



Justice4Yemen Pact
ميثاق العدالة لليمن

INFORMATIONAL BRIEF

Shadowy civilian deaths in detention continue in Yemen's lockups

JUNE 2024



Introduction

The mysterious death in detention of Sabri al-Hakimi in March 2024 prompted a wave of condemnation inside Houthi-controlled territory.¹ The senior trainer at the Ministry of Education was arrested in September 2023 by Houthi authorities amidst a teachers' strike over unpaid salaries. After he died, a group of activists, university professors, and member of parliament Ahmed Sayf Hashed published a letter demanding that authorities in Sana'a conduct a transparent investigation including an autopsy.² "Deaths in detention in the prisons of the intelligence services have increased," noted the letter.³ "Opening a transparent investigation into the cause of deaths at [facilities of] the intelligence and security services is an issue at the heart of the mission of everyone working in the field of human rights and civil freedoms in Yemen."

About the Yemen Human Rights Forensics Lab Plus (YHRFL+)

The goal of the Yemen Human Rights Forensics Lab Plus (YHRFL+) program is to increase recognition and protection of human rights in Yemen by empowering Yemeni civil society to champion justice and accountability through human rights documentation, reporting, and advocacy efforts. The YHRFL+ program is working to systematically document, preserve, corroborate, analyze, and report on evidence, obtained from a variety of sources, of human rights violations committed by all parties involved in the Yemeni conflict. Results of this analysis are summarized and presented in a series of investigative reports focusing on specific identified incidents of human rights violations. YHRFL+ also support efforts by Yemeni CSO partners to carry out strategic advocacy, community outreach, and victim and survivor engagement interventions locally and internationally.

About Justice4Yemen Pact Coalition

The Justice4Yemen Pact is a coalition of human rights organizations and civil society actors that are united for the promotion and protection of human rights in Yemen. The coalition's mission is to advocate for the rights of all Yemeni people, particularly those who are most vulnerable and marginalized. The coalition is committed to addressing the systemic human rights violations that have been plaguing Yemen through years of conflict and violence. The Justice4Yemen Pact works to empower Yemeni people to claim their rights, raise awareness of violations, and advocate for justice and accountability at local, national, and international levels. The Justice4Yemen Pact is guided by the principles of respect for human dignity, equality, justice, and non-discrimination. The coalition believes that by working together, its members can end impunity, provide meaningful support and redress for victims, and contribute to a more peaceful, just, and prosperous future for Yemen.

Acknowledgement

The YHRFL+ program thanks the Abductees Mothers Association (AMA) and SAM for Rights and Liberties for their work documenting personal liberty violations and advocating on behalf of detainees, the disappeared, and victims of torture. AMA and SAM's documentation is featured in this report.

¹ "Death of the education expert Sabri al-Hakimi in Houthi prisons in Sana'a six months after his kidnapping," Al-Masdar Online, March 25, 2024, <https://almasdaronline.com/articles/292429>

² Facebook post, Ahmed Sayf Hashed, March 26, 2024, <https://tinyurl.com/26jehmwu>

³ Ibid.

Al-Hakimi’s case has brought renewed attention to the rash of civilian deaths in Houthi detention during the war. Al-Masdar Online recently compiled a list of 130 deaths from torture in Houthi prisons since 2014,⁴ while the internationally recognized government said it had documented 350 such deaths over the conflict.⁵

However, the Houthis are not the only parties responsible for shadowy civilian deaths in custody. Al-Hakimi was one of at least three prisoners in Yemen who died in detention during Ramadan 2024. In addition to his case, the Abductees Mothers’ Association (AMA) reported on the death of Khalid Hussein al-Ghazi, who died in Houthi detention in Dhammar; and Ali Shajia’i, who died in al-Hudaydah while in the custody of the Joint Forces on the West Coast, which are affiliated with Yemen’s internationally recognized government.⁶ “All three were killed in mysterious circumstances sometime after they were arrested without a known cause of death,” wrote AMA.⁷

Cases of detention, disappearance, and torture documented by AMA, 2018-2022

In Sana’a, Aden, Mareb, Taiz, and Dhamar governorates



Source: “Justice for the kidnapped: report documenting cases of kidnapping, detention, enforced disappearance, and torture,” AMA, March 5, 2023
- Created with Datawrapper

As UN mechanisms and rights groups have extensively documented, all main actors in Yemen’s conflict have arbitrarily detained and disappeared civilians over the course of the war, often based on suspected affiliation with an opposing conflict party.⁸ This affiliation can be as tenuous as a last name commonly associated with a

⁴ “Human slaughterhouses...al-Masdar Online documents the details of 130 cases of death from torture in Houthi prisons,” April 26, 2024, <https://almasdaronline.com/articles/293862>

⁵ “Death exposes torture crimes in Houthi prisons,” Independent Arabia, March 28, 2024, <https://tinyurl.com/2p9ducee>

⁶ “An announcement from AMA denouncing the deaths of three kidnapped people in mysterious circumstances in the prisons of the Houthis and Tareq Saleh,” April 6, 2024, <https://tinyurl.com/pz353mhj>

⁷ Ibid.

⁸ See, for example: “Situation of human rights in Yemen, including violations and abuses since September 2014” (A/HRC/48/20), Group of Eminent International and Regional Experts on Yemen, September 13, 2021, paragraphs 37-46 ; “Situation of human rights in Yemen, including violations and abuses since September 2014” (A/HRC/45/6), Group of Eminent International and Regional Experts on Yemen, September 28, 2020, paragraph 62.

conflict party, or the fact that the detained individual is traveling from an area under the control of an opposing force.⁹ Journalists, human rights activists, and NGO employees are frequently targeted as well.¹⁰

Once in custody, detainees are often held incommunicado, and their families denied information about their whereabouts.¹¹ They are often subjected to torture and other forms of mistreatment.¹² Unsanitary prison conditions are rampant across Yemen, while prison administrations routinely deny medical care to sick detainees.¹³ These factors have led to a steady wartime stream of deaths in detention, while released detainees are frequently left with chronic illnesses¹⁴ and psychological conditions.¹⁵

Deaths in detention documented by AMA, 2018-2022

In Sana'a, Aden, Mareb, Taiz, and Dhamar governorates



Source: "Justice for the kidnapped: report documenting cases of kidnapping, detention, enforced disappearance, and torture," AMA, March 5, 2023
- Created with Datawrapper

Just as many families are kept in the dark about the whereabouts of their loved ones when they are detained, so too are they denied information about how their loved ones pass away. In all three cases documented by AMA during Ramadan, families requested autopsies, but authorities refused to perform them.¹⁶

This report profiles two deaths in detention documented by YHRFL+ partner organizations AMA and SAM for Rights and Liberties based primarily on interviews with sources with direct knowledge of events. Both cases reflect the cloud of uncertainty that surrounds deaths in lockups operated by Yemen's warring parties. The cases also demonstrate the impunity enjoyed by conflict parties who are responsible for these deaths and the pressure exerted on relatives to keep the cases out of the public eye.

⁹ "In the Darkness – Findings on enforced disappearance, arbitrary detention, and torture in unofficial detention sites in Yemen from May 2016 to April 2020," Mwatana, June 2020, <https://tinyurl.com/4apj4msc>
¹⁰ "Letter dated 2 November 2023 from the Panel of Experts on Yemen addressed to the President of the Security Council" (S/2023/833), November 2, 2023, Panel of Experts on Yemen, paragraph 121
¹¹ "In the Darkness," Mwatana, June 2020, <https://tinyurl.com/4apj4msc> ; "Long Absence: Rights report documenting cases of enforced disappearance in Yemen from 2015 to 2021," SAM for Rights and Liberties, August 2021, <https://samrl.org/pdf/longabsenceAR.pdf>
¹² "Situation of human rights in Yemen, including violations and abuses since September 2014" (A/HRC/45/6), Group of Eminent International and Regional Experts on Yemen, September 28, 2020. See paragraph 63.
¹³ "In the Darkness," Mwatana, June 2020, <https://tinyurl.com/4apj4msc> ; "Medical Neglect a Silent Killer in Yemen's Prisons," Justice4Yemen Pact, January 22, 2024, <https://justice4yemenpact.org/articles/medical-neglect-a-silent-killer-in-yemens-prisons/>
¹⁴ "In the Darkness," Mwatana, June 2020, <https://tinyurl.com/4apj4msc> ; "Long Absence," SAM for Rights and Liberties, August 2021, <https://samrl.org/pdf/longabsenceAR.pdf>
¹⁵ Ibid. See also, "They were afflicted with depression and lost their passion...enforced disappearance is a crime against humanity," Abductees Mothers Association, August 31, 2023, <https://tinyurl.com/yerm7p7>
¹⁶ "An announcement from AMA denouncing the deaths of three kidnapped people in mysterious circumstances in the prisons of the Houthis and Tareq Saleh," April 6, 2024, <https://tinyurl.com/pz353mhj>

The case of Hassan Zaleel

At approximately 11:55am on September 16, 2023, Houthi forces raided the home of farmer Hassan Zaleel in the Anhum al-Gharb area of Hajjah governorate and detained him. Authorities never showed a legal order for Zaleel's detention, but they justified his arrest by saying that he had sent one of his granddaughters to be married in Marib governorate, which is under the control of the Houthis' opponents, the internationally recognized government. The head mufti in Houthi-held areas issued a fatwa in 2018 forbidding the marriage of girls and women in Houthi territory to men in areas of the internationally recognized government, remarking that such actions warranted punishment.¹⁷ Open-source reports suggest that Zaleel's detention was part of a wider arrest campaign carried out by Houthi forces in the area, due to suspected contact between local residents, and their relatives living in Marib.¹⁸

Zaleel was initially transported to the Kushar Directorate Central Prison. Two days later, he was transported to the Abs General hospital and arrived dead. According to a medical report issued by the Abs General hospital, the cause of death was a blow to the back of Zaleel's head. Houthi officials told his family that Zaleel had fallen while in custody.

When the family demanded an autopsy, the officials refused, asking the family to drop the matter if they wanted to take possession of the corpse. The family agreed, and the officials pressured them to bury Zaleel on the same day and accompanied them to the burial site on September 18, 2023.



Undated photo of Hassan Zaleel.
Source: AMA

The case of Kamel Taleb and his son, Abdullah Taleb

At approximately 4:00am on July 20, 2022, a force loyal to the Director of Security for the Desert and Valley, Abdullah bin Habeesh al-Sairi, raided the home of Kamel Taleb in Shibam directorate, Hadramout. During the raid soldiers fired in the air and inside the Taleb home, scaring residents. Everyone who was in the home at the time of the raid was arrested, then released an hour later, except for Kamel and Abdullah Taleb, who were retained for questioning. Authorities informed their family that they had been arrested for their suspected involvement with the kidnapping of the son of a local trader.



Undated photos of Kamel (left) and Abdullah (right) Taleb.
Source: SAM for Rights and Liberties

¹⁷ "A New Fatwa...The Houthis Forbid Marriage to Those Loyal to the Legitimate Government," al-Masdar Online, October 22, 2018, <https://almasdaronline.com/articles/159956>

¹⁸ "Hajjah...Houthi militia kidnaps citizens after a campaign of raids in Kushar," Khbr.me, September 17, 2023, <https://www.khbr.me/news197072.html>

The two men then disappeared. When relatives demanded to know from al-Sairi where Kamel and Abdullah Taleb were being held, al-Sairi informed them that they were not in his custody. He said that he had handed them over to the Director of National Security in the Desert and Valley, Faysal Badr Bajiri, and did not know what had happened to them. The family then visited several government officials to learn the whereabouts of their loved ones. Their search ended a year and nine months after the initial arrest, when they were informed by authorities that Kamel and Abdullah Taleb had died shortly after they were detained. Al-Sairi now claims that Bajiri took the two men to the UAE-controlled Rayyan detention site in Mukalla, where they were executed, and that their bodies were deposited at the Seiyun Central Hospital.¹⁹

A source informed SAM that the corpses had been transferred to the hospital by Hadramout governorate General Security during the tenure of former governor Faraj al-Bahsani.²⁰ Al-Bahsani served as Hadramout governor until July 31, 2022.²¹ If the source's account is accurate, this means that the bodies of Kamel and Abdullah Taleb remained in the Seiyun Central Hospital for nearly the entire period of their disappearance as the two men's loved ones searched for them in vain. The source said that employees at the hospital morgue were warned not to talk to anyone about the corpses.

The Taleb family requested from the local prosecutor's office that an autopsy be performed on Kamel and Abdullah Taleb. A representative from the prosecutor's office accompanied family members to inspect the bodies. The family was unable to recognize Kamel and Abdullah given the advanced state of the corpses' decomposition. The corpses had turned black, their distinguishing facial features had disappeared, and they were stuck to the clothes and wrappings they had been covered in. The family noticed signs the corpses had been mishandled—in particular, the faces appeared to have been smashed. "After a year and a half, you'll find that corpses resemble the embalmed, because the liquids have evaporated and the bodies have become like mummies. It's terrifying," one of the family members told SAM.²²

Legal Analysis

The above cases represent multiple violations of both domestic and international law starting from when the victims were illegally detained through to when they died.

Arbitrary Arrest and Detention

The Yemeni constitution and Law of Criminal Procedures stipulate that no one be arrested or detained except under the order of a judge or prosecutor in accordance with the law.²³ Additionally, the International Covenant on Civil and Political Rights (ICCPR), which Yemen acceded to in 1987, stipulates that "no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."²⁴

¹⁹ "Call to open an urgent investigation into the death of Kamel Taleb and his son at the security forces' prison in Seiyun," SAM for Rights and Liberties, March 16, 2024, <https://tinyurl.com/yyun6z69>

²⁰ Ibid.

²¹ "The Presidential Council releases Hadramout Governor 'Al-Bahsani' from his position and announces a replacement," July 31, 2022, al-Mashad News, <https://www.almashhadnews.com/236387>

²² "Call to open an urgent investigation into the death of Kamel Taleb and his son at the security forces' prison in Seiyun," SAM for Rights and Liberties, March 16, 2024, <https://tinyurl.com/yyun6z69>

²³ Yemeni Constitution, article 48.b ; Law of Criminal Procedures of 1994, article 172

²⁴ ICCPR, article 9.1

International humanitarian law similarly prohibits arbitrary detention in both international and non-international armed conflicts.²⁵

The family of Kamel and Abdullah Taleb were never shown a legal order issued by a judge or prosecutor for their arrest, and the family maintains no such order exists.

In the case of Hassan Zaleel, his family was not shown a legal order for his detention, and the reason stated by authorities for his arrest was the fact he had sent his granddaughter to be married in Marib—which is not a crime and therefore is not a valid legal justification for his detention.

The right to be free from arbitrary detention under human rights law includes several procedural obligations, including the obligation to bring the arrest person promptly before a judge, and an obligation to provide a person deprived of liberty with an opportunity to challenge the lawfulness of their detention.²⁶ Yemen's constitution and legal code contain similar procedural obligations.²⁷ In neither of the documented cases were these procedural obligations upheld.

Mistreatment and Death in Detention

States are directly responsible for the lives of people deprived of liberty.²⁸

Kamel and Abdullah Taleb were detained and held by forces affiliated with the internationally recognized government of Yemen.

Hassan Zaleel was detained and held by the Houthi authorities, who exercise government-like functions in Yemen's north and claim to uphold Yemeni law and international treaties signed by previous Yemeni governments.²⁹ As a governing body, the Houthis are obligated to uphold and protect the human rights of the citizens under their governance.

The circumstances of both cases strongly indicate that violence on the part of detaining authorities was responsible for all three men's deaths in detention—whether torture, other ill-treatment, or summary execution.

Under domestic law, the Yemeni constitution forbids torture.³⁰ The Law of Criminal Procedures prohibits the torture, and inhumane treatment of the accused in order to compel confession.³¹ Even if the treatment of detainees does not rise to the level of torture, the Law of Criminal Punishments criminalizes any public official using force or threats with the accused to compel him to confess to a crime or provide information or statements.³² The same law criminalizes public officials who inflict punishment on anyone not in accordance with their legal sentencing,³³ as well as “any public official who uses cruelty with people unjustly, relying on the

²⁵ ICRC Study on Customary International Humanitarian Law, rule 99

²⁶ ICCPR, article 9

²⁷ Yemeni Constitution, article 48.c ; Law of Criminal Procedures of 1994, article 76

²⁸ “Deaths in prisons; Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz,” (A/HRC/53/29), UN Human Rights Council, April 18, 2023, paragraph 14.

²⁹ Response from the Houthi De facto Authorities to the Group of Eminent Experts on Yemen, May 30, 2019, available at:

https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/GEE-Yemen/2019_Houthis_Response_list_of_issues_AR.pdf

³⁰ Yemeni Constitution, article 48.b

³¹ Law of Criminal Procedures of 1994, article 6

³² Law of Criminal Punishments of 1994, article 166

³³ Law of Criminal Punishments of 1994, article 167

power of his position, in a manner that diminishes their honor, or causes them bodily pains.”³⁴ Finally, Yemeni criminal law prohibits both murder and manslaughter.³⁵

Torture and other forms of ill-treatment are prohibited by international human rights law,³⁶ and international humanitarian law.³⁷ In particular, Yemen has ratified the Convention Against Torture, which obligates signatory states to promptly and fairly investigate potential acts of torture.³⁸ The prohibition against the arbitrary deprivation of life is a universal, foundational element of international human rights law,³⁹ and the murder of civilians, and anyone not taking an active part in hostilities, is also prohibited by international humanitarian law.⁴⁰ Under the statute of the international criminal court, murder of such persons may constitute a war crime.⁴¹

All deaths in detention are the responsibility of the governing authority and must be investigated. In the cases documented in this report, authorities purposefully delayed notification of family, obfuscated the facts of the case, and limited the possibility of an investigation, all of which indicate a desire on the part of officials to cover up their potential crimes.

³⁴ Law of Criminal Punishments of 1994, article 168

³⁵ Law of Criminal Punishments of 1994, article 234

³⁶ ICCPR, article 7; Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

³⁷ Additional Protocol II to the Geneva conventions, article 4.2.a; Common Article 3 of the Geneva Conventions

³⁸ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 12

³⁹ International Covenant on Civil and Political Rights (ICCPR), article 6.1

⁴⁰ Additional Protocol II to the Geneva conventions, article 4.2.a; Common Article 3 of the Geneva Conventions

⁴¹ Rome Statute of the International Criminal Court, article 8.c.i

Recommendations

To the
**internationally
recognized government
authorities in
Hadramout:**

- Conduct a prompt and impartial investigation into the deaths of Kamel and Abdullah Taleb in accordance with Yemen's obligations under the Convention against Torture, and pending the results of the investigation, hold the perpetrators accountable and provide appropriate redress to the family.
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To the
**internationally
recognized government:**

- Join the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention for the Protection of All Persons from Enforced Disappearance, to strengthen legal safeguards against the violations profiled in this report.
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To the
**Ansar Allah/Houthi
authorities in Hajjah:**

- Conduct a prompt and impartial investigation into the death of Hassan Zaleel in accordance with Yemen's obligations under the Convention against Torture, and pending the results of the investigation, hold the perpetrators accountable and provide appropriate redress to the family.
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To the
**Yemeni NGOs
documenting deaths in
detention:**

- Continue to compile and publish cases of deaths in detention to build public pressure on conflict parties to cease these violations. Report death in detention violations to UN mechanisms, particularly the Special Rapporteur on extrajudicial, summary, or arbitrary executions, to establish a pattern of violations and draw international attention to them.
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Contact

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