

YEMEN'S IMMUNITY LAW:

BREACH OF
INTERNATIONAL
OBLIGATIONS

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YEMEN'S IMMUNITY LAW: BREACH OF INTERNATIONAL OBLIGATIONS

BACKGROUND TO THE IMMUNITY LAW

On 21 January 2012, the Yemeni authorities passed *Law No. 1 of 2012 concerning the Granting of Immunity from Legal and Judicial Prosecution* (hereafter "immunity law"). The law grants former President Ali Abdullah Saleh complete immunity from prosecution and provides his associates with immunity from criminal prosecution for "politically motivated acts" carried out during the course of their official duties. It was adopted following a power-transfer deal that was brokered by the Gulf Cooperation Council (GCC) and signed on 23 November after negotiations that were facilitated by a UN envoy. Amnesty International is concerned that the law will prevent victims of crimes such as torture, extrajudicial executions, and enforced disappearances from accessing justice, truth, and reparation. Amnesty International urges the Yemeni authorities to repeal the law and take any other measure necessary to ensure that no official in Yemen, regardless of his or her rank or affiliation, is immune from prosecution. It calls upon the international community, in general, to support these appeals and the GCC, in particular, to withdraw its support for immunity measures in Yemen.

Amnesty International has documented a series of incidents in Yemen in recent years that may constitute crimes under international law, including torture, extrajudicial execution, and enforced disappearances.¹ Since 3 February 2011, the brutal repression of protests calling for reform have led to more than 200 protesters being killed and hundreds more being injured after security forces and government supporters repeatedly used live ammunition and other excessive and lethal force against largely peaceful demonstrations.² The track record of Yemeni authorities in investigating allegations of serious human rights violations by the security forces is very poor. It is not known what the outcomes were of investigations announced into incidents of alleged violations during 2011. The Office of the UN High Commissioner for Human Rights reported that the government was trying 78 persons regarding the killings of protesters on 18 March 2011, but it was not clear how many, if any, were members of security forces. The authorities have also generally failed to investigate the massive human rights violations committed in previous years. These include serious violations of human rights in the context of the unrest in the south of Yemen (against those seen as secessionists); in the name of countering terrorism (against those accused of belonging to or supporting al-Qa'ida); and in the context of the intermittent armed conflict in the north between government forces and the Huthi rebel movement and, more widely, the civilian population of the region.

The following analysis demonstrates the status of the Yemen's immunity law under international law. It finds that, in effect, the immunity law constitutes an amnesty provision for former President Saleh and all officials who have worked under him during his official tenure. An amnesty for crimes under international law and grave human rights violations is inconsistent with Yemen's obligations under international treaties and conventions, as well as in some cases, customary international law.

It has been repeatedly noted that impunity is the single most important factor contributing to the persistence of grave human rights violations. The UN Working Group on Enforced or Involuntary Disappearances has strongly argued that "perpetrators of human rights violations, whether civilian or military, become all the more irresponsible if they are not held to account before the court of law."³ Amnesty International believes that the current process of transition in Yemen should be based upon a strong foundation of justice, accountability, and respect for international law, lest the human rights violations of the past be repeated.

YEMEN'S IMMUNITY LAW IS TANTAMOUNT TO AMNESTY

Yemen's immunity law is construed to provide the then President Saleh with "complete immunity" from legal and judicial prosecution. It also grants officials who have worked under the former President – in "state civil, military and security agencies" –immunity from criminal prosecution in connection with "politically motivated acts" carried out during the course of their official duties, although it excludes "acts of terrorism" from this measure. The law stipulates no temporal grounds, and therefore appears to be considered permanent. Since the immunity provision permanently precludes prosecutions even after the officials have left office, the law functions as an amnesty for former President Saleh and his associates.

Furthermore, the law neither provides a definition of "politically motivated acts" or "acts of terrorism" and it is reasonable to suspect that the legislation may be applied to cases concerning crimes under international law.

However, state officials who are responsible for crimes under international law should not be protected by immunity in the domestic courts of the officials' state, whether it is a functional immunity attaching to official acts or a personal immunity attaching to the office or status of the official. Already in 1947 the International Military Tribunal at Nuremberg rejected immunity claims of officials in relation to their responsibility for crimes under international law by concluding that "[h]e who violates the laws of war cannot obtain immunity while acting in pursuance of the authority of the state, if the state is authorizing action moves outside its competence under international law."⁴

The International Court of Justice has emphasized in the *Arrest Warrant case* that "the *immunity* from jurisdiction enjoyed by incumbent Ministers of Foreign Affairs does not mean that they enjoy *impunity* in respect of crimes they may have committed [...] Jurisdictional immunity [...] cannot exonerate the person to whom it applies from all criminal responsibility."⁵ In upholding the claim to immunity from prosecutions of a serving foreign minister, the Court declared that such immunity does not prevent "criminal prosecutions in certain circumstances."⁶ Specifically, it declared that officials may "not enjoy criminal immunity under international law in their *own countries* [emphasis added]" and thus may be "tried by those countries' courts in accordance with relevant domestic law."⁷

AMNESTIES FOR CRIMES UNDER INTERNATIONAL LAW ARE PROHIBITED

Amnesties for crimes under international law – genocide, crimes against humanity, war crimes, torture, enforced disappearance, and extrajudicial executions – are considered to be a violation of international law. Furthermore, amnesties for grave violations of human rights and war crimes may also breach customary and treaty-based international law.

The prohibition of amnesties for crimes under international law and grave violations of human rights is based on the explicit duty of states to investigate and prosecute such crimes as well as on victims' right to truth, justice, and reparations. UN Special Rapporteur Louis Joinet stated that victims have the right to justice, which "entails obligations for the State: to investigate violations, to prosecute the perpetrators and, if their guilt is established, punish them."⁸ Accordingly, "[a]mnesty cannot be accorded to perpetrators of violations before the victims have obtained justice by means of an effective remedy."⁹ This view has been reaffirmed in subsequent UN principles, including the Commission on Human Rights' *Updated Set of Principles* on impunity. The report stated that, with respect to the victims' right to justice, states have the obligation to "undertake prompt, thorough, independent and impartial investigations of violations of human rights and international humanitarian law and take appropriate measures in respect of the perpetrators."¹⁰ Amnesties, "even when intended to [...] foster national reconciliation," cannot be applied to perpetrators of serious crimes under international law.¹¹

Key international human rights treaties have made explicit the obligation of states parties to ensure effective investigation and prosecution of the crimes as well as the victims' right to judicial remedy, truth, and reparations. These conventions and treaties include: the UN Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (Convention against Torture) (Articles 4.1, 4.2, 7.1, 14), the International Convention for the Protection of all Persons from Enforced Disappearances (Enforced Disappearances Convention) (Articles 3, 4), and the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) (Articles 1, 4, 5, 6).

The Human Rights Committee, in an authoritative interpretation of Article 2 of the International Covenant on Civil and Political Rights (ICCPR) has confirmed that the ICCPR provides for the duty to investigate and prosecute (Article 2).¹² Similar views have been echoed in interpretations of regional human rights treaties, such as the American Convention on Human Rights (Article 1.1),¹³ African Charter on Human and Peoples' Rights (Article 7),¹⁴ and European Convention on Human Rights (Article 13).¹⁵ The Universal Declaration of Human Rights also provides for the right to an effective remedy by competent tribunals regarding violations of fundamental rights (Article 8).

In addition, the obligation of states parties to investigate and prosecute grave breaches of the Geneva Conventions has been established in international humanitarian law.¹⁶

Any measures, including amnesties, which pre-empt prosecution of an offence that is specified in such international treaties, are considered to be a violation of states parties' obligations.

Yemen is party to the ICCPR and Convention against Torture. Yemen has also incorporated the Universal Declaration of Human Rights into its amended Constitution of 1994 (Article 6).¹⁷ Thus, the immunity legislation violates Yemen's international obligations to investigate violations of crimes under international law and other human rights violations, and where there is sufficient admissible evidence, prosecute those who are allegedly responsible for the crimes. The following section will discuss in detail obligations as well as victims' right to remedy arising from the ICCPR and Convention against Torture, in relation to the proposed immunity law.

ICCPR

The Human Rights Committee has repeatedly concluded that the ICCPR obligates states parties to investigate cases of summary executions, torture, and enforced disappearances; bring those responsible to justice; and provide reparations for the victims.¹⁸ In General Comment No. 20 on Article 7 of the ICCPR, the Human Rights Committee concluded that "[s]tates may not deprive individuals of the right to an effective remedy, including compensation and such full rehabilitation as may be possible."¹⁹ In its *Concluding Observations* regarding El Salvador, the Committee expressed:

*[...] grave concern over the adoption of the Amnesty Law, which prevents relevant investigation and punishment of perpetrators of past human rights violations and consequently precludes relevant compensation. It also seriously undermines efforts to re-establish respect for human rights in El Salvador and to prevent a recurrence of the massive human rights violations experienced in the past. Furthermore, failure to exclude violators from service in the Government, particularly in the military, the National Police and the judiciary, will seriously undermine the transition to peace and democracy."*²⁰

The Human Rights Committee had raised concerns regarding the amnesty granted in 1994 to civilian and military personnel for human rights violations committed during the civil war in Yemen in May to July that year, stating that amnesty laws "contribute to an atmosphere of impunity."²¹ In relation to Haiti's amnesty law, the Committee expressed its concern stating that "despite the limitations of its scope to political crimes" the amnesty provision might impede investigations of allegations of human rights violations, such as summary and extrajudicial executions, disappearances, torture and arbitrary arrests, rape and sexual assault committed by members of the armed forces and security services.²²

The Committee has reaffirmed this view regarding amnesty laws passed in other states, including Chile,²³ France,²⁴ and Lebanon.²⁵

CONVENTION AGAINST TORTURE

The Convention against Torture also imposes an unambiguous duty to prosecute the acts defined in the Convention as criminal. Article 4 states that states parties must "ensure that all acts of torture are offences under [their] criminal law," and establish jurisdiction over acts specified by the Convention under particular circumstances. These offences must also be made "punishable by appropriate penalties" which take into account the gravity of the act.

The express duty set forth by the Convention against Torture to institute domestic criminal proceedings, or extradite the suspect when requested by another state party, precludes states

parties to the Conventions from enacting or applying amnesty laws to the crime of torture. In its third periodic review of Peru, the Committee against Torture has expressed concerns over the use of amnesty laws “which preclude prosecution of alleged torturers who must, according to articles 4, 5, and 12 of the Convention, be investigated and prosecuted where appropriate.”²⁶ The Committee recommended that “amnesty laws should exclude torture from their reach,” without citing any extenuating circumstances under which exceptions could be made.²⁷ The Committee has criticized amnesty laws in other States as well, including Senegal,²⁸ Croatia,²⁹ Kyrgyzstan,³⁰ and Azerbaijan.³¹

Furthermore, amnesties for torture in armed conflicts constitute a violation of customary international humanitarian law. The International Committee of the Red Cross (ICRC) stated “state practice establishes this rule as a norm of customary international law applicable in both international and non-international armed conflicts.”³² The International Criminal Tribunal for the former Yugoslavia (ICTY) echoed this view by stating that an amnesty for torture would be “internationally unlawful.”³³

UN AND THE IMMUNITY LAW

The power-transfer deal which led to the immunity law was facilitated by the UN Secretary-General's Special Adviser, Jamal Benomar. Benomar's involvement in the deal directly contradicts the UN's policy against amnesties for crimes under international law and grave violations of human rights. Specifically, a UN Secretary-General's directive explicitly prohibits brokering peace agreements which grant immunity for crimes under international law.³⁴ The Secretary General's report *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies* clearly states that “United Nations-endorsed peace agreements can never promise amnesties for genocide, war crimes, crimes against humanity or gross violations of human rights.”³⁵

Benomar has subsequently criticized the immunity law, arguing that the immunity law neglects the “rights of victims”. Benomar further noted that “the UN in principle stands against this type of blanket immunity.”³⁶

UN Security Council resolution 2014 on Yemen, adopted on 21 October 2011, sends conflicting messages regarding the UN's position on amnesties for crimes under international law and grave violations of human rights. While the resolution stresses “the need for a comprehensive, independent and impartial investigation consistent with international standards into alleged human rights abuses and violations, with a view to avoiding impunity and ensuring full accountability,”³⁷ it simultaneously reaffirms its support for “the engagement of the Gulf Cooperation Council”³⁸ and its view that the implementation of “a settlement agreement on the basis of the Gulf Cooperation Council initiative is essential”³⁹ for political transition in Yemen, and “calls on all parties in Yemen to commit themselves to implementation of a political settlement based upon this initiative.”⁴⁰ According to the text of the law, Article 3 of the initiative required the Yemeni parliament to pass legislation granting “the President of the Republic and those who worked under him during his rule immunity from legal and judicial prosecution”. Support for an agreement based on an initiative containing such a provision and commitment to ensuring accountability for grave human rights violations are mutually exclusive.

Other UN officials have publicly criticized the immunity law and urged Yemeni law-makers to repeal the provision. Specifically, the UN High Commissioner for Human Rights Navi Pillay has stated in relation to the immunity law that:

"International law and the UN policy are clear on the matter: amnesties are not permissible if they prevent the prosecution of individuals who may be criminally responsible for international crimes including war crimes, crimes against humanity, genocide, and gross violations of human rights."⁴¹

ANNEX

LAW NO. 1 OF 2012 CONCERNING THE GRANTING OF IMMUNITY FROM LEGAL AND JUDICIAL PROSECUTION ⁴²

In the name of the people,

The Vice President of the Republic,

Having consulted the constitution of the Republic of Yemen and provisions of the Presidential decree issued in Law No. 13 of 1994 on penal procedures;

Upon considering the provisions of Article 3 of the Gulf Cooperation Council (GCC) initiative that made it incumbent upon the Parliament, including the opposition, to pass laws that grant the President of the Republic and those who worked under him during his rule immunity from legal and judicial prosecution;

Pursuant to Article 9 of the implementation mechanism of the GCC initiative that made it mandatory for all parties to take necessary measures to ensure that the Parliament passes laws and other pieces of legislation needed to allow the complete implementation of commitments pertinent to guarantees under the GCC initiative and implementation mechanism thereof – which was signed in Riyadh on 11 November 2001 – under the auspicious patronage of His Majesty The Custodian of the Two Holy Mosques, King Abdullah Bin Abdul-Aziz Al Saud, and in the presence of foreign ministers of the GCC countries, ambassadors of the permanent member states of the Security Council and the ambassador of the European Union accredited in Yemen, the ambassador of the USA in Riyadh, the GCC Secretary General and the UN Secretary-General's special representative, Mr Jamal Benomar;

Adhering to the provisions of Article 4 of UN Security Council resolution 2014, dated 21 October 2011, that calls on all parties in Yemen to commit to the implementation of a political settlement that is based on the GCC initiative;

Having been keen on involving all segments of the Yemeni people in the development and progress of the country;

Seeking to contain all views and opinions that emanated from the internal crisis that lasted throughout the previous period and the aftermath thereof;

Aiming at demonstrating the spirit of genuine tolerance within the collective consciousness and conscience of the Yemeni people;

Considering the requirements of the best national interest; and

Upon obtaining the approval of the Parliament,

has decided that the following law be hereby issued:

Article (1): Brother⁴³ Ali Abdullah Saleh, President of the Republic, shall hereby be granted complete immunity from legal and judicial prosecution.

Article (2): Immunity from criminal prosecution shall apply to the officials who have worked under the President – in state civil, military and security agencies – in connection with politically motivated acts carried out during the course of their official duties; immunity shall not apply to acts of terrorism.

Article (3): The national reconciliation government shall submit a draft law or draft laws to the Parliament with regards to national reconciliation and transitional justice – in accordance with what is provided for in Article 21(c) of the GCC initiative implementation mechanism – with the purpose of advancing national reconciliation and transitional justice as well as to put in place the necessary measures to ensure that violations of human rights and the humanitarian law will not be committed.

Article (4): This law shall be deemed an act of sovereignty, and it shall not therefore be repealed or contested.

Article (5): The provisions of this law shall apply to acts carried out throughout the reign of President Ali Abdullah Saleh, up to the date it is issued.

Article (6): This law shall enter into force as of the date it is issued and it shall be published in the official gazette. The provisions of this law shall be interpreted in line with the GCC initiative and its ensuing implementation mechanism as well as with UN Security Council resolution 2014.

Issued at the Presidency of the Republic, Sana'a

On 27 Safar 1433 Hijri

equivalent to 21 January 2012

Abd-Rabbu Mansour Hadi

Vice President of the Republic.

ENDNOTES

¹ See Amnesty International reports: *Moment of Truth for Yemen* (Index: MDE 31/007/2011), 6 April 2011, and *Yemen: Cracking Down Under Pressure* (Index: MDE 31/010/2010), 25 August 2010.

² Amnesty International Question and Answers, *Yemen: One Year Since the Start of the Mass Protests* (Index: MDE 31/002/2012), 3 February 2012.

³ UN Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Study Concerning the Right to Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms* (E/CN.4/Sub.2/1993/8) 2 July 1993: para. 130.

⁴ Trial of the Major War Criminals before the International Military Tribunal, Vol.I, Nuremberg 1947, p. 223.

⁵ International Court of Justice, Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), Judgment of 14 February 2002, ICJ Reports 2002, para. 60.

⁶ International Court of Justice, Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), Judgment of 14 February 2002, ICJ Reports 2002, para. 61.

⁷ International Court of Justice, Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium), Judgment of 14 February 2002, ICJ Reports 2002, para. 61.

⁸ UN Economic and Social Council, Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Question of Impunity of Perpetrators of Human Rights Violations (Civil and Political): Revised Final Report Prepared by Mr. Joinet Pursuant to Sub-Commission Decision 1996/119* (E/CN.4/Sub.2/1997/20/Rev.1), 2 October 1997, para. 27.

⁹ UN Economic and Social Council, Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Question of Impunity of Perpetrators of Human Rights Violations (Civil and Political): Revised Final Report Prepared by Mr. Joinet Pursuant to Sub-Commission Decision 1996/119* (E/CN.4/Sub.2/1997/20/Rev.1), 2 October 1997, para. 32.

¹⁰ UN Economic and Social Council, Commission on Human Rights, *Updated Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity* (E/CN.4/2005/102/Add.1), 8 February 2005: p. 12 (Principle 19).

¹¹ UN Economic and Social Council, Commission on Human Rights, *Updated Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity* (E/CN.4/2005/102/Add.1), 8 February 2005: p. 14 (Principle 24.a).

¹² UN Human Rights Committee, CCPR General Comment No. 20: Article 7 replacing General Comment No.7 (concerning prohibition of torture or cruel, inhuman, or degrading treatment or punishment), 10 March 1992, para. 15.

¹³ “[...] States must prevent, investigate, and punish any violation of the rights recognized by the Convention [...].”

Inter-American Court of Human Rights Velasquez Rodriguez Case, Judgement of July 29 1988 (Ser.C

No.4) 1988: para. 166.

¹⁴ “[T]he failure of the government to investigate these assassinations or prosecute those concerned constitutes a violation[sic] of Art.7”

African Commission Case of Commission Nationale des Droits de L'Homme et des Libertes v. Chad (Communication 74/92), para. 51.

¹⁵ “[A]s regards Article 13 [...] the notion of an ‘effective remedy’ entails [...] a thorough and effective investigation capable of leading to the identification and punishment of those responsible [...].”

European Court of Human Rights *Aksoy v. Turkey* (100/1995/606/694) Judgement, 18 December 1996, para. 98.

¹⁶ See: Article 49(1) of the First Geneva Convention; Article 50(1) of the Second Geneva Convention; Article 129(1) of the Third Geneva Convention; Article 146(1) of the Fourth Geneva Convention; Article 51 of the First Geneva Convention; Art. 52 Second Geneva Convention; Article 131 Third Geneva Convention; Article 148 of the Fourth Geneva Convention; Article 49(2) of the First Geneva Convention; Article 50(2) of the Second Geneva Convention; Article 129(2) of the Third Geneva Convention; Article 146(2) Fourth Geneva Convention; Article 85(1) of the First Additional Protocol to the 1949 Geneva Conventions (1977); also: Naqvi, Yasmin. “Amnesty for War Crimes: Defining the Limits of International Recognition,” *International Review of the Red Cross*, Vol. 85 No. 851, 2003.

¹⁷ Yemen is also party to the Geneva Conventions and its Additional Protocols. Also, although lacking in adequate implementing legislation, Yemen has also acceded to the Convention on the Prevention and Punishment of the Crime of Genocide.

In addition, as a state party to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, Yemen has recognized that if genocide, crimes against humanity or war crimes are committed, the provisions of the Convention (which provides that no statute of limitation may apply to these crimes) shall apply to representatives of the state authority and private individuals who, as principals or accomplices, participate in or who directly incite others to the commission of any of those crimes, or who conspire to commit them, irrespective of the degree of completion, and to representatives of the state authority who tolerate their commission.

¹⁸ UN Human Rights Committee, CCPR General Comment No. 20: Article 7 replacing General Comment No.7 (concerning prohibition of torture or cruel, inhuman, or degrading treatment or punishment), 10 March 1992, para. 14: “[...] Complaints must be investigated promptly and impartially by competent authorities so as to make the remedy effective [...]”.

¹⁹ UN Human Rights Committee, CCPR General Comment No. 20: Article 7(Torture or Cruel, Inhuman, or Degrading Treatment or Punishment), 10 March 1992, para. 15.

²⁰ UN Human Rights Committee, *Concluding Observations of the Human Rights Committee: El Salvador* (Concluding Observations/Comments) (CCPR/C/79/Add.34), 18 April 1994, para. 7.

²¹ General Assembly, *Report of the Human Rights Committee (A/50/40)*, 3 October 1995, para. 252.

²² General Assembly, *Report of the Human Rights Committee (A/50/40)*, 3 October 1995, para. 230.

²³ UN Human Rights Committee, *Concluding Observations of the Human Rights Committee: Chile* (Concluding Observations/Comments) (CCPR/C/79/Add.104), 30 March 1999, para. 7.

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- ²⁴ UN Human Rights Committee, *Concluding Observations of the Human Rights Committee: France* (Concluding Observations/Comments) (CCPR/C/79/Add.80), 4 August 1997, para. 13.
- ²⁵ UN Human Rights Committee, *Concluding Observations of the Human Rights Committee: Lebanon* (Concluding Observations/Comments) (CCPR/C/79/Add.78), 1 April 1997, para. 12.
- ²⁶ Committee Against Torture, *Conclusions and Recommendations of the Committee Against Torture: Peru* (A/55/44), 15 November 1999, para. 59.
- ²⁷ Committee Against Torture, *Conclusions and Recommendations of the Committee Against Torture: Peru*, (A/55/44), 15 November 1999, para. 61.
- ²⁸ Committee Against Torture, *Conclusions and Recommendations of the Committee Against Torture: Senegal* (A/51/144), 9 July 1996: para. 112, para. 117.
- ²⁹ Committee Against Torture, *Conclusions and Recommendations of the Committee Against Torture: Croatia* (A/54/44), 11 November 1998, paras 61-71.
- ³⁰ Committee Against Torture, *Conclusions and Recommendations of the Committee Against Torture: Kyrgyzstan*, 18 November 1999, para. 74, para. 75.
- ³¹ Committee Against Torture, *Conclusions and Recommendations of the Committee Against Torture: Azerbaijan* (A/55/44), 17 November 1999, para. 68, para. 69.
- ³² International Committee of the Red Cross, *Customary International Humanitarian Law, Volume I: Rules*, Cambridge, UK: Cambridge University Press, 2009, p. 315.
- ³³ ICTY, *Prosecutor v. Anto Furundžija*, Judgment (IT-95-17/1-T), 10 December 1998, para. 155.
- ³⁴ See: UN, *Seventh Report of the UN Secretary-General, Observer Mission in Sierra Leone* (S/1999/836), 30 July 1999; UN Commission on Human Rights, *Situation of Human Rights in Sierra Leone* (E/CN.4/RES/2000/24), 18 April 2000: para. 2; *Report of the UN Secretary General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies* (S/2004/616), 23 August 2004: para. 10; UN Office of the High Commissioner for Human Rights, *Impunity, Human Rights Resolution 2005/81* (E/CN.4/2005/L.10/Add.17), 20 April 2005, para. 3.
- ³⁵ Report of the UN Secretary General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies (S/2004/616), 23 August 2004, para. 10.
- ³⁶ "Yemenis Protest against immunity for Saleh: Thousands rally in Sanaa against adoption of law as part of power-transition deal brokered by Gulf states" Al Jazeera, 22 January 2011 at <http://www.aljazeera.com/news/middleeast/2012/01/201212210178891840.html> last accessed on 30 March 2012.
- ³⁷ UN Security Council, Resolution 2014 (2011) (S/RES/2014(2011)), 21 Oct 2011, Preamble
- ³⁸ UN Security Council, Resolution 2014 (2011) (S/RES/2014(2011)), 21 Oct 2011, Preamble
- ³⁹ UN Security Council, Resolution 2014 (2011), (S/RES/2014(2011)) 21 Oct 2011, para. 4.
- ⁴⁰ UN Security Council, Resolution 2014 (2011), (S/RES/2014(2011)) 21 Oct 2011, para. 4.
- ⁴¹ "Pillay: No amnesty for gross human rights violations in Yemen," UN OHCHR, 6 January 2012 at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11752&LangID=E> last accessed

on 30 March 2012.

⁴² Translation from Arabic into English by Amnesty International.

⁴³ Note on translation: "Brother" is used as an honorific term.

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