

No justice

This report presents the findings of an investigative inquiry into human rights violations related to harsh detention conditions against political detainees in Yemen and their right to fair trials. These violations occurred in the context of political expression and involve parties to the Yemeni conflict.

The period under investigation covers 2017-2022



SAM
Rights & Liberties

March 2023
www.samrl.org



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Who are we?

SAM for Rights and Liberties

An independent and non-profit Yemeni human rights organization, which began its activities in January 2016 and obtained a work permit in December 2017. It seeks to defend human rights in Yemen, and to convey violations to decision-making institutions, active and influential international organizations. The organization has been subject to numerous defamation and incitement campaigns, as well as hacking its platforms by parties to the Yemeni conflict for exposing human rights violations. It has issued dozens of human rights reports and statements documenting The Outcomes of the conflict and human rights in Yemen.

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#No_Justice

This report was produced by Sam Organization for Rights and Liberties

It is one of the activities of the international campaign without justice to advocate for political detainees who are being tried for political reasons in Yemen.

SAM Organization thanks the field researchers, lawyers, surviving victims and witnesses who conducted the field interviews and provided information for the success of this report, without which this report would not have appeared.



Table of Contents

First: Executive Summary.....	6
Second: Introduction.....	10
Third: Background on political rights and the impact of the conflict on these rights and the judiciary in Yemen.....	12
A.Consequences of Freedom of Opinion and Expression during Conflict.....	13
B.Yemeni Judiciary. Polarization struggle.....	13
C.Prominent	13
Fourth: Violations Covered in this Report.....	14
A.Harsh Conditions of Detention.....	15
B.Unfair Trials.....	15
Fifth: The importance of this report.....	16
A.What is the rationale for releasing the report at this time?.....	17
B.Target Audience.....	17
C.Integration of efforts towards accountability.....	17
Sixth: Methodology.....	18
A.Data collection and sourcing process.....	18
B.Investigation Methodology.....	19
C.Conceptual terminology.....	19
D.Access to the victim and the perpetrator	19
E.Analysis of evidence.....	20
F.Limitations on documentation and handling thereof.....	20
G.Criteria for selecting presented cases.....	20
Seventh: The Right to a Fair Trial (Legal Background).....	22
A.Comprehensive treaties in accordance with human rights law.....	22
B.Standards of Trial under Customary Law.....	24
C.Accountability and Criminal Justice.....	25
Eighth: Procedures Summary: From detention for expressing opinions to execution.....	28
A.Statistics.....	29
B.Arbitrary Detention and its Conditions.....	31
C.Investigation Procedures at the Public Prosecution.....	36
D.Trials on The Basis of Expressing Opinions	40
E.Summary of death sentences cases.....	45
Ninth: Recommendations for achieving justice and accountability.....	49
Attachments.....	51





I. Executive Summary

The worst that the Yemeni people fear from the conflict has not yet come to pass. After eight years, the parties have become more eager for revenge, and their ideas have deviated from the measures witnessed in the early years of the war. The fragmentation of the Yemeni geography, its subjugation by arms, armies, and money, and the fragility of the judiciary system, which is often recruited as a tool of war, have all contributed to this situation.

Political activity in Yemen, particularly with regard to the freedom of opinion, expression, and political and intellectual affiliation, is a perilous undertaking. It is subject to strict scrutiny by the warring parties, who manufacture and mold accusations and create courts to suppress and distort justice, trampling on its principles in the process. With a stroke of a pen by a judge hired by the warring parties, one can be sent to the gallows.

This report, titled “Without Justice,” is an investigative study that covered 34 incidents over a period of three months involving political detainees and/or those detained for expressing their opinions in Sanaa (24), Aden (6), Hadramout (2), Marib, and the West Coast (2). The victims are categorized according to their affiliations, with 15 from the Reform Party, 6 from the Conference Party, 5 journalists, 5 military personnel, 2 women, and 2 from the Jewish community and the Salafist movement. The investigation revealed that 20 detainees were tried and sentenced, 8 detainees are still undergoing trial, 5 detainees who were released were not subjected to trial, and one detainee’s fate is still unknown. The Houthi movement was the most prominent actor, where 24 were convicted in its controlled courts, followed by the Southern Transitional Council with 6 victims accused of being detained and brought to trial, and then the recognized Yemeni government, which conducted the trial of 3 detainees and one activist detained by joint forces.

The investigation showed that the trials the detainees went through or are going through do not meet the minimum international standards for fair trials. This is a clear sign that their right to fair trials has been taken away.⁽¹⁾

(1) These trials lack the standards covered in a number of international documents and treaties, whether in declarations such as the Universal Declaration of Human Rights of 1948 as part of customary international law, or the standards included in human rights treaties to which Yemen is committed, such as the International Covenant on Civil and Political Rights and its two Optional Protocols of 1966, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, the Convention on the Elimination of All Forms of Discrimination against Women of 1979, and the standards covered by conflict treaties. Armed and ratified by Yemen as the four Geneva Conventions of 1949. As well as the standards adopted by the United Nations and have become part of customary law, most notably the Basic Principles for the Independence of the Judiciary 1985, the Set of Principles for the Protection of All Persons under Any Form of Detention 1988, the Standard Minimum Rules for the Treatment of Prisoners 1971, the Bangkok Rules for the Treatment of Women Prisoners 2010 and guarantees guaranteeing the protection of the rights of persons facing the death penalty 1984.

وكشف التحقيق أن المحاكمات التي خضع و/أو يخضع لها المحتجزون تفتقر للحد الأدنى من المعايير الدولية للتقاضي العادل، كما أنها تعبير صارخ عن سلبهم الحق في المحاكمة العادلة

وتشير النتائج أن كل الضحايا الذين حقق في قضاياهم تعرضوا لمعاملة قاسية، فتعرض (24) محتجزاً في سجون حركة الحوثي لاختفاء قسري امتد لفترات وصلت لثمانية أشهر



In addition, the investigation highlights the harsh detention conditions from 2017 to the end of 2022. The Outcomes indicate that all the victims whose cases were investigated were subjected to harsh treatment, as (24) detainees in the prisons of the Houthi movement were subjected to enforced disappearance that lasted for periods of up to eight months before their fate was revealed, and they were subjected to torture by electric shock, beatings, mock executions, deprivation of sleep, and calling their families. Moreover, the deterioration of health services, food, and ventilation led to the deterioration of their health and the death of one of the detainees as a result of the acute lack of care. The testimonies confirmed that (7) detainees in the prisons of the Transitional Council and the Joint Forces and (3) detainees held by the Yemeni legitimate government were subjected to harsh treatment, including beatings, hanging on walls, racial discrimination (as happened to detainees in Aden), and deprivation of communication with the outside world for more than ten months.

Despite the challenges faced by the organization, it has arrived at many truths revealing that the Houthi movement has excessively used the judiciary, and to a lesser extent, the internationally recognized Yemeni government and the Southern Transitional Council, to exact revenge on political opponents and/or perceived adversaries. This has become a new approach under a strategy adopted by these parties to subdue Yemenis through force and suppress any political or civil activities within the political margins. In pursuit of this strategy, hundreds of detainees and political and government figures were brought to trial in areas under Houthi control, while dozens were tried in areas under the internationally recognized government and the Southern Transitional Council.

SAM organization believes that the death sentences issued by courts under the control of the Houthi movement were carried out using summary procedures that can be described as “arbitrary executions”. These sentences failed to meet the minimum standards of fair trial applied in armed conflicts and/or normal circumstances.

The detainees were deprived of the right to equality with others, as the public prosecutor, for example, was treated as representing the Houthi movement. Their right to defense, access to evidence, the assistance of a lawyer, or communication with a lawyer if available, were also denied, and their demands for investigations into torture and forced confessions were rejected. In addition, they were treated as convicts rather than presumed innocent. Moreover, their right to appear before an independent, impartial, and lawfully constituted court was also denied, as the courts that issued these sentences were characterized by exceptional procedures and were influenced by political loyalty. The specialized criminal court that issued most of these sentences, for example, had no jurisdiction after being transferred to Marib in April 2018 from the recognized government’s judiciary council. The sentences and executions that were carried out have no legal validity, and they are considered extrajudicial killings.

The Yemeni government and the Southern Transitional Council have failed to comply with fair trial standards prior to or during trials. The investigation has revealed that the presumption of innocence was not applied and detainees were forced to confess. The detainees were also found to be insufficiently provided with the right to defense and communication with a lawyer.

Dozens of detainees affiliated with Islah and Congress parties, journalists, academics, activists, women, members of the Jewish community, teachers, students, and conscripts are awaiting execution in Sana’a. Everyone fears that these detainees will face a fait accompli of the execution of sentences against them, as happened with (9) detainees who were executed in September 2021. As a result, SAM calls on all influential people in the world to stand up to the Houthi movement and pressure for a moratorium on its death sentences, and to demand that Houthis and all other parties stop using the judiciary as a means of persecuting political opponents, and release all detainees.



The principles of judicial independence require that the judiciary be respected by all institutions, that there is no interference in its affairs, and that disputes are resolved without any influence, temptation, pressure, threat, or intervention from any party. However, the report concluded that the parties to the conflict have taken control of the judiciary, turning it into an arena for polarization and harming opponents. They not only changed the leadership of the judicial institutions in Sana'a, Aden, and Ma'rib, but also formed bodies to manage them. The Houthis relied on the "Judicial System," the Southern Transitional Council relied on the "Southern Judges Club," and the recognized government relied on the "Military Prosecutor" in Ma'rib to oversee the judiciary and intervene in its work in their respective controlled areas.⁽¹⁾

The report also found that many law enforcement officials, prosecutors, and judges were involved in or contributed to the human rights violations documented in the report, by knowingly carrying out instructions from the warring parties. The report concludes that the actions of these individuals towards victims and lawyers will not be immune from accountability and punishment.

SAM believes that the sense of impunity felt by the Houthi movement and other parties, the complete absence of international criminal investigation mechanisms, and the weakness of local accountability mechanisms have greatly contributed to Houthis development of retaliatory methods and causing harm to their adversaries, including the use of the judiciary as a means of arbitrary deprivation of the right to life and freedom.

Yemen's legislative structure has encouraged parties to commit these violations by placing the death penalty on many acts, many of which stem from the right to freedom of expression. SAM stresses that it is time to change this legislative system, ensuring that the death penalty is abolished except for the most serious murders. The Houthi movement and other parties should establish a moratorium on the death penalty for detainees in conflict-related cases.

(1) cf. Basic Principles on the Independence of the Judiciary, adopted by United Nations resolutions 32/40 of 29 November 1985 and 146/40 of 13 December 1985 <https://www.ohchr.org/ar/instruments-mechanisms/instruments/basic-principles-independence-judiciary>



Second: Introduction

This investigative report is one of the activities of the international campaign launched by the organization titled "No Justice", aimed at drawing the attention of the international community to the issues of detainees on the grounds of expressing opinions and/or political detainees, journalists, women, members of the Baha'i and Jewish faiths, academics, and students undergoing political trials that lack the minimum international standards for fair trials.

The report is a summary of an investigative inquiry into human rights violations related to the right to a fair trial, which has been conducted by the parties to the conflict in Yemen at various levels, notably the Houthi movement, in addition to the harsh conditions of their detention in prisons.

The investigation covers the period from January 2017 to December 2022, a period believed by the organization to have witnessed the worst human rights violations regarding the waste of the right to a fair trial.

This report is considered the first in Yemen to shed light on political trials and detention conditions, and provides information on political interference in the work of law enforcement agencies.

The report aims to accumulate truth-revealing evidence in Yemen and preserve the memory of generations, and to draw the attention of the international public opinion to what dozens of political detainees await in terms of the death penalty and deprivation of their freedom, in order to pressure for their release and to stop trials that lack the minimum standards of fair and impartial trial.



Third:

Background on political freedoms and the impact of the conflict on them and the judiciary in Yemen

A. Implications of freedom of opinion and expression during the conflict.

Human rights conditions in Yemen deteriorated significantly with the Houthis' takeover of the capital Sanaa in September 2014. Members of political parties and groups, as well as individuals with opinions such as journalists and human rights defenders, were among those most targeted for violations and oppression. After the group's takeover of Sanaa, its first action was to ban the Yemeni parliament, which symbolized popular political freedoms. The group also carried out attacks on platforms of opinion and expression and political freedoms, including party headquarters, media outlets, and civil society organizations.^{(1) (2)}

B. The Yemeni Judiciary: The Polarizing Conflict

The law enforcement institutions in Yemen, including the judiciary, were among the most affected by the war and suffered damage to their infrastructure. They were subjected to severe polarization, which eroded public trust in the judiciary. Each authority in Yemen formed a judiciary council, a supreme court, and a ministry of justice, in addition to appointing an attorney general and judges from the Higher Judicial Institute. SAM organization observed many of these decisions, which contributed to the fragmentation of the judiciary and the collapse of justice values. Prior to the conflict, the Yemeni judicial system was often described as "failing to meet international standards for fair trial." However, due to the war and polarization by conflict parties, it has become even more prone to failure and fragility in meeting these standards.⁽³⁾⁽⁴⁾⁽⁵⁾

C. Prominent influencers on the judiciary

The warring parties did not stop at creating divisions within the judiciary due to their decisions, but also persisted and established entities entrusted with the direct supervision and determination of the strategies of the judiciary and law enforcement agencies. Their directives had a significant impact on increasing the detention of opponents and subjecting them to trials.

The Houthi group established what is known as the "Judicial System," led by the member of the group's political council, Mohammed Ali al-Houthi. Meanwhile, the Southern Transitional Council adopted what is known as the "Southern Judges Club", which announced in August 2021 the formation of a supreme body to manage the affairs of the judicial authority. SAM believes that these two entities are largely responsible for the violations that have occurred in relation to the trials of political detainees in Sana'a and Aden. Additionally, the military prosecutor in Marib is considered directly responsible for bringing detainees to trial.⁽⁶⁾⁽⁷⁾⁽⁸⁾

(1) Xinhua News Agency, 4/5/2017, reviewed a report by the Yemeni Journalists Syndicate talking about (18) journalists killed in Yemen within two years of the start of the war http://arabic.news.cn/2017-05/04/c_136254972.htm

(2) Reuters, February 6, 2015, Houthis announce dissolution of parliament and assumption of power in Yemen <https://www.reuters.com/article/oegtp-yemen-houthis-ea7-idARAKBNOLA10H20150206>

(3) Mohammed Al-Shuwaiter and Emma Bakum, Debrut Report, The Impact of War on the Justice System in Yemen, available at <https://static1.squarespace.com/static/5900b58e1b631bffa367167e/t/62d700dadf128159186a61d5/1658257630300/Yemen-report-final.pdf>

(4) See Annex 1 for the most prominent decisions issued by the parties to the conflict, and affected in the justice system.

(5) See Human Rights Watch March 2013 report <https://www.hrw.org/ar/report/2013/03/04/256412>

(6) Check out the government website that published the news of the system meeting <https://www.saba.ye/ar/news3150371.htm>

(7) See attachment 2 A picture from the official website of Ansar Allah group about the meeting of the justice system to discuss the amendment of some laws

(8) See the statement on the club's official Facebook page <http://bitly.ws/BmhW>





Fourth:

Violations Covered in the Report

A. Harsh Conditions of Detention

Since taking control of Sana'a, the Houthi movement has detained dozens of politicians on ideological and gender grounds and mistreated them. These actions have also been carried out, to a lesser extent, by government forces, the Southern Transitional Council, and Arab coalition forces in areas under their control. Those interviewed by SAM spoke of harsh detention conditions and painful memories they experienced during their detention periods.⁽¹⁾

B. Unfair Trials

Since 2017, the Houthi group has begun to hold trials for detainees, and during the six years until December 2022, courts under their control have issued numerous death sentences following trials described as “political” and lacking the minimum principles of fair and impartial trial against dozens of opponents, prisoners of conscience, women, and members of the Baha'i and Jewish communities. These sentences have whetted the appetite of other parties to the conflict to bring many of their opponents to trial to cover up the arbitrary detention and enforced disappearance they have inflicted on them.

(1) See Amnesty International's press release: Wave of arbitrary arrests, disappearances and torture by Houthi forces to persecute dissidents, May 2016 <https://www.amnesty.org/ar/latest/press-release/2016/05/yemen-spree-of-arbitrary-arrests-disappearances-and-torture-by-houthi-forces-to-persecute-opponents/>

Fifth:

The Significance of the Report

A. Why to issue this report now?

As a result of the increasing number of political prisoners who have been subjected to trials or harsh sentences after procedures that lack the minimum standards of fair, impartial, and neutral trials, SAM has decided to fund an investigative report that addresses these violations against political prisoners and opinion holders. For example, as we write this report in December 2022, the Houthi movement has issued a death sentence against 16 political prisoners from the province of Saada, the hometown of the movement's leader, Abdul-Malik al-Houthi. Forces affiliated with the Southern Transitional Council have begun the trial of a journalist. And courts in Marib have issued similar sentences, such as the Third Military District Court's death sentence against Tahir al-Marahbi and four of his companions on charges of forming a "Houthi" cell involved in murder, bombing, and torture. Earlier in September 2021, the Houthi movement executed nine political prisoners in Sanaa on charges of involvement in the killing of Saleh Al-Sammad, the political council leader of the group.⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾

(1) See news details <https://adengad.net/posts/655639>

(2) See the news of the referral of journalist Ahmed Maher to the Specialized Criminal Court <http://bitly.ws/BkiT>

(3) See September 26 website: Marib Military Court Sentences Houthi Cell Members to Death, Refers 180 Defendants to Military Prosecution <https://www.26sepnews.net/2020/09/06/1-7185/>

(4) See Saba Net The government agency in its version controlled by Houthis, the prosecution carries out retribution against nine of those convicted of assassinating President Al-Sammad and his companions <https://www.saba.ye/ar/news3156122.htm>

B. Target Audience

Raising the international community's awareness of the issue of politically detained individuals who are subjected to unfair and non-transparent trials has become of utmost importance. Many influential external actors lack information about this issue, while dozens of detainees await execution and other harsh penalties unless pressure is applied on the conflicting parties to address the detainees' issues and release them, and/or close and subject illegal prisons to judicial and human rights oversight.

C. Integration of Efforts for Accountability

SAM previously issued an investigative report in December 2020 about death penalty verdicts issued by a court controlled by the Houthi group. The team of experts concerned with Yemen and Amnesty International had previously noted that the Houthis exploit the judicial system to suppress any opposition or perceived dissenting opinions. However, this investigative report sheds light on efforts to dismantle the judiciary in Yemen by all sides of the conflict, and exposes the intense pursuit by all parties to use the judiciary to exact revenge on opponents and adversaries, amid a devastating deterioration of political freedoms and the right to freedom of opinion and expression in Yemen.⁽¹⁾⁽²⁾

The absence of international criminal accountability mechanisms, lack of accountability, and weak international pressure on the parties to the conflict have played a prominent role in undermining the values of justice. Ansar Allah movement, the Southern Transitional Council, and the Yemeni government have issued directives to their respective courts to try detainees and opponents and to punish them by issuing judgments against them. Since early on, SAM has been working as part of regional and local civil society efforts, along with all those who believe in the values of justice, to achieve international accountability and call on the international community to establish an international criminal mechanism for Yemen as a necessity to promote lasting peace and achieve justice for the victims.⁽³⁾⁽⁴⁾

(1) Available at the link <http://bitly.ws/BkiX>

(2) A report issued on January 26, 2022, available at <https://undocs.org/ar/S/2022/50>

and a report issued on 27/5/2021 <https://www.amnesty.org/en/documents/mde31/3907/2021/ar/>

(3) From the press release of the Group of Eminent International and Regional Experts on Yemen on their report of 3 September 2019), available at <https://www.ohchr.org/ar/2019/09/yemen-collective-failure-collective-responsibility-un-expert-report>

(4) See a joint statement on September 7, 2022 issued by SAM and (49) local and international organizations, available at <https://cihrs.org/yemen-ngos-demand-un-led-criminal-investigation-into-yemen-war-crimes/>

Sixth

Methodology

A. Data and Source Collection

SAM has been documenting cases of arbitrary detention, enforced disappearance, and torture since early on. Since 2018, it has been monitoring and documenting the trial procedures of political detainees and prisoners of conscience and has been following the movements of parties to the conflict in this regard, as well as what is reported in the media and platforms regarding this issue. SAM has compiled an archive of information and documents related to this type of violation, in addition to regular communication with lawyers and organizations that advocate for the defense of detainees.⁽¹⁾

(1) See a number of reports in this regard, available on the FAO website <http://bitly.ws/Bkk2>

B. Investigation Methodology

The report is based on investigative interviews with victims, survivors' families and friends, and lawyers involved in defending them. SAM investigated 34 cases from November 2022 to January 2023 in Sanaa, Aden, Marib, Hadramout, and the western coast, each of which is a center of conflict parties and home to specialized criminal and military courts, except for the western coast. SAM communicated with three of the lawyers via the internet. The organization relied on three field researchers in Sanaa, Aden, and Taiz, who used phone and modern technologies to complete a pre-prepared questionnaire to document the cases of political detainees subjected to unfair trials and harsh detention conditions from 2017 to December 2022. They also relied on television footage and collected documents related to the trials, as well as messages from the children and/or wives of detainees.⁽¹⁾⁽²⁾

C. Conceptual Terminology

A political prisoner is one who is detained based on their political, ideological, gender, or religious beliefs that are contrary to the entity in power and control of the land, in violation of international laws guaranteeing political freedom of thought. This includes, but is not limited to, political opposition figures, government and military officials, journalists, human rights defenders, opinion leaders, women, members of the Baha'i and Jewish communities, academics, and students. The term "unfair trial" is applied to those trials in which the minimum guarantees of fair trial ensured by international agreements are not available. SAM also adopted specific labels for a number of terms that will be included in the appendix table.⁽³⁾⁽⁴⁾

D. Access to the Victim and the Perpetrator

In addition to SAM's own data on politically detained individuals facing trials, conflict parties have published many verdicts issued by courts under their control and/or referred some to trial. SAM communicated with survivors, victims' families, lawyers, listened to witnesses, obtained documents, and collected names of individuals behind the detention, involved in investigating and presenting detainees to courts, judges who participated in issuing verdicts, or individuals who gave directives to judiciary and prosecution authorities to punish detainees. The organization sought to understand the role of each perpetrator, the extent of their interventions, and their directives to influence the trials.⁽⁵⁾

(1) See annex 3 table for the number of cases and persons interviewed.

(2) Sana'a is the command center of the Houthi movement, Aden is the command center of the Southern Transitional Council, Marib is the command center of government forces, Hadramawt is a joint center of influence for the STC and the Yemeni government, and the western coast is the command center of the joint forces.

(3) See Amnesty International's fair trial evidence <https://www.amnesty.org/ar/wp-content/uploads/sites/9/2021/06/pol300022014ar.pdf>

(4) Attached 4 is a table containing the most prominent terms used in the report

(5) See one model among these judges. Published on the website of Yemen channel in its version affiliated with Houthis. He explains that Judge Muhammad Mufleh, one of the judges of the Specialized Criminal Court who handed down the death sentences, provided logistical support to the fighters. <https://www.youtube.com/watch?v=plKCctgTkdu>



E. Evidence Analysis

SAM reviewed dozens of documents, photos, and videos related to the trial and detention conditions, and conducted an analysis of them. Among the documents were investigations related to detainees in security agencies, prosecution charges and court verdicts, and other documents related to detention and trial. Therefore, the information included in the report is a summary of the analysis after weighing the evidence and giving preference to documents and testimonies from survivors, victims' families, and lawyers. SAM also sought consent from sources to disclose the names of the victims, and in cases where consent was not obtained, they were coded with pseudonyms, along with places and information related to their names. The report will not include the names of any witnesses or informants to ensure their safety.

F. Limitations on the process of documentation and handling it

In addition to the constraints imposed on the SAM due to the restrictions from conflicting parties, the working environment for documenting human rights violations has become difficult and exhausting for those working in it. As a result, the organization avoided communicating with potential perpetrators of violations that were identified in the investigation, to avoid harming its field researchers. The organization was unable to find a resident field researcher in the city of Aden due to fear of retaliatory responses from those with whom the organization communicates. Instead, we sought the assistance of a researcher from a neighboring province who was able to gather information through available communication channels.

SAM took seriously the concerns of the victims' relatives about not mentioning the political affiliations of the victims, as they believed that this could harm their legal status in court. The organization also dealt with the scarcity of information and/or documents from the victims' relatives due to the restrictions imposed by the courts and prisons on their attendance at hearings and/or visits to their relatives. The organization compensated for this by communicating with lawyers to obtain documents and with political figures who were friendly with the victims to learn about their political affiliations.

G. Criteria for Selecting the Cases Presented

Out of the 34 cases investigated by SAM, the report presented 10 of them as examples believed by the organization to represent the essence of unfair trials for political detainees. The selection criteria for these cases involved a mix of political affiliations, journalistic perspectives, and gender or geographical considerations, and did not overlook examples of the disregard of fair trial standards.

The examples include Tawfiq Al-Saba'ie, a member of the Salafist current who was subjected to harsh treatment by joint forces in the western coast, under the pretext of his affiliation with the Reform Party. His case was not presented to court, and he was released after a year and four months in a prisoner exchange operation. Also from Aden, Khaled Rami (a pseudonym) a political activist in the Congress Party, and journalist Ahmad Maher, both of whom were subjected to harsh treatment by the Southern Transitional Council forces, under the pretext of their connection to hostile entities. The former was released by order of the prosecution after it confirmed the falsity of the charges for which he was arrested, while the latter was referred to the specialized criminal court and his trial is still ongoing.

Among those who have been tried by the Houthis are Asmaa Al-Omayysi, who was accused of recruiting with the Emirati forces in Hadramout. She was initially sentenced to death, but her sentence was later commuted to 10 years in prison after appealing the verdict. Journalist Sultan Qatara, a member of the Congress party, was also presented by the Houthis for trial, accused of being part of a cell affiliated with the "aggression". His trial is still ongoing. Academics Youssef Al-Bawab and Nasr Al-Salami from the Islah party were also tried by the Houthis, and were initially sentenced to death, but they appealed the verdict before the Court of Appeal and their trial is still ongoing. Libyan Salem Marhabi, from the Jewish community, was presented for trial by the Houthis on charges of smuggling a manuscript to Israel. The court sentenced him to two years in prison, and he was later presented for trial a second time on charges of working for the Israeli Mossad, and his trial is still ongoing. Journalist Yahya Al-Jubaihi, who was presented for trial by the Houthis on charges of harming Yemen's relationship with Iran, was initially sentenced to death, but was released under international pressure. Colonel Abd Al-Majeed Al-Loos, who was presented for trial by the Houthis on charges of involvement in the "Northern Resistance" against them, was sentenced to death, and died while in custody due to harsh treatment. Ali Mqbel Al-Hattar, from Marib and a member of the Congress party, was presented for trial on charges of being part of a "Houthi" cell, and the court sentenced him to death.





Seventh:

The Right to a Fair Trial (Legal Background)

A. Comprehensive Treaties in Accordance with Human Rights Law

Yemen has ratified two conventions related to the protection of the right to a fair trial among the ten core human rights conventions, namely the International Covenant on Civil and Political Rights and the Convention against Torture.

According to Article 9 of the International Covenant on Civil and Political Rights, every person who is detained arbitrarily has the right to be brought promptly before a judge or other officer authorized by law to exercise judicial power and the right to trial within a reasonable time or release. Additionally, in accordance with Article 2 of the International Covenant on Civil and Political Rights, states are obliged to ensure the enjoyment of rights and freedoms without discrimination of any kind, including discrimination based on sex, religion, belief, political affiliation, race, color, language, national or social origin, or any other status. In the context of the conflict in Yemen, which is described as a “non-international armed conflict,” Yemen is bound by international human rights standards during the armed conflict governed by the rules of international humanitarian law and customary law.

There is a debate about whether non-state actors, such as the Houthis and the Southern Transitional Council, can be held accountable under international human rights and humanitarian law. However, the debate has been settled that armed groups must adhere to those standards as long as they exercise effective control over a significant geographical area. There has been widespread effort to apply human rights law in conflict situations, and the International Court of Justice has addressed this issue.⁽¹⁾

Many United Nations resolutions stipulate that “non-state armed groups that exercise functions similar to those of governments or exercise effective control over territories and populations must respect and protect the human rights of individuals and groups.” Paragraph 29 of document A/HRC/45/CRP.7 concludes that the Houthis, who are the de facto authority in northwestern Yemen, and the Southern Transitional Council in parts of southern Yemen, are

⁽¹⁾ See a report on the detailed findings of the Group of Eminent International and Regional Experts on Yemen https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/GEE-Yemen/A_HRC_42_CRP_1.PDF

actually performing functions similar to those of a government, and therefore can be considered bound by international human rights standards. This was reiterated by the International Committee of the Red Cross, which recognized the crucial role of non-state actors in accordance with human rights principles aimed at protecting citizens. They also noted that “when non-state parties in armed conflicts control territories for a long period of time, international humanitarian law continues to apply human rights law and provide protection to civilians.”⁽¹⁾⁽²⁾⁽³⁾

In the context of trials that take place during the conflict, and because the Houthis and the Southern Transitional Council are parties to a de facto authority, the provisions of Article 1 of Additional Protocol II to the 1977 Geneva Conventions and the Joint Common Article 3 of the 1949 Geneva Conventions apply to their actions. These articles prohibit in paragraph (d) the passing of sentences and carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

B. Standards of Trial under Customary Law

Many declarations have endorsed fair trial guarantees, including the Universal Declaration of Human Rights, the United Nations Declaration on Basic Principles for Justice for Victims of Crime and Abuse of Power, the Declaration on Guarantees to Protect the Rights of People Facing Death Sentences, the Basic Principles on the Independence of the Judiciary, and the Principles for the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. International standards for fair and impartial litigation.⁽⁴⁾⁽⁵⁾⁽⁶⁾⁽⁷⁾⁽⁸⁾

Depriving the accused of a fair trial or convicting them based on an unfair trial

(1) The document is available at the link <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/GEE-Yemen/A-HRC-45-CRP7-en.pdf>
(2) Available at the link <https://www.icrc.org/en/publication/4354-icrc-strategy-2019-2022>
(3) Available at the link https://www.icrc.org/sites/default/files/document/file_list/challenges-report_ihl-and-non-state-armed-groups.pdf
(4) substance (2, 10, 11) The right to a fair trial and to ensure that States undertake to enjoy rights and freedoms without discrimination.
(5) Adopted and made public by General Assembly resolution 40/34 of 29 November 1985
(6) Adopted by the Economic and Social Council in its resolution 1984/50 of 25 May 1984
(7) Adopted and made public by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985
(8) Adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989

during armed conflicts constitutes a war crime. According to the Office of the United Nations High Commissioner for Human Rights, “In the context of armed conflict, carrying out executions without judicial guarantees is a violation of international humanitarian law and amounts to a war crime.” The same applies to the use of torture against those who have not participated in combat operations.⁽¹⁾⁽²⁾

Lawyer Abdelmajid Sabra stated that the first principle to be violated is the presumption of innocence, where the detainee is treated as guilty and forcibly disappeared for months, and sometimes years, placed in solitary confinement, and coerced into testifying against themselves. The court’s neglect to investigate the disappearance of the detainee raises doubts about its impartiality and contravenes customary international law, which parties to a conflict are supposed to adhere to in times of conflict.⁽³⁾

Victims, particularly in Sanaa, are deprived of the right to be tried before an independent and impartial court established by law. The specialized criminal court no longer has legal legitimacy after its jurisdiction was transferred to Marib by the judiciary council, which is affiliated with the internationally recognized government.⁽⁴⁾

The Yemeni government must take all necessary measures to protect its citizens in all areas, and is bound by customary law. Moreover, the authorities in Sanaa and the Southern Transitional Council must fully adhere to what has been approved by customary law and ensure that all detainees enjoy their right to a fair trial.

CC. Accountability and Criminal Justice

The need for accountability has become a necessary measure to address impunity in Yemen. However, the reality indicates the absence of national mechanisms and the laxity of international mechanisms in taking advanced steps in the Yemeni file.

(1) ICRC, Study on customary international humanitarian law, rules 100, 156
(2) See Statement on Yemen: Alkarama and Other Organizations Address UN on Mass Executions <https://www.alkarama.org/ar/articles/alymn-alkramt-wmnzmat-akhry-tkhatb-alammm-almthdt-bshan-aladamat-aljmayt>
(3) Interview Date December 20, 2022
(4) See a copy of the decision issued by the Supreme Judicial Council, available at the link <https://almawqaeapost.net/news/30228>



At the national level

The Yemeni constitution provides guarantees for citizens, including the right to appear before a court within 24 hours of their detention, a ban on arbitrary detention, torture, and detention in facilities that are not subject to the law. In all cases, detainees have the right to know the charges against them, the right to defend themselves, and the right to release. The constitution also emphasizes the imposition of penalties for those who violate these procedures, as well as compensating the victim and ensuring that crimes do not fall under the statute of limitations. However, in all cases investigated, detainees were subjected to all the actions criminalized by the constitution, yet the perpetrators have not been punished.⁽¹⁾

The law, in many of its provisions, provides for accountability of violators before the judiciary, including those responsible for arbitrary detention, harsh treatment, and trials on political grounds. However, SAM does not believe that the Yemeni judiciary can play a role in achieving justice for the victims as long as it is subject to the influence of conflict parties. This requires a comprehensive reform of this apparatus, which will not be achieved until the war stops. Efforts should now focus on enhancing the capabilities and awareness of judges regarding the contents of human rights and humanitarian laws. Part of the grant funds provided to Yemen can be directed towards this aspect.⁽²⁾

Individual complaints can be addressed to the Attorney General, who represents society, and to what is known as the Judicial Inspection Authority, which is responsible for supervising the work of the judiciary. However, what plagues both is the institution's division among the parties.

The "National Committee for Investigating Human Rights Violations Claims" is an important government mechanism for investigating human rights and humanitarian law violations. However, it does not gain acceptance from all parties, and the cases it has submitted to the judiciary are not being investigated by the latter. As part of its vision for holding perpetrators accountable for violations, it presented a proposal to the Government Judiciary Council to establish a specialized court and prosecution for human rights violations. If established, the court would be an important step towards achieving justice.⁽³⁾

(1) Article (48) of the Yemeni Constitution

(2) This includes the provisions of the Penal Code No. 12 of 1994 with regard to Breach of the duties of the job and harnessing it to others without legal basis Article (165/4) and torture or Coercion On Confession Article (166) and Exposure to the Liberty of Persons and the Use of Cruelty Article (167, 168)

(3) Available at the link <https://www.nciye.org/?p=1811>

The Yemeni government can establish an independent national human rights body, as local and international conditions are favorable for doing so. Through such a body, the official authorities' work can be monitored, allegations of torture and detention conditions can be investigated, and the review of criminal and military court procedures can be conducted, at least in areas under government control.

Temporarily compensating for the absence of official institutions safeguarding human rights in Yemen can be achieved by Yemeni and international civil society organizations engaging in constructive and transparent dialogue with leaders of Yemen's judiciary to encourage their adherence to human rights standards and international humanitarian law with regards to trial procedures during the armed conflict. The role of the Yemeni Bar Association as a legal association working within the judiciary to monitor and demand correction of procedures with the resources available to it should not be overlooked.

Although the Yemeni government gave preliminary approval in March 2007, the final ratification of the International Criminal Court system has not been made. However, this does not mean that the court is not authorized in the Yemeni context, as the Security Council can refer Yemen's file to the court's prosecutor to investigate crimes that constitute a serious violation of human rights. Yemen can also request such a referral. Yemen's leadership should work seriously towards full accession to the court system.⁽¹⁾

At the international level

At the international level, the refusal of members of the Human Rights Council to renew the mandate of prominent regional and international experts on Yemen represents a serious blow to accountability mechanisms.

The expert team on Yemen, which is part of the sanctions committee established by the United Nations Security Council, is the available mechanism for accountability. As important as the sanctions regime is for individuals who commit human rights violations, travel bans and financial penalties have not posed a real threat to parties to prevent human rights abuses. The expert team must work to address all forms of violations, including unfair trials, and expand the list of individuals subject to Security Council sanctions to include those responsible for these violations.

(1) See the National Information Center, Yemen ratifies the International Convention on the Rome Statute of the Criminal Court <https://yemen-nic.info/news/detail.php?ID=14334>



The United Nations should activate special measures regarding independent mechanisms for investigation, monitoring, and surveillance in the context of violations of the right to a fair trial and harsh detention conditions in Yemen. In this regard, the Working Group on Arbitrary Detention, under its mandate, can closely investigate and receive individual complaints, conduct field visits, and engage with relevant parties in Yemen concerning arbitrary detention and unfair trials, some of which were discussed in the report.

In the context of unfair trials and harsh detention procedures, victims can submit individual complaints to the relevant treaty body. These committees are tasked with monitoring the implementation of the rights stipulated in the treaties in the states parties and adjudicating complaints against those states. However, Yemen has not ratified procedures for submitting complaints regarding the rights guaranteed under the International Covenant on Civil and Political Rights and the Convention against Torture.⁽¹⁾

The Working Group on Arbitrary Detention, the Special Rapporteur on Torture, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, and the Special Rapporteur on the Independence of Judges and Lawyers, and the Special Rapporteur on Minorities can be tasked with monitoring Yemen's situation regarding these violations.

It has become necessary to form an international committee with a criminal character, similar to the International Commission of Inquiry on Syria, to create case files for use by specialized prosecutors.

As violations of the right to a fair trial during armed conflicts and acts involving cruel and inhuman treatment are considered international crimes, individual actors or their leaders responsible for these violations can be held accountable before the courts of states that apply universal jurisdiction or any international courts with jurisdiction in this matter.

(1) See OHCHR, Status of Yemen's ratification https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=193&Lang=EN



Eighth:

From Detention for Opinion to Summary Execution

This section will include The Outcomes of the statistics compiled by the investigation, as well as other statistics obtained by the organization, in addition to (10) selected cases that SAM chose to present in this section.



Statistics for the Houthi group

relating to a violation of the right to a fair trial



494 Violation



Division of categories of detainees under investigation

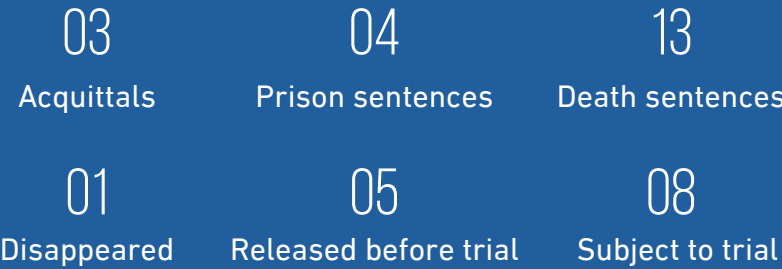


The results of the survey investigation of all parties

SAM investigated (34) cases related to illegal trials and harsh detention conditions. Members of the Reform Party were the most affected, with (15) victims, followed by members of the Congress Party with (6), (5) journalists, (5) military personnel, (2) women, a victim from the Jewish community, and another victim from the Salafi movement. The Houthi movement was the most active in these violations, with (24) individuals being sentenced in its courts. The Southern Transitional Council followed with (6) victims accused of detention and trial, followed by the recognized Yemeni government, which tried (3) detainees and one activist held by joint forces.⁽¹⁾

(1) Attached 5 is a table showing the number of victims investigated, their affiliations and the perpetrator of the violation.

Type of violation they have experienced



Violator



SAM was able to obtain statistics on the number of people sentenced to death by courts under the control of the Houthi movement, which reached 494 individuals, most of whom were opposition figures, government leaders, students, journalists, military personnel, academics, women, and individuals from other professional backgrounds. Among them were 131 political figures and government officials, 4 journalists, and 6 women, and the number of detainees reached 90 individuals. Harsh sentences were issued against more than 150 individuals, some of whom were sentenced to 15 years in prison. More than 32 individuals were brought to trial in Aden, Marib, and Hadramout, including journalists and activists. Among them, 14 were ordered by the Southern Transitional Council in Aden, and 18 were ordered by the internationally recognized government in Marib and Hadramout, and 5 of them were sentenced to death in Marib.⁽²⁾⁽³⁾

(2) Private Judicial Source
(3) Attached 6 is a table showing the number of persons issued Provisions By executing them from the Houthi group

B. Arbitrary Detention and its Conditions

Among the (34) victims whose cases were investigated by SAM, only (3) had a judicial order for their detention. A lawyer interviewed by the organization expressed doubts that the arrest warrant for Fahd Al-Sulami, for example, in Sana'a, was fabricated by the specialized prosecutor's office after he was apprehended. This result confirms that all parties disregarded the right to personal freedom, and that the victims' detention was arbitrary. In all cases, survivors of the victims alleged that they were subjected to harsh treatment, as did the relatives of the detainees, and SAM obtained documents and testimonies that confirm these allegations.^{(1)(2) (3)}

In all cases of detention investigated by "SAM," the perpetrators used abduction and/or trickery, threats, and brutal force to detain the victims, who were treated harshly in prisons that caused them pain and their families fear. They all suffered from enforced disappearance and their families were not informed of their whereabouts until five or some even eight months later, in violation of their right to be promptly informed of their rights, detention conditions, and allowed to contact the outside world. They were not allowed to seek the assistance of a lawyer.⁽⁴⁾

(1) From an interview conducted on November 29, 2022

(2) Article (3) of the Universal Declaration of Human Rights and Article (9/1) of the International Covenant on Civil and Political Rights

(3) Article (9) of the Universal Declaration of Human Rights: "No one shall be arbitrarily arrested, detained or exiled."

(4) Article 17 of the International Convention for the Protection of All Persons from Enforced Disappearance



Examples

Tawfiq Abdulrahman Al-Saba'ie

Affiliation: Humanitarian activist and member of the Salafi movement

When: Thursday 26 December 2019

Location: Security checkpoint at the entrance to the city of Mokha on the West Coast of Yemen

Violation description and responsible party: He was detained by joint forces and subjected to harsh treatment, including beating, starvation, sleep deprivation, and confinement on the roof of his cell, in addition to being hidden and deprived of communication with his family.⁽¹⁾

Judicial follow-up and outcome: The joint forces refused to present Al-Saba'ie

(1) Military forces led by Tariq Mohammed Abdullah Saleh, member of the Presidential Leadership Council in Yemen, and the UAE supported the establishment of those forces



to court despite his request, and instead he underwent prolonged interrogations in several prisons. His detention could have been prolonged, but members of his family resorted to holding a military commander in the joint forces as "hostages", a tactic used by tribes in Yemen, which forced the joint forces to release Al-Saba'ie on April 8, 2021 in exchange for the release of the military commander.⁽¹⁾

Selection Criteria: We have chosen the case of Tawfiq to present and review the harsh detention conditions that detainees face due to their political and ideological affiliations, as well as to showcase the conditions of his detention by the joint forces on charges of belonging to the Islah Party, despite his humanitarian activities and involvement in the Salafi Wisdom movement ⁽²⁾.

Recommendations: The joint forces should realize that detention based on affiliation is unacceptable, and they should order the release of all detainees, as well as subject the prisons to judicial oversight. In addition, the harm to Al-Saba'ie should be compensated for and those responsible should be held accountable.

Summary of evidence: SAM obtained documents, listened to witnesses, and met with the victim after his release. Tawfiq stated that he was lured to the Mokha area under the pretense of delivering a financial sum to orphans. On his way, he was stopped by soldiers at a security checkpoint, and they opened fire on his car and detained him without a judicial order. They took him to a prison in Mokha port where Emirati officers questioned him for five days, demanding that he confess to affiliating with the Al-Islah party. Then they transferred him to a prison in Al-Khokha where he was deprived of sleep for five days, beaten, and handcuffed to the top of his cell. They then subjected him to further interrogations, asking for information about people he did not know, including detainees in the UAE and individuals with connections to the Yemeni government. Al-Saba'ie was then moved to a solitary confinement cell at "Abu Musa Al-Ash'ari" camp, and he remained in hiding for eight months until he was allowed to contact his family. He requested to be referred to the judiciary, but they refused.⁽³⁾⁽⁴⁾⁽⁵⁾

(1) See what was published by the media about the process of releasing Al-Sabai in exchange for the release of the military commander in the joint forces <https://khlaasa.net/news757916.html>

(2) The Salafi movement believes in religious renewal and political action. See Scholars Forum: Salafists in Yemen. Three currents and fears <http://bitly.ws/B77x>

(3) Attachment 7 is a document issued by the Governor of Taiz Governorate requesting the release of the detainee

(4) From an interview conducted on December 2, 2022

(5) A prison run by Ammar Mohammed Abdullah Saleh, director of the National Security Agency under former President Ali Abdullah Saleh, currently the director of a security agency called the 400





Khaled Rami (not his real name)

Affiliation: Media activist and member of the General People's Congress Party

When: Detained in January 2019.

Location: A security force of two vehicles raided Khaled's house in Sheikh Othman, Aden city.

Description of the violation: He was subjected to bad treatment driven by regionalism, where the perpetrators alleged that he represented the "northern occupier" intent on destroying the south and conspiring against it, in reference to his being from a northern province.

Responsible party: These forces are affiliated with the Southern Transitional Council, which controls the city of Aden.

Judicial follow-up: Khaled requested his release from the Aden prosecutor's office, and despite the prosecutor's instruction to the Aden police chief to release him, the police did not comply with the directive and instead asked him and his detained colleagues to leave Aden, claiming that they were working politically and journalistically for the benefit of the Houthi movement.

The Outcome: Khaled was released after five months and left Aden at the request of the perpetrators, and he was unable to return to it, nor was his belongings returned, and the perpetrators have not yet been held accountable.

Selection Criteria: Khaled, a political activist and member of the General People's Congress Party, was not the only one who was subjected to arbitrary detention and ill-treatment, as he was accompanied by (5) activists, including a woman. The report chose this case as a model for politically or regionally motivated detentions committed by the Southern Transitional Council.

Recommendations: The Southern Transitional Council should refrain from the harassment and persecution carried out by its forces against activists, and SAM looks forward to the return of the belongings that were confiscated from Khalid and his group and allowing them to return to Aden.

Summary of evidence: SAM obtained documents, including police investigation reports,



confirming the detention of Khalid and five activists, including a woman, due to their being from northern provinces. They were charged with espionage for the Houthis and damaging the relationship between the authorities in Aden and Arab alliance countries. They were informed by a security commander under the city's police chief, Shalal Shaia, that the southern authorities did not want them to stay in the city. The activists left the country, some to neighboring provinces, while Khalid remained detained for five months before being released and leaving the city. SAM calls on the Southern Transitional Council to stop the harassment and persecution of activists, and seeks the return of the confiscated items to Khalid and his group and their permission to return to Aden.

Khaled had fled to the city of Aden following the fighting between the Houthi movement and supporters of former President Ali Abdullah Saleh in late 2017. He formed a union with others to address the situation of the displaced. A witness stated that they dealt with Khaled in a racist manner, claiming that he represented the "northern occupier" who aimed to destroy the south and conspire against it, referring to his origin from a northern province, and accused him of committing crimes that threatened national security. They transferred him to a cell in poor conditions and subjected him to prolonged interrogations, during which they prevented him from contacting anyone, and did not allow him to appoint a lawyer to defend him until he was asked to leave Aden.⁽¹⁾



Asma Al-Omeisy

When: Detained in October 2016.

Location: She was walking at a security checkpoint in central Sana'a under the pretext that she was with some men in one car.

Description of the violation and who is responsible: Al-Omeisy was subjected to an unfair trial in Sana'a and subjected to harsh treatment, as she was not allowed to receive the medical care she needed, according to reports obtained by the organization.

Judicial follow-up: After a month of detention, she was transferred to the specialized criminal prosecution, which charged her with being recruited by the UAE forces in

(1) From an interview conducted on December 2, 2022





Hadramout. The specialized criminal court sentenced her to death in January 2018. She appealed the verdict to the Sana'a Appeals Court, which decided to reduce the penalty from death to imprisonment for (10) years.

The Outcome: Al-Omeisy has been in prison for six years, and despite the poor health conditions she is going through, the criminal prosecution under the authority of the Houthi movement refuses to release her or transfer her to the hospital for medical care.

Selection Criteria: The choice to feature this case in the report is to highlight the mistreatment committed by the Houthi movement against victims based on gender, and the unjust procedures taken to retaliate against women.

Recommendation: The Houthi movement bears responsibility for the deteriorating health of the victim and should release Al-Omeisy and all women detained in connection with the armed conflict. Female detainees should be treated in accordance with the standards set out in the Mandela Rules for the Treatment of Prisoners.

Case Summary: After a month of being detained in the Karama police station, Al-Omeisy was transferred to the central prison in Sana'a, and the specialized prosecution began investigating her. SAM obtained documents from the prosecution's investigation, which accused Al-Omeisy of aiding the aggression and working with Emirati forces in Hadramout, and engaging in unethical behavior. Despite the falsity of these charges, as stated in another memo issued by the specialized appellate prosecution for lack of crime, she was re-accused and brought to trial.

The victim faces poor health conditions in the central prison in Sana'a after (6) years of detention. Her lawyer has issued a plea to save her from the illness that requires surgery and necessitates her release, but the prosecution refuses to release her. He pointed out that she has been threatened by the prison official called "Um Al-Karrar Al-Murwani" that she will not leave except to the grave. This case was chosen to shed light on the treatment of victims by the Houthi movement based on gender and the nature of unfair retaliation against women. The detainees should be treated according to the standards set forth in the "Mandela Rules" for the treatment of prisoners.⁽¹⁾⁽²⁾

(1) Annex 8 is a medical report issued by the medical center in Sana'a Central Prison talking about the health condition of Mrs. Asmaa Al-Omeisy

(2) Check out lawyer Abdelmajeed Sabra's Facebook account <http://bitly.ws/B77E>



C. Investigation Procedures at the Public Prosecution

Among the 34 detainees that SAM has investigated in their cases, the Public Prosecution did not monitor the conditions of their detention in the security forces' prisons. Half of them stayed in those prisons for more than two and a half years before being referred to the prosecution, except for journalist Ahmed Maher, who was detained for one month before being referred to the prosecution. The detention authorities have wasted their right to promptly appear before an investigating judge. The prosecution did not release or take action regarding any of the 34 detainees immediately in accordance with Yemeni law.⁽¹⁾⁽²⁾⁽³⁾

Only two of the 34 detainees were allowed by the prosecution to attend with their lawyers. However, the judges treated the lawyer as an adversary, limiting their access to the case file and not giving them enough time to review their clients' papers and discuss the evidence. The prosecution and the court also refused to investigate the "allegations" of torture against the detainees. Lawyers have stated that they witnessed evidence of torture on their clients and requested an investigation, but their demands were not met.⁽⁴⁾⁽⁵⁾

(1) The Human Rights Committee said moan Urgency requires delays not exceeding a few days (general comment No. 8)

(2) Article (9/3) of the International Covenant on Civil and Political Rights

(3) Article (7/2) of the Presidential Decree Law No. (13) of 1994 on Criminal Procedures Release The rules of arrest require the release of the detainee within (24) or his referral to the prosecution to act on his detention.

(4) From an interview with a lawyer pleading on political prisoners' cases, conducted December 22, 2022

(5) Comment No. (32), paragraph (41) on the right to a fair trial in accordance with Article (14) of the International Covenant on Civil and Political Rights



Examples

Youssef Al-Bawab and Nasr Al-Salami

Affiliation: The first is an academic at Sana'a University and the second is a Sharia observer at CAC Bank, and two belong to the Islah Party

When: The first was arrested in October 2016 and the second in September 2016.

Location: Both men were held in the Political Security Agency prison in Sana'a and remain in the Houthi-run Security and Intelligence Prison.

Description of the violation: The two men disappeared for five months before the men's family learned their fate and were subjected to gruesome treatment. According to a former detainee, he could hear the Al-Bawab screaming as he was tortured in the cell, and the Al-Bawab was the most tortured in prison.

Judicial follow-up and the responsible party: The Houthi movement brought the two men to trial before the Specialized Criminal Court among 36 men on charges of forming a "cell" affiliated with the Islah Party after an investigation that did not exceed (9) days.

Outcome: The court sentenced the two men to death, but appealed and their second-stage trial was ongoing at time of writing this report.

Selection Criteria: The two men are considered among the most prominent political figures who were brought to trial, as they belong to the Islah Party. Their trial, along with the rest of the group, is considered one of the most prominent trials that lacked the minimum standards of justice. Therefore, it was focused on for presentation in the report.



Recommendation: The Houthi group should release Al-Bawab and Al-Salami and all of their colleagues detained in this case and compensate them for the harm they suffered in previous years. The group must recognise that sentencing detainees in armed conflict to death is unacceptable and that its unjust actions will not go unpunished.

Summary of evidence: SAM interviewed the families of six members of the group, all of whom said that the detainees were subjected to enforced disappearance and cruel treatment in the Political Security and Criminal Investigation Prisons in Sana'a, and most of them were not allowed to contact the outside world until five months later.

According to a document obtained by SAM, the head of the Political Security Agency, Major General Abdul Qader Al-Shami, referred Dr. Nasr Al-Salami and his group of 35 to the Specialized Criminal Prosecution on March 25, 2017, and on the same day Chief Prosecutor Khaled Al-Maweri ordered the formation of an investigation committee with the group consisting of four members, so they interrogated them and the prosecution referred them to trial in just (9) days.

In July 2019, the Specialized Criminal Court issued its death sentence for 31 detainees from the group and acquitted 5 others. ⁽¹⁾ They have appealed the verdict and it is still pending before the Sana'a Capital City Court of Appeal.

"I attended the interrogation session conducted by the prosecution at his detention facility in the Political Security building, and I asked for a copy of the investigation papers to defend my client, but they refused," Al-Salami's lawyer said⁽²⁾. SAM asserts that the completion of the investigation within (9) days for a group of (36) allegations of crimes against state security is evidence of the prosecution's violation of the right to a fair trial.

A former detainee said, "Among those I knew in prison was a man named Yusuf Al-Bawab, I could hear his screams and I was told that this was Yusuf. He was one of the most tortured individuals during my detention."⁽³⁾

(1) See Arabi Post, July 9, 2019

<http://bitly.ws/B77L>

(2) Interview conducted November 15, 2022

(3) From an interview dated November 17, 2022





Ali Muqbil Al-Hettar

Affiliation: General People's Congress Party

When: Detained on Tuesday, January 23, 2015.

Location: A security force raided his house in downtown Marib and detained him and two of his relatives.

Description of the violation: Al-Hettar was subjected to enforced disappearance and was not allowed to communicate with his family or have access to a lawyer throughout his detention. According to a document issued by the military prosecutor obtained by the organization, Al-Hettar "alleged" that he was coerced into confessing against himself in the Military Intelligence prison. He was also subjected to trial procedures that lacked fairness and impartiality.

Responsible Party: Government forces in Marib are responsible for the violation suffered by Al-Hettar. The so-called military prosecutor in the Marib is responsible for initiating lawsuits against detainees that lack the standards of litigation to which Yemen has adhered.⁽¹⁾

Judicial follow-up: Al-Hettar was brought to trial before the Military Court of the Third Region and sentenced to death for his involvement in a cell affiliated with the Houthis. The Third District Military Court of Appeal upheld that sentence. His family told SAM that they did not know his legal status after that verdict and were unable to travel to Marib to meet with him, nor were they able to hire a lawyer to defend him.

Selection Criterion: This case is one of the cases reviewed in the report since the victim is a member of the General People's Congress party, and to shed light on the unfair judicial procedures followed by the courts under the recognized government in Marib and Hadramout.

Recommendation: The recognized government should ensure that detainees receive the right to fair trial procedures and allow all detainees to communicate with their

(1) Abdullah Al-Hadri, the "Military Prosecutor", was killed in battles between government forces and the Houthi movement in Marib on April 25, 2021, and it is not known who took charge of the position after that. See Xinhua killing of Yemen's military prosecutor http://arabic.news.cn/2021-04/25/c_139905015.htm



families and seek the assistance of lawyers. It should hold accountable those who mistreated the victim.

Summary of evidence: A relative of the victim said that his family did not know his fate until July 2019 after government forces in Marib released one of his relatives who had been detained with him and informed them where he was being held at the Political Security Prison in Marib.

SAM obtained a document issued by the Third Military Region Prosecution indicating that Al-Hettar was arrested on May 19, 2017, and his family denied arresting him on that date and stated that he was arrested in early 2015. The document stated that Al-Hattar "claimed" that his confessions against himself, recorded in the Military Intelligence investigation transcripts, were made under torture. It is clear from the document that prosecutors did not investigate these allegations and did not correct the procedures that Military Intelligence practiced with Al-Hettar.⁽¹⁾

A witness stated that "The acts of which Al-Hetar was accused by the prosecution originally took place after his arrest! He was accused of blowing up the funeral tent of military commander Al-Shaddadi in Marib in October 2016. Military prosecutors took advantage of the Al-Hettar's family's inability to follow up and reach Marib and their inability to provide a lawyer to defend him on charges of collaborating with the Houthi group. The witness added that Al-Hettar faces a death sentence issued by the Court of Appeal of the Third Military Region in Marib."⁽²⁾⁽³⁾

(1) Attached are 9 documents from the investigations of the Third Military Region Prosecution, showing the detainee's assertion that he was subjected to torture

(2) Check out the website post that reported the news of the bombing of the funeral tent <https://almawqeaapost.net/news/12716>

(3) From an interview on November 29, 2022





D. Trials on The Basis of Expressing Opinions

Since 2017, most of the victims of trials in Sana'a have been members of the Al-Islah party, journalists, military leaders, government officials, women, and members of the Baha'i and Jewish communities. After Saleh's killing by the Houthis in late 2017, trials expanded to include members of the General People's Congress party. In Aden and Hadramawt, activists and opponents of the Southern Transitional Council (STC) and members of the Islah Party and the Congress have been subjected to trials since late 2018. In Marib, the trials focused on Houthi loyalists, the General People's Congress, and activists.

Examples:



Sultan Ahmed Qatran

Affiliation: Journalist and editor-in-chief of Hadramawt website, and a member of the Congress Party

When: Detained on the afternoon of Tuesday, December 17, 2019.

Location: He received an anonymous call to attend the Political Security Agency in Sana'a, where he went and was detained.

The Houthi movement described their arrest as a security victory and accused them of forming a cell affiliated with Ammar Saleh, the former head of the National Security Agency.⁽¹⁾⁽²⁾

Description of the violation and judicial prosecution: Forty-five individuals affiliated with the General People's Congress Party were brought to trial under procedures that lacked guarantees of equality and the right to defense before the specialized criminal court. They were charged with espionage for the "Saudi-Emirati aggression". Their trial is ongoing at the time of writing and no verdict has been issued yet.

(1) Check out a video published by Ansar Allah's security media for a security operation they called "and thwarted their actions"

<https://www.youtube.com/watch?v=ClzxSfznWTQ>

(2) He served as head of the agency time The rule of his uncle, former President Ali Abdullah Saleh



Selection criterion: Because of his journalistic activity and political affiliation, he and his colleagues were detained and brought to trial by the Houthi movement, so this report chose this case to highlight the retaliatory actions suffered by members of the General People's Congress in Sana'a after the killing of Ali Abdullah Saleh, head of the party, in the fighting that took place between him and the Houthi movement.

Recommendation: The Houthi movement should refrain from using the judiciary for revenge against those it considers its enemies. It must also cease proceeding with the trial of the victim and his colleagues under procedures that lack justice. Furthermore, it should refrain from smearing detainees through its media outlets, which are used to extract confessions from them under coercion.

Summary of evidence: A witness said that "Sultan received an anonymous call to come to the Political Security Agency, went and was detained, and was not allowed to contact his family for three days. Seven months after his detention, he was transferred to the Specialized Prosecution with his group."⁽¹⁾

SAM received the indictment issued by the prosecution against members of the group, who were charged with espionage for the "Saudi-Emirati aggression," a crime punishable by death under Yemeni law. The court is still proceeding with their trial, although they have all been released on the condition that they attend court and not leave Sana'a. SAM fears that the 46 men may face the same fate as previous groups who were convicted based on their affiliation with the General People's Congress.⁽²⁾⁽³⁾

(1) From an interview on October 28, 2022

(2) Annex 10 is the indictment against Taran and his group. Confirms that they have been put on trial on charges of spying with Saudi Arabia and the UAE, a charge that may result in a death sentence

(3) See the names and pictures of (11) from the General People's Congress party who were sentenced by the Houthis by death <https://sa24.co/show14597488.html>





Ahmed Maher

Occupation: Journalist and Advisor to the Minister of Transport for Media Affairs

When: Arrested on Saturday, August 6, 2022.

Location: He was at his house in Aden, when a security force raided the house, arrested him and his brother, and placed him at Dar Saad Police Station.

Description of the violation: Maher was subjected to physical assault by the prison director, as well as defamation of character and coerced confession. He was brought to trial before the specialized criminal court in expedited procedures, without being afforded the guarantees of defense and access to a lawyer.

Responsible party: Maher is known for his media activity against the Southern Transitional Council (STC), which led to his detention and prosecution. He was dismissed from his job as an advisor to the Minister of Transport after a STC affiliate assumed the position of minister. Due to fear of persecution, his family left the city of Aden.

Judicial follow-up: The specialized criminal prosecution interrogated Maher without the presence of his lawyer and in the presence of the prison director accused of assaulting him. The prosecution exceeded the presidential directives to investigate the "allegations" of harsh treatment that Maher and his brother had faced, and presented him for trial on charges of disturbing public order and security. He was then transferred to the infamous Bir Ahmed prison.

The Outcome: Maher announced on his Facebook page that he was on hunger strike to death because the court did not consider his case during four consecutive sessions because of what he said were political directives behind the failure to transfer him to court by the prison administration.⁽¹⁾

Selection Criteria: The report chose this case to present it as a model for the trials of activists, journalists, and politicians because of their opinions and affiliations, by the Southern Transitional Council, and to highlight the non-compliant judicial procedures with

(1) Check out his Facebook account on December 30, 2022 <http://bitly.ws/B77V>



integrity and impartiality standards.

Recommendation: The STC should immediately release Maher, ensure that he has all his rights to fair litigation, and stop using the judiciary to retaliate against political opponents.

Summary of evidence: One of Ahmed's relatives stated, "Maher was beaten by the prison director on the pretext of being against the South, and he was interrogated with questions focused on his journalistic activity and his relationship with Amjad Khalid. We have received threatening messages to harm our female relatives if we speak to the media."⁽¹⁾⁽²⁾

Media outlets leaked a video recording of Maher while he was in prison "allegedly" confessing to participating in criminal activities, and he appeared in a humiliating manner that undermined his human dignity, and he seems to be suffering from severe exhaustion. After the leak, SAM detected a directive to the head of the Presidential Council in Yemen to investigate the incident of Maher's detention. SAM believes that the perpetrators used coercion against Maher to make a confession against himself to cover up the violation that occurred to him, and the wide humanitarian interaction with him after his arbitrary detention.⁽³⁾⁽⁴⁾



Libby Salem Marhabi

Affiliation: Member of the Jewish community

When: Arrested in March 2016

Location: He was walking down a street in Sana'a and was detained by armed men and placed in the National Security Prison.

Description of the violation: Libby was subjected to enforced disappearance for a period of one year before his family learned of his fate. He was also subjected to

(1) From an interview with a relative on December 18, 2022

(2) The commander of the government's transport brigade, is Sunday Brigades that fought with the forces of the transitional Council in Aden in 2018

(3) Check out the Video from Aden Time website https://www.aden-tm.net/news/218230?utm_source=dlvr.it&utm_medium=facebook&fbclid=IwAR02dFzukuqYy--2Z2rDC0zCAJibAvafkpxF3ZBR-YdiUGbMmlKHhzUaoeaA

(4) See Aden tomorrow website on September 5, 2022 <http://bitly.ws/B783>





brutal torture that resulted in partial paralysis and partial blindness, with no access to medical care provided for him. In addition, he was tried under procedures that did not guarantee his right to defense or communication with his family. His wife and father passed away while he was in prison without being allowed to see them.

Responsible Party: The Houthi movement arrested him as part of the harassment of the remaining members of the Jewish community and forcing them to leave Yemen.⁽¹⁾

Judicial follow-up: Libby was convicted of smuggling a Torah manuscript into Israel in front of the Public Funds and Antiquities Court, and was sentenced to two years in prison. After serving his sentence, he was interrogated by the Houthi movement on charges of collaborating with the Israeli Mossad and Shin Bet, and he remains detained in the Security and Intelligence Prison in Sanaa.

The Outcome: There is no accurate information available about the fate of Libby and the status of his trial in the charge of working for the Israeli Mossad.

Selection Criteria: The report chose the case of a Libby Marhabi to expose the Houthi movement's retaliatory actions against the Jewish community, in order to force them to leave Yemen, including bringing Libby to trial in proceedings that do not guarantee the right to defense and access to a lawyer.

Recommendation: The Houthi movement should immediately release Libby Salem Marhabi, provide him with full medical care, compensate him for the damage he and his family have suffered over the past seven years, guarantee his and his family's right to remain anywhere they choose inside Yemen, and not restrict their right to believe and practice religious rituals.

Summary of evidence: SAM listened to a witness and tried to reach a source in Libby's family who left Yemen but was unable to do so.⁽²⁾

One of the surviving victims who was detained with Libby Salem Marhabi in prison stated, "Several members of Marhabi's family left for Israel and upon their arrival,

(1) See Mohammed al-Ghubari's Reuters report on Jewish community members leaving Yemen due to Houthi harassment.

<https://www.reuters.com/article/oegtp-houthis-jews-ea3-idARAKBNOLK0UU20150216>

(2) On November 19, 2022, I contacted a source close to the family but did not cooperate with the organization

they displayed the Torah manuscript in front of the Israeli Prime Minister⁽¹⁾. The media criticized the Houthi group for smuggling the manuscript out of Sana'a airport, which they control. The witness added that the group arrested Marhabi, along with his family members, in Sana'a and also arrested the airport's operations manager and two of his employees on charges of assisting in smuggling the manuscript.⁽²⁾⁽³⁾

"Marhabi was tortured in prison, I was watching the effects of the fire on his body because he was electrocuted and beaten with cables, so he became partially blind, and signs of spinal cord injury appeared, so he began to lose mobility, and his wife and father died while he was in prison, but the court did not investigate the incidents of his torture and sentenced him to two years in prison, and acquitted his colleagues of the charge of smuggling the manuscript," the witness added.

The witness confirmed that the Houthi group released Libby's colleagues while he was serving his punishment, and then he was again interrogated by the Specialized Criminal Prosecution for allegedly possessing an Israeli passport and accusing him of working for the Mossad and the Shin Bet, despite Libby's denial of this charge and having never left Yemen before.

(1) Interviewed November 17, 2022

(2) See Israel Arabic for arresting Marhabi on charges of helping to smuggle Torah into Israel, March 25, 2016 <http://bit.ly/ws/B786>

(3) He is called Yahya Al-Assam, and he was released by the Houthi group four and a half years after his arrest and the issuance of a verdict of acquittal from the case of smuggling the manuscript. and his fellow employees Customs



E. Summary death sentences

"In the first session, I told Judge Abdo Mohammed Rajeh, 'You can issue a verdict against me.' He asked me why, and I replied, 'You are famous for issuing death sentences in one session.' After seven sessions, the judge asked the prosecution member, 'Where is the evidence that convicts him of providing coordinates for the attack?' The prosecution member replied that the file contained only two records, one from national security and the other from the prosecution.⁽¹⁾ The judge said, 'Bring me any evidence, even if it is an SMS message containing the words 'Houthi' or 'military vehicle', and I will convict him. As for the verdict, it is ready."⁽²⁾

"SAM reviewed death sentences issued in a single session by the specialized criminal court in Sanaa. This confirms that the court's procedures go beyond the principle of the right to presumption of innocence and assume instead the guilt presumption."⁽³⁾

Among the 34 cases investigated by "Sam", courts operating under the authority of Ansar Allah in Sana'a issued death sentences against 13 detainees, while two were released by amnesty and three others were sentenced to imprisonment. Trials are still ongoing for seven detainees, and one detainee was released as part of a prisoner exchange before a verdict was issued. In Marib, Hadramout, and Aden, which are areas under the authority of the recognized government and the Southern Transitional Council, a death sentence was issued against one detainee, and three detainees were acquitted, one of whom was released. One journalist is still undergoing trial, while three detainees were released before the prosecution began their investigation, and the fate of one detainee remains unknown.

(1) Among the most prominent judges of the Specialized Criminal Court in Sana'A, known for issuing death sentences against political detainees

(2) From an interview with activist Hamza Al-Jubaihi on November 17, 2022

(3) Annex 11 death sentences issued by the Specialized Criminal Court during one session

Examples



Yahya Al-Jubaihi

Profession and Occupation: Member of the Yemeni Journalists Syndicate and the American Journalists Syndicate, and a teacher at Sana'a University, he worked as an official of the political department in the Prime Minister's Office for more than ten years.

When: Detained in September 2016.

Location: Houthi forces raided his home in a horrific manner and placed him in the National Security Prison in Sana'a along with two of his children.

Description of the violation: He was subjected to harsh treatment including electric shocks, deprivation of communication with his family, and coerced into confessing against himself. He was then put on trial for his opinions and sentenced to death.

Judicial follow-up: Al-Jubaihi was brought in for questioning before the specialized criminal prosecution, but he was not guaranteed the right to seek legal counsel, to discuss evidence, or to monitor the procedures taken by the National Security apparatus, and the prosecution overlooked his torture. The prosecution then referred him for trial before the specialized criminal court on charges of damaging Yemen's relationship with Iran, and the court proceeded to try him in only two sessions, disregarding all guarantees of fair and impartial trial, ultimately sentencing him to death by execution.

The Outcome: The case of his death sentence sparked angry international and local reactions, which forced the Houthis movement to announce his pardon and release him in September 2017.⁽¹⁾

Selection Criteria: The report chose to present Al-Jubaihi's case to expose the practices taken by the Houthi movement against journalists and politicians because of their opinions, and to use the judiciary as a means of revenge.

Recommendation: The Houthi movement is required to compensate Al-Jubaihi for all damages he suffered, return his stolen possessions, and revoke the death penalty imposed on journalists and politicians.

(1) Review the amnesty decision issued by the head of the political council of the Houthi movement <https://laamedia.net/news.aspx?newsnum=16726>





Summary of evidence: “SAM” interviewed Al-Jubaihi and he said, “They interrogated me during seven sessions for allegedly inciting public opinion, and asked me to sign a file consisting of (38) papers without allowing me to read it, I refused but they shocked me with electricity and forced me to sign.”⁽¹⁾

Al-Jubaihi added “In February 2017, they took me to the specialized criminal prosecution, and Al-Kumaim told me that they will transfer me to the court, and if the judge has a “conscience”, he will release me. And after a month, they blindfolded me and took me to a court that they set up inside the prison. The judge held one session that lasted for nine minutes, and the prosecutor demanded my execution because I allegedly harmed Yemen’s relationship with Iran due to a scientific research paper I wrote about this relationship. The judge adjourned the session, and in the second session, my lawyer was preparing to plead my case, but the judge had already prepared his verdict and pronounced me guilty, sentencing me to death.”⁽²⁾⁽³⁾⁽⁴⁾



Colonel Abdul Majeed Muhammad Alous

Position: Held a number of positions in the Ministry of Defense, most notably the commander of the reception and transfer camp, the director of the technical department at the ministry, and the director of the automated system project of the armed forces. One of Yemen’s Most Prominent Military Inventors.

When: Arrested in January 2016.

Location: Detained in the Political Security prison in Sana’a.

Description of the violation: He was subjected to enforced disappearance for several months and was treated inhumanely by being deprived of medical care. He was brought to trial with procedures lacking the standards of justice guaranteed in trials during armed conflicts, and was sentenced to death. He died while in detention.

(1) From an interview conducted on November 17, 2022

(2) Specialized Criminal Prosecutor in Sana’a

(3) He had written a scientific paper entitled “Iran is the Other Face” And because of him He was put on trial for harming Yemen’s relationship with a friendly country

(4) Al-Jubaihi was released on September 24, 2017 after international pressure, which precipitated the announcement of his pardon by Saleh Al-Samad, head of the Supreme Political Council of the Houthi group.



Responsible: He was presented by the Houthi movement before the specialized criminal court on charges of spying for Saudi Arabia.

Judicial follow-up: His trial proceeded the way the Houthi-controlled Public Prosecution wanted, and the court sentenced him to death as a Tazir sentence. His lawyer appealed the verdict to the Amanat Al-Asimah Court of Appeal, but it also upheld the sentence.

The Outcome: After the verdict, his health deteriorated rapidly, forcing the Houthis to transfer him to hospital, and he died without receiving justice for himself.

Selection Criteria: The report selected Alous’s case for presentation to reveal the unfair treatment and trial of government and military leaders for siding against the choices made by the Houthi movement.

Summary of Evidence: SAM interviewed the victim’s lawyer and two of his relatives and obtained documents of outcome of the trial and his deteriorating health. “Alous disappeared and appeared months later with signs of torture, and the specialized prosecutor accused him of collaborating with Saudi Arabia,” his lawyer said. They fabricated charges against him because of his disagreement with the Houthis group and his criticism of it, and the Specialized Criminal Court issued a Tazir death sentence on July 7, 2017. “We appealed the verdict to the Amanat Al-Asimah Court of Appeals, but it upheld the verdict and did not respond to our demands to investigate the incidents of torture to which he was subjected.”⁽¹⁾

A “document” indicates that Alous suffered a stroke inside the Security and Intelligence Prison, and he was transferred to the Republican Hospital in Sana’a in July 2020. “Alous’s family was not allowed to visit him to the University of Science and Technology Hospital until a month after his illness, and said that what he was subjected to was due to torture in prison, neglect and the court’s failure to investigate what he was subjected to until he died on November 24, 2021,” a witness said.⁽²⁾

(1) From an interview conducted on November 30, 2022

(2) Attachment 12 is a medical report issued by the attending physician confirming that the victim suffered a stroke



Ninth: Recommendations for Justice and Accountability

To Ansar Allah group “Houthis”

1. Immediate suspension of all trials of detainees under investigation, as well as similar trials based on political backgrounds, expression of opinions, or social status.
2. Freezing the death penalty for detainees who have been sentenced to death.
3. Immediately release all those arbitrarily detained and reveal the fate of the forcibly disappeared, including women and members of the Jewish community.
4. End the conduct of arbitrary detention, enforced disappearance, and abuse, and guarantee the right to humane treatment of all detainees in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners.
5. Suspend trials conducted by the Specialized Criminal Court, as its formation lacks legal legitimacy..
6. Abolishing the so-called “justice system,” and putting an end to interference in the judiciary and law enforcement agencies.
7. Working in good faith to unify the Yemeni judiciary under a leadership accepted by the judges.
8. Granting opportunities for international and local investigation teams to operate within their controlled areas and facilitating their work to document human rights violations.
9. Restoring political freedoms and allowing all platforms, entities, movements, and individuals to express their opinions without harassment, threats, or repression.

To the Southern Transitional Council

1. Immediate cessation of trials against activists and detainees based on their expression of opinion and political activities.
2. Ensuring fair trial procedures for all detainees without affecting the work of the courts and public prosecution.
3. Release activists and detainees, reveal the fate of the forcibly disappeared in Aden, Hadramawt and Shabwa, and stop torture and cruel treatment of detainees.
4. Stop all forms of negative interference by the Southern Judges Club on the work of the judiciary.
5. End all restrictions that hinder the work of organizations and investigative teams working to document human rights violations.

To the Internationally Recognized Government

1. Ensure that trials are conducted in accordance with international standards of fair, impartial and impartial litigation, and that detainees receive the right to a fair trial without affecting courts and law enforcement.
2. Cease all ill-treatment of detainees and ensure that they are treated in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners.
3. Work seriously to unify the judiciary in Yemen to end division and polarization. And stop interference in its work by the military and the military prosecutor.
4. Work seriously for criminal justice, accountability and no impunity for all human rights violations.
5. Work to review Yemeni legislation to ensure the end of the death penalty except for the most serious crimes and after a trial in which all guarantees of fair litigation are guaranteed.
6. Final ratification of the Rome Statute of the International Criminal Court.
7. Work on the formation of an independent national human rights commission.



To the United Nations and the International Community

1. Develop more serious means of pressuring conflict parties, including the Houthi movement, to stop politically motivated trials and the implementation of death sentences against political detainees.
2. Ensure that additional efforts are made by the UN Representative to Yemen to urge parties to the conflict in Yemen to release detainees.
3. Put detainees subjected to unfair trials on the agenda of the Office of the UN Special Envoy in Yemen, and urge the parties to stop those trials.
4. Prioritize the unification of the judiciary in conflict resolution negotiations to ensure justice for Yemenis.
5. Provide appropriate funding for the advancement of the judiciary institution and train its members on the best ways to achieve fair and impartial litigation.
6. Work seriously for Yemenis to receive justice and accountability for perpetrators, and support initiatives calling for the establishment of an international investigation team of a criminal nature to ensure accountability and criminal justice.

Attachments



Annex (1) A table showing the most prominent decisions issued by the parties to the conflict in Yemen regarding the judiciary, and the resulting polarization of the judiciary. This has had an impact on the principles of justice, including the trials reviewed in this investigative report.

Content of the decision	Issuing body	Date	Semantics
Judge Abdul Malik Thabet Ali Al-Aghbari appointed as President of the Supreme Judicial Council	Supreme Revolutionary Committee	October 21, 2015	The Houthi movement began early on to take control of the judiciary after its takeover of Sanaa
Judge Hamdi Abdel Qader Hikmat is appointed as Attorney General.	Supreme Revolutionary Committee for Houthis	September 21, 2015	The Houthi movement began to control the Public Prosecution Service
Abdulaziz Diaa Aldin Muhammad Albaghdadi	Supreme Revolutionary Committee	May 14, 2016	The Houthi movement began to control the Public Prosecution Service
Appointing Judge Ahmed Yahya Mohammed Al-Mutawakel as President of the Supreme Judicial Council.	Saleh Al-Samad - Chairman of the Supreme Political Council of the Houthi Group	September 9, 2017	The Houthi movement appointed individuals to the presidency of the judiciary based on sectarian grounds
Appointment of Judge Nabil Nasser Al-Azzani as Attorney General of the Republic	Supreme Political Council	Mar19, 2019	The movement continues in the process of polarization of the judiciary
Appointment of Judge Hamoud AbdulHamid Al-Hattar as President of the Supreme Court.	Former Yemeni President Abdu Rabo Mansour Hadi	November 19, 2016	The beginning of the polarization of the judicial institution by the internationally recognized government
Transfer of the jurisdiction of the Criminal Court in Sana'a to Marib	Supreme Judicial Council of the internationally recognized government	April 30, 2018	Delegitimization of the Specialized Criminal Court in Sana'a by the recognized government, after issuing death sentences for the former president and other government leaders
The formation of what is known as the judicial system headed by Mohammed Ali Al-Houthi to supervise the judiciary	Ansar Allah Group	Feb. 2020	With this decision, the Houthi movement revealed its full desire to intervene in the judicial institution and direct its work to serve its orientations.
Ahmed Saleh Al-Mosai appointed Attorney General of the Republic	Former President Abdu Rabo Mansour Hadi	January 5, 2021	This decision represented an announcement of the entry into the conflict between the internationally recognized government and the Southern Transitional Council in controlling the judiciary in the areas under the control of both parties.
The Southern Judges Club approves the formation of a higher body to manage the affairs of the judicial authority, under the name of (the supreme body for the management of judicial authority affairs)	Southern Judges Club of the Southern Transitional Council	August 16, 2021	Such as a declaration to control the judicial institution and interfere in its actions, this entity is One of the entities of the Southern Transitional Council
Appointment of Judge Qaher Mustafa as Attorney General of the Republic	Chairman of the Presidential Leadership Council Rashad Al-Alimi	May 25, 2022	His appointment was a victory for the Southern Transitional Council within the polarization struggle for the judiciary
Appointment of Judge Mohsen Yahya Taleb Abu Bakr as Chairman of the Judicial Council	Chairman of the Presidential Leadership Council Rashad Al-Alimi	August 4, 2022	His appointment was a compromise solution to the end of a phase of conflict between the Southern Transitional Council and the internationally recognized government.

Attached (2) is a copy of the meeting of the Judicial System chaired by a member of the Supreme Political Council of the Houthi group, taken from the official website of the group



Attachment No. (3) A table showing the number of cases investigated and the number of persons interviewed.

Governorate	Cases investigated	Number of interviews with surviving victims	Number of interviews with relatives of victims	Number of interviews with witnesses and colleagues of victims	Number of interviews with lawyers
Sanaa	24	2	27	23	3
Aden	6	2	6	10	
Marib	1		2	2	
Hadhramaut	2	1	3		
West Coast	1	1			
Total	34	6	38	35	3



Annex (4) is a table containing the most prominent terms adopted by SAM in the report

Ansar Allah	A term given to the Houthi movement led by Abdul Malik Al-Houthi and controls the capital Sana'a and a number of governorates
Internationally recognized government	The political authority led by the Presidential Leadership Council in Yemen led by Rashad Al-Alimi
Southern Transitional Council	A political movement supported by the UAE, seeking to control the areas that formerly constituted the so-called Democratic Republic of Yemen, it has military and security formations that impose its authority on Aden and a number of governorates
Arab Coalition Countries	The countries of the military coalition that intervened at the request of the Yemeni government to confront the Houthis, led by Saudi Arabia and the United Arab Emirates
West Coast	Yemen's western coastline on the Red Sea, including parts of Taiz and Hodeidah governorates, is controlled by UAE-backed forces led by Tariq Mohammed Abdullah Saleh, a member of Yemen's Presidential Leadership Council.
Judicial System	A committee led by Mohammed Ali Al-Houthi, a member of the political council of the Houthi movement, oversees the judiciary and its supporting agencies
Specialized Criminal Courts	A specialized court was established to consider terrorism and state security crimes, as well as a number of other special nature crimes. It is located in Sana'a, Aden, Marib, and Hadramout
Specialized Criminal Court in Sana'a	A court controlled by the Houthi movement, the most prominent court to issue death sentences against detainees, does not have legal legitimacy to conduct trials after its powers were transferred to Marib by the Judicial Council of the recognized government
Tazir Execution	It is a discretionary punishment left to the judge's assessment based on the type of crime and the defendant's situation. It is imposed for committing heinous crimes against state security according to Yemeni law.
Killing someone	It refers to the application of the death penalty to a defendant who committed murder as a member of an organized armed group or engaged in robbery and looting within what is known as the crime of banditry
Mercenaries of Aggression	The term used by the Houthi movement to describe those who they believe support the recognized government or the Saudi and Emirati forces involved in the Arab coalition: "traitors" or "collaborators"

Annex (5) Table showing the number of victims covered by the investigative inquiry, the type of violation they were subjected to, and the perpetrator responsible for the violation

Governorate	Division of categories of detainees under investigation							Type of violation they have experienced							Violator					
	Islah	GPC	Women	journalist	Military	Jewish Community	Salafi movement, Total	Death sentences	Prison sentences	Acquittals	Subject to trial	Released before trial	Disappeared	Total	Houthi Group	Transitional Council	Yemen Government	Joint Forces	Total	
	15	2	1	3	2	1		24	12	4		7	1		24	24			24	
		3		1	2			6			1	1	3	1	6	6			6	
		1						1	1					1			1		1	
			1	1	1			3			2			2			2		2	
							1	1				1		1				1	1	
Total	15	6	2	5	5	1	1	34	13	4	3	8	5	1	34	24	6	3	1	34

Annex (6) A statistical table showing the number of judgments issued by courts affiliated with the Houthi movement against opponents, critics, and activists during the past 6 years. Most of them had already left Yemen, while 78 of them are still detained in Houthi prisons, and 9 of them were executed.

Genre	2017	2018	2019	2020	2021	2022	Total
Media				4			4
Academic			3				3
Parliamentary				38	11		49
Educational		1	3			3	7
Women		1		2	3		6
Rights		1	1	1	3		6
Political	7	4	15	73	16	16	131
Tribal Sheikh		11		31	6	19	67
Military		1	4	92	76	17	190
Activists		10	9	6	2		27
diplomat				4			4
Total	8	28	36	257	114	51	494



Annex No. (7) A memo issued by the governor of Taiz requesting the director of the Al-Makha district to follow up with the joint forces to release the detainee Tawfiq Al-Saba'ie.



Attachment No. (8) A medical briefing issued by a doctor in the central prison in Sana'a recounts the case of the detainee Asma Al-Omeisy who suffered from continuous bleeding, leading to fatigue, exhaustion, and a rapid heartbeat, and stated that she requires medical follow-up.

الاسم	العمر	أسماء ماطر محمد العيسى	رقم الملف
الأخ / مدير عام الإصلاحية المركزية <td>31 سنة <td>تاريخ الإفادة <td>2020/11/28 </td></td></td>	31 سنة <td>تاريخ الإفادة <td>2020/11/28 </td></td>	تاريخ الإفادة <td>2020/11/28 </td>	2020/11/28

المحترم
تحية طيبة وبعد ...
الموضوع / إفادة عن حالة الزبيلة / أسماء ماطر محمد العيسى - الصحية

المذكورة تعاني من الآتي :-
- تكرار النزيف و هبوط في نسبة الدم و الحذر لعدم نسبة الدم كانت (٨) و هذا يؤدي إلى دونه و إرهاب و بدء يوتر على القلب بسبب نقص الدم المتواصل يؤدي إلى سرعة دقات القلب.
- أجري للمذكورة أشعة تلفزيونية و أوضح أنها تعاني من كيس في المبيض.

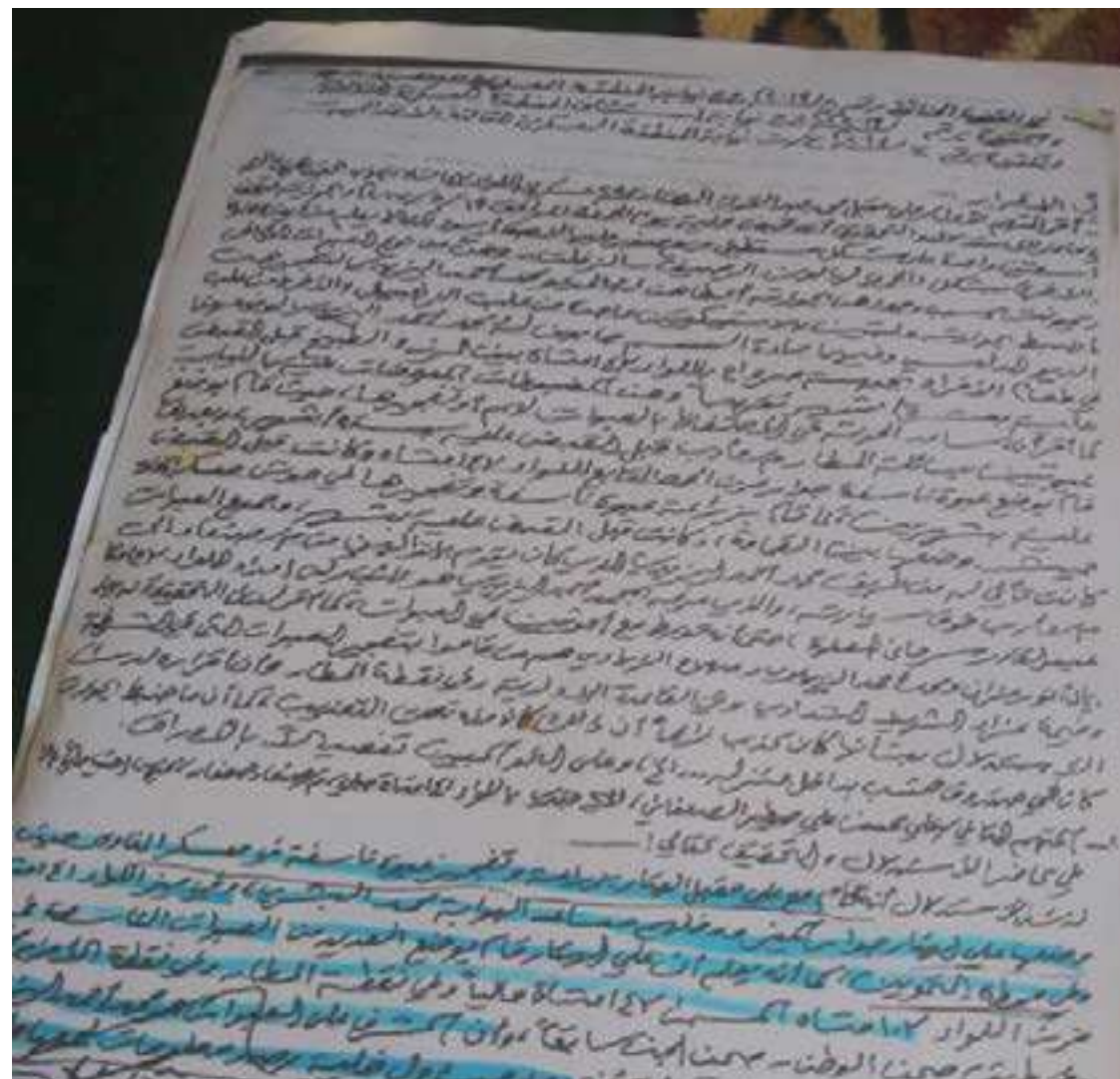
تحتاج المذكورة إلى الآتي :-
- إلى متابعة و علاج لدى مركز متخصص بالنساء و الولادة لمعالجتها و متابعة حالتها و بشكل دوري و وضع المعالجات المناسبة تفادياً إلى أي مضاعفات.

هذا حاله الرجوع به لإفادته ... و تقبلوا خالص الشكر و التحية ...

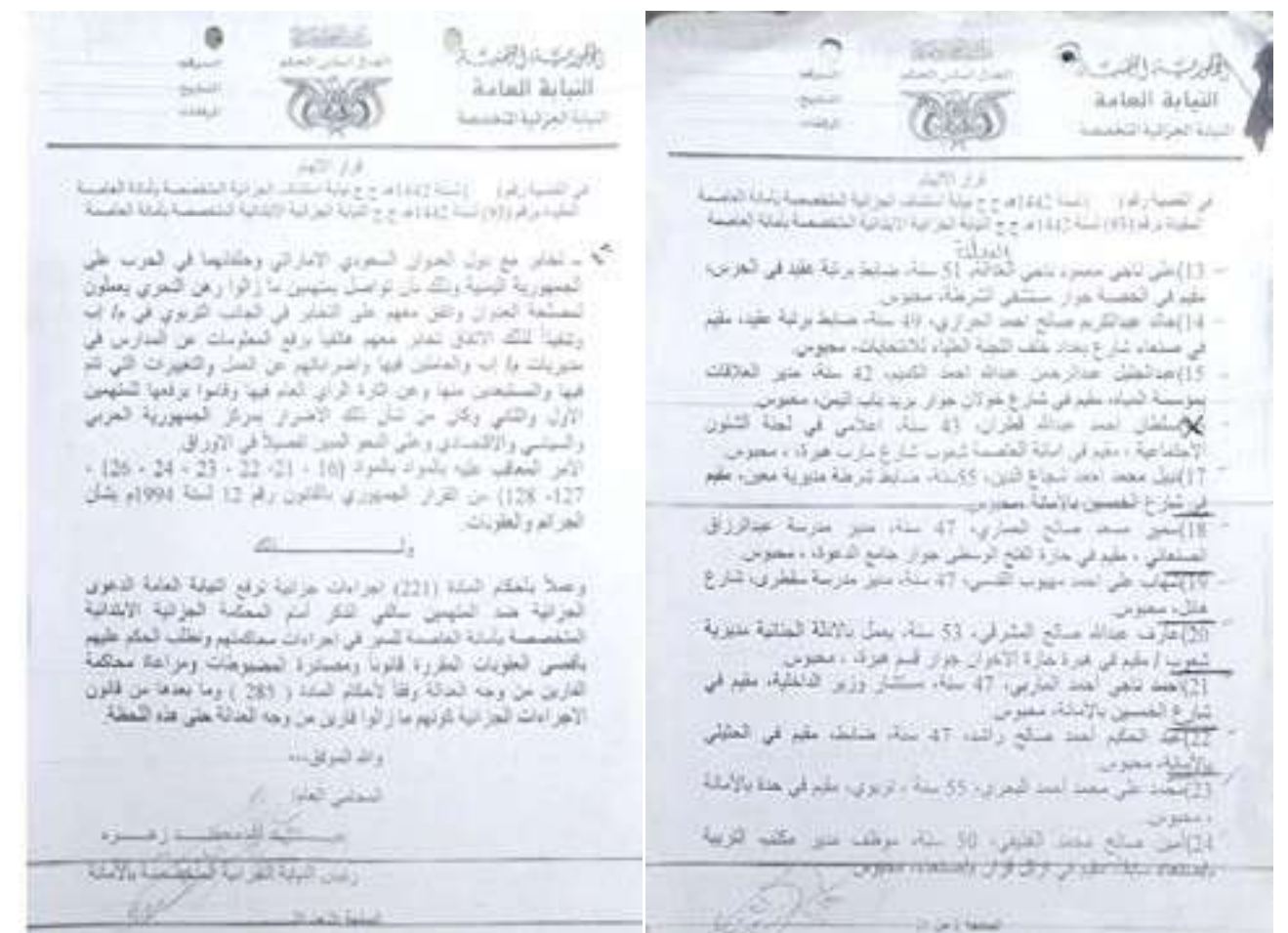
د / رفيق الشرعي
الطبيب المعالج

مأمون بكال
مستوصف المركز المركزي

Attachment No. (9) A memorandum issued by the Military Prosecutor's Office in the third military region in Marib indicated that the detainee Ali Moqbel Al-Hettar was arrested on May 19, 2017. However, his family reported that he had been detained at the beginning of 2015, indicating that the prosecution did not monitor the procedures taken by the military intelligence that detained Al-Hettar. The document also reports that the detainee stated that his confessions to the military intelligence were obtained under torture, while the prosecution did not investigate this matter.



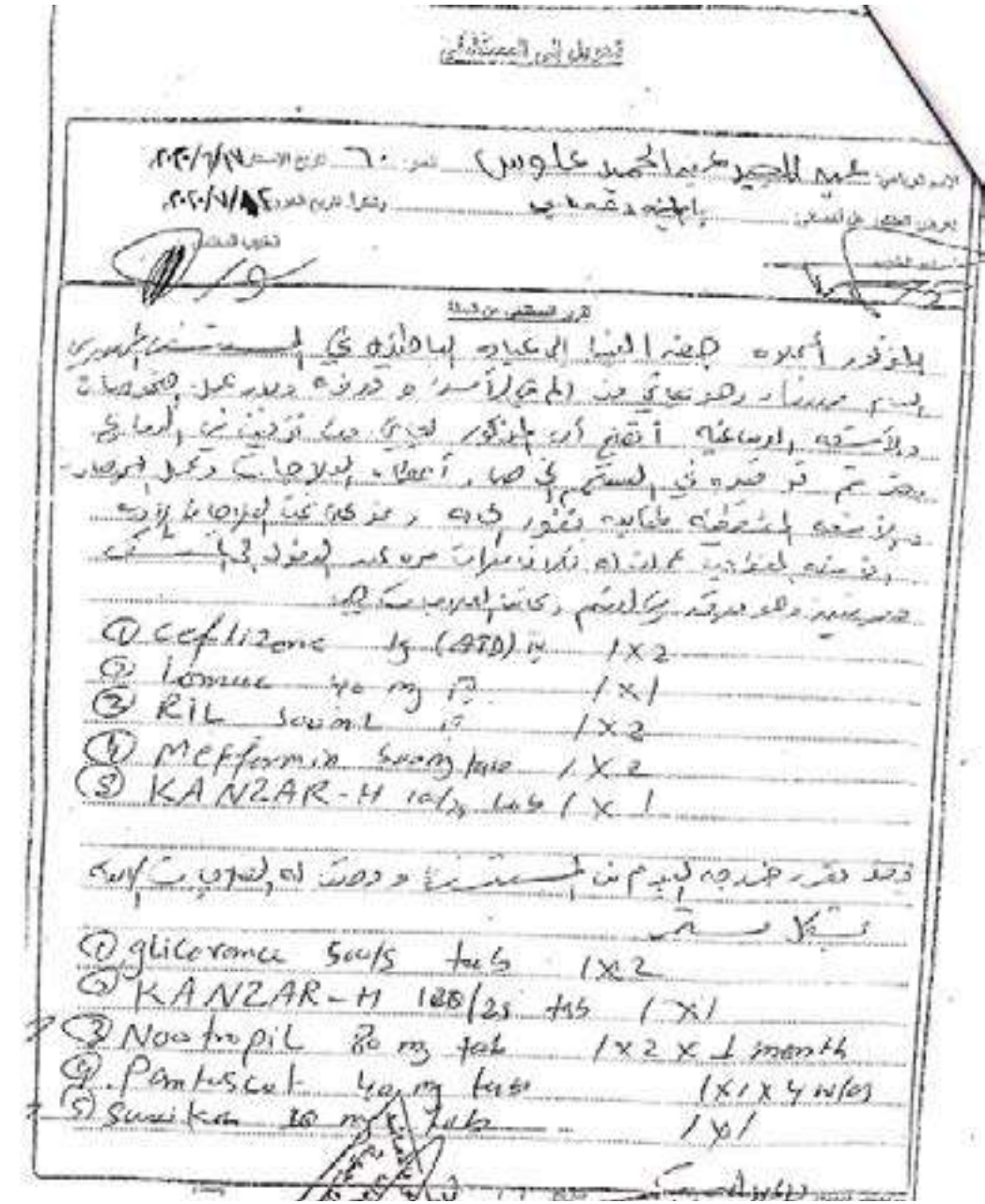
Annex No. (10) This is a criminal indictment consisting of 20 pages against Sultan Qatran and his group, totaling 46 individuals all affiliated with the General People's Congress party. The name of the victim, Sultan Qatran, appears on the first page in position number 16. The last page of the indictment requests that they be sentenced to the maximum penalties according to the provisions of the Penal Code, which includes the death penalty for the offenses for which the detainees are being tried.



Attachment No. (11) This is a sentence about a verdict issued by the specialized criminal court in Sanaa against one of the detainees. The first page shows the detainee's name and the charge against him, which has been covered to protect his identity. The second page shows that the trial proceedings began on September 29, 2018. The last page shows the verdict of the death penalty imposed on the detainee, indicating that the trial ended in the same session, which means that the death sentence was issued in summary proceedings.



Attachment No. (12) Medical report issued by the doctor at the Republican Hospital in Sana'a Adel Al-Absi explained that AbdulMajeed Alous was brought to the hospital suffering from a brain hemorrhage





SAM
Rights & Liberties



No justice

This report presents the findings of an investigative inquiry into human rights violations related to harsh detention conditions against political detainees in Yemen and their right to fair trials. These violations occurred in the context of political expression and involve parties to the Yemeni conflict.

The period under investigation covers 2017-2022