



UNIVERSAL PERIODIC REVIEW

YEMEN

THIRD CYCLE

SUBMISSION TO THE STAKEHOLDERS' SUMMARY

**Alkarama Foundation, 21 June 2018**

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# 1 GENERAL CONTEXT AND RECENT DEVELOPMENTS

1. Since the 2014 Universal Periodic Review (UPR), the country's humanitarian and human rights situation has dramatically deteriorated due to the violations committed in the context of the armed conflict that started in 2015 between the Houthi forces and the Yemeni government supported by the Saudi-led coalition.
2. The armed conflict has been characterised by massive civilian casualties and extensive destruction of civilian infrastructure, including hospitals and schools.<sup>1</sup> Combined with the blockade imposed by the Saudi-led coalition and the denial of humanitarian access by the Houthi forces, the armed conflict resulted in the world's largest humanitarian crisis.<sup>2</sup>
3. In the midst of the conflict, the United States (U.S.) continued its campaign of drone strikes against suspected Al Qaeda members and carried out raids jointly with the United Arab Emirates (UAE).
4. Individuals deprived of their liberty continue to be systematically subjected to arbitrary detention, enforced disappearances, torture and ill-treatment by all parties to the conflict and many are held in unofficial or secret detention facilities. Journalists, human rights defenders, and political opponents are targeted by the authorities in an attempt to stifle peaceful dissent and freedom of expression.

## 1.1 Scope of international obligations

5. Notwithstanding the recommendations it accepted following the last UPR cycle,<sup>3</sup> Yemen has not ratified the International Convention for the Protection of All People from Enforced Disappearance (ICPPED) and the Statute of the International Criminal Court (ICC). Furthermore, it has not ratified the Optional Protocol to the Convention against Torture

<sup>1</sup> Since the outbreak of the conflict, 16,432 civilian casualties have been documented by the OHCHR as of May 2018, of which 6,385 dead and 10,047 injured. See: OHCHR, *Press briefing note on Yemen, Cambodia, Cuba, Nicaragua and Montenegro*, 11 May 2018, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23071&LangID=E> (last access 24 May 2018).

<sup>2</sup> Currently, 22 million people are in need of humanitarian assistance, 8 million are on the brink of famine, and a cholera outbreak reached more than one million suspected cases and more than 2000 deaths since April 2017. See: UNOCHA, *Humanitarian Needs Overview 2018 - Yemen*, December 2017, [https://reliefweb.int/sites/reliefweb.int/files/resources/yemen\\_humanitarian\\_needs\\_overview\\_hno\\_2018\\_20171204\\_0.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/yemen_humanitarian_needs_overview_hno_2018_20171204_0.pdf) (last access 24 May 2018); WHO, *Yemen – Cholera response, Electronic Disease Early Warning System Weekly Epidemiological Bulletin W19 2018*, 2018, [https://reliefweb.int/sites/reliefweb.int/files/resources/week\\_19\\_002.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/week_19_002.pdf) (last access 24 May 2018).

<sup>3</sup> Human Rights Council (HRC), *Report of the Working Group on the Universal Periodic Review – Yemen*, A/HRC/26/8, 7 April 2014, p. 14 ff., Recommendations enjoying Yemen's support No. 115.1 (Botswana); 115.2 (Republic of Korea); 115.3 (France); 115.4 (Switzerland); 115.5 (Slovakia); 115.6 (Uruguay); 115.7 (Latvia); 115.8 (Australia), 115.11 (Argentina).

(OPCAT) and the Second Optional Protocol to the International Covenant on Civil and Political Rights (OP2 ICCPR).<sup>4</sup>

6. Moreover, it has not accepted the individual complaints procedures under the Optional Protocol to the ICCPR (OP1 ICCPR) and article 22 of the Convention against Torture (UNCAT).

## RECOMMENDATIONS

- a) Ratify the ICPPED, OPCAT, OP2 ICCPR, and ICC Statute;
- b) Accept the individual complaints procedures under OP1 ICCPR and article 22 UNCAT.

## 1.2 Constitutional and legislative framework

- 7. During the second UPR cycle, the authorities pledged to carry out a process of legislative reforms that should have brought the Yemeni legal framework into compliance with international human rights standards.<sup>5</sup> However, they did not fulfil their commitments. For example, the government has failed to adopt the new constitution prepared in 2015 by the Constitution Drafting Committee, and it has not yet adopted a law on transitional justice and national reconciliation.
- 8. Furthermore, despite the recommendations made by numerous states during the last cycle,<sup>6</sup> Yemen has not amended the provisions allowing for the execution of the death penalty<sup>7</sup> for several crimes ranging from murder to acts “with the intent of violating the independence, unity or territorial integrity of the Republic”.<sup>8</sup>

## RECOMMENDATIONS

- a) Accelerate legislative reforms in order to align the domestic legal framework with international human rights standards;

<sup>4</sup> Recommendations not enjoying Yemen's support No. 117.1 (Denmark); 117.5 (Tunisia); 117.7 (Uruguay); 117.8 (Australia).

<sup>5</sup> Recommendations enjoying Yemen's support No. 115.27 (France); 115.33 (Jordan); 115.35 (Uzbekistan); 115.36 (Afghanistan); 115.37 (United Arab Emirates); 115.40 (Azerbaijan).

<sup>6</sup> Recommendations enjoying Yemen's support No. 115.54 (Slovenia); 115.55 (Spain); 115.56 (Belgium); 115.57 (Belgium); 115.58 (Spain); recommendations not enjoying Yemen's support No. 117.7 (Uruguay); 117.8 (Australia); 117.9 (Tunisia); 117.10 (Czech Republic); 117.11 (Germany); 117.12 (Italy); 117.13 (Lithuania); 117.14 (Switzerland); 117.15 (Montenegro); 117.16 (Sweden); 117.17 (Portugal); 117.18 (Switzerland); 117.19 (United Kingdom of Great Britain and Northern Ireland); 117.20 (Mexico); 117.21 (Argentina); 117.22 (Poland); 117.23 (Norway); 117.24 (France).

<sup>7</sup> See: Republican Decree for Law No. 13 for the Year 1994 Concerning the Criminal Procedures, articles 477-493 prescribing, *inter alia*, the execution of the death sentence by stoning, beheading, shooting, and crucifixion after the execution.

<sup>8</sup> See: Republican Decree for Law No. 12 for the Year 1994 Concerning Crimes and Penalties, in particular articles 125-130.

- b) Accelerate the adoption of the new Constitution and ensure that its provisions comply with international human rights standards;
- c) Adopt transitional justice and national reconciliation laws ensuring that violations of international humanitarian and human rights law are investigated, perpetrators are prosecuted, and victims receive adequate and effective remedy;
- d) Adopt a moratorium on the death penalty with a view to abolishing capital punishment.

### 1.3 Human rights infrastructure

9. During the last cycle, the government committed itself to establishing a national human rights institution (NHRI) in accordance with the Paris Principles<sup>9</sup> and a National Committee of Inquiry to investigate human rights violations.<sup>10</sup>
10. Notwithstanding the Council of Ministers Order No. 35 of 2012 on the preparation of a bill establishing an independent NHRI,<sup>11</sup> the authorities have not yet finalised the process of forming a NHRI.<sup>12</sup>
11. Moreover, in September 2015, a national commission of inquiry (NCI) was established to investigate human rights violations committed by all parties to the conflict.<sup>13</sup> However, the fact that the NCI was appointed by one party to the conflict suggests a lack of impartiality and independence, which prompted other belligerent parties to refuse to cooperate with the NCI.<sup>14</sup> Additionally, the NCI is not provided with a mechanism to effectively hold the perpetrators of the violations accountable.<sup>15</sup> As a consequence, the OHCHR called for the creation of an international commission of inquiry to effectively

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<sup>9</sup> Recommendations enjoying Yemen's support No. 115.21 (Tunisia); 11.22 (Congo); 115.23 (Uruguay); 115.24 (Denmark); 115.25 (Iraq); 115.26 (Guatemala); 115.27 (France); 115.28 (Germany); 115.29 (Kenya); 115.30 (Nicaragua); 115.31 (Philippines); 115.32 (Poland).

<sup>10</sup> Recommendations enjoying Yemen's support No. 115.34 (Portugal); 115.36 (Afghanistan).

<sup>11</sup> HR Committee, *Clarifications of the Republic of Yemen concerning paragraphs 7, 10, 15 and 21 of the concluding observations of the Human Rights Committee*, CCPR/C/YEM/CO/5/Add.1, 4 April 2014, paras. 4-9.

<sup>12</sup> See for example: Human Rights Committee Special Rapporteur for Follow-up to Concluding Observations, *Follow-up letter sent to the State party*, 13 April 2015.

<sup>13</sup> By Presidential Decree No. 13, amending presidential decree No. 140 of 22 September 2012, 7 September 2015.

<sup>14</sup> OHCHR, *Situation of human rights in Yemen, including violations and abuses since September 2014 – Report of the United Nations High Commissioner for Human Rights*, A/HRC/36/33, 13 September 2017, paras. 16, 83.

<sup>15</sup> *Ibidem*, para. 16.

conduct independent and impartial investigations into the violations perpetrated by all parties to the conflict.<sup>16</sup>

## RECOMMENDATIONS

- a) Establish a NHRI in accordance with the Paris Principles;
- b) Effectively cooperate with UN independent experts and allow them to conduct independent and impartial investigations.

## 2 COOPERATION WITH INTERNATIONAL HUMAN RIGHTS MECHANISMS

### 2.1 Cooperation with the Treaty Bodies

12. Yemen has yet to submit its overdue reports to the UN Treaty Bodies, such as the report that was due in May 2014 to the Committee against Torture (CAT), and the one due in March 2015 to the Human Rights Committee (HR Committee).

13. Furthermore, it has failed to implement the recommendations made by Treaty Bodies, notwithstanding its commitment to do so in the last cycle.<sup>17</sup> Among other recommendations, Yemen has failed to “counter enforced disappearances and the practice of mass arrest without a warrant and arbitrary detention without charges and judicial process”,<sup>18</sup> as well as eradicating torture and ill-treatment by state officials<sup>19</sup> and guaranteeing freedom of expression and freedom of the press.<sup>20</sup>

## RECOMMENDATIONS

- a) Comply with reporting obligations to Treaty Bodies;
- b) Effectively implement Treaty Bodies' recommendations.

<sup>16</sup> *Ibidem*, para. 89; OHCHR, *Situation of human rights in Yemen, Report of the United Nations High Commissioner for Human Rights, A/HRC/33/38*, 4 August 2016, para. 74 (a); OHCHR, *Situation of human rights in Yemen, Report of the United Nations High Commissioner for Human Rights, A/HRC/30/31*, 7 September 2015, para. 93 (a).

<sup>17</sup> Recommendations enjoying Yemen's support No. 115.43 (Montenegro); 115.59 (France).

<sup>18</sup> CAT, *Concluding observations on the second periodic report of Yemen, CAT/C/YEM/CO/2/Rev.1*, 25 May 2010, par. 13.

<sup>19</sup> *Ibidem*, par. 8.

<sup>20</sup> HR Committee, *Concluding observations on the fifth periodic report of Yemen, CCPR/C/YEM/CO/5*, 23 April 2012, par. 25.

## 2.2 Cooperation with the Special Procedures

14. Despite committing itself to accepting the Special Procedures' pending visit requests and to consider extending a standing invitation to all mandate holders in the last cycle,<sup>21</sup> Yemen has not accepted several mandate holders' pending requests<sup>22</sup> and has not extended any standing invitation to date.
15. Moreover, it has formally accepted but never practically implemented the Special Rapporteur on extrajudicial, summary or arbitrary executions' visit request made in 2006, and it continuously postponed the visit of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, which was requested in 2012.

### RECOMMENDATIONS

- a) Accept and implement all pending requests for country visits by the Special Procedures;
- b) Extend a standing invitation to all mandate holders.

## 3 IMPLEMENTATION OF HUMANITARIAN AND HUMAN RIGHTS LAW OBLIGATIONS

### 3.1 Violations of the right to life and international humanitarian law

#### 3.1.1 Targeted and indiscriminate attacks against civilians

16. Since the outbreak of the war, violations of international humanitarian law (IHL) have been committed by all parties to the conflict, resulting in a large amount of civilian casualties. Attacks are carried out with a constant disregard for the principles of distinction, proportionality, and precaution in attacks. Civilians are often not given effective advance warnings prior to attacks, even when the impact of a military operation on civilians is apparent. These serious violations of IHL may amount to war crimes.

<sup>21</sup> Recommendation enjoying Yemen's support No. 115.44 (Latvia).

<sup>22</sup> In particular, the requests made by the Special Rapporteur on Torture (2005), the Special Rapporteur on Freedom of Assembly (2011), and the Working Group on Enforced Disappearances (2017).

17. The coalition led by Saudi Arabia regularly conducted airstrikes which deliberately targeted civilians, including on residential areas, markets, schools and hospitals.<sup>23</sup> The Saudi-led coalition was included in the 2017 UN Secretary-General's report to the Security Council in the list of parties that commit grave violations affecting children in situations of armed conflict.<sup>24</sup> Alkarama documented the killing of a school teacher and two students in an airstrike conducted by the Saudi-led coalition against the town of Bani Mesar on 10 January 2017, which hit close to a school located in a residential area while students were walking to school.<sup>25</sup>
18. The Houthi forces – along with the Popular Committees affiliated to them and the army units loyal to former president Saleh – conducted indiscriminate shelling campaigns against densely populated civilian areas and medical facilities.<sup>26</sup> Civilians have been directly targeted by snipers positioned in areas under the control of the Popular Committees.<sup>27</sup>
19. Furthermore, the Saudi-led coalition has reportedly used different types of banned cluster munitions,<sup>28</sup> whilst antipersonnel landmines have been used by Houthis and pro-Saleh forces, killing and maiming civilians, including numerous children.<sup>29</sup>

## RECOMMENDATIONS

- a) Ensure respect of IHL rules and principles by all parties to the conflict;
- b) Protect the civilian population during the conduct of military operations;
- c) Ensure banned and unlawful weapons are not used in the country.

### 3.1.2 Blocking of humanitarian assistance

20. The dire situation of the civilian population has been dramatically worsened by the sieges and blockades imposed by the various parties to the conflict. These measures include

<sup>23</sup> Above note 16 (2015), paras. 44-53; above note 16 (2016), paras. 24-32; above note 14, paras. 23-35; UN Security Council, *Report of the Secretary-General on children and armed conflict*, A/72/361-S/2017/82, 24 August 2017, paras. 193-5.

<sup>24</sup> *Ibidem*, Annex 1, p. 40. In 2016, it was removed from the list after the pressure exercised by Saudi Arabia, see: UN Security Council, *Report of the Secretary-General on children and armed conflict – Addendum*, A/70/836/Add.1-S/2016/360/Add.1, 24 June 2016.

<sup>25</sup> See, Alkarama, *Yemen: Saudi-led Coalition Strikes Children on Their Way to School*, 27 January 2017, <https://www.alkarama.org/en/articles/yemen-saudi-led-coalition-strikes-children-their-way-school-1> (last access 25 May 2018). For another example, see also: *Yemen: 16-year-old Killed and 10 Members of Same Family Injured by Saudi-led Coalition Airstrike*, 29 October 2015, <https://www.alkarama.org/en/articles/yemen-16-year-old-killed-and-10-members-same-family-injured-saudi-led-coalition-airstrike> (last access 25 May 2018).

<sup>26</sup> Above note 16 (2015), paras. 33-43; above note 16 (2016), paras. 19-21, 46; above note 14, paras. 22-27.

<sup>27</sup> *Ibidem* (2016), para. 23.

<sup>28</sup> *Ibidem*, paras. 33-36; Human Rights Watch (HRW), *Yemen – Country Summary*, January 2018, p. 2-3.

<sup>29</sup> *Ibidem*, para. 22.



the restriction of imports imposed by the Saudi-led coalition, as well as an active denial of humanitarian access to deliver aid by all the warring parties, in contravention of IHL rules.<sup>30</sup>

21. The naval, air, and land blockades imposed by the coalition have severely curbed the importation of vital goods for the civilian population such as fuel, food, and medical supplies. The shortage of imports dramatically affected the provision of services essential for the survival of the civilian population, such as health care and drinkable water from water-pumping stations.<sup>31</sup>
22. A particularly striking example of the denial of life-saving humanitarian access is the siege of the city of Taiz that has been carried out by the Houthi forces since April 2015. The Houthi forces blocked supply routes and obstructed the delivery of urgently needed humanitarian aid and supplies to the city.<sup>32</sup> Thus, the civilian population has been unable to flee the shelling and is left in extremely critical need of water, food, and medical supplies.<sup>33</sup>

## RECOMMENDATIONS

- a) Ensure that all parties to the conflict respect the right of the civilian population to have access to humanitarian assistance and vital supplies;

### 3.1.3 Counter-terrorism operations by the U.S. and UAE forces

23. Whilst several non-state armed groups took advantage of the instability in the country to carry out numerous attacks against the civilian population, the U.S. has continued its campaign of drone strikes against suspected members of Al Qaeda, aided by the UAE forces. Although these counter-terrorism operations are in breach of the obligation under IHL to minimise harm to the civilian population and civilian objects in the conduct of hostilities and may amount to war crimes, they are carried out with the consent of the Yemeni government, which was officially reiterated by the Embassy of the Republic of Yemen in Washington D.C. in February 2017.<sup>34</sup>

<sup>30</sup> UN Security Council, *Letter dated 26 January 2018 from the Panel of Experts on Yemen mandated by Security Council resolution 2342 (2017) addressed to the President of the Security Council, S/2018/68*, 26 January 2018, paras. 187-194.

<sup>31</sup> Above note 16, para. 43; above note 14, paras. 43-45.

<sup>32</sup> Office for the Coordination of Humanitarian Affairs, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Stephen O'Brien, *Statement on Yemen*, 24 November 2015, <https://reliefweb.int/sites/reliefweb.int/files/resources/Statement%20on%20Yemen%20USG%20ERC%20Step%20O%27Brien%2024Nov2015.pdf> (last access 11 June 2018).

<sup>33</sup> *Ibidem*; see also: The Guardian, *Life under siege: inside Taiz, the Yemeni city being slowly strangled*, 28 December 2015, <https://www.theguardian.com/world/2015/dec/28/life-under-siege-inside-taiz-yemen-houthi> (last access 11 June 2018).

<sup>34</sup> See: [https://twitter.com/YemenEmbassy\\_DC/status/829432490347618305/photo/1](https://twitter.com/YemenEmbassy_DC/status/829432490347618305/photo/1).

24. Since January 2015, the U.S. has carried out at least 217 drone strikes, which have resulted in approximately 500 deaths, of which between 167 and 215 were civilians and 44-50 were children.<sup>35</sup>
25. Moreover, the U.S. has conducted raids jointly with the UAE in which several civilians were executed. Alkarama documented the case of 15 women and children killed in a raid carried out by American and Emirati military forces in the Al Bayda Governorate on 29 January 2017.<sup>36</sup>

## RECOMMENDATIONS

- a) Investigate all human rights violations carried out by armed groups;
- b) Ensure that measures to protect the civilian population from terrorist attacks comply with international human rights and humanitarian law standards;
- c) Ensure that U.S. drone strikes and ground raids against suspected Al Qaeda fighters in Yemen are in compliance with IHL norms and call for an investigation into the civilian casualties caused by these attacks.

### 3.2 Arbitrary detention, enforced disappearances, and torture

26. Notwithstanding the pledge Yemen made during the last cycle to “take measures to combat forced disappearances, collective arrests without a warrant and arbitrary detention without presentation of charges”,<sup>37</sup> the practices of arbitrary detention, enforced disappearance, and torture remain widespread in the country.<sup>38</sup> They are carried out by all parties to the conflict, in breach of IHL rules. The OHCHR documented

<sup>35</sup> The Bureau of Investigative Journalism, Strikes in Yemen, [https://www.thebureauinvestigates.com/projects/drone-war/charts?show\\_casualties=1&show\\_injuries=1&show\\_strikes=1&location=yemen&from=2015-1-1&to=now](https://www.thebureauinvestigates.com/projects/drone-war/charts?show_casualties=1&show_injuries=1&show_strikes=1&location=yemen&from=2015-1-1&to=now) (last access on 29 May 2018).

<sup>36</sup> Alkarama, *Yemen: 15 Women and Children Killed in Raid by the US and UAE Forces in the Al Bayda Governorate*, 3 February 2017, <https://www.alkarama.org/en/articles/yemen-15-women-and-children-killed-raid-us-and-uae-forces-al-bayemen-15-women-and-children> (last access 25 May 2018).

<sup>37</sup> Recommendation enjoying Yemen's support No. 115.59 (Chile).

<sup>38</sup> For specific cases, see: Alkarama, *Yemen: enforced disappearance committed by various parties of the Yemeni conflict*, 2 May 2016, <https://www.alkarama.org/en/articles/yemen-enforced-disappearance-committed-various-parties-yemeni-conflict> (last access 30 May 2018); *Yemen: Enforced Disappearance and Incommunicado Detention by Houthi-Saleh Coalition – When Preaching Against Violence Leads to Abduction*, 19 October 2015, <https://www.alkarama.org/en/articles/yemen-enforced-disappearance-and-incommunicado-detention-houthi-saleh-coalition-when> (last access 30 May 2018); *Yemen: Pediatrician Released After 10 Months of Enforced Disappearance at the Hands of the Houthi-Saleh Coalition*, 25 May 2016, <https://www.alkarama.org/en/articles/yemen-pediatrician-released-after-10-months-enforced-disappearance-hands-houthi-saleh> (last access 30 May 2018); *Yemen: Two Yemeni Citizens Released by Houthi-Saleh Coalition After Months of Enforced Disappearance*, 1 June 2016, <https://www.alkarama.org/en/articles/yemen-two-yemeni-citizens-released-houthi-saleh-coalition-after-months-enforced> (last access 30 May 2018); *Yemen: Three Men Abducted, Tortured and Killed by Houthi-Saleh Coalition*, 13 June 2017, <https://www.alkarama.org/en/articles/yemen-three-men-abducted-tortured-and-killed-houthi-saleh-coalition> (last access 30 May 2018).

1,019 cases of arbitrary or illegal detention between March 2015 and 2017, of which “82 per cent were attributed to Houthi/Saleh forces and their affiliates, and 15 per cent to pro-Government forces”.<sup>39</sup>

27. In Yemen, cases of arbitrary detention follow the same pattern: individuals are arrested without being presented with a warrant nor being informed of the charges held against them. They are then held *incommunicado* without access to legal assistance and without being brought before a judge for a prolonged period of time.
28. Enforced disappearances have been widespread in the country for decades, and the fates and whereabouts of numerous individuals are still unknown to date. The number of individuals forcibly disappeared has dramatically increased in recent years, particularly during the 2011-2012 uprising,<sup>40</sup> and since the start of the armed conflict in 2015, during which it has been used by all parties to the conflict.
29. Furthermore, many individuals are held in unofficial or secret detention facilities and prisons,<sup>41</sup> which results in an illegal detention that puts detainees outside the protection of the law, thus exposing them to a higher risk of violations such as torture and ill-treatment. Whilst several of these unofficial detention facilities are under the control of Houthi-affiliated forces, at least two of them are run by the UAE, and others are run by UAE-backed Yemeni security forces, which subject the detainees to arbitrary detention, torture, and enforced disappearance.<sup>42</sup> Despite setting up a committee to investigate the torture and enforced disappearances committed by the UAE and its allies in June 2017, the Yemeni government has not made any conclusion of such an inquiry public to date.<sup>43</sup>
30. Persons deprived of their liberty are often subjected to torture and ill-treatment by the various belligerent forces. Moreover, inside the detention facilities run by the different belligerent parties, conditions of detention are extremely poor, and overcrowding, malnutrition, and lack or denial of medical care are common.<sup>44</sup>

## RECOMMENDATIONS

- a) Release all individuals held in arbitrary and secret detention;

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<sup>39</sup> Above note 14, para 61. The rest of the cases were “abductions attributed to extremist groups” like Al Qaeda and the Islamic State.

<sup>40</sup> Alkarama, *Yemen: Alarming deterioration of civil and political rights - Report submitted to the Human Rights Committee for the review of the fifth periodic report of Yemen*, 1 February 2012, paras. 78-82.

<sup>41</sup> *Ibidem*; SAM Rights and Liberties, *SAM Demands Closure of All Illegal Detention Centers in Areas Controlled by Houthis Militia and Saleh Forces and by the Army Loyal to the Legitimate Government*, <http://www.samrl.org/close-all-illegal-detention-centers-in-yemen/> (last access 30 May 2018).

<sup>42</sup> Above note 28, p. 4.

<sup>43</sup> *Ibidem*.

<sup>44</sup> Above note 16 (2016), para. 54; above note 14, para. 62.

- b) Ensure all deprivations of liberty are carried out in compliance with international human rights and humanitarian law standards;
- c) Investigate all allegations of torture and ill-treatment in detention facilities by all parties to the conflict and make the results of the investigations public;
- d) Release all persons forcibly disappeared or, at the very least, put them under the protection of the law and inform their relatives of their fates and whereabouts;
- e) Cooperate with the Working Group on Enforced and Involuntary Disappearances to clarify cases of enforced disappearances;
- f) Close all secret and unofficial detention facilities.

### 3.4 Freedoms of expression, peaceful assembly, and association

#### 3.4.1 Reprisals against journalists, human rights defenders, and political opponents

31. During the last UPR cycle, Yemen committed itself to protect journalists and human rights defenders and to promote the rights to freedom of expression, peaceful assembly and association.<sup>45</sup> However, journalists, human rights defenders, and persons with a real or perceived political affiliation continue to be amongst the groups that are most targeted by the parties to the conflict.
32. Journalists, human rights defenders, and other individuals with a real or perceived political affiliation are routinely subjected to arbitrary detention, enforced disappearance, and extrajudicial execution by both Houthi-Saleh forces and pro-government forces.<sup>46</sup> Alkarama documented the case of 29 activists arrested on 12 October 2015 by Houthi-Saleh forces during a meeting in preparation for a peaceful march organised to provide drinking water to the besieged city of Taiz.<sup>47</sup> While all 29 activists have now been released, it is noteworthy that the last was released in February 2017 after being arbitrarily detained for 17 months.<sup>48</sup> Some of the detainees reported

<sup>45</sup> Recommendations enjoying Yemen's support No. 115.10 (France); 115.11 (Canada); 115.112 (Colombia); 115.113 (Lithuania); 115.114 (State of Palestine); 115.115 (Czech Republic).

<sup>46</sup> Above note 16 (2016), paras. 51, 57, Annex I Section F, p. 29-30; above note 1423, para. 68; above note 16 (2015), paras. 60-63; HRC, *Technical assistance and capacity-building for Yemen in the field of human rights*, A/HRC/RES/30/18, 12 October 2015 (last access 30 May 2018).

<sup>47</sup> Alkarama, *Yemen: 29 Activists Arrested by Houthi-Saleh Coalition for Organising Peaceful March*, 29 October 2015, <https://www.alkarama.org/en/articles/yemen-29-activists-arrested-houthi-saleh-coalition-organising-peaceful-march> (last access 30 May 2018). For other specific cases, see for example: *Yemen: 9 Media Workers Abducted by Houthi Rebels in Sana'a*, 23 September 2015, <https://www.alkarama.org/en/articles/yemen-9-media-workers-abducted-houthi-rebels-sanaa> (last access 30 May 2018); *Yemen: 3 Men Arrested by Houthi-Saleh Coalition for Criticising Group's Policies*, 6 November 2015, <https://www.alkarama.org/en/articles/yemen-3-men-arrested-houthi-saleh-coalition-criticising-groups-policies> (last access 30 May 2018).

<sup>48</sup> *Yemen: 2 Activists Released by Houthi-Saleh Coalition*, 6 November 2015, <https://www.alkarama.org/en/articles/yemen-2-activists-released-houthi-saleh-coalition> (last access 30

that all activists were held in inhumane conditions of detention and subjected to acts of torture such as electrocution and food deprivation.

33. Furthermore, since 2015, both pro-government forces and Houthi-Saleh forces have censored television channels, banned websites, and raided the premises of human rights and civil society organisations.<sup>49</sup>
34. Moreover, the Saudi-led coalition and the Yemeni government have prevented journalists from entering the country in order to curtail the coverage of the armed conflict in the international media, a ban that was extended to members of international human rights organisations in May 2017.<sup>50</sup>

## RECOMMENDATIONS

- a) Halt reprisals against journalists, human rights defenders, peaceful activists, and political opponents, and prosecute those responsible for human rights violations against them;
- b) Ensure the protection of the rights to freedom of expression and peaceful assembly, and release all individuals detained for having exercised these rights;
- c) Repeal the censorship and ban of television channels and websites and the attacks against civil society organisations.

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May 2018); Yemen: 2 More Activists Released by Houthi-Saleh Coalition, 17 November 2015, <https://www.alkarama.org/en/articles/yemen-2-more-activists-released-houthi-saleh-coalition> (last access 30 May 2018); Yemen: human rights activist released by the Houthi-Saleh Coalition, 28 April 2016, <https://www.alkarama.org/en/articles/yemen-human-rights-activist-released-houthi-saleh-coalition> (last access 30 May 2018); Yemen: Release of Human Rights Activist by Houthi-Saleh Coalition after 211 days of Detention, 17 May 2016, <https://www.alkarama.org/en/articles/yemen-release-human-rights-activist-houthi-saleh-coalition-after-211-days-detention> (last access 30 May 2018); Almushahid, جماعة الحوثيين تفرج عن ناشط سياسي بارز في مدينة إب , <https://www.almushahid.net/?p=12017> (last access 14 June 2018).

<sup>49</sup> Above note 14, para. 69.

<sup>50</sup> *Ibidem*, para. 70; Samuel Oakford, UN flight ban reduces Yemen access at critical time, IRIN News, 2 June 2017, <https://www.irinnews.org/analysis/2017/06/02/un-flight-ban-reduces-yemen-access-critical-time> (last access 12 June 2018).