, and was set forth in the Anti-Enforced disappearance convention and Rome Statute of the International Criminal Court. Yemeni constitution bans detention out of the places which are subject to the prisons regulation law. In 1998, Yemen promulgated law on abduction cases, and set forth punishment of imprisonment for more than 20 years for officials who prove to have participated in works of abduction or robbery. However, there is no Yemeni law at present to criminalize enforced disappearance. However, there is Yemeni law at present that criminalizes enforced disappearance in particular.

Yemen... History of disappearance and secret prisons

The issue of enforced disappearance and detention out of the scope of law in unknown detentions is one of the key issues of the existing war in Yemen. Although enforced disappearance has been practiced in Yemen before whether in the ruling of the country since before 1990 when there were two governments (of the north and

south) or in the era of single government after 1994 war. The topics of enforced disappearing persons in Sana'a since 1978 to the moment are pending topics which are not addressed.

Developments of War

However, it can be said that the coup of 2014 which was led by Al Houthi Group and its control of Sana'a and detention of government and president of the republic was a serious development in the issues of freedoms in Yemen and brought the country into dangerous slide that increase every day. Disappearance and abduction aggravation increased whether for political opponents or civilians in general. This included men and women. Numbers of secret prisons in Yemen increased in the various cities and the points of arbitrary detention increased during the years (2014-2020).

Rights organizations documented, in addition to publication of investigation press, dozens of detention places which are not seen for the world. Those places were established by Al Houthis in Sa'da, Hejja, Sana'a, Zamar, Ebb and Taiz. Teams that observe those secret prisons and places of detention encountered serious challenges not only because of the danger of the matter and security grip of Houthis that threatens the life of observers only, but because of the broad base of detention and multiplicity of the places that turned from government headquarters to unknown prisons and places of detention. According to observation and follow up by the Human Rights Information and Training Center (HRITC), Al Houthi Group manages more than 200 prisons in the governorates of Sana'a, Sa'da and Omran Only, including 78 of official nature and approximately one hundred secret detentions. Special secret prisons were created in (basements) of government establishments as is the case with the Supreme Election COMmission to which Houthis moved hundreds of abductees. Hundreds of civilians were detained in military sites.

The observation team in Human Rights Information and Training Center (HRITC) managed to report 41 prisons and detentions in Zamar and Ebb. There are 18 places of detention in Hudaida. According to the audited monitoring, there are many of those temporary places, which are primarily governmental headquarters, schools and sports clubs, and some of them are affiliate to courts and public prosecutions.

Hudaida

In Al Houthi Militia in Hudaida City, there are more than 20 secret prisons where activists, lawyers, journalists, politicians, academia and university students are detained. According to communication with local authorities, rights sources and local population, and according to those sources in Hudaida, the Houthi Leader, Abu Alaa Al-Amissy, manages those prisons. He is one of the persons who are close to the group leader, Abdemalek Al Houthi, and supervises the so-called preventive political security agency in the governorate. Although numbers changed in respect of detainees, the observation confirms that Al Houthi militias concealed the destiny of

536 abductees, including 73 prisoners who were detained during last year, 2019, and their families received no detailed on their life or places of detention.

The key prisons that have become source of horror for population include "Courniche" and "Al-Sharif" historical citadels and house of President Abd Rabbou Mansour Hady, houses of other officials and two police stations which are used as temporary secret prisons including the commercial district, Al Zarky, Al Raeeny and July 7 Police Station.

Lawyer who works on helping the victims stated that Al Houthis use two houses behind the Criminal Investigation Department and secret prison known as "Henish", which consists of four ground rooms in the central prison and three secret prisons that belong to political security, one of them is national school. There are four secret prisons in Al Munira, northern Hudaida Governorate, beside the prison of Abu Al-Ghaith Foundation in Al Zaydia.

Taiz... Al Saleh Prison

Prison of Al-Saleh City in Taiz is one of the key prisons of Al Houthi. The residential city in Al-Gend area close to Taiz Airport is transformed to wide prison under control of Al Houthis, and the residential city that was named Al-Saleh was completed almost by the year 2013, and they weren't occupied and remained empty till they were controlled by Al Houthi Forces that transformed them to military headquarters and prison. This detention is the largest on the level of secret prisons which has become known as city of ghosts. There are hundreds of detainees who suffer systematic torture. According to certain information, many detainees were killed in this detention which consists of several departments.

According to victims who have been detained for periods in Sana'a and Zamar, those persons confirmed to HRITC team that Al Houthis turned some mosques, tourism destinations and sports clubs to detentions where they detained their political and media opponents and rights activists. HRITC team heard witness statements of many of the victims who confirmed that multiplicity of Al Houthi prisons there for leaders who manage those prisons since some prisons are affiliate to national security and intelligence. Those are distinguished by being officers and personnel of the former agency which is affiliate to former president, Ali Abdullah Saleh. There is parallel agency run by personnel immediately affiliate to Al Houthi Group. According to the witness statements, most of them are cases of abduction in Sana'a in particular for financial extortion or lobbying of opposition persons abroad by humiliation of them by detention of their relatives.

Number of disappearing persons in those prisons increased, particularly with the intentional confusion for abduction of opponents, prisoners of war and ordinary citizens for the purpose of extortion. The issue of finance of war is embodied in the multiple detentions since detainees are released for money, to be one of the worst impacts of war and deterioration of social security and peace. This is done by gunmen

in checkpoints between the villages and cities to target pedestrians and bystanders away from control or any accountability.

Rights organizations, including Human Rights Information and Training Center (HRITC) and international organizations documented several horrifying cases of brutal torture and systematic enforced disappearance of Al Houthi forces in the prisons of Sana'a which are affiliate to National Security, intelligence and criminal investigation which also practiced abduction and disappearance of dozens of women.

Secret prisons of coalition

On the other hand, the statuesque authority powers of armed groups affiliate to, or advocate of, legitimate government exercised random detentions in unknown detentions and prisons in Taiz, Maareb, Aden, Al Makla and Seon, which as also committed by the pro-legitimacy Saudi- and UAE-led Arab Coalition.

Several reports confirmed that there are no less than eighteen secret detentions in Aden and Hadramawt supervised by the United Arab Emirates through Yemeni security forces affiliate to them such as Security Belt Forces in Aden and Al Nukhba Al Khadramia in Al Mukla. Although the UAE military presence declined in fact from the end of 2019, and UAE announced that its troops left Yemen, management of security forces and military formations in Aden, Hadramawt and Al Mekhaa which is affiliate to Taiz is still fully supported by UAE.

Aden is one of the cities where security group was established out of control of the legitimate government which is supported by international community. According to follow up of monitoring the teams of organizations such as HRITC, eight detentions have been previously documented in Aden, including Khor Makser Detention, Al-Eshreen Detention in Creter close to the interim headquarters of legitimate government, Security Belt Camp Detention in Al-Bariqa, Ber Ahmed Detention which is a farm that was rented for establishment of prison in it, and detention of Al-Enshaat Camp where victims suffered torture by troops affiliate to the security belt (according to the statements of victims), and detention of Al-Enshaat Camp (Support Camp), Detention in Al Buraiqah and Detention in Al Zalmat Village, which is an area behind Al Buraiqa.

Arbitrary detentions increased in Aden against citizens of northern cities by the Security Belt Forces after the military commander of Al-Enshaat Camp, Munir Al Yafey, aka Abi Yamama, was killed on August 1, 2019. Dozens of persons were detained and salesmen and transit passengers were chased.

"Lawyers and rights activists told us that approximately one thousand men disappeared in the secret prisons, which is very high number that led to semi-weekly protests by families that seek information on lost children, brothers and parents.

However, numbers that were monitored in HRITC remain much less than this. In addition, most of those who were detained in the immediate arbitrariness moments were released. However, number of activists who are counted on political parties that oppose the UAE policy in Yemen remained in those detentions.

Hadramawt and Al Muhra out of the state

Although Houthis who plotted coup against the legitimate government in Sana'a didn't reach the areas in the east of Yemen such as Hadramawt and Al Muhra or Suqatri Island in the Indian Ocean, those important strategic areas witnessed broad presence of the pro-legitimacy Saudi- and UAE-led Arab Coalition troops. Military forces and security agencies such as Al Nokhba Al Hadramiya, under UAE Supervision. The observation and documentation team stated that UAE established secret prisons in Hadramawt, including Al Rayyan Detention inside the Airport Entrance, and it is one of the key illegal detentions and other detentions including:

- Detention of Al Deba Port
- Detention of Rabwa in Al Mukla Province
- Detention of Presidential Palace
- Detention of Ghil bin Yamin

In Suqatra Island, in spite of decline of the UAE presence, there is detention in Suqatra Island. Those prisons are supervised by military men and security personnel of the Security Belt formations and Al-Nokha Al Hadramiya in Al Mukla, which are directly subject to support of the United Arab Emirates which is member of the Arab Coalition.

Saudi Arabia established camps out of control of the sharia governorate in Al Muhra. There are approximately 12 military sites. All those camps are affiliate to the coalition forces or Yemeni armed and security organizations supported by the coalition countries which support the internationally recognized government. There may be detention places separated from the world and enforcedly disappearing persons.

Secret prison in the first military zone in Seon in Hadramawt in the East of Yemen under supervision of Saudi troops was detected. The prison was abandoned for the past ten years. Information was received on existence of indefinite number of detainees in it. However, according to local informed sources, dozens of people are detained in that prison named "Al Tin Prison", which is not far from the central prison, and this is done under knowledge of Yemeni government.

Recommendations

First:

To Al Houthi Group forces

- All detainees shall be released soon, particularly those covered by the UN Security Council Resolutions.
- Detainees who are taken as hostages to order their relatives to surrender themselves or comply or for the purposes of extortion shall be released soon.
- Investigation committee of the UN Supreme Commission of Human Rights and expert team appointed by the Human Rights Council in Geneva shall be allowed to visit the detainees and places of detention.
- Secret detentions shall be declared and families and lawyers of detainees shall be allowed to visit them, and those illegal places shall be closed down.
- All persons who are detained as a result of possession or transfer of information protected according to the international human rights law shall be released.
- All detainees shall for long periods without trial shall be tried and released immediately.
- It shall be guaranteed that children are detained only when this procedure is the last recourse for the shortest period of time, according to the standards of juvenile justice, and it shall be guaranteed that children are not detained in adult detentions.
- Victims of enforced disappearance shall be compensated immediately and properly based on the severity of crime.
- Judicial supervision of detentions shall be enhanced.

Second:

To Government of Yemen:

- Independent committee shall be created and shall have all authorities to investigate all suspected cases of enforced disappearance from the breakup of armed dispute with the Houthi rebels from 2014.
- The committee shall define the person who committed and enforced detentions and confinement and who banned the detainees from contacting the external world, and to advise him in respect of this ban.
- Victims of enforced disappearance shall be compensated immediately and properly based on the severity of crime.
- Officials and security forces members who are involved in enforced disappearances shall be litigated and prevented from work in the future in security agencies.
- Legislation that may consider enforced disappearance crime punished by reasonable punishments proportional to the severity of crime shall be prepared.
- The international convention on protection of all individuals against enforced disappearance shall be approved.

Third:**To Governments of the United Arab Emirates and Saudi Arabia:**

- To stop any activities that imply detention of the freedoms of citizens and close down any prisons out of the authorities of legitimate government.
- To create joint investigation committees with the legitimate government and UN Human Rights Commission in the issues attributed to forces of the countries and claims of their management of prisons in the area of legitimacy influence.
- All detainees shall be immediately released without specific legal charges out of the scope of legitimate authority.
- All detainees who are detained only as a result of possession or transfer of information protected in accordance with the international human rights law shall be immediately released.
- Victims of enforced disappearance shall be compensated immediately and properly based on the severity of crime.

Fourth:**To the office of UN Secretary General's Envoy to Yemen, Supreme Human Rights Commission and United Nations Specialized Programs:**

- Good intermediaries shall be supported to guarantee completion of releases of prisoners as agreed between the Yemeni government and Houthi rebels.
- Diplomatic support shall be provided to establish committee to be in charge of investigation in the enforced disappearances and arbitrary detentions of all parties, and Yemeni government shall be given the technical experiences required for its work.
- Sending of UN mission to be in charge of control of the human rights situation in northern governorates under control of Houthis which no authority could visit, and places of detention in Aden, Hadramawt, Taiz and Maareb shall be considered.