



I Am Afraid to Die, and No One Knows

Abductees' Mothers' Association
2020



The WASI publications series is a curated compilation of original research and expert analysis by women peacebuilders around the world.



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Introduction

The Abductees' Mothers' Association was established when the heartbroken mothers of arbitrarily detained sons and daughters gathered together to transform their pain and suffering into a mighty force for action. They were able to facilitate the release of more than 940 people by their persistence, perseverance, sacrifices, and endurance of all kinds of violence in front of the prison gates, in addition to their meetings with the leaders from all parties. One of the most important things the association has accomplished is documenting the cases of violations related to kidnapped people. Today, it launches a special report on the situation of the arrested and detained women in the Central Prison in Sana'a at a time when the violations against women in it have reached a level that Yemen has never before witnessed. Women's protection values have disappeared and all forms of violence—including arbitrary detention, torture, and physical and psychological violence—have been practiced against women of all backgrounds, including women political activists, women human rights defenders, women working in the relief and peace fields, and women traveling throughout the country.

We hope that this report will contribute to ending all forms of violence, combating forms of discrimination against women prisoners, and enabling them to obtain their human and legal rights during conflict and post-conflict stages.

We also hope that this report and all efforts of civil society led by women in this field constitute a basis for pushing forward the process of stopping the war in Yemen. We hope it contributes to putting the detention of women and the serious violations that women detainees in general are exposed to as a top priority issue in the peace process and its agenda in order for these issues to be addressed in the peace agreement. We mobilize parties to volunteer to work for the immediate release of all women who are arbitrarily detained and hold their members who are involved in these violations accountable, hoping that history will forgive them for their misdeeds.

Rasha Jarhum – Director, Peace Track Initiative

Why This Report?

- Because of the war and the instability that Yemen is currently going through, the relevant institutions working in the field of women's rights faced great challenges and obstacles that reduced their efforts and weakened their performance in all areas. We do not exaggerate when we say that the situation of women in prisons and places of detention is among the worst, where female prisoners endure suffering without any opportunities for support, assistance, and protection.
- In 2018, the Abductees' Mothers' Association started recording instances of women being kidnapped and detained, including women that have been abducted and arbitrarily arrested because of their opinions. The association has followed up on their cases and demanded their release when they have been held in secret and official prisons. The Abductees' Mothers' Association monitored and documented the conditions of their detention in these prisons, including the Central Prison in Sana'a, in order to improve the human rights situation, specifically for women.
- This report defines the suffering of female prisoners in official prisons—using the Central Prison in Sana'a as a model—despite the increase of obstacles and complications that local authorities have placed in the way of civil society organizations that monitor the human rights situation in these prisons.
- This report aims to help everyone involved in prisons—foremost among which are the Ministries of Interior, Justice, and Human Rights, as well as local authorities, international bodies, and civil society organizations—by shedding light on the women's prison in Sana'a as a model for official women's prisons in order to develop policies and plans to provide care and support to women inside these prisons.
- The report fulfills the commitment of the Abductees' Mothers' Association, as a feminist organization working in the field of human rights, in supporting women's legal rights and preserving their human dignity in all cases.
- Our belief is that women need support and assistance in light of the great deprivation of their civil rights and their absence from decision-making and the development of programs and policies.

The Legal Framework

The Prisons Authority Regulation Law (48) issued in 1991 stipulates in its third article:

The treatment of prisoners inside prisons aims to achieve the following:

1. Reform, correct and rehabilitate prisoners by using all educational and medical means and influences, vocational training, social service, sports, cultural and entertainment activities.
2. Creating the prisoners' desire and tendency towards a decent life and good citizenship.

Based on the above, imprisonment was considered a means to achieve the goals of society by dealing with crime. It sought to reform criminals through punishment and rehabilitate them to become law-abiding persons in their societies.

In addition to that, according to the development of social thought, the prison has become a social institution that prepares the prisoner to perform his role in society after completing the period of detention through activities and reform and rehabilitation programs established in the prison. Article 17 states: "Work in the prison must be aimed at qualifying the prisoner and training him/her professionally to help him/her integrate into society and make him/her a good citizen."

This is not possible only by providing training and work opportunities for prisoners, but rather it must be accompanied by entertainment and sports programs, as stipulated in Article (22): "Cultural programs must be established to fulfill prisoners' free time and provide them with the opportunity to practice sport and leisure activities."

The law also affirms the prisoner's right to be released upon the expiry of the detention period without delay or suspension, as Article (11) states:

Subject to the provisions of the Criminal Procedures Law related to the release of prisoners, the prison administration must:

1. Release the prisoner in the morning of the same day due to the expiration of the prison term as stated in the judgment.
2. The precautionary detainee shall be released after the end of the period specified for preventive detention, according to a written order from the authority that issued the detention order.

Since Yemen is a member of the international community, it has ratified many conventions and treaties that require respect for human rights related to the personal dignity of the human being. This is evident when the provisions of the Prisons Organization Law contain the need for prisoners to obtain health and psychological care, as we find in the text of Article (23):

The prison administration should take care of the public health within the prison, and take care of the treatment of prisoners, provide health and preventive care for them, and appoint specialized doctors in coordination with the Ministry of Public Health.

Article (26) states: “When a prisoner suffers a mental or psychological illness, the prisoner is transferred to a mental and psychological hospital based on the report of the specialist and in accordance with the relevant regulations.”

Article (21) also states: “Each prison shall allocate one or more preachers to encourage prisoners to virtue and urge them to perform religious duties, and each prison has one or more specialists of social and psychological sciences.”

The Prisons Authority Regulation Law also guaranteed the right of prisoners to communicate with their families and the outside world. Article (30) states:

In addition to the rights granted to them in this law, the following facilities are granted to prisoners:

1. Meeting with family, relatives and friends.
2. Receiving and responding to correspondence.
3. Receiving and remitting money transfers.

This article of the Prisons Authority Regulation Law is consistent with Article 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules, which states:

I- Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals:

- A. By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and
- B. By receiving visits.

We will review these rules in the details of this report as well as the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, known as the Bangkok Rules.

With regard to gender, Article 33 of the Prisons Authority Regulation Law stipulates: “Women affiliated with the authority must be entrusted with the tasks of caring, guarding, and managing prisoners’ affairs from women.”

In the amendment of the Prisons Authority Regulation Law in 2003, the text of Article 27 was amended to:

Pregnant women who are imprisoned before, during and after childbirth must be provided with the necessary medical care and attention in accordance with the directives of the competent doctor and according to the regulation. The competent authorities must give the imprisoned pregnant woman or mother the food prescribed for her. In all cases, pregnant and breastfeeding women covered by the provisions of this article are exempt from the disciplinary measures prescribed for prisoners in accordance with the provisions of this law.

The Criminal Procedures Law No. 13 of 1994 established a number of guarantees that protect the rights of citizens, whether men or women: “The law guarantees freedom as an inherent right for every human being. It is not permissible to deprive the human being of that right except within the limits of what the law stipulates.”

Article (11) stipulates that: “Personal freedom is guaranteed and a citizen may not be accused of committing a crime, and his freedom is not restricted except by order of the competent authorities in accordance with what is stated in this law.”

Article (7) confirmed that:

1. Arrests are not permitted except in relation to acts punishable by law, and they must be based on the law.
2. The Public Prosecution shall immediately release every person whose freedom has been restricted in contravention of the law, or who has been placed in pretrial detention for a period longer than what is permitted in the law or in the ruling or the judge’s order.

Article (3) also clarified that: “Criminal responsibility is personal where it is not permissible to bring a person to criminal accountability except for the actions punishable by law.”

No citizen shall be held accountable for the offense of someone else, and a citizen shall not be questioned or held accountable for the actions of others, as the law has proven that the basic principle is that a person is innocent until the accusation is proven true. Article (4) states:

The accused is innocent until the accusation is proven, and the doubt is interpreted in the interest of the accused. Punishment is not imposed except after a trial that is conducted in accordance with the provisions of this law, in which freedom of defense is preserved.

Among the guarantees established by the law to preserve the dignity and physical and psychological integrity of the accused is the law’s stipulation for the prohibition of torture in Article (6):

It is prohibited to torture the accused, treat the accused in an inhuman manner, or harm physically or morally in order to force the accused to confess; therefore, every statement that proves that it was issued by one of the accused or witnesses under the burden of the mentioned is wasted and unreliable.

The law guarantees the right of defense for all the accused, including the insolvent who is unable to pay the costs of defense and attorney; therefore, the state must provide the accused with what is needed to appoint a lawyer to defend.

Article (9) states:

1. The right to defense is guaranteed, and the accused has the right to undertake their defense as a whole and has the right to seek the assistance of a representative to defend at any stage of the criminal case, including the investigation phase. The state provides the insolvent and the poor with a defender from accredited lawyers where the Council of Ministers, based on the proposal of the Minister of Justice, issues a regulation standardizing matters of providing defenders from accredited lawyers for the insolvent and the poor.
2. The judicial officers, the public prosecution and the court must alert the accused to his wealth of rights vis-à-vis the accusation directed against him/her and the means of proof available and work to protect personal and financial rights.

Regarding the necessity of separating prisoners from convicts, remand detainees, or those who have not been brought to trial yet, Article (71) states:

The arrested person shall be held in a place separate from the place designated for the convicted and shall be treated as innocent, and it is not permissible to harm him/her physically or mentally to obtain a confession or for any other purpose.

The law emphasizes that all those arrested have the right to be informed of the reasons for their detention, and to inform their families or their lawyers.

Article (73) states:

Everyone who was arrested shall be immediately informed of the reasons for this arrest and has the right to review the arrest warrant and contact whomever he/she wants to inform them of what happened and to seek the assistance of a lawyer.

The Republic of Yemen signed the Convention on the Elimination of All Forms of Discrimination Against Women, known as CEDAW.

Article (15) of the Convention stipulates equality between men and women before the law and states:

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Report Methodology

- The report provides a direct assessment of women's imprisonment in the Central Prison in Sana'a by highlighting the most important concerns regarding the conditions of detention.
- In this report, we target local authorities, policy makers, international bodies concerned with protecting women's rights, international institutions concerned with prisoners' rights, and civil society organizations.
- The Abductees' Mothers' Association formed a team to prepare this report consisting of women who were trained on legal skills, the Universal Declaration of Human Rights, The Convention on the Elimination of all Forms of Discrimination Against Women, the Declaration on the Elimination of Violence against Women, and UN Security Council Resolution 1325 on Women, Peace and Security.
- The Abductees' Mothers' Association team included a specialist in psychological counseling, a social worker, and a worker in the women's prison system, in addition to the monitoring and documentation unit of the Abductees' Mothers' Association, to assist with the preparation of this report.
- The detectors team of the Abductees' Mothers' Association began collecting information about detention conditions in the women's prison in the Central Prison in Sana'a in March 2020 and adopted the following method:
 - Field visit to the women's prison in the Central Prison in Sana'a to inspect the situation there.
 - Meeting with former prisoners from the women's prison who had been released.
 - Meeting with some of the families of female prisoners and listening to their testimonies about the reasons for the detention and imprisonment of their female relatives, the legal procedures that were followed, and the conditions of their relatives in prison.
 - Attending some trial sessions of the accused women.
 - Listening to the lawyers acting on behalf of the female prisoners and viewing some of their case files.
- The Abductees' Mothers' Association sent a letter on the conditions of detention in the women's prison in the Central Prison in Sana'a to the Ministry of Human Rights and called on the Ministry to form a committee to visit the prison, evaluate the conditions of female prisoners, and work with the relevant authorities to correct poor conditions.
- The Abductees' Mothers' Association issued this report, entitled "I Am Afraid to Die, and No One Knows", which monitors the conditions of female prisoners and detainees in the women's prison in the Central Prison in Sana'a.
- The Abductees' Mothers' Association published and distributed this report to official bodies and international bodies concerned with protecting women's rights, institutions working in the field of prisons, women's organizations, and civil society organizations in general.
- The report deals with the conditions of female prisoners and detainees in the Central Prison in Sana'a during the year 2020.

Executive Summary

The Abductees' Mothers' Association, in its human rights report, "I Am Afraid to Die, and No One Knows", monitors and documents the cases of detention that women have been subjected to inside the Central Prison in Sana'a during the year 2020 and the reasons for and backgrounds of their detention.

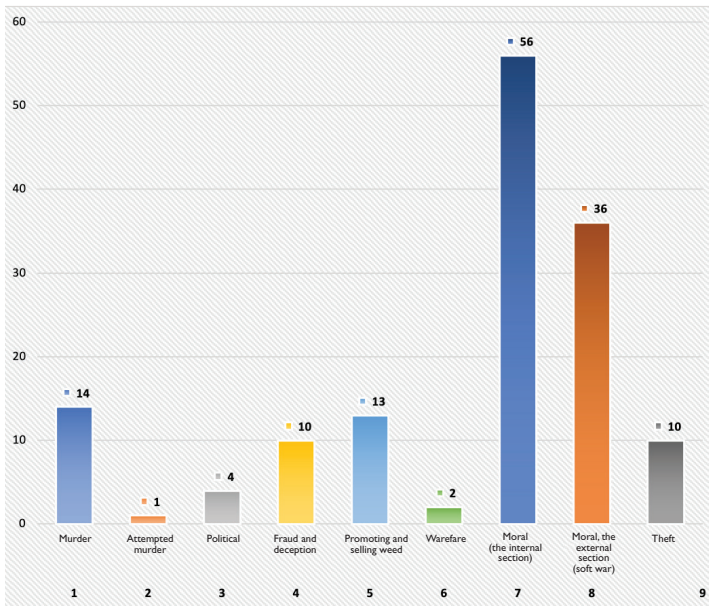
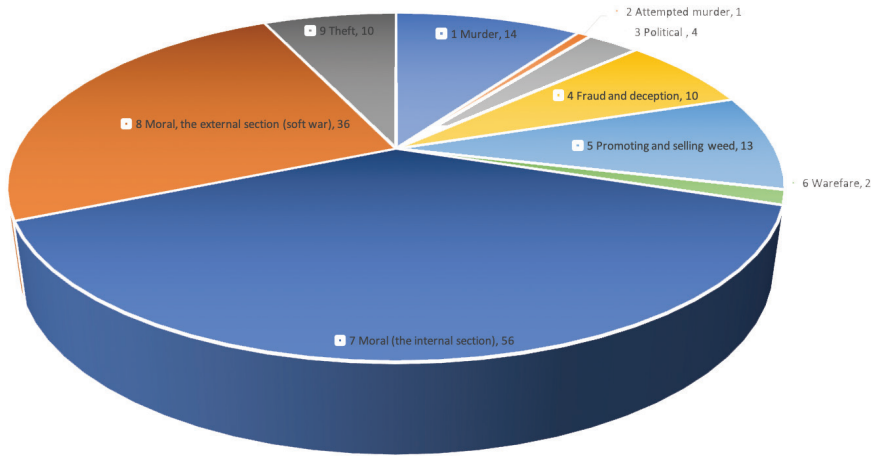
146 women were detained in the Central Prison in Sana'a in the women's section. The Association monitored them during the reporting period, and they included 4 cases of detention on political charges, 10 cases of detention on charges of fraud and deception, 13 cases of detention for promoting and selling weed, 10 cases of detention on accusations of theft, 14 cases of accused murder, one case of attempted murder, two cases of warfare, and 56 cases of detention on moral charges. This detail is for the detainees in the internal section only.

As for the external section, there were 36 women detained on various charges. We were not able to adjust the charges against them according to the internal section, due to the blackout imposed by the prison administration on the nature of the detainees in this section as well as the policy of complete isolation of prisoners in the external section from their peers from the internal section.

We would like to point out that these numbers are what the monitoring team has reached in the Association and do not mean that this is the actual number of detainees in the Central Prison. The true number of detainees is definitely more than the numbers monitored by the team.

NO.	Cases	Number	% Percentage
1	Murder	14	9.7%
2	Attempted murder	1	0.7%
3	Political	4	2.8%
4	Fraud and deception	10	6.9%
5	Promoting and selling weed	13	9.0%
6	Warfare	2	1.4%
7	Moral charges	56	38.9%
8	The External Section (The Soft War)	36	25.0%
9	Theft	10	6.9%
Total		146	

Women Prison Statistics



Sana'a Central Prison

The largest penal facility in the Republic of Yemen was built in the 1970s. The prison building is surrounded by a large wall and equipped with many large gates. It is located in the Al-Hasabah neighborhood next to the Ministry of Electricity building and is administratively affiliated to the Shuob Directorate in the capital, Sana'a. It is divided into:

- The Women's Detention section, which is the subject of our report.
- Men's detention section.
- Juvenile section.
- The clinic for patients with mental illness.

Women Prison in Sana'a Central Prison

The prison is based on a system of semi-open prisons, whereby women prisoners are held in cells for periods of the day and are allowed to go to the prison yard and move between the wards at specific times.

The prison also relies on the collective system based on detaining female prisoners in collective wards. In limited cases, some female prisoners are held in solitary confinement.

An Internal Description of the Prison

The women's prison in the Central Prison in Sana'a is divided into two main parts:

- The external section, known as the "Soft War" section.
- The internal section.



First: The External Section

It contains four wards, four toilets, and one kitchen. One of the wards accommodates thirty female detainees and each of the three other wards can accommodate only ten female detainees. This section used to be a rehabilitation center for female prisoners and contains a sewing lab, a computer lab, and some educational classes. Equipment was transferred from it and it was equipped with beds and blankets in order to be suitable for the detention of women who were called “the soft war”. According to the testimonies that the Abductees’ Mothers’ Association team has listened to from former prisoners, the number of detainees who stayed in those narrow wards reached more than 150 at the beginning of 2019.

This section is completely closed, and the detainees are not allowed to mix or speak with the detainees in the internal section.

The detention operations began in mid-2018, when dozens of women were arrested, in light of the complete obscurity of the reasons and backgrounds of detention.

One of the activists in the General People’s Congress (GPC) said:

Most of those arrested belong to the General People’s Congress Party—which was headed by former President Ali Abdullah Saleh, who was killed by the Houthi group on December 4, 2017—and some detainees have nothing to do with the GPC. In addition, the heads of independent organizations were among the detainees.

According to a prison worker, moral charges (being accused of sexual offences) have been brought against these detainees. They were accused of practicing prostitution for political purposes.

Financial and political extortion was perpetrated against their families in exchange for their release. They were subjected to defamation that made them vulnerable to societal punishment and domestic violence that reached its harshest forms. Such was the case for “Layla” (a pseudonym), who was killed by her family as soon as they received her. She did not return home alive.

In a question to the leader of the Houthi group, Abdul-Malik Al-Houthi, about the soft war in April 2019, he replied:

The war of deception and corruption is a war waged by the enemies against our entire Islamic world and all of our Arab and Islamic peoples, and a portion of this targeting is directed at our Yemeni people. There are an important legacy and an important balance as a Yemeni people of principles, values and ethics that help in cohesion even at the level of norms and traditions, but this needs activism and work. It is natural that if there is no movement in the required manner and in an organized and purposeful manner to counter this attack, it will have breakthroughs and influence in the arena, as it targets everyone. It targets children, youth, men, and women because it has two sides: an intellectual one that aims to influence the ideology and influence public opinion and ideas, industry, attitudes, and perspectives that serve the enemies and help them achieve their goals and ambitions; and the other side that targets morals and values.

There are also prisoners in this section with a criminal background.

Second: The Internal Section

The interior section contains seven wards: each ward has a capacity of ten female prisoners, except for Ward No. 6, which contains 14 female prisoners, and Ward No. 7, which houses more than 20 female prisoners. The internal department building includes a medical clinic and a chapel containing a library and a TV screen.

Women prisoners who have been sentenced to court for crimes (murder, theft, fraud, promoting contraband, and issues of morality) are detained in this section. However, four women were detained for political reasons, such as writing tweets against the Houthis or accusing them of collaborating with the coalition countries.

• The Daily System in Prison

The women's prison in the Central Prison in Sana'a adopts a system of semi-open prisons, as cells open at eight in the morning and prisoners are allowed to go out to the prison yard and move around the prison. Female prisoners prepare breakfast, lunch and dinner by themselves. Prisoners are also allowed to practice some handicrafts and regular activities until lunchtime, when they close the cells until four o'clock in the evening. Then, they reopen the cells again and allow the prisoners to move freely and out to the prison yard until nine o'clock in the evening. After that, it is forbidden to move between the wards until the morning.

• Conditions of Detention

On December 21, 2010, the United Nations General Assembly approved, without a vote, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, known as the "Bangkok Rules". These rules are the first international initiative to highlight in detail the needs and conditions for the treatment of female prisoners within the framework of the criminal justice system.

These rules apply to places of detention of women of all categories deprived of their liberty, including prisoners in criminal or civil cases or women who have not yet been tried.

• Overcrowding and Lack of Services

Prison overcrowding causes a lack of basic services, such as a lack of beds and blankets, overcrowding of toilets, and a shortage of food and water resources. The overcrowding situation contributes greatly to the lack of an adequate system for classification and isolation of female prisoners.

This state of overcrowding is related to the fact that the Central Prison in Sana'a is the only facility in which women can be detained, including those not sentenced or detained on suspicion. The slowdown in the procedures for releasing women prisoners after serving their sentences is one of the causes of overcrowding.

All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation. – Rule 13 of the Mandela Rules

• Living Services in the Prison

Access to adequate and high-quality food is an essential part of human care, and this is followed by the quality of cooking and the cleanliness of the place designated for cooking. Rule 22 of the Mandela Rules states: “Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.”

However, the reality of the women’s prison speaks about the lack of healthy food in the prison. The food contains rice and potatoes for lunch, and semi-boiled legumes for breakfast and dinner, with the distribution of five “poor fist-sized pieces of bread” to each prisoner every day.

Prisoners in general, pregnant women, and mothers with children do not meet the necessary nutritional needs, and there is a severe shortage of infant formula and baby food. Rule 48 of the Bangkok Rules states:

1. Pregnant or breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by a qualified health practitioner. Adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers. ...
2. The medical and nutritional needs of women prisoners who have recently given birth, but whose babies are not with them in prison, shall be included in treatment programmes.

Cooking is done randomly and without adequate hygiene, and the administration of the women’s prison in the Central Prison in Sana’a has imposed the responsibility of cooking on the prisoners with no charge. The roles are distributed on the wards by rotation, and if the prisoner refuses to perform this compulsory service, she is subjected to penalties or a fine of one thousand riyals for every day. If she has no money, she is punished by handcuffs and shackles or forced to walk around the prison building barefoot. She is not exempted from work because of illness, but rather she has to agree with a colleague to do the work instead of her in exchange for money or in return for her to bear the work at a later time.

The use of chains, irons or other instruments of restraint which are inherently degrading or painful shall be prohibited. – Rule 47 of the Mandela Rules

• Water

Rule 22 of the Mandela Rules states: “Drinking water shall be available to every prisoner whenever he or she needs it.” What is calculated for the Central Prison in Sana’a is the permanent provision of water to the prisoners, so that they have access to drinking water and the water used for washing clothes and bathing. However, the lack of detergents and soap constitutes an obstacle to obtaining adequate personal hygiene.

Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness. – Rule 18 of the Mandela Rules

In addition, gender must be taken into account in providing the personal hygiene requirements of female prisoners.

The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating. – Rule 5 of the Bangkok Rules

• Sewage System

The World Health Organization recommends providing one toilet for a maximum of every twenty-five people, and this is if the toilet is used for relieving oneself only. There are many uses of toilets in the prison, including for showering, washing clothes, and defecating, which means there is a need to increase the number of toilets and improve the quality of their design to include safety measures. They also must be distanced from the suspension points so that female prisoners will not use them to commit suicide, as happened to a female prisoner who committed suicide in the bathroom by tying her dress around the high water pipe connected to the heater.

The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner. – Rule 15 of the Mandela Rules

• Medical and Psychological Services

Health care and medical supervision of prisons are among the most important aspects of human rights in correctional institutions. Whatever the reasons for their detention or imprisonment, these prisoners are entitled to humane and decent treatment.

This includes respect for their mental and physical health as well as access to health care and the surrounding communities. These rights must be protected, and the quality of health care must be assured for all detainees without discrimination.

The available capabilities do not meet the prisoners' needs for health care, as there is a severe shortage of medicine and there is no specialized doctor. Rather, the Women Central Prison Administration in Sana'a assigned the clinic duties to one of the prisoners who worked as a nurse before entering the prison.

One of the released prisoners said, "The nurse used to control the medicine and give it to no one except to the prisoners she loves without any deterrence from the director, because she is her friend. In fact, we did not feel safe because she was not specialized and she was just a nurse."

Prisoners suffer from seasonal diseases, and some suffer from chronic diseases such as kidney disease, heart conditions, high blood pressure, and diabetes. They do not have a cure for these diseases except for sedatives. They can only obtain the appropriate medicine after continuous follow-up with the prison administration over a long period of time. Only then are they allowed to purchase it, and then of course at their own expense.

The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status. – Rule No. 24 of the Mandela Rules

Mental health services are not provided to female prisoners by specialists in psychosocial medicine, even though female prisoners are the group most exposed to psychological stress and trauma, leading to mental illness.

One of the former prisoners in the hospital narrates:

Sleeping pills and tranquilizers were distributed to prisoners by the administration to end the riots that occurred in the prison without referring to a specialized doctor, which caused some prisoners to become addicted to these hypnotics, and mental illnesses afflicted several prisoners, such as depression, tension, and anxiety.

Individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes shall be made available for women prisoners with mental health-care needs in prison or in non-custodial settings. – Rule 12 of the Bangkok Rules

• Visits and Communication with the External World

The Prisons Authority Regulation Law guaranteed prisoners the right to communicate with their families and the outside world. Article 30 states:

In addition to the rights granted to them in this law, the following facilities are granted to prisoners:

1. Meeting with family, relatives and friends.
2. Receiving and responding to correspondence.
3. Receiving and remitting money transfers.

Allowing female prisoners to communicate with the outside world and receive visits from family and friends will improve their mental health and help in the process of their reintegration into society.

In the past, the visits had a tangible effect on the improvement of the prisoner's condition, especially the visits of her children with direct contact with them, such that this contact does not include the presence of a barrier between the prisoner and the visitor. However, at present, the visits take place through a small window with a metal mesh insulation that prevents direct contact between the prisoner and her visitors. The visits are carried out in the presence of a policewoman, in a clear violation of privacy.

• Bullying and Peers' Inconvenience

Bullying is a form of abuse and victimization directed at an individual or group towards a physically weaker individual or group.

Bullying is one of the forms of aggression and oppression, and its danger threatens the prisoner's psychological well-being. It isolates her and drives her to feelings of inferiority, depression, and anxiety. In prison, old prisoners who have strong relations with the prison administration bully the new prisoners, forcing them to do their service while being beaten and insulted.

The old prisoner forces the rest of the prisoners to do her services, such as washing her clothes; cooking breakfast, lunch, and dinner for her; preparing her bed; and giving her a massage. Instead of developing solutions to treat bullying and work to improve the relationship between prisoners as a whole, the prison administration granted the bullying prisoners the authority to use hitting, under the pretext of maintaining order.

• Children of Prisoners

The women's prison is not well designed to meet the needs of children in terms of having a nursery with technical equipment, play facilities and green spaces for children. Not only that, but infant formula and diapers—the minimum of essential necessities—are not available.

They also do not have special places to sleep and the mother is forced to put her children next to her in her bed.

The Prisons Authority Regulation Law issued in 1991 did not allow a prisoner to keep her newborn after he/she reached two years of age until Article 27 of the law was amended in 2003 to state:

Pregnant women who are imprisoned before, during and after childbirth must be provided with the necessary medical care and attention in accordance with the directives of the competent doctor and according to the regulations. The competent authorities must give the imprisoned pregnant woman or mother the food prescribed for her. In all cases, pregnant and breastfeeding women covered by the provisions of this article are exempt from the disciplinary measures prescribed on prisoners according to the provisions of this law.

Non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children. – Rule 64 of the Bangkok Rules

Rule 29 of the Mandela Rules states:

1. A decision to allow a child to stay with his or her parent in prison shall be based on the best interests of the child concerned. Where children are allowed to remain in prison with a parent, provision shall be made for:
 - A. Internal or external childcare facilities staffed by qualified persons, where the children shall be placed when they are not in the care of their parent;
 - B. Child-specific health-care services, including health screenings upon admission and ongoing monitoring of their development by specialists.
2. Children in prison with a parent shall never be treated as prisoners.

• Education and Rehabilitation Programs

The main aim of the prison authorities in their treatment of prisoners should be to encourage them to reform and rehabilitate themselves socially. The prison system should be designed to help prisoners live within the law and earn a living after their release.

However, we find that the activities and programs in the women's prison were completely absent after the rehabilitation center was transformed into wards for the detention of the so-called soft war. The center used to contain a sewing workshop, a computer lab, and some educational classes, as we mentioned when talking about the external section of the prison.

Also, the prison administration makes the process to establish activities complex for organizations that want to do so for female prisoners within the prison.

Article (3) of the Prisons Authority Regulation Law states:

The treatment of prisoners inside prisons aims to achieve the following:

1. Reforming, correcting and rehabilitating prisoners by using all educational and medical means and influences, vocational training, social service, sports, cultural and entertainment activities.

The encouragement to complete education inside the prison was also absent: during our monitoring, we found only a single student, prisoner Raja Ali, who is studying at the Faculty of Commerce at Sana'a University.

This is despite the fact that the law urges prison administrations to provide educational opportunities for prisoners. Article 20 of the Prisons Authority Regulation Law stipulates that:

As far as possible, appropriate means must be provided to help prisoners study inside the prison, especially those who are illiterate. Prisoners who are willing and able must be given the opportunity to continue their studies, and this must be done only in prison.

Rule 4 of the Mandela Rules also states:

1. The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.
2. In pursuit of this purpose, prison administrations and the competent authorities should provide education, vocational training and employment, as well as other forms of appropriate and available assistance, including forms of the assistance of a corrective, ethical, spiritual, social, health and sports nature. All these programs, activities, and services should be provided in line with the requirements of the individual treatment of prisoners.

• **Beating and Ill Treatment**

Article (7) of the International Covenant on Civil and Political Rights states, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Article (10) also stipulates that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

As the first rule of the Mandela Rules states:

All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.

There is no doubt that the beating and cruel treatment of female prisoners is an inhuman act, especially since the majority of female prisoners are former victims of abuse and domestic violence, and their need for psychological support exceeds the needs of male prisoners.

Rule 91 of the Mandela Rules clarifies the ideal method for treating prisoners:

The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

Certainly, ill-treatment has dangerous effects on female prisoners. The most prominent of these effects are evident in female prisoners’ attempts to commit suicide and harm themselves as a means of salvation from the bleak situation they experience in prison.

• **Suicide and Self-Harm**

Suicide is an act that involves deliberately causing a person to kill him- or herself. It is a tragic reaction to stressful life situations.

During the time included in this report, we monitored a female prisoner who committed suicide because of her despair in resolving her case as a result of deficiencies in the legal procedures. Among the reasons that prompted her to commit suicide were the bullying and the abuse from her female colleagues. We also observed three suicide attempts that were stopped, and the female prisoners survived. One was due to the poor detention conditions of a prisoner and her children and the lack of supplies for her children (such as milk and diapers), while the other two attempts were by a prisoner who was beaten by security men in the prison.

Regarding the most prominent motives that drive female prisoners to commit suicide, we find that psychology suggests that despair of the prisoner’s release is the most prominent reason for pushing them to commit suicide, especially if this is accompanied by worsening and deteriorating detention conditions or a form of cruel treatment. This is in addition to prisoners’ poor mental health and the lack of psychiatric care, which may exacerbate mental states to severe depression and other mental illnesses.

Rule 16 of the Bangkok Rules states:

Developing and implementing strategies, in consultation with mental health-care and social welfare services, to prevent suicide and self-harm among women prisoners and providing appropriate, gender-specific and specialized support to those at risk shall be part of a comprehensive policy of mental health care in women's prisons.

Testimonies

Asmaa Ali Ahmed Al-Jarbi

Asmaa gave birth to a now-11-year-old daughter with brain atrophy from her first husband, and then she divorced him and married her second husband. Her second husband treated her badly, as she told her fellow prisoners. She also told her husband's friend "Bashir" (a pseudonym) about this and complained to him of her husband's bad treatment of her.

She told the other prisoners that one day she found her husband killed, so she started screaming and called his close friend Bashir. She reported her husband's death to the police, so members of the Criminal Investigation Department came and arrested her and Bashir and accused them of murder. Investigations continued in the court of the first instance. Bashir, the friend of the husband, managed to get out on parole, while Asmaa remained in prison. The court issued a seven-year prison sentence for both Asmaa and Bashir with the payment of blood money. Bashir was not imprisoned because he was able to pay for conditional release, but Asmaa was not able to do so. Therefore, she remained in prison for the duration of the sentence, during which she appealed the ruling to reduce blood money. However, the appeals judge kept delaying it over the course of three years.

When she was desperate to finish her case, she committed suicide by hanging in the Central Correctional Facility in Sana'a on 6/4/2020, where she hanged herself by her dress after tying it to the heater pipe. She climbed over a bucket of water, then kicked it to be hanged by the dress. The water pipe broke, as did her neck. She died of suffocation with a broken neck.

The suicide detection process:

Before her suicide, one of the prisoners heard her crying in the bathroom, so she went and told Asmaa's best friend.

Her friend said: "I went to the bathroom to check on Asmaa after one of the prisoners told me that she was crying in the bathroom. Asmaa told me, 'I am taking a shower and I will go out when I finish.' So I went back to the ward and prepared food for the prisoners and cleaned it while I was waiting for Asmaa, but then I was surprised when they took her dead from the bathroom. One of the prisoners noticed her delay and climbed up a low wall in the bathroom and found her lying on the ground. She called the police and the nurse working in the clinic. They opened the door and took her out and tried to do first aid, but she was dead."

Asmaa was often bullied by her fellow prisoners, and they were harassing and irritating her. On the same day that she committed suicide, she quarreled with two prisoners without interference

from the security forces. She said goodbye to her colleagues indirectly that day, but her colleagues did not realize that she was serious about suicide and ending her life in this tragic way.

Asmaa remained in the morgue a week before her burial was allowed.

Instead of taking proper measures to deal with cases of suicide and self-harm, the prison administration took severe punitive measures against prisoners, especially the female prisoners of the ward in which Asmaa al-Jarbi was in. This made one of the prisoners try to commit suicide and kill her three children in prison after visits were prevented and her children's requirements for milk and diapers were not met.

“Samar” (a pseudonym)* from Saada Governorate

*The Association maintains the real names of all the prisoners whose cases are mentioned in this report.

She and all her family members were arrested on the accusation that her brother works in the hashish trade. She told the other prisoners that her and her family members' detention were to put pressure on her brother, who refused to disclose his partners in hashish trafficking. They were imprisoned in Saada governorate for eight months until only her parents were released. Then she was transferred with her sister and her three sons to the Central Prison in Sana'a, where she was not brought to trial and her case was not brought before the prosecution.

After Asmaa's suicide, the prisoners were stressed. Visits or contact with families were prohibited, especially the ward in which Samar is being held (Asmaa had been in the same ward).

In mid-July 2020, Samar asked the prison administration to allow her to contact her family because she needed money to buy milk and diapers for her children. The prison administration refused to allow her to communicate with them, which made her take her three children to the same bathroom in which Asmaa committed suicide. She closed the bathroom door and proceeded to suffocate them to kill them before her suicide, but her colleagues realized that and started screaming. The children were rescued, and Samar was beaten with electric shocks as a punishment for her attempted suicide.

“Hanaa” (a pseudonym) from Ibb Governorate

Hanaa was a victim of fraud and deception by her husband. He pushed her to sign bonds to receive money from several shareholders to establish a company with a stock system. After he declared bankruptcy, the shareholders demanded their money, and she was imprisoned with her husband because the receipt vouchers were signed by her. After the case was brought before the court, the court issued a prison sentence of three years in prison for Hanaa and her husband. The ruling ordered them to return the money equally between them.

Her husband was released on parole, divorced her, and abandoned her to face an unknown fate in light of her inability to pay those sums. She remained in prison for ten years with annual promises that the Zakat Authority would help settle her debts, to no avail.

In September of 2020, Hanaa was beaten by the security men in the prison, and she did not know why she was beaten so badly that her clothes were torn off. She was then detained with two prisoners who were subjected to the same assault in a closed cell. She was prevented from communicating with her family for three weeks.

Hanaa attempted suicide twice after this attack: first, by trying to hang herself, but she was rescued; and then by trying to cut a vein in her hand with a sharp object. She was left bleeding for four hours before the prison administration gave her the necessary aid.

• **Discrimination by the Prison Administration**

By listening to female prisoners and scrutinizing the progress of legal procedures, a distinction is noticed between the rights given to them and those given to male prisoners when prison officials implement many of the followed legal procedures. However, the constitution guarantees equality between women and men in rights and duties. Therefore, women have full rights as stipulated in general articles, like a man. As stated in Article 41 of the Constitution: “All citizens are equal in regard to their public rights and duties.”

Article No. (31) of the Constitution stipulates: “Women are the sisters of men. They have rights and duties which are guaranteed and required by the Sharia and stipulated by law.”

Based on the constitution, the Criminal Procedures Law did not distinguish between citizen and citizenship, and women, like men, have procedural guarantees that protect their rights, whether in the arrest procedures or the investigation or trial phase. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which the Republic of Yemen has ratified, states in Article No. (15): “Parties shall accord to women equality with men before the law.”

By listening to the testimonies, we can identify the most prominent forms of this discrimination.

A. Conditional Release

The accused woman has the right to be released on parole. Article No. 194 of the Criminal Procedures Law stipulates that

The Public Prosecution may at any time, either on its own initiative or upon the request of the accused who is being held in custody, order his/her release with or without parole, provided that he/she undertakes by attending whenever he/she is asked to do so and not refusing to implement the judgment that may be issued against him/her.

This does not happen to those detained in custody.

Rather, this extends to the implementation of judicial rulings, as this is evident in crimes involving both sexes, where men are conditionally released while the women are kept in prison.

- “Hanaa” (a pseudonym) was arrested with her husband on charges of fraud, and they were sentenced to three years imprisonment and ordered to return the money equally between them. The verdict was not executed against the husband—he was not imprisoned, but instead was released with a commercial parole. Hanaa remained in prison for ten years, three times the length of the sentence, because she was unable to return the money to the lien.

- The court issued a sentence of seven years' imprisonment for both Asmaa and her husband's friend with the payment of blood money. The friend of her husband was not imprisoned because he was able to pay to be conditionally released, but Asmaa was unable to pay and remained in prison for the period of punishment during which she appealed the judgment to reduce the blood money. However, the appeals judge kept delaying the case for three years, and when she was desperate to finish her case, she committed suicide by hanging in the Central Correctional Facility in Sana'a.

B. Providing Legal Aid to Those Who Are Unable to

Article No. (49) of the Yemeni constitution states:

The right to defend in person or power is guaranteed in all stages of the investigation and case and before all courts in accordance with the provisions of the law, and the state guarantees legal aid to those who are unable to do so in accordance with the law.

"Hayat" (a pseudonym) says, "I could not hire a lawyer because there was no money, as the costs for that are very high, and I am now without any legal aid."

While female defendants did not enjoy this legal right, we find the prosecution and the court asking the accused male to choose between appointing a lawyer by the court by himself.

C. Organizing Recreational and Skillful Activities

The Standard Minimum Rules for the Treatment of Prisoners, approved by the United Nations Economic and Social Council, state the following:

Rule 105: "Recreational and cultural activities shall be provided in all prisons for the benefit of the mental and physical health of prisoners."

Rule 92:

To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character; in accordance with the individual needs of each prisoner, taking account of his or her social and criminal history, physical and mental capacities and aptitudes, personal temperament, the length of his or her sentence and prospects after release.

The lives of female prisoners in the Women's Prison in the Central Prison in Sana'a are devoid of rehabilitation and vocational training programs, while the prison administration pays more attention to providing many training programs and job opportunities for the men's section in the same central prison building.

- "Nargis" (a pseudonym), the mother of one of the detainees, says, "It hurts me that the prisoners remain locked up in the walls without any rehabilitation programs because everything has stopped." She asked, "Isn't the prison for discipline and returning the wrongdoer to society in a better manner?"

D. Paying Insolvent Debts

The National Constitution states in Article (21) that “[t]he state shall collect the Zakat (Shari’ah tax) and shall spend it through its legal channels in accordance with law.” Article No. 25 of the Zakat Law is the Sixth Bank—those who have been overburdened by debts—so the authorities prepare an annual list from which to select some of the prisoners who are unable to pay their debts, and arrange for their release.

However, the female prisoners who are unable to pay remain less fortunate: the focus is on the male prisoners while the female prisoners are neglected. This leaves many of them in prison without being released, even though some of them have little debt.

- Fatima was sentenced to ten years of imprisonment for the common right and retribution amounting to five and a half million riyals for the heirs of the girl she killed. She has served her prison term but is unable to pay the blood money. She remains in prison awaiting assistance.

E. Approval of Private Visits

Principle (19) of the set of principles relating to the protection of all persons who are subjected to any form of detention or imprisonment approved by the United Nations states:

A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations.

Article (30) of the Prisons Authority Regulation Law states:

In addition to the rights granted to them in this law, the following facilities are granted to prisoners:

1. Meeting with family, relatives and friends.
2. Receiving and responding to correspondence.
3. Receiving and remitting money transfers.

Likewise, Article (31): “A remanded prisoner may meet with his family and his lawyer, upon written permission from the authority that issued the detention order.”

The importance of direct contact for female and male prisoners has been recognized in maintaining family ties, rehabilitation and the ability to reintegrate back into family life upon release. However, the prison administration refuses to approve the prisoners’ requests for a private visit from their relatives so that the prisoner can have direct contact with her family members and talk with them for a longer period of time in private. While the prison administration allows male prisoners marital visits—which take place in designated rooms within the facility—it refuses the female prisoners’ requests for marital visits, or their requests to increase the number and length of their regular visits.

- The defendant's mother (O.A.F) said: "My daughter has been in detention for a year. I have not had a single private visit. I could not embrace her and did not find time to relieve her, because she is in a very bad psychological position. All I get is touching her hands through a very small window and an iron grid separating me from her".

It is important to note that the specific needs of female prisoners and the measures taken to meet these needs must be taken into consideration by all parties concerned with the application of the law, including the prison administration and its workers. Taking this into account is not considered discrimination at all.

F. Discrimination by Society

Women in Yemen are subjected to discrimination and societal violence in general. Society deals with a woman's sin with an intolerant view and considers that a woman's imprisonment is an eternal stigma, even if her entry into prison is just because of suspicion. The woman does not get rid of that stigma after serving her sentence in prison, but rather she lives in a nightmare waiting for her parents to take revenge and kill her to get rid of the stigma attached to the family and the tribe.

Based on the nature of our Yemeni society, women prisoners face many difficult challenges after their release from prison. Entering the prison means that they lost their sacred value in society and have permanently contaminated their reputation and the reputation of their family. Among the most severe trials that some prisoners face is the lack of acceptance by their family, which may include the family's refusal to allow them to live with them in the same house. This negative perception of imprisoned women, and resulting isolation and rejection from society, creates an abnormal and unbalanced psychological state in women. It increases the possibility of her losing the sense of the validity of correct behavior as long as the situation does not change or her reality does not improve. She may repeat a mistake based on this.

Yemen acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 5/30/1984, which necessitates the creation of awareness programs for the community on the necessity of accepting imprisoned women, no less than the society's acceptance of the imprisoned man.

Additionally, intensive programs should be prepared to integrate women after their release from prison and end the manifestations of gender discrimination against them.

Categories of Female Detainees in the Central Prison

First: Political Prisoners

The association's team monitored the detention of four women in the Central Prison in Sana'a—the internal section—on political charges that include communicating with and working for the coalition countries or posting tweets against the Houthi group.

Testimonies

Asmaa Mater Al-Omeisi

Asmaa is a mother of two children from her first husband and she is now married to another man. She did not know the nature of her husband's real work. One day she was with him in the car, and suddenly there was severe shooting at them. Her husband fled and she hid in the car. She was arrested, and she was very afraid.

They took her to the criminal investigation department in Hadramout and questioned her about her relationship with the person who was with her. Asmaa told them that he was her husband, and they informed her at that time that he was from Al-Qaeda. They asked her if she knew about this, and she replied negatively. After a lengthy investigation, she was released, as it was proven that she was not related to her husband's work.

Asmaa decided to go to her family in Sana'a. On her way to Sana'a, she, a friend of the family, and another person were arrested on 7/10/2016 by the Houthi group. When they arrested her, they found a number of Saudi riyals and some gold jewelry with her. They said that she was an agent of the coalition and accused her of a blatant act with the other two people in the car, even though they decided to work with her only to deliver her to her family. She and the two people were taken to the criminal investigation department. They then lured her father the next day and imprisoned him with her. They were all detained for one day in Al-Karama Police Station before they were transferred and detained in the Criminal Investigation Department in Sana'a.

Asmaa Al-Omeisi was detained with her father and the two men who accompanied her on her way to Sana'a in the criminal investigation department for two months, during which she was subjected to torture. This included punching and beating with a stick by one of the policewomen and being forced to watch the torture of the other two detainees.

After that, she was transferred with her father and the two men to the Specialized Criminal Prosecution in Sana'a, and she was investigated on 12/13/2016—that is, more than two months after her arrest. The investigating member issued a decision that there was no excuse to file a case due to the absence of a crime of assisting the enemy. However, the Appeals Prosecution Office canceled that decision and issued charges against her for aiding the coalition. They claimed that she had joined the ranks of the Emirati army present in Hadramout.

During this period her father and the two men who were being held with her were released, even though the accusation against them was one charge. Asmaa remained and continued her suffering. She was referred to trial and the Specialized First Instance Criminal Court in Sana'a

proceeded with her trial procedures based on that accusation without the presence of a lawyer with her, despite the seriousness of the accusation against her. On 1/30/2018, she was sentenced to death and 100 lashes, even though there is no evidence in her case file that she joined the Emirati army, as stated in the statement of the reason for her death sentence.

The case was appealed to the Specialized Criminal Appeals Division, and the Division ruled, in its verdict, to convict Asma and punish her with fifteen years imprisonment, despite no evidence of any charge against her.

Asmaa Al-Omeisi's suffering is not limited to serving a prison sentence of fifteen years only. She also is deprived of seeing her two sons, and suffers from a deteriorating health condition that cannot be delayed due to the lack of specialized health care in the central prison. An official report issued by the Central Prison Dispensary on 07/28/2020 stated that Asmaa Al-Omeisi suffers from frequent bleeding and a severe drop in the blood level. The report concluded that she needs follow-up and treatment in a center specialized in obstetrics and gynecology and to follow up her condition periodically to avoid any complications.

Sonia Saleh Ghobash – 32 years old, from Ibb Governorate

Sonia was living in the Capital Secretariat and went out to a petrol station to fill her car on 6/3/2019. She was surprised by two cars surrounding her car, in addition to military vehicles and armored vehicles. Masked gunmen belonging to the Houthi Preventive Security got out of the cars and beat her with rifle butts and took her to the National Security building, where she was detained in a small solitary room called Al-Daghah for four months. During interrogation, she found out that the reason for her abduction was because of her tweets criticizing the authorities in Sana'a.

The victim said: "During the interrogation, I was subjected to harsh methods of torture. They sprayed me with cold water and then gave me electric shocks, in addition to being beaten and kicked with feet and pronouncing obscene words. In the second stage of torture, they removed pieces of my skin and used a sharp instrument with which they punctured my stomach and back. I documented this with medical reports after I was released. In the third stage, they removed one of my fingernails and caused me unimaginable severe pain. They threatened to remove a nail from my fingers every day. After that, I felt my strength collapsing. I was screaming and saying I will admit that I killed the entire Yemeni people and asked them to kill me because death is more merciful than this torture.

"I could hear other women screaming under torture and this in itself was a kind of psychological torture that I was subjected to in that tomb-like detention center.

"Throughout the period of disappearance that I lived in the National Security, my sons and my family were looking for me everywhere. My son carried my picture and asked about me in the police stations, prisons and detention centers, but to no avail.

"My limbs were swollen by torture and they deprived me of water for long periods. They transferred me to the central prison in mid-May 2019 and I remained in solitary confinement for two weeks. Then I was allowed to move to the female prisoners' ward, and I was also allowed to communicate with my family and inform them of my place of detention. After mediation and payment of sums amounting to twenty million Yemeni riyals by my brothers who work in the Kingdom of Saudi Arabia, I was released at six o'clock on Monday 1/20/2020."

“Nada” (a pseudonym) – 34 years old, from Al-Hodeidah Governorate

Nada’s sister was kidnapped on charges of “communicating with the aggressors” via WhatsApp and Facebook, so the victim went to check on her sister. At the police station, they detained her, released her sister, and took her to the central prison in Hodeidah, where she stayed for two months. There were four women detained with her on political charges, one of whom admitted that she was working with the Arab coalition. She went out in exchange for a ransom and the rest were released, except for Nada, who was transferred to the Central Prison in Sana’a, without a warrant of “custody order”.

At the beginning of April 2019, Nada remained in solitary confinement for three days before she was transferred to the collective ward where she was allowed to contact her mother. Her children came to visit her, and they were allowed to enter the prison yard and spend time with her. However, on 5/4/2019 she was summoned at eight in the evening, and armed men came and took her to National Security department. She later said that she was detained in a dark and small solitary room and that they interrogated her while she was blindfolded and accused her of killing al-Samad (who was appointed by the Houthi group as president and killed in an air raid on 4/19/2018). They beat her with rifle butts, sticks, and an electric taser; kicked her with military boots; and insulted her. The beatings were concentrated on the right side of her body; therefore, she was paralyzed.

They took her to a hospital for treatment, where they put needles in her navel for a week. They returned Nada to the central prison on 6/3/2019, where she was unable to move one of her sides. Consequently, the victim filed a National Security complaint to a human rights authority that was on a visit to the prison, and they examined the signs of torture that were evident on her body. However, officers from the National Security came to the prison, called the victim to the prosecution office, and pressured her to withdraw the complaint against National Security. They told her that she might be hurt by that, so she was forced to withdraw the complaint.

Her health improved in the central prison after they brought her a massage device, provided her with physical therapy sessions, and brought her pills to stimulate the dead nerve. She began to walk in a better way after a month of exercises, and she was released after that to return to Hodeidah.

“Hayat” (a pseudonym) – 44 years old, from Hajjah Governorate

Hayat is a mother of two daughters and two sons, one of whom has special needs.

The victim recounts: I used to live with my husband in Saudi Arabia, when suddenly he asked us to return to Yemen due to the circumstances. He committed himself to taking care of all our expenses and requirements, which he did for a year and a half. Then the contact with him was cut off and we could not reach him after he divorced me.

After that, I worked as a hall guard and at several other jobs intermittently in Sana’a until I got to know someone who approached me and told me that he was a brigadier general in the Republican Guard. He lured me to work with the coalition, so I agreed to have more money to spend on my children. My purpose was to exploit them financially. I sent them only normal mobile pictures of tanks in the street and they asked me for currencies and exchange only. I refused to cooperate with them in sending coordinates. Then, I received an amount of money and felt remorse, so I quit working with them and went back to work guarding wedding and event halls.

On 06/21/2019, a group of armed men raided my house in the presence of my mother, children, sisters and brother. During the raid, my mother and children were threatened with electric shocks. They took my brother and me to the criminal investigation department and I was beaten during the investigation. I confessed everything to the criminal investigation department. Then I was transferred to the Central Correctional Facility. My brother was kept there for two months, and then they released him.

I learned that they reached the person who persuaded me to work for the coalition. They released him after they added all the coordinates in his cell phone to my cell phone in order to place the blame solely on me, because they were friends with him and he bribed them. However, I denied my knowledge of all the coordinates contained in my mobile phone and told them that a year and a half before my arrest, I left the job, repented, and returned to work as a bodyguard and other jobs. Then I was arrested, and I confessed everything and told them that I regret what I did. They told me that they were watching me and know all the details.

Despite this, I am detained in the Central Correctional Facility in Sana'a without charges being brought against me. Neither the prosecution nor the court has summoned me yet. Unfortunately, I have not been able to appoint a lawyer because I can't afford the costs as they are very high. Moreover, my mother, who is very old, is taking care of my children and cannot follow up on the case. They gave me hope for a general amnesty, but I did not find anyone to help me and raise my matter to the concerned authorities.

Second: Those Sentenced for Committing Offenses

The central prison is the place designated for convicted women to serve a prison sentence for having committed violations of the law.

Upon our analysis of the cases that have been documented and reported by female prisoners, we found that the most prominent reasons for falling into crime among female prisoners are:

A. Victims of Domestic Violence

Most of the prisoners are likely to be those who have been subjected to domestic violence, which may lead them to commit crimes. We review these motives as we do not justify committing the crime for these reasons, but rather we present them in an abstract form for the purpose of analysis only.

“Farida” (a pseudonym)

Farida is not more than 25 years old. She is accused of killing her husband by striking him with bricks (used in construction) on his head while he was asleep, where he died immediately. She called her brother and her husband's brother after his murder, and she confessed and asked them to hand her over to justice. During the investigation, it was proven that he was mistreating her and beating her and that when he was killed, she was not aware of what she was doing.

Farida suffers from high blood pressure and an irregular heartbeat, and she has a girl who is less than three years old. The judge would have ruled for blood-money due to the suspicion that the defendant suffers from a mental illness, but with the guardians' pressure, the judge ruled the death penalty, as did the appeal.

B. Victims of Mental and Psychological Illness

“Aziza” (a pseudonym)

Aziza is a 56-year-old woman with schizophrenia from the governorate of Ma'rib, where she was imprisoned for seventeen years because she killed her first husband. Although her husband's family knew about her illness, they pushed her to marry his brother, whom she killed as well. She was arrested in Ma'rib and then transferred to the Central Prison in Sana'a. Although it was proven that she had schizophrenia by a psychiatrist, she was sentenced to death, but it was not executed due to her illness.

An order was issued by the Public Prosecutor to pardon her, but upon reviewing the security authorities, they told her that the review should take place in Ma'rib. In Ma'rib, they told her that it should take place in Sana'a. Recently, no one has visited the order, especially after changing the conditions and the difficulty of moving between Sana'a and Ma'rib.

The dialogue is on-going during this period in order to have a tribal reconciliation to accept the blood money and waive the death sentence, but one of the blood relatives is still traveling.

She was asked for twelve million Yemeni riyals as compensation for the spouses, but she had nothing.

C. Victims of Fraud and Deception

“Wafa” (a pseudonym)

Wafa's son completed his high school studies, so she thought about looking for a scholarship for him outside Yemen. She found an office that coordinates students' scholarships to Turkey. The office manager told her that if she persuaded several students to travel to Turkey through the office, she might get a free scholarship for her son. Indeed, she persuaded a number of parents to pay the scholarship fees of 3000 riyals for each student. She received the fees from them and gave them to the office manager without obtaining a bond that indicates receiving the amount from them.

Then she called the manager, but his phone was switched off, so she went to the office to find that they had left the place and left no trace to reach them.

She told the students' families, and they informed the police. She remained in prison until she paid the amounts that were taken from them, estimated at 18,000 dollars.

D. Victims of Poverty and Economic Conditions

Poverty and need push people to commit some violations of the law, such as theft, swindling, and trafficking in hashish and drugs, especially after the deteriorating conditions in the country, the disruption of salaries, and the rise in the prices of food and other services.

“Salwa” and “Maryam” (pseudonyms)

There was a woman named Om Mahmoud, who was responsible for recruiting girls to promote hashish. She went to Salwa in front of a buffet in Sana’a and told her, “If you want to treat her handicapped son, go with Maryam to transport hashish to Saada and I will give her 2000 Saudi riyals.” Consequently, Salwa agreed.

She went with Maryam to a house in Al-Balili neighborhood—an area in the center of Sana’a city—and bags of hashish were tied around their waists. Each of them carried 16 kilos of hashish with an additional amount hidden in the car. The girls set off to Saada, heading to the Saudi border, where addicts would pay large sums for this hashish, but they were arrested at a checkpoint in Saada and taken to the police station. Investigations were carried out with them.

During the investigation, Maryam acquitted Salwa. After the police investigations, they were sent to the Central Prison in Sana’a and their file was transferred to the Criminal Prosecution Office. So far, the investigations have not ended, and their file has not been transferred to the court.

E. Victims of Family Disintegration and Homelessness in the Streets

“Mona” (a pseudonym)

Mona was accused of 11 cases: 7 charges were dropped, and four charges remained (warring, possession of a bomb, prostitution, and imitating men). She is 27 years old. She did not receive care or attention from her family, nor did they even ask about her, so she went out to the street at the age of ten to work. She went through all the problems and learned types of crime until she married her first husband who was a terrorist. She was aware of that, as they were moving together between Sana’a, Hodeidah and Aden.

Once, her husband killed a young man from the city of Taiz while she was accompanying him. The young man’s relatives pursued them, cut them off in Zubairi Street in Sana’a and shot them. Mona helped her husband escape and exchanged fire with them, hitting one of them in the hand. She was hit with a bullet in her thigh. Then she fled with her husband, first to Hodeidah and then to Aden, all while the man’s relatives were pursuing them. Consequently, her husband was killed while he was in Aden at a friend’s wedding.

Mona received her husband’s body and buried him in Sana’a. She submitted a report in the criminal investigation of her husband’s killers, but they never responded. She decided to avenge her husband herself and took a bomb to detonate those accused of killing her husband, but she was arrested.

Mona has been in prison for three and a half years, pending a court ruling on her case.

F. Victims of Reporting Crimes

Many are reluctant to report crimes that occurred in his/her presence, fearing that they will be drawn into a charge of the crime.

“Maha” (a pseudonym)

She tells her story: “After my brother passed away and left behind a four-year-old girl and a two-year-old child. I became responsible for these two children—I have to provide everything for them. This forced me to search for a suitable job, and after searching I found a job in a medical clinic at Maabar city of Dhamar Governorate, owned by a foreign nurse and her husband Majid. I used to do my job without interfering with anyone, and when my shift was over, I returned to my residence near the dispensary.

“One day in July 2018, the staff at the clinic and I noticed that the clinic director was behaving strangely, and a few days later we began to smell a foul smell in the clinic and alerted everyone to this smell. Consequently, we asked the director about this smell, she said that it is the smell of dead cats in the ground tank and she was very confused.

“The clinic pharmacist asked her about her husband because she told him earlier that he was sick; she answered that he had improved and traveled to Sana’a. Then because of the strong smell, she asked to buy an air freshener to change the smell and cement to fill the reservoir. The worker returned with the air freshener without cement because the seller refused to sell the cement by the kilo. She sprayed the freshener, but it did not change the scent because the smell was very intense.

“When my shift ended in the morning period, I went to tell her that I was about to go out. She asked me to take some money and buy a bag of cement, so I did what she asked without knowing what cement was for. I went to the store and bought the bag and asked the porter to take it to the clinic, and I went to fix my phone.

“The next day, we noticed that the tank had been covered with cement, and we did not know who did that. The smell was still getting stronger, so the pharmacist suggested that he bring a worker to clean the tank and take out the dead cats that the director spoke about. The director was confused, but she finally agreed.

“During the rest period, we all went to our residences, and the pharmacist went to bring the worker. When he returned, he found a lock on the tank, so he went to look for the director and did not find her. He came to me and asked about her, and I told him that I had not seen her since I went to my residence. He called the director, and she answered that an emergency situation had happened and she had to leave. So, the pharmacist asked the worker to leave.

“Then the director sent a letter to the pharmacist asking him to tell everyone to leave the clinic because there was a dead body in the tank. So he came to me and showed me the message and asked me, ‘Should we run away?’ I answered no and insisted on reporting it, and we called the forensic investigation and told them about the matter. They came and took the body out of the tank, and it was cut and mutilated where we could not recognize it.

“Then we called Majid’s brother—Majid is the director’s husband—since Majid and his wife did not come to the clinic at the time and did not answer their phones. So, he came and identified the body as his brother Majid. After searching for and arresting the wife, she admitted that she was the one who killed her husband, cut him, and threw his body in the tank.

“When the director figured out that I was the one who reported her, she accused me of being her partner in the crime, knowing that I had never seen her husband because he was a constant traveler. At the trial, she couldn’t prove anything, but because of her accusation, the decision in the case has been postponed from one session after another until now. My family sold what they owned for court fees and lawyers.”

Third: Detainees Without a Sentence

Since the central prison is the only penal facility designated for women in Sana’a, where there are no places for women to be detained in police stations and other security services, suspects, street girls who have no shelter, or girls who are accused of moral issues are frequently detained in them. These are usually not presented to trials, but they are held for days or months until their case is resolved.

“Salma” (a pseudonym)

Salma is a mother of three. We met her mother, who told us, “My daughter has been in prison for two years without being brought to trial or released for compassion for her children, whom I had to take care of despite my old age. One day, my daughter called me and told me that her name is not recorded in the prison records and she cried and expressed her fear to die and no one knows about it.”

Like Salma, dozens of female prisoners are held in prison without trials or judicial orders for their imprisonment. The prisoner may wait years for the relevant authorities to decide on her case.

Fourth: Foreign Detainees

There is no separation between Yemeni and non-Yemeni female detainees inside the prison. They share the same wards, even though the crimes recorded against foreign women are classified as very serious crimes (murder, attempted murder, trafficking in hashish).

“Noura” (a pseudonym) – Ethiopian

Noura rented a restaurant to another girl from her country called Warda, except for one room that was not included in the lease on the pretext that it contained Noura’s belongings.

Warda started working in the restaurant and she had workers from Ethiopia, where they noticed that Noura was going to that room from time to time with other people with her. She used to lock the room with a padlock and keep it with her. One day, the police, accompanied by the neighborhood’s mayor, raided the restaurant, and demanded Warda to open the room. She told them that the keys were with the main owner of the restaurant and that this room was not included in the rent. They broke the lock and found inside a refrigerator with 37 kilos of hashish.

They arrested all the people in the restaurant and closed it. Then they searched for Noura, arrested her, and imprisoned her with her two children (a boy and a girl). Her trial lasted for two years, during which the judge acquitted Warda and sentenced Noura to 25 years in prison for possession of hashish. Proof of the crime included evidence and witness testimony. After the verdict was pronounced, Noura appealed. The trial is still ongoing.

Noura took her two children out of prison and handed them over to their father, who in turn deported them to Eritrea. Noura communicates with her two children via the phone on the allowed days inside the prison, and she is still waiting for the mercy of the Court of Appeal on her condition.

Fifth: The Battered Women (Domestic Violence Victims Who Did Not Find a Shelter Other Than Prison)

“Amina” (a pseudonym) – 21 years old

There was a big dispute between Amina’s father and some people over a plot of land. As revenge against him, Amina was kidnapped and raped by these people, where she collapsed. Of course, her father knew about her rape because the criminals themselves deliberately informed him of this, so her father decided to force her to marry her rapist.

Amina completely refused, decided to escape from the house, and asked her cousin to help her. When her father found out about her escape, he reported her to the security points to have her arrested. She was brought before the prosecution and imprisoned, and they imprisoned her cousin as well. Her cousin decided to marry her so that she would not be insulted. During the trial her cousin requested that the judge let him marry her. Amina agreed, but her father refused. Her father is known for his wrongdoing and intransigence, and he wanted to make her marry her second cousin, who promised to pay him a large sum of money in the event of her marriage to him. Amina refused.

Consequently, she asked the judge to be her attorney and not to hand her over to her father. The judge ruled to release her and let her marry her imprisoned cousin. The marriage contract had already been prepared but the signature of her father remained empty, who began to procrastinate and said that he would not sign until after the full payment of the dowry. Her cousin was conditionally released from prison with a guarantee to complete the collection of the dowry, but her father fabricated problems for him and tried to concoct accusations against him to bring him back to prison.

His attempts did not succeed, and one of Amina’s father’s brothers went to him to talk with him and start a mediation between them. However, a severe disagreement occurred between them, and after the uncle returned, he immediately died of a stroke because he had heart disease.

After all these events, Amina refused to marry any of her relatives, even her cousin who was imprisoned with her. She prefers to remain in prison until she finds a place for her to secure her life.

“Safaa” (a pseudonym)

Safaa was raped by her cousin, and when she told her father and siblings, the father told his brother (the rapist’s father). Instead of doing justice to her, they reported her, put her in prison, and helped her rapist cousin escape, under the pretext that she was the cause. While in prison, she learned that she was pregnant and gave birth to her child in prison.

Her trial period ended, and she was acquitted and released. However, her brothers refused to receive her until they restored her and their father’s names and honor, knowing that her uncles refused to recognize her son and threatened to kill her.

Safaa has been eligible for release for over a year and a half, but she is in prison until her family receives her or when a safe place is available for her to live.

Recommendations

1. Release women who were kidnapped and detained because of opinion and political affiliation, without restrictions and conditions.
2. Improve detention conditions in women's prisons.
3. Improve the efficiency of criminal justice procedures.
4. End discrimination against women prisoners and detainees.
5. Pay insolvent prisoners' debts that prevent their release.
6. Train prison leadership, guards and all prison staff on national and international laws and the Prisons Authority Regulation Law, taking into account gender needs.
7. Provide psychological and social services individually to all female prisoners under the supervision of psychosocial specialists. This could be done by creating a counseling center for female prisoners with specifications that take into account their needs and circumstances.
8. Develop the health centers currently located in the prison with the required specializations.
9. Provide gender-sensitive legal aid to female prisoners and detainees, taking into account the woman's history of being a victim and assuming care responsibilities in society.
10. Provide for the needs of female prisoners and detainees and their children, including personal and health supplies.
11. Facilitate female prisoners' and detainees' access to confidential and independent complaints mechanisms.
12. Establish a mechanism to monitor the prison administration and all its employees.
13. Renew and develop vocational training programs and build confidence and life skills for female prisoners.
14. Restore recreational and professional activities.
15. Allow civil society organizations to visit the women's prison and participate in developing strategies, including developing and implementing rehabilitation and reintegration programs.
16. Provide educational and training opportunities for female prisoners.
17. Set up awareness programs for women prisoners and detainees of their rights.
18. Create programs that raise awareness and acceptance in the local community of women who are released.
19. Establish shelters or safe houses run by independent bodies or departments concerned with social care in order to protect detainees and those at risk of violence who are released.





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واشنطن دي سي، الولايات المتحدة الامريكية

1775 Massachusetts Avenue NW, Suite 524 | Washington DC 20036 USA

info@icanpeacework.org | www.icanpeacework.org