



RELEASED AND EXILED

TORTURE, UNFAIR TRIALS AND FORCIBLE EXILE OF YEMENIS UNDER HUTHI RULE

AMNESTY
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EXECUTIVE SUMMARY

“Security forces knocked at the door... They told me that I should report to the security branch for a couple of questions. They promised that it would not take more than two hours after which they would return me home. But the two hours turned into three years.”

A former government employee arrested for criticizing the Huthis' conduct.¹

Since coming to power in 2015, the Huthi de facto authorities have subjected hundreds to arbitrary arrests, incommunicado detention, torture and other-ill treatment, enforced disappearances, unfair trials with recourse to the death penalty as tools of repression to crack down on individuals they perceive as opponents or critics. The Huthis' intolerance towards critics, including journalists, academics and political opposition, extended to religious minorities, namely members of the Baha'i community.

It was only last year, in October 2020, when the Huthi authorities and the internationally recognized government agreed under the sponsorship of the UN and ICRC to a prisoner exchange deal, that 1,051 prisoners were released, the vast majority of whom were fighters. However, the releases also included a smaller number of civilians who had been arbitrarily detained for peacefully exercising their rights, including freedom of expression and association. This release marked the first phase of a prisoner-release plan agreed in 2020 between parties to the conflict. A few months earlier, on 30 July 2020, the Huthi authorities had released six members of the Baha'i community through a separate deal brokered by the UN.

This report is an in-depth examination of the experience of 12 former detainees who were part of that minority of less than two dozen civilians released as part of those politically negotiated deals. Since the vast majority of the 1056 released were fighters, this is the lesser-known story of journalists, political opponents, and Baha'i religious minority members, who were arbitrarily detained, tortured and forcibly disappeared by Huthi de facto authorities between 2013 and 2020.

It describes their journey through multiple informal and formal detention facilities – including the Criminal Investigation, Political Security Office, and National Security Bureau.² Their ordeal, starting with their arbitrary arrest, reveals a pattern of torture and other ill-treatment, incommunicado detention and enforced disappearance that detainees faced throughout the different stages of their detention, including during interrogation by intelligence forces. Ten of them were held in pre-trial detention between two and three years without any charges being brought against them.

Those who were eventually charged were brought before the Sana'a-based Specialized Criminal Court (SCC) – a court traditionally reserved for terrorism-related cases– and tried on trumped-up charges of spying, an

¹ Interview on 21 January 2021.

² In August 2019, the Huthi-established Supreme Political Council issued a decree that dictated the consolidation of two structures where the majority of detainees were being held - National Security Bureau (NSB) and the Political Security Office (PSO) - into one umbrella structure called the Intelligence and Security Services. However, this report refers to NSB and PSO separately as violations by both security structures were committed before and after 2019.

offence which carries a mandatory death sentence under Yemeni law. They faced seriously flawed proceedings and grossly unfair trials. They were denied the means to challenge the lawfulness of their detention and deprived of access to their lawyer to prepare their defence. The court also repeatedly failed to order an investigation into defendants' allegations that they were subjected to torture and other ill-treatment and allowed the use of torture-tainted "confessions" as evidence.

Detainees were also subjected to other serious human rights violations during their detention. They were held in overcrowded and poorly lit cells, and most of them were not allowed to go outside for fresh air and sunlight. Detainees lacked adequate access to food, medical care, clean water, sanitation and accommodation. Some were subjected to solitary confinement for 20 days solely for requesting more food from the authorities and going on hunger strike.

In all cases, detainees developed chronic health conditions after their torture and other ill-treatment and inadequate access to medical care. Former detainees told Amnesty International that as COVID-19 spread in Yemen, Huthi prison authorities had failed to take precautionary measures, such as providing masks and other personal protective equipment and ensuring social distancing and hygiene.

In March and April 2020, the SCC dropped charges and ordered the release of nine of the 12 after they had already spent between two and three years in pre-trial detention. However, the authorities continued to arbitrarily detain them for months after the court's rulings, only releasing them as part of political deals negotiated with the Huthi authorities, as described above.

Upon their release, Huthi officials forced the four members of the Baha'i community to leave Yemen, their country of nationality and residence. At least eight other detainees released as part of the prisoner exchange deal were compelled to relocate to another part of the country, under the control of another party to the conflict, the internationally recognized government of Yemen, because they were at risk of arbitrary detention and torture and other ill-treatment. At the time of writing, the Huthi de facto authorities continued to prevent members of the Baha'i community from returning to Yemen.

While the release of prisoners was welcomed by families of detainees, the deals failed to include many other arbitrarily detained individuals, including at least 35 cases documented by Amnesty International, creating the risk that future releases of those arbitrarily detained may only be carried out within the limited context of political negotiations.

Since 2012, Amnesty International, the UN and local and international human rights organizations have documented detention-related violations committed by all parties to the conflict, including the internationally recognized Yemeni government supported by the Saudi Arabia-led coalition, local security forces supported by the United Arab Emirates (UAE), UAE troops and the Huthi de facto authorities. These violations, some of which amount to war crimes, include arbitrary detention, torture and other ill-treatment and enforced disappearance.

Under international law, everyone is protected from being detained solely for exercising their right to freedom of expression, association and religion. They have the right to a fair trial including the right to be informed immediately of the reasons for arrest or detention; legal counsel from the start of their detention, including during interrogation, and prior to and during trial; to be promptly informed of the charges against them and promptly brought before a; and to challenge the lawfulness of their detention, and adequate means and time to prepare their defense.

With negotiations ongoing, Amnesty International urges the Huthi authorities not to use detainees for political leverage and to immediately release all individuals arbitrarily detained on account of their opinion, expression, political affiliation, and conscientiously held beliefs. Their release should not be dependent on or be delayed by the status of political negotiations. Under no circumstances should the negotiated deals explicitly or implicitly include a stipulation on their forcible exile or displacement, as Amnesty International has documented in this report.

They must allow the return of exiled or banished individuals and their families to their places of origin and they should be allowed to exercise their right to freedom of expression, opinion and religion without being subjected to arbitrary detention and torture and other ill-treatment. Due to COVID-19, it is particularly urgent that the authorities should be tackling prison overcrowding, including by immediately and unconditionally releasing all political activists, human rights defenders, and others imprisoned solely for peacefully exercising their rights, releasing other arbitrarily detained detainees, and prioritising the early or conditional release of prisoners at high risk, such as older prisoners or those with serious medical conditions.

They must ensure that detention conditions meet the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), in particular when it comes to access to food, clean water, sanitation and health care. They must end torture and other ill-treatment, incommunicado detention and enforced

disappearance. The Huthi de facto authorities should also investigate allegations of torture and other violations and prosecute those suspected of responsibility.

METHODOLOGY

Over the past six years Amnesty International has documented the cases of 66 journalists, human rights defenders, political opponents and members of religious minorities and others, who were arbitrarily detained, tortured and forcibly disappeared by Huthi de facto authorities.

In 2020, the Huthi de facto authorities released two groups of prisoners after exchange deals, including nine of that group. This report is an in-depth investigation of their experience, along with three additional cases arrested between 2013 and 2017. It provides a detailed account of the experience of detainees from point of arrest to their release and exile. Of the overall 1056 released in 2020, only less than two dozen were not former fighters and were civilians arbitrarily detained for exercising their rights.

The group includes seven journalists, one former government employee, and four members of the Baha'i community, a religious minority in Yemen. Amnesty International conducted remote interviews with all 12 former detainees via phone and secure messaging applications between December 2020 and March 2021. Names of interviewees were withheld to protect their and their families' security. Amnesty International reviewed charge sheets provided by the lawyer for some of the detainees whose cases are documented in this report.

Amnesty International also interviewed Yemeni lawyers, experts on detention and Baha'i rights as well as representatives of human rights and humanitarian organizations. The organization also reviewed reports by the UN Group of Eminent International and Regional Experts on Yemen, the Yemeni National Commission and the Yemeni human rights organization Mwatana for Human Rights.

Amnesty International wrote to the Huthi authorities on 20 April 2021 and the UN on 27 April 2021 requesting a response to the findings presented in this report. No response had been received as of 11 May 2021 when the report was finalized.

Amnesty International expresses its deep gratitude to the former detainees, activists, human rights and humanitarian organizations who took the time to speak to us about their experiences and work.

BACKGROUND

The roots of the current intricate conflict lie in the popular revolt that eventually forced then President Ali Abdullah Saleh out of power in 2011 after 33 years of rule, following accusations of corruption and failed governance. Following an initiative led by the Gulf Cooperation Council (GCC), President Saleh agreed to resign and transfer power to his vice president, Abd Rabbu Mansour Hadi, in return for immunity from prosecution. President Hadi's government struggled to deal with a number of challenges, providing an opportunity for the Huthi armed group, which had engaged in several rounds of fighting with President Saleh's government from its base in the northern Sa'da governorate during the previous decade, to capitalize on public discontent. The Huthis aligned themselves with their former enemy, ex-President Saleh, and, aided by armed forces loyal to him, gained control of broad swathes of the country, taking effective control of the capital, Sana'a, in late 2014. President Hadi fled first of all to the southern city of Aden and then relocated with his government to the Saudi Arabian capital, Riyadh, in March 2015.

March 2015 marked the beginning of the armed conflict in Yemen as the Saudi Arabia-led coalition, in support of the internationally recognized Yemeni government, launched an aerial bombing campaign against forces of the Huthi armed group. At that time, the Huthi armed group had ousted the government and taken effective control of Sana'a and other areas in Yemen, including government buildings and military positions. In ensuing years, the Huthis further consolidated their power becoming the de-facto authority in large parts of Yemen.

Since May 2020, when the first COVID-19 cases were reported in Yemen, the Huthi de facto authorities reported only a handful of cases in northern Yemen. The UN has described how the economic situation was exacerbated by COVID-19 which led to "a sharp drop in remittances – the largest source of foreign currency and a lifeline for many families where 80% of people live below the poverty line,"³ Saying that as a result, millions of people in Yemen were unable to afford basic needs.⁴ The UN said that the humanitarian situation could further deteriorate unless "the war stops, [and there is an] improvement in the economy, and increased humanitarian funding."⁵

Over the past six years, the Huthi de-facto authority, the internationally recognised Yemeni government and allied forces supported by the Saudi Arabia-led coalition, including the UAE, have all committed serious violations of international humanitarian law and international human rights law, including violations of the rights of the hundreds of detainees under their control.

In July 2018, Amnesty International published its finding on 51 cases of arbitrary arrests, torture and other ill-treatment and enforced disappearances, amounting to war crimes, carried out by UAE-backed security forces as well as UAE troops operating in southern Yemen between March 2016 and May 2018.⁶ People arbitrarily arrested and forcibly disappeared under the pretext of "fighting terrorism" were held in formal and informal detention centres and in inhumane conditions. The internationally recognized Yemeni government also harassed, threatened and arbitrarily detained human rights activists.

Mwatana for Human Rights, a Yemeni monitoring group, stated in a report published in June 2020 that all parties to the conflict had arbitrarily detained, forcibly disappeared and tortured and ill-treated individuals held in informal detention centres. Between 2016 and 2020, Mwatana documented "1605 incidents of arbitrary

³ Office for the Coordination of Humanitarian Affairs (OCHA), *Yemen: Humanitarian Update- Issue 2/ February 2021*, bit.ly/2PoxFXZ (hereinafter: OCHA, *Yemen: Humanitarian Update- Issue 2/ February 2021*)

⁴ OCHA, *Yemen: Humanitarian Update- Issue 2/ February 2021*.

⁵ OCHA, *Yemen: Humanitarian Update- Issue 2/ February 2021*.

⁶ Amnesty International, 'God only know if he's alive': *Enforced disappearance and detention violations in Southern Yemen* (Index: MDE 31/8682/2018).

detention, 770 incidents of enforced disappearance and 344 incidents of torture, including 66 deaths in detention centres, across Yemen” of which the Huthis are responsible for 904 incidents of arbitrary detention, 353 incidents of enforced disappearance and 138 incidents of torture and other ill-treatment.⁷

The Group of Eminent International and Regional Experts (GEE), mandated by the UN Human Rights Council to investigate violations by all parties to the conflict in Yemen since September 2014, reported to the Council in September 2020 that all parties to the conflict had committed violations of arbitrary detention, enforced disappearance, and torture and other ill-treatment against “persons who are perceived as opposed to a particular party to the conflict, including human rights defenders and journalists”.⁸ The report adds that individuals arrested on criminal charges are “frequently” denied access to a court within 24 hours of their arrest as “required under Yemeni constitution”.⁹ The GEE added that Huthi authorities arbitrarily detained several individuals subjecting them to enforced disappearance and torture and other ill-treatment including “prolonged solitary confinement, sexual violence, suspension for prolonged periods of time, electrocution, burning, beating and mock executions.”¹⁰

In 2018, parties to the conflict at the UN-led talks in Sweden agreed on a timeline for a mass exchange of all “prisoners, detainees, missing persons, arbitrarily detained, and forcibly disappeared persons, and those under house arrest”.¹¹ Between 2019 and end of 2020, the Supervisory Committee on the Implementation of the Prisoners’ Exchange Agreement, which comprises representatives of the internationally recognized Yemeni government and Huthi de-facto authorities, co-chaired by the UN Office of the Special Envoy and the International Committee of the Red Cross (ICRC), met four times to discuss the issue of detainees.¹² On 21 February 2021, the Supervisory Committee on the Implementation of the Prisoners’ Exchange Agreement between parties to the conflict met to discuss the issue of detainees without reaching an agreement.¹³

⁷ Mwatana for Human Rights, *In the Darkness: Abusive Detention, Disappearance and Torture in Yemen’s Unofficial Prisons (May 2016 – April 2020)*, 30 June 2020, mwatana.org/en/hundreds-at-unofficial-detention-centers/

⁸ UN Human Rights Council, *Situation of human rights in Yemen, including violations and abuses since September 2014: Report of the detailed findings of the Group of Eminent International and Regional Experts on Yemen*, 28 September 2020, UN Doc. A/HRC/45/6 (hereinafter Report of the Group of Eminent Experts on Yemen, 28 September 2020).

⁹ Report of the Group of Eminent Experts on Yemen, 28 September 2020.

¹⁰ Report of the Group of Eminent Experts on Yemen, 28 September 2020.

¹¹ The Office of the Special Envoy of the Secretary General for Yemen, *Agreement for the exchange prisoners, detainees, missing persons, arbitrarily detained and forcibly disappeared persons, and those under house arrest*, 17 December 2018, osesgy.unmissions.org/agreement-exchange-prisoners-detainees-missing-persons-arbitrarily-detained-and-forcibly-disappeared

¹² International Committee of the Red Cross (ICRC), *Joint press statement by UN office of Special Envoy for Yemen and ICRC on 4th meeting of Supervisory Committee*, 27 September 2020, www.icrc.org/en/document/joint-press-statement-un-office-special-envoy-yemen-and-icrc-4th-meeting-supervisory. (hereinafter: ICRC, *Joint press statement by UN office of Special Envoy for Yemen and ICRC on 4th meeting of Supervisory Committee*, 27 September 2020)

¹³ The Office of the Special Envoy of the Secretary General for Yemen, *The Supervisory Committee on the Implementation of the Prisoner Exchange Agreement concludes its meeting*, 21 February 2021, osesgy.unmissions.org/supervisory-committee-implementation-prisoner-exchange-agreement-concludes-its-meeting

DETAINED FOR THEIR OPINIONS AND BELIEFS

“We are journalists and ordinary people... Suddenly, overnight, I was robbed of my freedom. It was a cruel experience.”

A journalist who was detained in 2015 for his peaceful media activities.¹⁴

Since their takeover in 2014 of Sana'a and other areas in Yemen, the Huthi forces have arbitrarily detained scores of journalists, media activists, members of the Baha'i community and others simply for peacefully criticizing the conduct of the Huthis, belonging to an opposition political party, or for their conscientiously held beliefs and peaceful activities. In all the cases investigated for this report, Huthi forces violated due process of law and failed to respect procedural international safeguards. Huthi forces arrested individuals without warrants, failed to notify the individuals of the reason for their arrest, held them in incommunicado detention and solitary confinement for several weeks and deprived the detainees of their right to legal counsel following their arrest and throughout their interrogation. Out of the 12 former detainees interviewed by Amnesty International, 10 were charged and brought before a court at least two years following their arrest. As for the other two, at no point during their two year detention were they given the right to see a judge or challenge their detention.

Former detainees told Amnesty International how they were intermittently held in incommunicado detention and effectively, forcibly disappeared, without any connection to the external world, and with information about their fate and whereabouts withheld from their families. Prison guards monitored and listened to conversations between detainees and their relatives when they were allowed visits or phone calls.

Former detainees with whom Amnesty International spoke said that Huthi security forces had carried out arrests without warrants from their homes, at workplaces, public venues such as hotels, and checkpoints. All former detainees told Amnesty International that following their arrest they were transferred to multiple detention centres where they were interrogated at each stage without the presence of a lawyer. During the interrogation, the detainees were blindfolded and, in some cases, handcuffed. At the end of the interrogation, they were all forced to affix their fingerprint on or sign their so-called written “confessions” while they were blindfolded.

Evidence gathered by Amnesty International shows that all the arrests that took place were arbitrary as individuals were targeted for exercising their rights to freedom of expression and opinion and religious beliefs. In addition, the arrests and detentions carried out are considered arbitrary given the violation of due process law and detainees' fair trial rights, highlighted in below sections.

¹⁴ Interview on 19 January 2021.

The Huthi security forces arrested the former detainee who used to be a government employee from his home in Hodeida following a work-related dispute. He told Amnesty International:

“On 25 November 2017, at 4pm, security forces knocked at the door of my house. They told me that they were from the Political Security Office and I was required to report to the security branch for a couple of questions. They promised that it would not take more than two hours after which they would return me home. But the two hours turned into three years.”¹⁵

A member of the Baha'i community told Amnesty International that he was arrested in Sana'a while walking to a meeting on 25 May 2017. He said:

“A week before my arrest, the public prosecutor's office called me in for questioning, but I did not go based on my lawyer's advice. I was walking when two men wearing civilian clothes starting walking with me. They knew my name. Suddenly, they forced me into a van. I asked them 'who are you?' One replied that he was an Islamist which scared me because I thought al-Qaeda was kidnapping me but then the second one corrected him and said that they were security forces. They took me to Political Security Office building in Sana'a.”¹⁶

Five journalists who had been arrested in the early morning of 9 June 2015 told Amnesty International that around 20 armed men, some wearing civilian clothes and others in security uniforms, arrested them from their place of work. At the time of the arrest, the journalists did not know who the armed men were as they did not disclose their identity. It only became evident to them that the Huthis had arrested them once they were transferred to a Huthi-run police station.

In all cases, interviewees told Amnesty International that security forces, including the interrogators, failed to disclose the reason for their arrest. Interrogators' questions and accusations mostly centred on their profession, political affiliation or religious beliefs. For example, the interrogators' comments indicated that they associated anti-Huthi media reporting, or any criticism of Huthis' conduct for that matter, or affiliation to an opposing political party with spying and espionage, which are mandatorily punishable by death under Yemeni law. In the cases of members of the Baha'i community, interrogators were hostile and demonstrated contempt for their faith and their community.

None of the journalists knew why they were arrested. They were individually interrogated on several occasions and in multiple detention centres during which the interrogator asked them about their work. One of the journalists told Amnesty International:

“In none of the interrogations where we told why we were arrested. The interrogator began asking me questions about my profession. He asked me why I used in my reporting the terminology 'coalition war plane' and not 'aggressors' and other similar questions... Then he called someone in and told him to get a car to transfer me to a weapons warehouse. He was bluffing and threatening me because 20 days earlier, journalists were killed as they were reporting and filming at a weapons warehouse when the [Saudi Arabia-led] coalition bombed the warehouse.”¹⁷

The arrest of members of the Baha'i community followed the same pattern and circumstances. Amnesty International interviewed four of the six Baha'is who were released in July 2020. Each of them told Amnesty International that the Huthis had arrested them without an arrest warrant. The interrogator accused them of spying and espionage solely on the basis of the presence of the Baha'i communities in Western countries and in Israel. One of them told Amnesty International:

“During the interrogation, they accused me of being an informant to Israel, the USA and Britain. It was very clear how sectarian they were. They would tell me things like 'you want to change the religion of people; you are an infidel.’”¹⁸

Article 9 of the ICCPR states: “Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release” and “Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.” Deprivation of liberty is “arbitrary” when there is

¹⁵ Interview on 21 January 2021.

¹⁶ Interview on 28 February 2021.

¹⁷ Interview on 9 December 2020.

¹⁸ Interview on 30 November 2020.

no legal basis for detention, including charge or trial, according to the UN Working Group on Arbitrary Detention.

INCOMMUNICADO DETENTION AND ENFORCED DISAPPEARANCE

Former detainees – journalists, government employee, and members of the Baha’i community – arrested by the Huthis were all subjected to incommunicado detention for a period of at least four months. They were also deprived of their right to legal counsel for two to three years during which they were held without charge or trial.

Ten of the former detainees interviewed told Amnesty International, that the Huthi de facto authorities had subjected them to enforced disappearance, holding them in secret locations and then refusing to disclose to their families their whereabouts, any information relating to the reasons and legal basis for their imprisonment, in what conditions they were being held, not to mention denying the detainees access to legal counsel and family visits. Enforced disappearance is a crime under international law, and when committed in connection with an armed conflict, is a serious violation of international humanitarian law and a war crime.

Former detainees Amnesty International spoke to said that during the time of their enforced disappearance, they had been held at Saref Prison in Beni Hashish and at the Criminal Investigation in Sana’a and Shamlan prison in Hodeida, as well as Sana’a and Hodeida branches of the Political Security Office.

A member of the Baha’i community was subjected to enforced disappearance for 10 months following his arrest at a checkpoint in Hodeida on 18 April 2017. During this period, his family was not provided information on his fate or whereabouts. He told Amnesty International that he was held initially in an informal detention centre consisting of a two-floor residential house close to the Political Security Office’s main building allegedly destroyed in an attack by the Saudi Arabia-led coalition. After one month, he was transferred to the Political Security Office in Sana’a.¹⁹

A journalist arrested by Huthi forces in June 2018 for his association with a political opposition party told Amnesty International that the primary source of torment was not being able to see his family. He said:

“My first phone call to my family was after four months, for just five minutes. The Huthis didn’t allow me to disclose my location. After six months, I was allowed another phone call and saw them in central prison. Later I was transferred to Shamlan informal prison where I couldn’t call or see them for two months. They didn’t know where I was and the Huthis denied having me.”²⁰

A former detainee told Amnesty International that he was allowed to call his family for the first time five and a half months into his detention. He said:

“When the Political Security Office knocked at my door asking me to go with them for few hours for a couple of questions, I did not think of saying goodbye to my family. I didn’t know that I would only speak again with them after five months.”²¹

A member of the Baha’i community told Amnesty International that he was allowed to speak with his sister four months into his detention. He said that he was only allowed to tell her “I am okay” without disclosing the location of his detention. His family knew of his whereabouts eight months after he was detained.²² A media activist arrested from his home on 25 November 2018 also said that he was only allowed to speak to his family and inform them of his whereabouts eight months after his arrest. He said:

“At first, I didn’t understand what was happening to me. Where I was. Why I was detained. Everything was blurry in my head. When it became clear that I was stuck in hell, all I could think of was my family and how worried they would be. They told me that they didn’t know where I was until I called even though they looked for me.”²³

All of the former detainees interviewed by Amnesty International said that prison guards were present during phone calls and visits with family members restricting conversations. The detainees would only carry on a

¹⁹ Interview on 30 November 2020.

²⁰ Interview on 21 January 2021.

²¹ Interview on 21 January 2021.

²² Interview on 28 February 2021.

²³ Interview on 22 January 2021.

conversation with their families about general issues such as health and family. They were not allowed to speak about detention conditions, health problems or anything else they faced in detention.

One of the journalists told Amnesty International:

“My mother was first allowed to see me after three months of detention. My mother searched for me and then she was told that I might be at Thawra prison. She went more than once to the gate of the prison asking to see me. But she told me after my release that security forces denied they were detaining me. Once, she refused to leave until she saw me. She stayed [at the gate] until 5pm. They allowed her in. She was crying. Touching my face and chest and crying. She didn’t believe that they let her see me. Guards were with me in the room. They wouldn’t leave me alone with her. We couldn’t talk properly because of the guards.”²⁴

PROLONGED PRE-TRIAL DETENTION AND DENIAL OF ACCESS TO LEGAL COUNSEL

Out of the 12 former detainees interviewed by Amnesty International, only 10 were informed of the charges brought against them, but only after they had been detained for over two years and in seven cases three years. In the two other cases, they were held in pre-trial detention without charge and were never brought to trial.

In November 2018, the Political Security Office in Hodeida had arrested one of the journalists who had publicly criticized the conduct of the Huthis, from his home. The interrogator accused him of “mercenary acts and supporting the legitimacy of [the internationally recognized Yemeni] government” which is considered a crime.²⁵ Another journalist affiliated to an opposition political party was arrested from his home in Hodeida in June 2018 and accused by the interrogator of “creating assassination squads affiliated to the UAE.”²⁶ In both cases, there was no lawyer present during the interrogation sessions and their cases were never referred to court.

During the detention of the group of five journalists, they had no access to a lawyer for the first three years of their detention until December 2018, when they were formally charged and their cases were referred to trial before the Sana’a-based Specialized Criminal Court (SCC). They were charged with a series of offences including spreading false news “in support of the crimes of Saudi aggression and its allies against the Republic of Yemen.”²⁷ Their first court session was in December 2019, after four years of being held without charge.

All four members of the Baha’i community who were interviewed for this report, all arrested between 2013 and 2017, were subjected to enforced disappearance and incommunicado detention. They were faced with charges carrying the death penalty including apostasy and other serious offences such as espionage for foreign states and spreading of anti-Islam faith.²⁸ Their lawyer was allowed to see them only once, for less than five minutes and under heavy supervision, contrary to their right to adequate time to communicate confidentially with the counsel. One of them told Amnesty International:

“Members of the public prosecutor’s office came to the detention centre where I was being held, around a year and four months following my arrest. The prison guard took me to a room where they [public prosecutor’s office] waited for me. It was in the afternoon, around 4 or 5 pm. They called in two other Baha’is detained with me. We were interviewed separately. We were all charged with espionage and apostasy. All of their questions to me was about the Baha’i faith. My lawyer was not present, I hadn’t met a lawyer anyway since my arrest. The session lasted for at least two hours. They told me that my first court session was three days later.”²⁹

Under international law and standards, everyone arrested or detained and everyone facing a criminal charge has the right to the assistance of legal counsel, to enable them to protect their rights and begin to prepare their defense and to enable them to challenge their detention. The right to legal counsel in pre-trial includes the rights of access to a lawyer, to have time to consult the lawyer in confidence, and have the lawyer present during questioning and be able to consult them during questioning. The UN Subcommittee on Prevention of

²⁴ Interview on 15 January 2021.

²⁵ Interview on 22 January 2021.

²⁶ Interview on 21 January 2021.

²⁷ Charge sheets on file.

²⁸ Charge sheets on file.

²⁹ Interview on 28 February 2021.

Torture has stated that the right to challenge the lawfulness of detention before a court is characterized as a “fundamental safeguard against torture or other cruel, inhuman or degrading treatment or punishment.”³⁰

In General Comment No. 32 on the right to fair trial, the Human Rights Committee clarified that legal counsel is required for the meaningful exercise of the right to a fair trial set out in Article 14 of the ICCPR:

“The right to communicate with counsel requires that the accused is granted prompt access to counsel. Counsel should be able to meet their clients in private and to communicate with the accused in conditions that fully respect the confidentiality of their communications. Furthermore, lawyers should be able to advise and to represent persons charged with a criminal offence in accordance with generally recognised professional ethics without restrictions, influence, pressure or undue interference from any quarter.”³¹

³⁰ Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Sub Committee on Prevention of Torture, Report on the visit of the subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment to Honduras, CAT/OP/HND/1, 10 February 2010, para. 137.

³¹ General Comment No. 32 on article 14 of the International Covenant on Civil and Political Rights (ICCPR), on the right to fair trial, CCPR/C/GC/32, para. 34.

UNFAIR TRIALS

The Specialized Criminal Court (SCC) based in Sana'a has jurisdiction over a variety of security-related crimes, including armed robberies, kidnapping, piracy, drug trafficking, and offences detrimental to state security and public interest. However, the SCC is also used as a tool to prosecute individuals deemed to be critical or dissenting of Huthi's rule. Amnesty International documented the cases of 66 individuals who were brought before the Sana'a-based Specialized Criminal Court (SCC) between 2015 and 2020. Journalists, human rights defenders, political opponents and members of religious minorities are among those subjected to unfair trial on spurious or trumped-up charges, including spying, by this court.³²

Amnesty International interviewed three lawyers who said that the trial proceedings by the SCC violated international fair trial standards in various ways including by failing to investigate claims of torture and dismissing confessions extracted under duress, preventing defendants from choosing a lawyer and failing to provide lawyers with sufficient time to prepare their defense.³³

Out of the 12 cases documented in this report, 10 were referred to the SCC. The trial proceedings of the 10 cases violated international norms of fair trials by prohibiting lawyers' presence during a number of court sessions, leaving defendants to defend themselves, and by refusing to provide lawyers with court case documents and interrogation scripts. This meant that they were all unable to challenge the legality of their detention or adequately prepare their defence prior to and during trial. It also caused unnecessary delays in the trials themselves.

The former government employee who was arbitrarily arrested on 25 November 2017 told Amnesty International that he was referred to the SCC more than two years following his arrest. He said:

"I appeared five times before the judge. The first two times the lawyer was present, but then the judge expelled him saying he was dishonest and a liar. I attended the remaining three sessions without my lawyer present. The last session was in March 2020. They stopped taking me to court because I think that the negotiations on the prisoners exchange deal between the Huthis and the Yemen government had started [by then]. It was not about justice, this trial. It was mere political theatrics. In the end I was released, without a verdict or sentence."³⁴

According to one lawyer, the judge repeatedly refused to provide him with the case documents in preparation for the defence. He added that he was not allowed to be present in some of the court sessions. Six of the former detainees further told Amnesty International that the authorities had deliberately delayed trial proceedings by repeatedly postponing the court session at the last minute without any prior notice. One journalist told Amnesty International:

"The lawyer asked the court for our case files, but the court wouldn't give these to him. In some cases, the judge didn't allow the lawyer to be present in the hearing. The judge would ask us to defend ourselves. But we refused and demanded the presence of the lawyer."³⁵

Members of the Baha'i community faced similar challenges. In January 2018, the Huthi de facto authorities sentenced a Baha'i individual to death on the bogus charges of collaborating with Israel and forging official documents. This sentence came after he had been detained since December 2013, and following a fundamentally flawed process, including trumped-up charges, an unfair trial and credible allegations that he

³² Amnesty International, *Yemen: Huthis must end use of judicial system to silence dissent* (Index: MDE 31/1990/2020).

³³ Email correspondence with lawyers at Mwatana for Human Rights, 22 March 2021.

³⁴ Interview on 21 January 2021.

³⁵ Interview on 9 December 2020.

was tortured and otherwise ill-treated in custody. In March 2020, the Court of Appeals in Sana'a upheld the death sentence handed down in January 2018 and ordered the confiscation of personal assets as well as that of the Baha'i institution. He told Amnesty International:

“In 2015, I found out on TV that my case was referred to court and that I was going to see a judge. But I wasn't taken to court, and I was tried in absentia and charged with spying for Israel. I had 48 court sessions during which the public prosecutor failed to provide any evidence. Only in the last five sessions did the judge ask the prosecution to provide him with evidence. Finally, in my absence, as well, I was sentenced to death. The court also ordered the confiscation of my properties and belongings. The court refused my lawyer's request to appeal. Suddenly, in January 2019, the appeal court accepted my case. But the appeal court added new charges, including that I did not have a Yemeni nationality - which is not true. Out of all the sessions, I only attended 13 in person. I wasn't allowed to speak throughout; my lawyer was present in certain sessions and in others he was not allowed in.”³⁶

Three other members of the Baha'i community told Amnesty International that they had appeared before the court more than a year into their detention.³⁷ They were charged by the public prosecutor's office, whose representatives visited them at the detention centre three days prior to the first court session without the presence of a lawyer. In total, they attended five trial sessions, during which the lawyer was present in four of them.³⁸ In March 2020, the judge ordered the release of all six members of the Baha'i community.³⁹

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; the guilt, innocence or other characteristics of the offender; or the method used by the state to carry out the execution. The death penalty violates the right to life and is the ultimate cruel, inhuman and degrading punishment.

RIGHT TO FAIR TRIAL

The right to fair trial is recognized in Article 10 of the Universal Declaration of Human Rights and reaffirmed in the ICCPR. Article 9(3) of the ICCPR states that anyone detained on a criminal charge has the right to trial within a reasonable time or to release pending trial, and that it shall not be the general rule that persons awaiting trial shall be detained in custody. Detention once a trial has commenced still amounts to detention pending trial, which ends only upon judgment in the first instance. The ICCPR also underlines, in Article 14(2), that “everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.”

According to the Working Group on Arbitrary Detention, a trial which is fully or partially non-compliant with the international norms of fair trial may lead the deprivation of liberty to be considered arbitrary.¹ All people deprived of their liberty have the right to access a lawyer, from the start and throughout their detention, including during interrogation, and should be promptly brought before a judge to defend the lawfulness of their arrest.

In all cases, Huthi de facto authorities violated international norms of fair trial, especially the minimum guarantees underlined in Article 14 (3) of the ICCPR. Detainees were not notified at once of the reason for their arrest or of their rights, such as right to legal counsel, nor were they informed of the charges against them depriving them from challenging the lawfulness of their arrest. In all cases, detainees were held for several years in pre-trial detention without access to a lawyer. Even after detainees were informed of their charges, they were still deprived from adequate legal counsel.

For example, in the case of the group of five journalists and members of the Baha'i community, they were held without charge and without any means to challenge their detention for over two years. They were charged for crimes that carry the death penalty without the presence of their lawyer. Authorities claimed that the defendants had “confessed” when, in fact, they were tortured during interrogation and forced to sign “confessions” while blindfolded. Defence lawyers sometimes received the case files a few days before the start of the trial and, in some cases, they never received case papers despite multiple requests.

One of the minimum guarantees stated in Article 14(3) of the ICCPR is that a defendant “not to be compelled to testify against himself or to confess guilt.” In General Comment No. 32 on the right to fair trial,

³⁶ Interview on 10 December 2020.

³⁷ Interview on 10 December 2020; interview on 16 February 2021; interview on 28 February 2021.

³⁸ Ibid.

³⁹ Amnesty International, *Yemen: Huthi authorities' decision to release Baha'i prisoners is 'positive signal'*, (Press release, 26 March 2020), [bit.ly/2Q9cZnh](https://www.amnesty.org/en/documents/ymn/2020/03/26/436001/)

the Human Rights Committee clarified that the “absence of any direct or indirect physical or undue psychological pressure from the investigating authorities on the accused, with a view to obtaining a confession of guilt counsel” is required for the meaningful exercise of the right to a fair trial set out in Article 14 (3) of the ICCPR.⁴⁰ The Human Rights Committee adds that any confessions extracted under duress, in violation of Article 7 of the ICCPR, should be excluded from evidence.⁴¹

International humanitarian law also provides that: “No one may be convicted or sentenced, except pursuant to a fair trial affording all essential judicial guarantees.”⁴² Depriving a person of their right to fair trial in a situation of armed conflict may amount to a war crime.⁴³

⁴⁰ General Comment No. 32 on article 14 of the International Covenant on Civil and Political Rights (ICCPR), on the right to fair trial, CCPR/C/GC/32, para. 41.

⁴¹ General Comment No. 32 on article 14 of the International Covenant on Civil and Political Rights (ICCPR), on the right to fair trial, CCPR/C/GC/32, para. 41.

⁴² ICRC Customary IHL Study, Rule 100.

⁴³ ICRC Customary IHL Study, Rule 156.

FORCIBLE EXILE AND DISPLACEMENT

“Exile or prison. Can anyone blame me for wanting my freedom back at the cost of leaving the country forever? I had no other choice.”

A member of the Baha’i community released in July 2020 as part of a deal with the Huthi de facto authorities.⁴⁴

In September 2020, the Supervisory Committee on the Implementation of the Prisoners’ Exchange Agreement, which comprises representatives of the internationally recognized Yemeni government and Huthi de-facto authorities, and is co-chaired by the UN Office of the Special Envoy and the International Committee of the Red Cross (ICRC), agreed on the release a group of 1,081 “conflict-related detainees and prisoners.”⁴⁵ On 16 October, the ICRC confirmed the release of 1,056 detainees by parties to the conflict saying in a statement that the release had involved “11 ICRC-operated flights into and out of five cities in two countries – Yemen and Saudi Arabia” and the flights “took off or landed at two airports in Saudi Arabia -- Abha and Riyadh -- and three airports in Yemen: Aden, Sana’a and Sey’oun.”⁴⁶ ICRC provided individuals released with clothes, hygiene material and financial assistance.⁴⁷

A few months earlier, on 30 July 2020, the Huthi authorities had released six members of the Baha’i community through a separate UN-brokered deal.⁴⁸ The Huthi authorities transferred the group directly from their place of detention to Sana’a airport where they boarded a flight to Addis Ababa, Ethiopia.⁴⁹

Out of the 12 former detainees who Amnesty International spoke to, the Huthi de facto authorities releases seven journalists and the former government employee on 15 October 2020 as part of the prisoner exchange deal and four members of the Baha’i community on 30 July 2020 as part of a UN-brokered deal.

The four members of the Baha’i community told Amnesty International that despite the fact that the Specialized Criminal Court had acquitted them in March 2020 of all charges and ordered their unconditional release, they were not released from detention until six months later. They added that despite asking to be allowed to return to their homes, the Huthi authorities refused to allow them to remain in the Huthi-controlled areas where they resided prior to their arrest.

⁴⁴ Interview on 16 February 2021.

⁴⁵ ICRC, *Joint press statement by UN office of Special Envoy for Yemen and ICRC on 4th meeting of Supervisory Committee*, 27 September 2020.

⁴⁶ ICRC, *More than 1,000 former detainees from Yemen conflict transported home*, 16 October 2020, www.icrc.org/en/document/more-1000-former-detainees-yemen-conflict-transported-home

⁴⁷ ICRC, *More than 1,000 former detainees from Yemen conflict transported home*, 16 October 2020.

⁴⁸ Reuters, “Yemen’s Houthis release six Baha’i prisoners”, 30 July 2020, reut.rs/2RtSdis; Mina Aldroubi, “Yemen’s Houthis finally release Bahai prisoners after international pressure”, *The National News*, 30 July 2020, bit.ly/3mCeZ3d

⁴⁹ Ahmed Al-Haj, “Lawyer: Yemeni rebels free 6 Baha’i prisoners held for years”, *Associated Press*, 30 July 2020, bit.ly/2RkoZCs

A member of the Baha'i community told Amnesty International about the circumstances leading to his release on 30 July 2020:

“Five days before our release, we were informed about the agreement and the condition of leaving the country. [Today] We want to go back to our country. We were forced to leave because of our religion. But at the time, I just wanted to be released and I had no other option. That was the most important point for me because it had become unbearable. The authorities allowed us to call our families when we reached the airport... I begged them [the authorities] to allow me to see my father but they didn't. He is 80 years old and I won't be able to see him again. That was the hardest thing in my life, leaving my father behind.”⁵⁰

The former detainees told Amnesty that the flight to Addis Ababa was a UN-chartered flight. The involvement of the UN in providing the flight indicates that they were aware of this arrangement. Amnesty International finds that the release of the members of the Baha'i community amounts to forcible exile, in violation of international human rights law and international humanitarian law.

The eight released in October 2020 told Amnesty International that the Huthi authorities had transferred them directly from their place of detention to Sana'a airport and ordered them to board flights to Aden and Sey'un airports, areas under the control of the internationally recognized Yemeni government.

The former detainees told Amnesty International that the Huthi authorities had given them the option of staying in Huthi-controlled areas or boarding flights in Sana'a airport to other parts of the country under the control of the internationally recognized Yemeni government. The former detainees said they had taken the option of leaving Huthi-controlled areas, where they resided prior to their detention, for fear of re-arrest since their opinion and political affiliations remained unchanged. For example, the three journalists told Amnesty International that they would not be able to carry out their work in an environment that hostile towards journalists, especially since the Specialized Criminal Court had placed them under Huthi police supervision for three years after their April 2020 release.⁵¹ The former government employee and a journalist explained to Amnesty International that their only option was to leave the area because of security risks associated with their opposition views and political activism.⁵²

Faced with the risk of indefinite arbitrary detention and ill-treatment, the detainees' "agreement" while in arbitrary detention to leave their place of origin cannot be construed to have been voluntary.

One of the journalists told Amnesty International that they remained in prison for five and a half months after their acquittal. He said that Huthi prison officials had presented him with the option of boarding a flight from Sana'a airport to other parts of the country under the control of the internationally recognized Yemeni government or remaining in detention:

“We wanted to stay in Sana'a but the Huthis refused to release us unconditionally even though the court ruled in favour of our release. We had no other option but to take the deal and leave the north [area under the control of the Huthis] ...My home and family are in Sana'a. My life is in Sana'a.”⁵³

A journalist told Amnesty International:

“We heard that there were discussions of prisoner exchange, but we didn't know if we were part of it or not. We should have been released without any conditions because the court freed us... I was not allowed to see my family before I was transferred to Sana'a airport. None of us were allowed to. We were immediately transferred from the central prison to Sana'a airport and then to Sey'un airport.”⁵⁴

None of the individuals released were allowed to see their family or collect their belongings before being transferred to Aden and Sey'un or outside Yemen. All travelled with barely any clothes on or money. They were all transferred to locations where they had no home or family and had to settle in without any support. A member of the Baha'i community described to Amnesty International how they boarded a flight to leave Yemen, lightly clothed.⁵⁵ For 10 of the individuals released, it took between several weeks and months to be reunited with their families outside Huthi-controlled territory after their release while two had not been able to reunite with their family at the time of writing

⁵⁰ Interview on 30 November 2020.

⁵¹ Interview on 30 March 2021; interview on 21 January 2021; interview on 9 December 2020.

⁵² Interview on 29 January 2021.

⁵³ Interview on 9 December 2020.

⁵⁴ Interview on 15 January 2021.

⁵⁵ Interview on 10 December 2020.

One of the journalists who had to relocate to Aden told Amnesty International that he felt he would still at risk of detention by Huthi authorities if he returns to Hodeida where his family and his life were. He added that sometimes he thinks it would be worth the risk of returning to his home just to see his family even if it meant being detained again by the Huthis.

The former government employee, who is from Hodeida, told Amnesty International that he did not feel safe to stay in Huthi controlled areas and chose to relocate to Aden. He said:

“I was only allowed to call my family when I got to Sana’a airport. All of my belongings, including my clothes, my money and valuable watch were confiscated by the Huthis and never returned. The prison official forced me to sign and fingerprint on paper declaring that I received all my belongings. I went to the airport with barely any clothes on... until today, I am still displaced in Aden with my family who joined me a few weeks after my release.”⁵⁶

A journalist told Amnesty International:

“I was transferred to Sey’oun airport and after that to Ma’rib city. I am trying to build a new life and find some stability, but it is not easy. My family moved to Ma’rib after 10 days and I lived in a hotel but we don’t have money anymore, so I decided to travel to Egypt to seek medical treatment and find a job so I can afford to bring my family to live with me. I was very productive and had a very good career before I was arrested. It is difficult to start again but for now I need to focus on my mental and physical recovery.”⁵⁷

⁵⁶ Interview on 21 January 2020.

⁵⁷ Interview on 19 January 2021.

HUMAN RIGHTS AND IHL STANDARDS ON FORCIBLE EXILE AND FORCED DISPLACEMENT

In line with international law, Amnesty International opposes forcible exile -- when a government forces individuals to leave their own country on account of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour, language, national or social origin, economic status, birth, or other status, and then prohibits their return, or, if they are already outside their own country, prevents them from returning for the same reasons. Amnesty also opposes forced displacement within a country, when individuals are banished from their place of residence and forcibly relocated to another part of the country in violation of international human rights law.

As mentioned above, members of the Baha'i community were forced to leave their country of residence, Yemen; while other detainees released as part of the prisoner exchange deal were compelled to relocate to another part of the country, under the control of another party to the conflict, the internationally recognized government of Yemen because they were at risk of re-arrest and arbitrary detention and ill-treatment. At the time of writing, the Huthi de facto authorities continued to prevent the Baha'i former detainees from returning to Yemen. Their exile is on account of their beliefs, constituting an egregious violation of international human rights law.

These practices violate a range of human rights guaranteed by the Universal Declaration of Human Rights, specifically Article 3 which states: "Everyone has the right to life, liberty, and security of person"; Article 9 which states that "No one shall be subjected to arbitrary arrest, detention, or exile"; Article 13 (1) states that "Everyone has the right to freedom of movement and residence within the borders of each state" and Article 13 (2) states that "Everyone has the right to leave any country, including his own, and to return to his country."

And the ICCPR also prohibits forcible exile as stated in Article 12 (1) "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence" and Article 12(4) "No one shall be arbitrarily deprived of the right to enter his own country".

The exile of Baha'i detainees violates the prohibition on forced displacement in international humanitarian law. The involuntary transfer of other detainees from their place of origin in the northern part of Yemen, under the control of Huthi authorities, to the south of the country under the control of the internationally recognized government of Yemen or outside Yemen, appears to amount forced displacement.

International humanitarian law prohibits the "displacement of the civilian population, in whole or in part, for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand."⁵⁸ And Protocol II Additional to the Geneva Conventions and Relating to the Protection of Victims of Non-International Armed Conflict (Protocol II), to which Yemen is a state party, specifies: "Civilians shall not be compelled to leave their own territory for reasons connected with the conflict." (Article 17(2)).

According to the Statute of the International Criminal Court, in non-international armed conflicts, "ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand," constitutes a war crime.⁵⁹

When displacement happens, "all possible measures must be taken in order that the civilians concerned are received under satisfactory conditions of shelter, hygiene, health, safety and nutrition and that members of the same family are not separated."⁶⁰ International humanitarian law also specifies that "displaced persons have a right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist," and that their "property rights... must be respected."⁶¹

⁵⁸ ICRC, Customary IHL Study, Rule 129.

⁵⁹ ICRC, Customary IHL Study, Rule 129, p.459.

⁶⁰ ICRC, Customary IHL Study, Rule 131.

⁶¹ ICRC, Customary IHL Study, Rules 132 and 133.

TORTURE AND OTHER ILL-TREATMENT

All former detainees interviewed by Amnesty International were tortured or subjected to a form of ill-treatment by the Huthis during interrogation and throughout their time in detention. Huthi security forces beat detainees with metal objects, such as steel rods, Kalashnikov [Russian-made automatic rifle] and other objects, subjected them to stress positions, tortured other detainees in front of them for intimidation, hosed them with water and detained them in solitary confinement between 20 days and several months.

Many continue to suffer from back pain, injuries and other health problems ensuing from torture and other ill-treatment and the lack of adequate access to health care during their time in detention. In the cases of those detainees who were referred to court, the judge failed to open investigations into their claims of torture, leaving them with no other recourse to justice.

The most common method of torture used by Huthi security forces was beatings with various object, especially during interrogation, according to former detainees interviewed by Amnesty International. Various types of objects were used including steel rods, wooden sticks, belts, rifles or guns, and fists. In some cases, security forces would push and force detainees on the ground and kick them with their military boots.

In all the cases reviewed for this report, detainees were interrogated for periods ranging between several days to a month, after they were brought to the detention centre. Prison guards transferred them to the interrogation room as they were blindfolded and, in some cases, handcuffed, and kept them that way until they are taken back to their cells. The interrogators never mentioned their name or rank, nor was it clear to detainees how many guards were present in the room at any given time. Former detainees told Amnesty International that they had been repeatedly beaten by several security forces present throughout the interrogation sessions which lasted several hours per day. The beatings would increase when detainees did not answer the interrogators' questions, answered back at the interrogators' derogatory or hostile comments or when they denied accusations or refused to confess.

A journalist held at the Criminal Investigation branch told Amnesty International that during the first interrogation session on 11 June 2015 he was "welcomed" with beatings and threats. He said:

"The interrogator was intimidating me by reloading his Kalashnikov, threatening to shoot me. He also threatened to use the electric chair. He also hit me on my head with his gun and verbally abused me by calling me demeaning names as well as accusing me of being affiliated to the Islamic State."⁶²

A member of the Baha'i community described a similar experience at the Political Security Office in Sana'a. He said:

"During the interrogation they would beat me non-stop until I lost my voice from the screaming. Sometimes they would wake me up from my sleep for interrogation. The interrogator and security forces used steels rods to beat me all over my body."⁶³

Former detainees told Amnesty International that interrogators threatened them with torture to elicit confessions and information. Some detainees described these threats as "psychological warfare" intended to

⁶² Interview on 15 December 2020.

⁶³ Interview on 30 November 2020.

“break” them. Another journalist described how he fainted from the fear and stress he felt as a result of the interrogators’ repeated threats. He said:

“I fainted twice during the interrogation mainly because I was psychologically tired and without any food. The interrogator and others in the room threatened to shoot me. Threatened to kill my parents. They wanted me to name other journalists and students who covered anti-Huthi news... They threatened to take me to another room where, the interrogator said, they will remove my nails one by one. They threatened to give me electric shocks between my legs. Also, on several occasions when I was being interrogated as soon as we heard the sound of a war plane, they would all leave the room, leaving me behind handcuffed and blindfolded. That scared me because the [Saudi-led] coalition has attacked prisons in the past.”⁶⁴

Four journalists told Amnesty International that every time they requested food or to see a doctor, the prison guard would enter the cell and beat them with sticks and electric cables. These incidents occurred in several detention centres including Political Security Office and al-Thawra pre-trial detention facility. One of them said:

“We were tortured repeatedly only for asking them for water and food. They used to cut off the electricity at night and keep us in the dark as punishment, they would come in the cell and beat us with cables. Every time we asked them to stop or [for the] reason behind the attack, they would beat us some more.”⁶⁵

Another one added:

“Once, the prison director and guards took us out of the cell and started beating us simply for having asked for food. They beat us with wooden sticks until these broke in half. But that didn’t stop them. They brought other wooden sticks and hit us again. Then, they used electric cables until our skin burned.”⁶⁶

Huthi security forces subjected detainees to other forms of torture during interrogation and outside of the interrogation room. They were hosed down with cold water under high pressure, forced into stress positions for hours, and subjected to mock executions, considered to be a form of psychological torture.

A member of the Baha’i community told Amnesty International that while being held at the Political Security Office in Sana’a, he was taken from his cell into another location in the building, unknown to the detainee because he was blindfolded, and was suspended from the ceiling from his wrists while his feet hovered over the ground.⁶⁷ He added that he was forced to stay in this position for a prolonged period to the extent that he was dragged back to his cell because he was unable to walk.

One of the journalists told Amnesty International that on several occasions the interrogator would force him to stand throughout the interrogation which lasted for several hours causing extreme pain and discomfort.⁶⁸

The former government employee, above the age of 60 at the time of arrest, held by Political Security Office in 2017 was forced to carry a heavy brick of cement during the interrogation period. He told Amnesty International:

“During the first two weeks of my arrest, prison guards would take me to the interrogator in the early hours of the night and take me back just before dawn. Once, the interrogator forced me to stand and carry a large brick of cement on my shoulder. I stayed in that position for around five hours until I could not [take it] any more. I begged him to [let me] put it down, he allowed it, but as I was putting it down, I fell on the ground and on the brick, which led to a fracture in the upper left jaw of my face.”⁶⁹

A journalist arrested in June 2018 by Huthi forces and detained in the counter-terrorism branch in Hodeida was subjected to various forms of torture as punishment for his affiliation to a political party perceived to have close ties to the UAE. He told Amnesty International that he was once suspended from the ceiling for several hours during the interrogation as punishment for denying accusations brought forward by the interrogator.⁷⁰ He was also subjected twice to mock executions. He told Amnesty International that one night the guards escorted him from his cell, blindfolded and handcuffed, to a room where they made him stand on an object and wrapped what seemed to be a rope around his neck. Then one of the security forces announced that he was

⁶⁴ Interview on 9 December 2020.

⁶⁵ Interview on 9 December 2020.

⁶⁶ Interview on 19 January 2021.

⁶⁷ Interview on 30 November 2020.

⁶⁸ Interview on 9 December 2020.

⁶⁹ Interview on 21 January 2021.

⁷⁰ Interview on 21 January 2021.

sentenced to death even though he had never appeared before a court. A few days later he was subjected to another mock execution. He told Amnesty International:

“Prison guards called my name late at night. They handcuffed and blindfolded me. They took me outside, it felt cool. They made me kneel. One of them, he sounded high-ranking because he was giving orders, partially uncovered the blindfolds and pointed to a hole in the ground. He said ‘this is your grave’. Then I heard the sound of a gunshot in the background. I imagined being hit by a bullet. They kicked me and pushed me in to the hole. I fell on my face. My nose started bleeding and I could taste the blood. I started crying and thinking of my children because I was sure they were going to bury me alive. I was begging them to kill me first. The same man was saying ‘we will bury you here and your family will never know where you are’. Then after few minutes, as the dirt was falling on me, one of them pulled me up and told me ‘you won’t die today. We just want you to wish you were dead’.”⁷¹

Subjecting detainees to beatings, stress positions, prolonged solitary confinement and mock executions to pressure them to confess, intimidate them or as punishment for requesting access to food, health care and other basic needs constitutes torture or other ill-treatment and violates Article 2 of the CAT, which Yemen ratified in 1991, Article 5 of the Universal Declaration of Human Rights and Article 7 of the ICCPR.

All individuals should always be protected from torture and other ill-treatment. There is no reason to justify intentional infliction of pain. The ICCPR states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” and that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”. The prohibition of torture is also Huthi de-facto authorities have violated these prohibitions.

Out of the 12 former detainees documented for this report, six were held in solitary confinement for periods of up to five months. Amnesty International found that Huthi de facto authorities violated the prohibition of torture and other ill-treatment for holding detainees in prolonged solitary confinement in inhumane conditions.

A member of the Baha’i community was detained in solitary confinement for five months. He was transferred to a solitary confinement cell a mere few hours after his first visit with his relatives. He told Amnesty International:

“After my first family visit, I was detained in solitary confinement for five months, all alone. I felt relieved that I had seen my family because at least they knew where I was. The darkness was scary. Unable to move around because there was no space. Unable to sleep because there was no space. But the solitude itself was the real torture.”⁷²

The group of five journalists detained in June 2015 told Amnesty International that they went on hunger strike in May 2016 after the Huthi authorities refused to refer their case to court. In response, the Huthi authorities transferred them to Political Security Office where they were detained in solitary confinement for around 20 days after which they ended the hunger strike.

One of the journalists described what it was like to be confined alone in a cell, in the dark and cut off from the external world and other detainees:

“Each one of us was in a single cell alone. I didn’t know what was happening. I had no idea what was going on with my colleagues. I was very afraid that they would execute us. The guards would scare me all the time. They would close the doors in a violent way. They would shout and bang on the door violently if they heard me taking a deep breath. They would verbally abuse me and scream for no reason... Ramadan had started, and I was fasting. The guards refused to give me a date to break my fast. I found dates on the ground probably from the prisoner before me. It was covered with insects, but I ate it. The guard would beat me if I asked for anything. I was hungry and just wanted to eat.”⁷³

The UN Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules, define solitary confinement as “the confinement of prisoners for 22 hours or more a day without meaningful human contact” and prolonged solitary confinement as “confinement for a time period in excess of 15 consecutive days.”⁷⁴ Under international law, solitary confinement imposed for periods beyond 15 days, can amount to a form of torture or other ill-treatment.⁷⁵

⁷¹ Interview on 21 January 2021.

⁷² Interview on 30 November 2020.

⁷³ Interview on 15 January 2021.

⁷⁴ Rules 43, 44 and 45. United Nations, Standard Minimum Rules for the Treatment of Prisoners, 30 August 1955, undocs.org/A/RES/70/175

⁷⁵ United Nations Report by Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, para 57, undocs.org/A/HRC/43/49

The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment argued in a report to the General Assembly:

“Solitary confinement, when used for the purpose of punishment, cannot be justified for any reason, precisely because it imposes severe mental pain and suffering beyond any reasonable retribution for criminal behaviour and thus constitutes an act defined in article 1 or article 16 of the Convention against Torture, and a breach of article 7 of the International Covenant on Civil and Political Rights.”⁷⁶

He added that psychological and physiological effects could occur after only a few days in solitary confinement, and “the health risks rise with each additional day spent in such conditions.”

All detainees suffered from serious injuries, some of which progressed to permanent medical conditions, as a result of the torture and other ill-treatment they were subjected to by the Huthis. Seven of the individuals released told Amnesty International that they had undergone medical surgeries and prolonged medical treatments following their release.

A journalist told Amnesty International that the torture he was subjected to at the Criminal Investigative branch resulted in permanent damage to his spine. He had to undergo a high-risk surgery following his release which was expensive and painful. He told Amnesty International:

“The health problems I am suffering from now, especially to my spine are due to the beatings I was subjected to by the interrogator and others. I was beaten on my back for a prolonged time. Even after falling on the ground from the pain, they continued beating me. After that, severe pain in my back started.”⁷⁷

A member of the Baha'i community told Amnesty International that the interrogator at Central Prison in Sana'a beat him on his back causing an injury which required hospitalization. His lawyer had to obtain a court order for his transfer but despite that, the prison director only allowed his transfer to a poorly equipped medical clinic situated in the prison's building.⁷⁸

⁷⁶ United Nations Report by Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, para 72, undocs.org/A/66/268

⁷⁷ Interview on 15 January 2021.

⁷⁸ Interview on 10 December 2020.

CRUEL AND INHUMAN CONDITIONS OF DETENTION

“Sleep was a luxury. I couldn’t sleep when I wanted to. We had to take turns because the cell was too small. On top of that, I slept on the floor with no mattress or blanket.”

A member of the Baha’i community held by the intelligence and security services for three years.⁷⁹

Former detainees with whom Amnesty International spoke said that they were held in different detention centres and prisons throughout their detention. Amnesty International found that conditions varied across locations but overall, there was a pattern of inadequate access to health care, overcrowded cells, insufficient access to food and clean water, and inadequate sanitation, including access to personal hygiene kits.

Former detainees told Amnesty International that most cells in detention centres were filled beyond capacity. They themselves were held for periods of several weeks and even months in cells with insufficient space to move. According to testimonies and reports by UN and international and local human rights organizations, detainees are held in overcrowded detention centres.⁸⁰ A former detainee said:

“The first detention center I was transferred to was Hasaba police station. They put me in a 2x2 meter cell, very tight. We were 10 people in the cell. The cell didn’t have any light at all for days. We weren’t able to sit, let alone sleep. I thought it would get better in other detention centers, but it just got worse and worse.”⁸¹

In most detention centres, former detainees said that there was insufficient space for individuals to lay down and sleep at the same time forcing them to take turns. At least seven were held in overcrowded cells that did not have any light for days. Authorities confined detainees inside cells for months and years without exposure to natural light and fresh air. As a result, they suffered from serious psychological and physiological issues due to restrictions, and in some cases, deprivation of sleep, movement, and natural light exposure. A former detainee was held in a single cell with four other people. He said: “If you want to lay down, you can’t. You have

⁷⁹ Interview on 28 February 2021.

⁸⁰ Mwatana for Human Rights, *In the Darkness: Abusive Detention, Disappearance and Torture in Yemen’s Unofficial Prisons (May 2016 – April 2020)*, 30 June 2020, mwatana.org/en/hundreds-at-unofficial-detention-centers/; UN News, “Release inmates in Yemen to avert nationwide coronavirus outbreak, experts urge”, 30 March 2020, news.un.org/en/story/2020/03/1060642

⁸¹ Interview on 9 December 2020.

to lay on your back and extend your feet on the wall so that we all had space to sit. I used to sleep in that position.”⁸²

The former detainees said to Amnesty International that they were forced to endure stifling temperatures in overcrowded cells due to lack of ventilation. The winters were as harsh in the absence of any source of heating, even blankets. Many said that three people were forced to sleep on one mattress while others had no mattresses forcing them to sleep on the damp or cold ground. A former detainee said to Amnesty International:

“We were five in a small cell. It was very small to the extent that I couldn’t find space to sit properly or sleep. Also, the cell was extremely humid. Imagine dirt on the ground and humidity, the floor felt like a bread dough but with a very unpleasant odor. I never imagined or thought I would be in prison or in a such a room. Where do I sleep? I couldn’t accept the fact that I was in prison and expected to sleep in these conditions.”⁸³

In all detention centres where former detainees were held, they were provided with insufficient food which lacked nutritional value, according to former detainees. As a result, most detainees lost significant amounts of weight and suffered from severe fatigue throughout their detention. In most detention centres, the authorities only served food twice a day. The small food portions consisted of a combination of rice, half-cooked lentils, stale bread, some vegetables and in rare occasions they were served with few pieces of chicken to be shared amongst detainees in the cell. All detainees said that the food was badly cooked making it sometimes impossible for them to eat it. One former detainee told Amnesty International: “The food was extremely salty, that even if you are starving you couldn’t eat it.”⁸⁴ A member of the Baha’i community told Amnesty International:

“My colleague in the community was a very healthy man and he weighed at least 90kg. He was detained with the rest of the Baha’is. I was shocked when I saw him following our release. He was very thin, he lost around 40kg at least. I didn’t recognize him at first.”⁸⁵

All detainees also said that they did not have access to clean water regardless of the place of detention. Water was either provided through gallons for drinking and personal hygiene or detainees used the toilet’s tap water. A former detainee told Amnesty International:

“The water was polluted. We used to tell them [prison guards] that the water was polluted but they didn’t care. I am sure we were provided with the water from the rain. The water had sand particles; it was not transparent in colour rather greenish/yellowish. We used to use that water to clean our clothes. We created filter using clothes so that we can distil the water to drink. I and many others had urine problems.”⁸⁶

All former detainees who Amnesty International spoke to said that they struggled to maintain personal hygiene due to restricted access to shower facilities and soap in the cells they were held in. They added that guards rarely allowed them, barely once a month, to take a shower forcing them to use whatever available water they had to clean themselves. For some, the situation improved when they were transferred to Central Security Prison in Sana’a where they had better access to shower facilities. A former detainee told Amnesty International: “Due to overcrowding, the cells were always dirty. We tried to clean it, but it is very difficult to do so with no space to move. The toilets were never clean, I doubt that the authorities cleaned the toilets.”⁸⁷

Another former detainee explained to Amnesty International that when he was held at the National Security Bureau, he was only allowed to use the bathroom and shower five times a day for two minutes only.⁸⁸ He added that guards would enter the bathroom and beat him if he exceeded the two minutes.

Several detainees explained to Amnesty International that personal hygiene improved when they started seeing their families who provided them with money to buy what they needed, such as soap and other supplies.

Inadequate access to health care and lack of sufficient food, clean water and sanitation may amount to cruel, inhuman and degrading treatment, which is prohibited by CAT. The inhuman conditions that detainees were subjected to over a prolonged period, combined with torture and other ill-treatment has resulted in both physical and psychological hardships for detainees, who continued to suffer from these at the time of writing.

⁸² Interview on 21 January 2021.

⁸³ Interview on 19 January 2021.

⁸⁴ Interview on 19 January 2021.

⁸⁵ Interview on 30 November 2020.

⁸⁶ Interview on 9 December 2020.

⁸⁷ Interview on 10 December 2020.

⁸⁸ Interview on 28 February 2021.

The conditions in which detainees were held violates the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) on adequate accommodation, windows and light, sanitary installations, personal hygiene, clothing, food, outdoor exercise and medical services.⁸⁹ The rules state that “all accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.”⁹⁰

International humanitarian law requires humane treatment of those deprived of liberty; and its rules also include an absolute prohibition of torture, cruel or inhuman treatment and outrages on personal dignity.⁹¹ Violations of these rules are war crimes.⁹²

LACK OF ACCESS TO ADEQUATE MEDICAL CARE

Out of the 12 former detainees interviewed by Amnesty International, only three detainees were transferred to a hospital, albeit belatedly, despite seven of them requesting to go to hospital. Two of them reported that security forces in detention locations failed to provide the appropriate medication and treatment as recommended by doctors. The former detainee journalist told Amnesty International that he suffered from chronic chest pain for two years after his arrest before he was taken to a hospital. He said:

“I went twice to the hospital. The first was two years after I reported the chronic pain and then a year after that. Both times, the security forces refused to show me the results of the medical test. They gave me medication, but I had no idea if it was the right one or not. Every time I asked to see my file, they [security forces] would say that they lost it. I was released with several health issues including weakness in my heart valves, rheumatism, and infection in my respiratory tract.”⁹³

Another detainee described a similar pattern and circumstances. He said:

“In November 2015, the pain in my spine started. I didn’t know what the pain was. I kept asking them to transfer me to the hospital, but they refused. In October 2017, I got an eye infection which forced them to transfer me to a hospital. But they wouldn’t allow me to see a doctor for the pain in my spine. I was blindfolded and handcuffed when they took me to the hospital. The blindfolds were removed only when the doctor wanted to examine my eyes... Also, they wouldn’t allow me to speak to the doctor. The escort would speak on my behalf.”⁹⁴

He added that a year later he was taken again to the hospital because he suffered from pain in the joints and nose and had breathing difficulties. The doctor at the hospital diagnosed him with rheumatism and adenoiditis. He said:

“The doctor told me my diagnosis but when I was transferred back to detention centre, the guards told me that the file transferred from the hospital said that I don’t have any health issues. While at the detention centre’s clinic, I managed to look at my file when the doctor was not watching me, and I saw that a set of medications and treatments were prescribed. I confronted the doctor who said that it was a mistake. After that, they started providing me with the treatment, but it was three months later.”⁹⁵

In other cases, detainees who had severe health issues were provided with basic medical care in detention centres instead of specialized care in hospitals. A member of the Baha’i community told Amnesty International that he had to obtain a court order mandating the authorities in Central Security Prison in Sana’a to transfer him to a hospital in order for him to receive medical care for back injuries resulting from beatings he endured during his interrogation sessions.⁹⁶ Despite the court order, the authorities transferred him instead to the prison’s health clinic which is not equipped to deal with serious health issues.

⁸⁹ Rules 10, 11, 12, 13, 15, 16, 18, 20, 21, 22, 23, 24, 25. United Nations, Standard Minimum Rules for the Treatment of Prisoners.

⁹⁰ Rules 10. United Nations, Standard Minimum Rules for the Treatment of Prisoners.

⁹¹ ICRC Customary IHL Study, Rules 87 and 90.

⁹² ICRC Customary IHL Study, Rule 156.

⁹³ Interview on 9 December 2020.

⁹⁴ Interview on 15 January 2021.

⁹⁵ Interview on 15 January 2021.

⁹⁶ Interview on 10 December 2020.

Another member of the Baha'i community held by the Political Security Office also needed urgent medical care on two separate occasions, which the authorities denied. On the first occasion, he suffered from high fever for seven consecutive days during which the authorities failed to provide him with medical care. He said to Amnesty International that by chance one of the guards sympathized with him due to them sharing the same place of origin. A doctor was allowed to see him and provide him with a series of injections which lowered the fever. He told Amnesty International: "My skin cracked due to the high fever and injections, it looked like crocodile skin."⁹⁷ In another incident, he was constantly dizzy and blood discharged in his urine but he was denied medical care for three days until he lost consciousness.

All detainees told Amnesty International that Huthi security forces had failed to provide them with adequate and timely access to health care throughout their detention. In some cases, authorities denied health care and treatment provision or delayed it for several days or even years. A journalist held at the Criminal Investigation branch told Amnesty International that he had suffered from dental health issues prior to his arrest, which exacerbated with time. He said:

"I had gone to the dentist before I was detained, and I should have gone another time to complete the work but I was arrested. I was in a lot of pain to the extent that I couldn't chew my food. I was spitting blood all the time. The guards refused to take me to the doctor to remove the retainer. I just wanted to be able to eat. I had to remove it which was excruciatingly painful."⁹⁸

He added that while he was being detained in Thawra prison, the doctor at the location prescribed 30 minutes of sun exposure per day to improve rheumatism, a chronic inflammatory disorder that can affect joints, but the prison guards at the location did not allow him to go outside.

Two detainees who were examined by a medical worker at the prison's poorly equipped clinic said that they were given the same pill, regardless of the specific health issues they had, whether it was rheumatism, indigestion, or ear pain. Three detainees told Amnesty International that authorities failed to provide them with medication on time and, in some cases, the medication had expired. One of them said:

"I was transferred to the doctor at the Political Security Office. There is only one doctor [there]. He gave me painkillers without explaining to me what it was for. It didn't make me feel better. I was taken several times to the doctor but he always gave me the same pill."⁹⁹

Five journalists also told Amnesty International that they were threatened with torture for requesting health care. A journalist held at the Political Security Office told Amnesty International that the prison director pulled his gun and threatened to kill him and other detainees in the same cell if they continued to ask to see a doctor.¹⁰⁰

On 5 May 2020, the Ministry of Health in Sana'a announced the first COVID-19 case.¹⁰¹ However, the Huthi authorities failed to provide transparent and consistent information about COVID-19 outbreak in areas under their control. The spokesperson for the Houthi Ministry of Health Yusuf Al-Hadheri told Associated Press in June 2020, "We don't publish the numbers to the society because such publicity has a heavy and terrifying toll on people's psychological health."¹⁰²

All the above conditions described in this and prior chapter were compounded by the authorities' failure to take necessary precautionary measures, including masks, social distancing, and sanitization, which enabled the spread of COVID-19 in two detention facilities including Political Security Organization and Central Security Prison. According to former detainees, some of whom described symptoms they believed were consistent with COVID-19, the virus emerged in detention centres in May 2020. A former detainee told Amnesty International:

"We sleep on our side, one next to the other. During Ramadan [May 2020], all of us were feeling weak and had headaches. I had no idea that these were COVID-19 symptoms. My friend had pain in his chest and faced difficulties breathing... I later lost the sense of taste. They [guards] gave us a pill for the pain but we didn't know what it was. After a while, when most of us recovered, prison officials said that we had contracted COVID-19 but they didn't want to scare us by telling us."¹⁰³

The authorities' response varied from one detention centre to another. In some cases, former detainees said that authorities provided detainees with sanitation kits, detergents to clean their cells, and masks; and isolated

⁹⁷ Interview on 30 November 2020.

⁹⁸ Interview on 9 December 2020.

⁹⁹ Interview on 9 December 2020.

¹⁰⁰ Interview on 9 December 2020.

¹⁰¹ Save the Children, *Worst fears confirmed as first COVID-19 case hits north of Yemen*, 5 May 2020, [bit.ly/3u8essb](https://www.savethechildren.org/en/press-releases/2020/05/05/worst-fears-confirmed-as-first-covid-19-case-hits-north-of-yemen)

¹⁰² Maggie Michael, "Yemen's rebels crack down as COVID-19 and rumors spread", Associated Press, 9 June 2020, [bit.ly/2Pn3EaP](https://www.associatedpress.com/2020/06/09/yemen-rebels-crack-down-as-covid-19-and-rumors-spread/)

¹⁰³ Interview on 19 January 2021.

suspected COVID-19 cases. In other cases, some told Amnesty International that the authorities hid the virus outbreak by downplaying all reported symptoms as merely flu symptoms, and failed to provide masks to detainees surrounded by or close to COVID-19 patients or cells used to isolate infected individuals.

A former detainee told Amnesty International:

“There was no social distancing, no sanitation, nothing. We suspected that there is COVID-19 in prison because many detainees at once showed flu-like symptoms... I developed these symptoms too, including chronic headache and body ache. I bought ginger and other herbs from the money my family provided me with because the prison doctor wouldn’t give me any medicine. All of us got ill at the same time, some had mild symptoms, but others suffered because they developed respiratory problems. We washed our clothes with soap we bought, we asked for cleaning supplies, but they wouldn’t give us any. After a month, the doctor in the prison said that you all got COVID-19 but we didn’t want to tell you to avoid demoralization.”¹⁰⁴

Another former detainee told Amnesty International that he was transferred to a hospital to run some medical tests without any precautionary measures. He said:

“In May 2020, during Ramadan, COVID-19 had spread in the detention centre. I was transferred to the hospital for some tests... I went without any precautionary measures. I wasn’t provided with a mask, or sanitizer, nothing. I was taken to multiple clinics and saw several doctors and nurses who were wearing masks, but I was not provided with one. They took me back to prison without any precautionary measures as well. They took me back to the common cell.”¹⁰⁵

A former detainee told Amnesty International that all detainees in the detention centre he was held in got COVID-19 around 25 May 2020. He said:

“I suffered from all symptoms, fever, sore throat, fatigue, and coughing. Doctors used to visit us wearing protective gear and they sprayed us and the cell with disinfectants. They would bring us medicine, but we didn’t know what it was, and the guards would throw the medicine to the cell and say ‘die, die’. The detention centre was emptied, and we were all taken to different detention centres where we were kept in isolation for one month.”¹⁰⁶

¹⁰⁴ Interview on 9 December 2020.

¹⁰⁵ Interview on 9 December 2020.

¹⁰⁶ Interview on 21 January 2021.

RECOMMENDATIONS

The Huthi security forces have committed a range of human rights violations against the former detainees Amnesty International spoke to during the course of the research for this report. These violations started from the moment of arrest, as they were arbitrarily detained solely for exercising their right to freedom of expression and association and religion. They were held in incommunicado detention and solitary confinement for several weeks and, in some cases, subjected to enforced disappearance. Huthi security forces held the former detainees in deplorable conditions for several years and subjected them to torture and other ill-treatment while denying them their due process rights and judicial review of their detention.

The Huthi de facto authorities have committed violations of international human rights law, and international humanitarian law as some violations were committed in the context of armed conflict. The Huthis violated their international human rights obligations stipulated in two treaties to which Yemen is a state party namely the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).

Journalists, members of the Baha'i community and other individuals detained for their beliefs or peaceful activities have had to make many sacrifices in return for their freedom. After enduring inhumane prison conditions, being subjected to torture and other ill-treatment, grossly unfair trials on trumped-up charges, and being unjustly sentenced to lengthy prison terms or the death penalty, they were forced – some as part of a deal to secure their release from arbitrary detention – to leave their home, belongings and family.

Should discussions between parties to the conflict continue to include the release of detainees, it will be crucial that all those arbitrarily detained are released without being forced to agree to unlawful conditions such as being forced into exile or being banished to another part of the country. And there must be independent investigations into the torture, enforced disappearance and ill-treatment to which prisoners have been subjected.

TO THE GENERAL PUBLIC PROSECUTOR IN SANA'A

- Order the immediate release of all those arbitrarily detained and ensure that orders to release prisoners are implemented without delay;
- Announce publicly that arbitrary detention or enforced disappearance will not be tolerated.
- Take all necessary steps to effectively investigate enforced disappearances, arbitrary detention and torture allegations, and wherever there is sufficient admissible evidence, prosecute those responsible in proceedings that respect international standards and exclude the possibility of the death penalty;
- Ensure that statements extracted through the use of torture or other ill-treatment are excluded from evidence in judicial proceedings, except in proceedings against suspected perpetrators of torture;
- Ensure that all persons detained by Huthis and allied security forces are held at recognized places of detention, and that arresting officers identify themselves and present official identification;
- Require the authorities to maintain records regarding every detainee, including the date, time, and location of arrest, the name of the detainee, the reason for detention, and the specific unit or agency responsible for the detention. The records should be available to detainees' families, legal counsel, and other legitimately interested persons. All transfers of detainees should be reflected in the records as well as when and whether the detainee was brought before a judge;

- End the use of unfair trials and ensure that trial proceedings conform to international fair trial standards in law and in practice and that victims receive full reparations.
- Detainees should promptly be brought before a judge and informed of the reasons for arrest and any charges against them. The family should be informed promptly of the arrest and location of the detainee. Any persons detained by the security forces must be allowed contact with family and unhindered access to legal counsel without delay;
- Pending full abolition of the death penalty, implement a moratorium on executions and ensure that in proceedings related to offences where this sentence might be imposed the most rigorous international standards for fair trial are respected.

TO THE HUTHI DE FACTO AUTHORITIES

- immediately implement the release orders issued by the Prosecutor General and the Prosecutor General of the Specialized Criminal Court and ensure that there is no interference in or any kind of improper control over judicial decisions;
- End arbitrary arrests and ensure that no one is deprived of their liberty except on the basis of an arrest warrant, by a legally designated authority and subject to judicial oversight;
- End enforced disappearances, arbitrary arrests, and torture and other ill-treatment and make clear to all Huthi forces and militias that such violations will not be tolerated;
- Immediately release all those arbitrarily detained, including prisoners of conscience, persons imprisoned solely for peacefully exercising their human rights, or because of their identity, without requiring their banishment or exile;
- Ensure that detainees are treated humanely in accordance with international standards, including the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules);
- Ensure that all those detained are registered, have access to a lawyer, can challenge the legality of their detention before an independent court, are provided access to medical care, are held in recognized places of detention and are allowed regular visits by their families;
- Announce to those under your command that anyone who commits human rights abuses or violations of international humanitarian law will be held accountable;
- Suspend from active service all those being investigated for enforced disappearance or torture and other ill-treatment;
- Grant unhindered access to the UN-appointed Group of Eminent International and Regional Experts to investigate all alleged crimes under international law and violations of international human rights law and international humanitarian law
- Provide unhindered access for recognized international detention monitors to all persons deprived of their liberty, without prior notification;
- Allow the return of exiles or banished individuals and their families to their homes;
- Ensure that former detainees can securely exercise their right to freedom of expression, opinion and religion without harassment, intimidation or being subjected once again to arbitrary detention and torture and other ill-treatment;
- Ensure that the right of victims to full reparation is fully respected by implementing the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law.

TO THE UN SPECIAL ENVOY FOR YEMEN

In light of the UN Special Envoy for Yemen's role in the negotiations between parties to the conflict and as co-chairs of the Supervisory Committee on the Implementation of the Prisoners' Exchange Agreement, Amnesty International presents the following recommendations:

- Urge the Huthi authorities to immediately release all those who are currently arbitrarily detained, including those imprisoned for their opinion, peaceful activism, promotion of human rights and religious beliefs, without requiring their banishment or exile;
- Insist that the Huthi authorities allow the return of exiles or banished individuals and their families to their homes and ensure that future agreements on prisoner releases do not stipulate banishment or exile as a pre-condition;
- Urge the Huthi authorities and internationally recognized government to immediately guarantee that all detainees are protected from torture and other ill-treatment, to ensure they have unrestricted access to their family and lawyers, to reveal the whereabouts of all detainees who have been subjected to enforced disappearance and to publish the names of all those detained;
- Urge the Huthi authorities and internationally recognized government to provide unhindered access to the UN-appointed Group of Eminent International and Regional Experts to investigate all alleged crimes under international law and violations of international human rights law and international humanitarian law.

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RELEASED AND EXILED

TORTURE, UNFAIR TRIALS AND FORCIBLE EXILE OF YEMENIS UNDER HUTHI RULE

Since 2015, Huthi de facto authorities have launched a campaign of arbitrary arrests and detention against individuals exercising their right to expression, opinion and religious belief perceived to oppose their rule. This campaign has targeted journalists, human rights defenders, political opponents and member of religious minorities and others.

This report exposes detention-related violations committed by the Huthi de facto authorities and the impossible choice survivors were faced with upon their release. It describes the experiences of individuals who were arbitrarily arrested and detained for prolonged periods during which they were held without access to a lawyer, charge, or trial. Those who were eventually charged and tried faced seriously flawed proceedings and grossly unfair trials. They were all released as part of deals negotiated with Huthi authorities in 2020; however, as part of these deals, the Huthi de facto authorities forced members of the Bahai community into exile outside Yemen and compelled the rest to relocate to another part of the country, under the control of another party to the conflict, the internationally recognized government of Yemen, because they were at risk of arbitrary detention and torture and other ill-treatment, in clear violation of international human rights and humanitarian law.

Throughout the different phases of detention, all former detainees were held in intermittent incommunicado detention and were subjected to torture and other ill-treatment. Some were forcibly disappeared. They all lacked adequate access to food, clean water, sanitation, medical care and accommodation.

In relation to COVID-19, Huthi authorities failed to take precautionary measures, such as providing of masks and other personal protective equipment and ensuring social distancing and hygiene.

Amnesty International is calling on the Huthi de facto authorities to immediately release all individuals arbitrarily detained on account of their opinion, expression, political affiliation, and conscientiously held beliefs, end torture and other ill-treatment, and ensure that detention conditions meet international standards. They should also allow the return of exiles or banished individuals and their families to their homes.