

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

17 April 2023 MDE 31/6691/2023

# YEMEN: PARTIES TO THE CONFLICT SHOULD IMMEDIATELY RELEASE ALL THOSE ARBITRARILY DETAINED AND REVEAL THE FATE OF THOSE FORCIBLY DISAPPEARED SINCE THE BEGINNING OF THE ARMED CONFLICT IN YEMEN IN 2014

We, the undersigned organizations issued a joint statement calling on all parties to the conflict in Yemen to immediately release all those who have been arbitrarily detained, and to reveal the fate of those who have been forcibly disappeared since the conflict began in late 2014, and to disclose the fate and whereabouts of those who have been forcibly disappeared. All parties to the conflict have committed serious violations of international human rights and humanitarian law, some of which may amount to war crimes, including arbitrary detention, enforced disappearance, torture and other ill-treatment in both official and unofficial detention [centers](#).

We welcome the UN brokered detainees swap between Yemen's internationally recognized government and the Houthis. In March 2023, under the auspices of the Office of the UN Special Envoy to Yemen with ICRC's endeavours, the internationally recognised government of Yemen and the Houthis came to an agreement to release 887 detainees. The detainees swap which occurred on Friday, Saturday and Sunday 14<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup> April 2023. Although this is a regression from the original target to release all detainees held since the start of the conflict. Nevertheless, the undersigned organizations commend the fruitful efforts made by the UN Special Envoy to Yemen in reaching this agreement.

Human Rights Watch said: "While the recent UN-brokered agreement to exchange detainees is a positive development, hundreds more individuals remain wrongfully detained by the parties to the conflict. These victims and their families have been made to suffer for far too long. Warring parties should put an end to these abusive practices, and immediately release every individual who has been arbitrarily detained."

The armed conflict in Yemen began in 2014, but escalated militarily in March 2015 when the Saudi-UAE-led coalition intervened in support of the internationally recognized government forces against the Houthis. Throughout the conflict, all parties to the conflict have conducted campaigns of arbitrary arrest and enforced disappearance in violation of international human rights and humanitarian law. Men and women have been targeted for their political and religious beliefs or their membership in a religious or political group. Journalists, other media professionals, humanitarian aid workers, and human rights defenders have also been targeted. All parties to the conflict have committed grave human rights abuses against women, who are victim of sexual and gender-based violence, and children, including child recruitment and use by armed groups.

[Mwatana for Human Rights](#), [Human Rights Watch](#), [FIDH](#), and [Amnesty International](#) have all documented numerous incidents of arbitrary detention and enforced disappearance against civilians by all parties to the conflict in Yemen since 2015 until now. According to Mwatana's documentation, Houthi forces were responsible for 1,482 cases of arbitrary detention, and 596 cases of enforced disappearance. The internationally recognized Yemeni government forces committed 578 cases of arbitrary detention, and 223 cases of enforced disappearance. Saudi/UAE-led coalition forces have been responsible for 26 incidents of arbitrary detention, and 38 cases of enforced disappearance. The Transitional council forces committed 332 cases of arbitrary detention, and 349 cases of enforced disappearance. The Hadrami Elite Forces committed 70 cases of arbitrary detention, and 28 cases of enforced disappearance. The Joint Forces in the west coast committed 41 cases of arbitrary detention, and 15 cases of enforced disappearance. The Giant forces and the Shabwa Defence Forces committed 18 cases of arbitrary detention, and 9 cases of enforced disappearance. There are likely many more cases that Mwatana has not been able to document.

Despite a lack of evidence to charge them, civilians continue to be arbitrarily detained and forcibly disappeared by the warring parties. Some have been given grossly unfair trials on trumped-up charges and effectively used as bargaining chips in detainees swap deals. Many civilian victims of arbitrary detention and enforced disappearance have been [subjected to](#) continuous and horrific human rights violations. They have been held incommunicado, and subjected to torture and cruel, inhuman and degrading treatment. These detainees were accused of bogus charges in violation of their

right to fair trial and to liberty and security of person. Moreover, detention centers are often overcrowded and unsanitary, with cells lacking adequate ventilation, toilets, and shower facilities

A 56-year-old woman from Al-Wahdah district, Amanat Al-Asimah controlled by Houthis recounts incommunicado detention of her son:

*“My son disappeared in September 2019. The Houthis informed me that my son was not in their custody. I searched for him tirelessly until I lost hope. Eight months after his abduction, he called me crying and sobbing. I cried with him. He didn't know where he was being held. In March 2023, after three years of enforced disappearance, during which I was only crying, I was allowed to visit him for only ten minutes. I hugged him and didn't want to let go. I pleaded with them to let me take his place, but they ridiculed my request. Since then, I haven't been allowed to visit him again. The pain of not seeing him again is killing me.”*

At the time of writing this statement, the victim is still in detention.

Amnesty International added: “We reiterate the call to immediately release all individuals wrongfully detained, including persons not listed among the 887 due for release. This includes persons held on account of their family links, tribal affiliation and/or for the purpose of detainees exchanges, all those detained for exercising their rights to freedom of expression, association or conscience, and all individuals held without any legal basis for their detention. The whereabouts of all detainees must be disclosed. Yemen's internationally recognized government and the Houthi armed group must put an end to arbitrary and incommunicado detention and enforced disappearances. All allegations of torture and other ill-treatment in detention must be thoroughly investigated and those responsible held to account.”

While the FIDH said “Enforced disappearances in Yemen as a direct result of the pervasive impunity. We reiterate our calls to establish a criminally-focused investigation in order to ensure accountability for all the atrocities committed by all the warring parties in Yemen and guarantee truth, redress and reparation for the victims and their loved ones”

A 50-year-old mother from Al-Mudhaffar district in Taiz governorate Controlled by the internationally recognized government recounts the arrest of her son, saying:

*“My son was shouting ‘I am innocent. If you prove any charges against me, you can shed my blood.’ When we followed up the circumstances of his arrest with the chief prosecutor of the government forces in the city of Taiz, he said that my son's file had been referred to the Criminal Prosecution. My son is innocent of any charge and has nothing to do with any of the parties to the conflict. He would leave the house every day to seek a livelihood and provide for his children... Help me. His wife visited him and saw signs of torture on one of his hands, and he told her that they had tortured him.”*

At the time of writing this statement, the victim is still being held in isolation since the 10th of October 2022.

Victims of enforced disappearance are living in a painful state of uncertainty, as the parties to the conflict refuse to reveal any information about their family members, including whether they are alive. Many of those who have been arbitrarily detained and forcibly disappeared have been subjected to various forms of torture, and inhumane and abusive treatment to extract confessions

Radhya Al-Mutawakel, Chairperson of Mwatana for Human Rights, said “the absence of accountability and impunity for the perpetrators has contributed to the increase in the practice of such heinous violations. This is due to the absence of the rule of law and the failure of de facto authorities to take necessary legal measures towards the detainees.”

The organizations also urge all parties to the conflict in Yemen to immediately abolish death sentences for civilians in cases related to the ongoing armed conflict, to provide necessary legal procedures for those who have been arbitrarily detained, and to ensure that detained individuals are not subjected to abusive treatment and instead released immediately if detention is arbitrary.

Since the Human Rights Council voted at the 48th session on October 10, 2021 to end the mandate of the Group of Eminent Experts (GEE) after [heavy lobbying](#) from Saudi Arabia, efforts to hold violators accountable now seem remote. The undersigned organizations urgently call on the international community to establish an independent international mechanism focused on criminal justice to hold violators accountable and provide justice to victims of arbitrary detention, enforced disappearance, torture, and other ill-treatment, as well as other serious violations.

**The undersigned organizations urge the international community to use its influence to pressure the warring parties to put an end to the arbitrary detention and enforced disappearance of civilians. They also call on all parties to the conflict to immediately and unconditionally release the thousands of arbitrarily detained and forcibly disappeared persons. The organizations urge the parties to take effective measures to abide by international prohibitions against use of torture and ill-treatment, enforce the rule of law, and ensure that trials are free from any abuse of the law.**

**SIGNATORIES:**

1. Amnesty International
2. Human Rights Watch
3. International Federation for Human Rights (FIDH)
4. Mwatana for Human Rights