



Justice4Yemen Pact
ميثاق العدالة لليمن

INFORMATIONAL BRIEF

New kidnapping in Aden tests authorities' will to address enforced disappearance file



AUGUST 2024

Introduction

The wartime scourge of enforced disappearance in Aden has been extensively documented by human rights groups, the media, and United Nations mechanisms.ⁱ Since 2015, UAE-backed local forces affiliated with the ruling Southern Transitional Council (STC) areas have detained, disappeared, and tortured citizens because of their perceived opposition to local authorities, their suspected links to terrorist groups, or on other arbitrary bases. These forces have targeted a diverse range of victims, including journalists and activists, members of the Islah party, and soldiers who helped repel the Houthis from Aden in 2015. Comprehensive estimates on the number of forcibly disappeared are unavailable. However, the Abductees Mothers Association reported 112 cases in Aden from 2018-2022, while SAM reported 46 cases from 2015-2021.ⁱⁱ These numbers reflect only those cases the organizations could document, meaning they represent the tip of the iceberg. Dozens of people who vanished into southern Yemen's lockups have never been seen again.

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 Justice4Yemen Pact coalition thanks member organization SAM for Rights and Liberties for its work documenting the violations profiled in this report.

The kidnapping of Lieutenant Colonel Ali Ashal al-Jaadani on June 2, 2024 has shone a spotlight on this enforced disappearance file. Relatives of the disappeared, tribal and civic groups, politicians, and the wider public have all called on local authorities to reveal the whereabouts of citizens who, like Ali Ashal, vanished into thin air during the war.ⁱⁱⁱ Ashal’s tribal backing, and the public outpouring of support for him, forced local authorities to act: at an August 1st press conference, the Director of Aden Police announced that arrest orders had been issued in connection with the case for the commander of the Counter Terrorism Forces Yusran al-Maqtari, his deputy, and five other members of local security forces.^{iv} Before Ashal’s kidnapping, Al-Maqtari and his counter terrorism forces had been implicated in many other enforced disappearances and political assassinations in Aden.^v

However, authorities have also attempted to suppress the nascent popular movement on behalf of Ashal and other enforced disappearance victims.^{vi} They blocked cars from passing along a planned protest route on August 3, and arrested organizers and relatives of the forcibly disappeared who participated in the march.^{vii}

One of those arrested against the backdrop of the Ashal protest movement is Ramez al-Kamarani, the subject of this report. He was detained at a checkpoint in al-Tawahi directorate on July 23 by STC-affiliated forces who family members believe are led by Ahmed Hassan al-Marhabi, the head of the STC’s security committee. Like Ashal and countless others before him, al-Kamarani has disappeared since his arrest—his family has received no information on his whereabouts or condition. Given the timing and circumstances of al-Kamarani’s disappearance, his case represents a test of local authorities’ willingness to address the enforced disappearances file in the aftermath of the Ali Ashal case.

This report is based on an interview conducted by SAM for Rights and Liberties with a family member of al-Kamarani who requested anonymity, as well as a review of open-source material.



Top: Director of Aden Police Mutahar al-Shuaibi gives an August 1 press conference on developments in the Ali Ashal case. Bottom: The Abductees Mothers Association holds a July 11 protest in Aden demanding information on their disappeared loved ones.

Sources: AIC via YouTube, and AMA

Incident Summary

Ramez al-Kamarani was arrested at a checkpoint in the Jahif area of Aden, at the entrance to al-Tawahi directorate, at dawn on July 23, 2024, as he was going to visit his uncle in al-Tawahi accompanied by his son. Several media reports indicate that Presidential Guard forces, loyal to the governing Southern Transitional Council (STC), were behind the arrest.^{viii} Indeed, the family member who spoke to SAM said that after al-

Kamarani's arrest relatives called his phone, and the man who picked up informed them that al-Kamarani had been taken to camp under the control of the Presidential Guard forces. Since al-Kamarani's arrest his family has contacted various security services in Aden but received no information about al-Kamarani, and they are unsure where he is currently being held. They have been unable to speak or visit with him.



Ramez al-Kamarani in an undated photo.

Source: Yemen Press Agency

Who is Ramez al-Kamarani and why was he detained?

Ramez al-Kamarani is a captain with the UAE-backed Giants Brigade in Mocha, Taiz, on Yemen's western coast. He is originally from al-Mualla in Aden.

It is unclear why exactly al-Kamarani was detained. Media reports have indicated he was arrested because he helped organize protests on behalf of Lieutenant Colonel Ali Ashal.^{ix} The family member interviewed by SAM said that several days before al-Kamarani's arrest, someone filed a police report alleging that he was inciting people to join the march planned on behalf of Ali Ashal on August 3. Al-Kamarani then visited the al-Mualla police, and the Criminal Pursuit Division, where he gave statements regarding these charges and was released—only to be detained several days later.

Al-Kamarani's recent arrest is not the first time he has been targeted by security services. In 2019, counter terror forces raided his home in al-Mualla and claimed to have seized weapons and explosives originating in Qatar and intended for use in assassination attacks.^x Al-Kamarani countered these accusations in a contemporaneous video, saying that neighbors had witnessed the counter terror forces bringing weapons and explosives into his abandoned property in al-Mualla to frame him.^{xi}

Al-Kamarani said he was targeted because he had championed the case of Rafaat Dunba, the primary witness to the rape of a child in al-Mualla in 2018 by members of the local police. Dunba was subsequently gunned down in front of his home during a raid by counter terror forces.¹ Al-Kamarani demanded that the head of the counter terror team that conducted the raid face justice, and he was among many al-Mualla residents who expressed solidarity with Dunba's family. It is possible al-Kamarani's previous dispute with local security forces played a role in his current predicament.

¹ The Al-Mualla Child case, as it became known, garnered widespread public attention and was marred by irregularities. Police were reported to have erased a video of the rape from the evidence file before handing it to prosecutors, and the main witness Dunba was killed by counter terror forces. Al-Masdar Online reported at the time, citing an anonymous source, that one of the perpetrators of the rape had enlisted the help of a relative in the counter terror forces to plan the fatal raid against Dunba, after failing to persuade him to not testify in court.

Al-Kamarani's military and political background might also be relevant to his recent disappearance. In 2015, al-Kamarani led local military forces in al-Mualla to repel the Houthi assault on Aden.^{xii} He is also reportedly a member of the Yemeni Islah party.^{xiii} Former anti-Houthi fighters in the Aden resistance, as well as members of the Islah party, have been repeatedly targeted for enforced disappearance and assassination by UAE-backed local forces during the war.^{xiv}

Legal Analysis

International law

As the de facto authority exercising territorial control and government-like functions in Aden, the STC is bound by international human rights norms.^{xv} It is also obligated to respect Common Article 3 of the Geneva Conventions.^{xvi} In a December 2019 press statement, the STC said that "protection of human rights and respect for international law is at the forefront of STC interests."^{xvii} The STC's Presidential Council maintains an office dedicated to legal affairs and human rights, which trains local security forces in international human rights and humanitarian law.^{xviii}

Al-Kamarani's detention meets the definition of enforced disappearance as established by the Convention for the Protection of All Persons from Enforced Disappearance (CPED): he appears to have been arrested by agents of the State or persons acting with the support or acquiescence of the State, followed by a concealment of his fate and whereabouts, placing him outside the protection of the law. Yemen is not a party to the CPED, but it has ratified the International Convention on Civil and Political Rights (ICCPR). This obligates Yemen not to engage in enforced disappearances, which violate a range of civil and political rights stipulated in the ICCPR.^{xix} The enforced disappearance of people taking no active part in hostilities violates the requirement of human treatment stipulated by Common Article 3 of the Geneva Conventions, as well as a number of obligations under customary international humanitarian law.^{xx}

Examples of Enforced Disappearances in Aden

Below are notable cases of wartime enforced disappearances in Aden perpetrated by STC-affiliated forces. While far from a comprehensive list, this graphic highlights the repeated nature of these violations.

February 2016

Mohammad al-Alwani. Kidnapped off the street by masked men belonging to local security services. Initially his family learned he was being held in the Criminal Pursuit division but al-Alwani subsequently disappeared. His mother (pictured left) died during the course of her desperate search for her son in various prisons and government agencies in Aden.



April and July 2016

Mohammad and Saleh Saeed al-Qumaishi. Mohammad was arrested at home by forces claiming to be acting under the orders of then Aden police chief Shallal Shayea, while Saleh was arrested from his restaurant by STC forces. Initially the brothers were held in the al-Mansoura prison; in September 2016 they disappeared and have not been heard from since. Shallal Shayea told their father they had been transferred to the custody of the Arab Coalition.



July 2016

Hatem al-Awlaqi. Arrested at a relative's house as he was breaking his Ramadan fast, by a group of men wearing military clothes. At the time of his arrest Hatem was working as a bus driver and had gotten married two months prior. According to testimony from prisoners at Bir Ahmed prison gathered by Hatem's family, Hatem was held at Bir Ahmed for some time but has since disappeared.



June 2017

Hadhifa Omar Mubarak. Arrested at home by counter terror forces loyal to Yusran al-Maqtari. Hadhifa is a salafi preacher and former fighter who helped repel the Houthi assault on Aden, and the son of the imam of a local mosque. Following his arrest family members visited the Aden police who told them Hadhifa would be released as he was not under suspicion of committing a crime, only for him to subsequently disappear.



January 2018

Zakariya Qassem. Kidnapped as he was going to pray at dawn by masked men believed to be members of Aden security forces. Zakariya was a teacher who worked as the executive director of the Iqra' Charity Center for reading. He was also a local government official and member of the Islah party. Six and a half years after he disappeared his family has no information on his whereabouts or condition.



June 2018

Bahij Abeer Zayd. Kidnapped at dusk by four armed men in a bus. Bahij was the local neighborhood representative (aqil) in the Dar Saad area of Aden. The same year he was kidnapped, a former prisoner at the Coalition Prison in Aden told his family Bahij was detained there as well; however since then his family has received no additional information.



November 2020

The Sheikh Abdul Qader al-Shibani. Kidnapped in Aden as he was on his way to receive medical treatment in Egypt by a group of masked men wearing civilian clothes. At the time of his arrest al-Shibani was using a wheelchair and suffering from a broken pelvis and brain tumor. He disappeared for months, only to be released from detention in murky circumstances in August 2021. He died shortly thereafter.



Yemeni Law

The detention of Ramez al-Kamarani clearly violates Yemeni law. The Yemeni Constitution and 1994 Law of Criminal Procedures stipulate that anyone arrested under suspicion of committing a crime be transferred to the judiciary within 24 hours, and that the prosecution cannot hold a detainee for more than 7 days without a judicial order.^{xxi} The same legal texts stipulate that the detained has the right to contact a person of his choice immediately after his arrest, as well as following the issuance of every judicial order to continue his detention.^{xxii} As of the publication of this report, it has been three weeks since al-Kamarani was detained and his family has been unable to contact him or confirm his whereabouts.

Given the fact that al-Karamani has been held incommunicado since his arrest, and local security services deny holding him, it is reasonable to suspect that his arrest and detention occurred without a lawful judicial order issued by a court or prosecutor. The Yemeni Constitution and Law of Criminal Procedures stipulate that no one be arrested unless in accordance with a lawful order issued by a court or prosecutor.^{xxiii}

If al-Kamarani was indeed arrested without a lawful order, as appears to be the case, his arrest could meet the definition of kidnapping under Yemeni law.² Yemen's 1994 Law of Crimes and Punishments, and 1998 Law Concerning Combatting the Crimes of Kidnapping and Banditry, both criminalize kidnapping.^{xxiv} The latter law doubles penalties for perpetrators of kidnapping who are members of the armed forces or security services.^{xxv}

² An analysis by the Yemeni lawyer Ali Qassem Ghanem al-Mohammadi summarizes the difference between lawful arrest and kidnapping in Yemeni law as follows: "An arrest is in accordance with an order issued by a legal commanding officer legally entitled to do so, either the court or public prosecutor, while kidnapping occurs without an order from specialized entities." See "Legal Education," International Company of Lawyer Ali al-Mohammadi for Litigation and Legal Advice, Facebook, July 4, 2020, <https://tinyurl.com/3esn8uxz>

Recommendations

To the
**ruling authorities in
Aden:**

- Open a prompt and thorough investigation into the disappearance of Ramez al-Kamarani. Disclose his whereabouts to family, and if he is being charged with a crime, ensure he is promptly transferred to the judiciary in accordance with Yemeni and international law. If he is not being charged with a crime, ensure his swift and unconditional release from detention.
 - Open prompt and thorough investigations into all alleged outstanding cases of enforced disappearance in Aden and surrounding areas. Disclose the whereabouts of the disappeared to family. Ensure that detainees who are being charged with crimes are promptly transferred to the judiciary in accordance with Yemeni and international law; otherwise ensure their swift and unconditional release from detention. Pending the results of investigations, hold the perpetrators of enforced disappearances accountable.
 - Publish lists of all individuals currently being detained in official and unofficial detention sites, and those who have died in detention.
 - Facilitate access for independent humanitarian actors, principally the International Committee of the Red Cross, to visit detention sites without prior notice.
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To the
**internationally
recognized
government of
Yemen:**

- 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.
 - Implement effective safeguards against enforced disappearances: maintain accurate and up to date detainee records, establish procedures to promptly inform family members of detainee whereabouts, and facilitate detainee access to legal representation.
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To the
**United States
government:**

- Exert diplomatic pressure on the UAE to ensure their local partners in Yemen cease their well-documented pattern of enforced disappearances as highlighted in this report.
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Contact

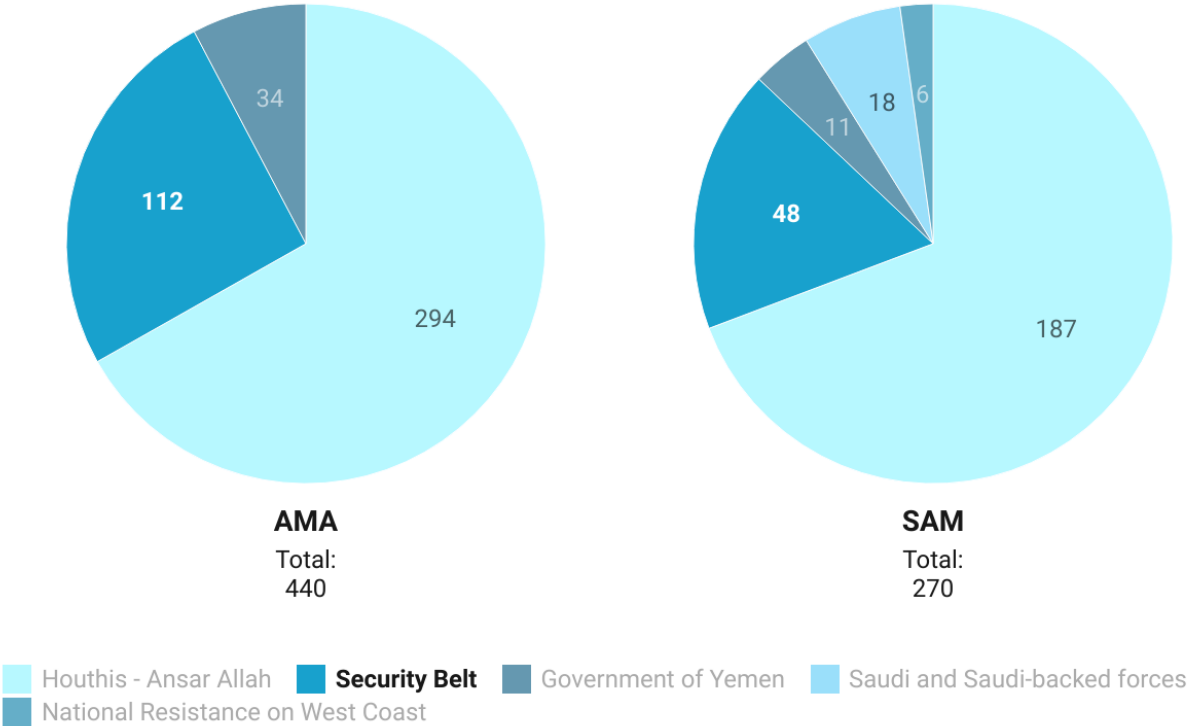
Info@justice4yemenpact.org

Appendix: Cases of Enforced Disappearance Documented by Justice4Yemen Pact Coalition Members

The following chart displays cases of enforced disappearance documented by SAM for Rights and Liberties, and the Abductees Mothers’ Association. The graph highlights cases committed by the UAE-backed Security Belt forces, which are primarily responsible for enforced disappearances in Aden and surrounding areas as highlighted in this report.

Cases of enforced disappearance documented by AMA and SAM

AMA’s documentation covers cases that occurred from 2018 to 2022;
 SAM’s documentation covers cases that occurred from 2015-2021



Source: “Justice for the kidnapped,” Abductees Mothers Association, March 5, 2023; “Long Absence,” SAM for Rights and Liberties, August 2021
 - Created with Datawrapper

Endnotes

- ⁱ See, for example: “Close the Illegal Detention Centers in Aden and Hadramout,” SAM for Rights and Liberties, May 22, 2017, <https://tinyurl.com/37tz8uch> ; “In Yemen’s secret prisons, UAE tortures and US interrogates,” The Associated Press, June 22, 2017, <https://tinyurl.com/yp4zxw4t> ; “Yemen: UAE Backs Abusive Local Forces,” Human Rights Watch, June 22, 2017, <https://www.hrw.org/news/2017/06/22/yemen-uae-backs-abusive-local-forces> ; “Yemen: ‘God only knows if he’s alive’: Enforced disappearance and detention violations in southern Yemen,” Amnesty International, July 12, 2018 <https://www.amnesty.org/en/documents/mde31/8682/2018/en/> ; “In the Darkness,” Mwatana, June 30, 2020, <https://www.mwatana.org/reports/in-the-darkness> ; “Situation of human rights in Yemen, including violations and abuses since September 2014” (A/HRC/42/CRP.1), Group of Eminent International and Regional Experts on Yemen, UN Human Rights Council, September 3, 2019, paragraphs 220-246
- ⁱⁱ “Long Absence: Rights report documents cases of enforced disappearance in Yemen from 2015 to 2021,” SAM for Rights and Liberties, August 2021, <https://samrl.org/pdf/longabsenceAR.pdf> ; “Justice for the Disappeared,” Abductees Mothers Association, September 2023, <https://tinyurl.com/bd99c3zj>
- ⁱⁱⁱ “Amidst warnings of a return of local conflict...security tension between Aden and Abyan on the basis of the million-man Ashal march,” YemenMonitor, August 2, 2014, <https://tinyurl.com/3pystdaa> ; “Developments in the ‘Ashal Case’ in Aden,” al-Mushahid, August 4, 2024, <https://almushahid.net/124915/> ; “‘Shabwa National Council’ intends to form a team to monitor the file of the forcibly disappeared by the Transitional [Council’s] Militias,” Southern Yemen, August 6, 2024, <https://southern-yemen.net/5274> ; “Announcement of the ‘National Southern Coalition’ regarding Hadramout, the Ashal case, and fiery messages for the Transitional Council,” August 13, 2024, <https://www.almashhadnews.com/288361>
- ^{iv} “Press Conference – Results of the investigation into the kidnapping of Lieutenant General Ali Ashal,” Aden Independent Channel, YouTube, August 1, 2024, <https://www.youtube.com/watch?v=x-PUm0s-XXY>
- ^v “Long Absence: Rights report documents cases of enforced disappearance in Yemen from 2015 to 2021,” SAM for Rights and Liberties, August 2021 ; “UAE has funded political assassinations in Yemen, BBC finds,” BBC, January 22, 2024, <https://www.bbc.com/news/world-middle-east-67945137>
- ^{vi} “Lamlas instructs the million-man Ashal march to be blocked, and the Transitional [Council] describes Abyan tribes as suspicious elements,” Southern Yemen, August 2, 2024, <https://southern-yemen.net/4999> ; “Yemeni Evening – The Transitional [Council] faces the million-man Ashal march with arrests and bullets...what’s next?” Belqees TV, August 3, 2024, <https://www.youtube.com/watch?v=bC4PkwDNdIE>
- ^{vii} Ibid. See also, “Aden on fire: Arrest of the family of the kidnapped Nayyef al-Quhbi during the fiery march,” al-Mashhad News, August 4, 2024, <https://www.almashhadnews.com/287645> ; “Aden...Transitional [Council] forces raid a hotel and arrest one of the leaders of the protests demanding the fate of the kidnapped Ashal be revealed,” Al-Masdar Online, August 13, 2024, <https://almasdaronline.com/articles/300250>
- ^{viii} “The Transitional [Council] adds a leader in the ‘Giants Brigade’ to the list of the kidnapped in Aden,” Yemen Press Agency, August 6, 2024, <https://www.yagency.net/662100>
- ^{ix} “Kidnapping of a young man in al-Tawahi city by security forces,” al-Mashhad News, August 7, 2024, <https://www.almashhadnews.com/287881> ; The Transitional [Council] adds a leader in the ‘Giants Brigade’ to the list of the kidnapped in Aden,” Yemen Press Agency, August 6, 2024
- ^x “Seizure of Qatari weapons inside a den of the Brotherhood organization in Aden,” Skynews Arabia, July 12, 2019, <https://tinyurl.com/bdct3uje>

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- ^{xi} “Ramez Karamani exposes the Transitional [Council’s] media and the so-called ‘Counter Terror’ forces in Aden, which announced they had arrested him as a terrorist,” al-Marsad Post, YouTube, July 14, 2019, <https://www.youtube.com/watch?v=4yLAlegG-sY&t=39s>
- ^{xii} “A new kidnapping case in Aden,” Aden Gad, August 6, 2024, <https://tinyurl.com/3az776yc>
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- ^{xv} “Situation of human rights in Yemen, including violations and abuses since September 2014” (A/HRC/42/CRP.1), Group of Eminent International and Regional Experts on Yemen, UN Human Rights Council, September 3, 2019, paragraph 29
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- ^{xvii} “The Southern Transitional Council Issues an Important Announcement,” Southern Transitional Council, December 16, 2019, <https://stcaden.com/posts/10886>
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- ^{xix} “Situation of human rights in Yemen, including violations and abuses since September 2014” (A/HRC/45/CRP.7) Group of Eminent International and Regional Experts on Yemen, Human Rights Council, September 29, 2020, paragraph 151
- ^{xx} Ibid, paragraph 152
- ^{xxi} Yemeni Constitution, article 48.c; Law of Criminal Procedures, article 76
- ^{xxii} Yemeni Constitution, article 48.d; Law of Criminal Procedures, article 77
- ^{xxiii} Yemeni Constitution, article 48.b; Law of Criminal Procedures, articles 70 and 172
- ^{xxiv} Law of Crimes and Punishments, article 249; Law 24 of 1998 Concerning Combatting the Crimes of Kidnapping and Banditry, articles 1-12
- ^{xxv} Law 24 of 1998 Concerning Combatting the Crimes of Kidnapping and Banditry, articles 1-12, article 8